

COUNCIL CHAMBER

Regular Meeting

January 22, 2019

The sixty-eighth meeting of the City Council of Charleston was held this date convening at 5:28 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media January 16, 2019 and appeared in The Post and Courier January 20, 2019 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 5:28 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Now, if you would like to join us, Councilmember Mitchell will lead us in a prayer and the Pledge of Allegiance."

Councilmember Mitchell said, "Mr. Mayor, and my colleagues, since my illustrious Minister is here, Reverend Kylon Middleton, I'm going to ask him to do the prayer for me at this time."

Reverend Kylon Middleton opened the meeting with an invocation.

Councilmember Mitchell then led City Council in the Pledge of Allegiance.

Mayor Tecklenburg said, "So, thank you for that prayer, Reverend Middleton, and I would just share with everyone that, in addition to being a remarkable Pastor of Councilmember Mitchell's church, Reverend Middleton is also the leader of our Illumination Project, and you are doing a terrific job. Thank you for your efforts to help build trust between our citizens and our Police Department. Thank you, Reverend Middleton, for what you do and so appropriately to uplift us with the opening verse of "Lift Every Voice and Sing" on the heels of our community's 47th commemoration of Martin Luther King, Jr. Day, his birthday. He would have been 90 years old this year had Dr. King continued to live, and we just completed what I would call a very vibrant, robust, and appropriate commemoration of his life and his legacy led by Charleston's YWCA, that began 47 years ago, the first in the State and one of the first in the Nation to celebrate Dr. King's

life and legacy. The City joined as a partner shortly thereafter, and it's grown to become the largest commemoration of Dr. King in the State of South Carolina. We're very proud, and it was a very appropriate weekend remembering him.

So, next I would like to recognize Fadol Brown, who is a native of Charleston, and anyone who follows professional football will know these names. Ed "Too Tall" Jones, do you all know him? Julius Peppers, Deacon Jones, Dwight Freeney, and Reggie White. Are these familiar names? I'm more of a basketball fan myself."

There was laughter in the Chamber.

Mayor Tecklenburg continued, "They are considered to be among the greatest defensive ends in the history of the National Football League. Today, it's my privilege to proudly raise a name of a Charleston favorite son as a future contender for this list of football greats. Just three years into his NFL career, ladies and gentlemen, it is my honor to present to you Mr. Fadol Brown of the Green Bay Packers. Please come forward."

There was applause in the Chamber.

Mayor Tecklenburg said, "With Fadol today is his mother, Ms. Teresa Brown. Ms. Brown, where are you? Please come forward, and other members of his family, but I'm not going to ask them all to come forward because we don't have that much room, and his high school coach, Earl Brown. Come forward, Coach. We'll ask you to come forward."

There was applause in the Chamber.

Mayor Tecklenburg continued, "You've got a big family. How many here are family of Fadol?"

Several members of Mr. Brown's family raised their hands.

Mayor Tecklenburg continued, "Thank you all for coming out this evening."

There was applause in the Chamber.

Mayor Tecklenburg continued, "So, I have a proclamation I would like to proclaim."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

There was a standing ovation in the Chamber.

Mr. Brown said, "Thank you all so much. This is amazing. I appreciate every one of you, anyone that had a hand in making this day special for me and my family. Green Bay reached out about four or five days going into the last game of the season, and they offered to extend me for another year or so. This is my agent, Joe, right here. He is recording right now. They reached out, and they extended the contract, so I'll be back in Green Bay again next year. So, yes, it's a great thing."

There was applause in the Chamber.

Mayor Tecklenburg said, "You want to say something about how you work with children?"

Mr. Brown said, "Yes. I always had a passion for mentoring and guidance, and even with my little brothers. It could just be a random kid playing basketball. I wanted to teach them a lot of the things that I wasn't taught. I know that's my purpose. It's one of the things that moves me

a lot, no money or anything like that. I don't really care about that stuff. I'll do anything and everything that I can to help each and every individual that is around this area that I can. So, I'm actually putting together a few camps. It's going to be free to the public. If you have any kids from ages 6 to 18, they are more than welcome. Everything is free. I'm going to have a few gifts. I'm in the process of putting that together with my agent right now, but as soon as I get some more information on that, I'll be sure to put it out and pass it along to Mr. Whack."

There was applause in the Chamber.

Mayor Tecklenburg said, "God bless you. Thank you. We look forward to working with you. Thank you. Alright. Thank you so much. That was exciting. Fadol, Green Bay didn't make it to the Super Bowl this year, but we're hoping that we're going to see you there next year.

So, next, we have a presentation for community service, the 2019 Harold Koon Award. I'd like to invite the members of the Neighborhood Commission to come forward and join me for the 21st annual presentation of this award. Are there members of our Neighborhood Commission present? Please come forward. As you come forward, I'll begin. Part of what makes Charleston the remarkable City that it is, are citizen volunteers who donate hundreds of hours to better our community. Tonight, we present the Harold Koon Award to an outstanding citizen volunteer while paying tribute to the memory of Harold and his many contributions to the Mazyck-Wraggsborough Garden District Neighborhood and the Charleston community at large. We established the Harold Koon Excellence in Volunteer Service Award after Harold's death in 1998, and the City of Charleston's Neighborhood Commission considers annual nominations and selects the individual who best exemplifies Harold's dedication to his neighborhood. Tonight, I am very proud to announce that the winner of the 2019 Harold Koon Award is Mr. Sebastian DeModica."

There was applause in the Chamber.

Mayor Tecklenburg said, "Please join us at the podium and stand by Mr. Lawrence for just a minute. We've got a few more comments. So, in one of my favorite T.V. shows, *Mister Rogers' Neighborhood*, Fred Rogers said, 'We live in a world in which we need to share responsibility. It's easy to say it's not my child, it's not my community, and it's not my problem. Then, there are those who see the need and respond. I consider those people my heroes.' Sebastian is one of those heroes. He has volunteered with Enough Pie, Historic Charleston Foundation, Keep Charleston Beautiful, spending countless hours managing the Romney Urban Garden, helping to create the Butterfly Book Nook, and serving on the Board of Directors of Keep Charleston Beautiful. He can be seen in his North Central Neighborhood pruning the garden, picking up litter, increasing recycling awareness, volunteering with Charleston Waterkeeper, serving on planning committees for community projects, contributing resources for projects, solving neighborhood problems, and doing so with great kindness, dedication, and a smile. His volunteer involvement extends to areas in the Upper Peninsula. Wherever he sees a need or opportunity, his actions reflect the wonderful, dedicated, volunteer spirit of Harold Koon. There is no doubt that he is a worthy recipient of the 2019 Award. Sebastian, congratulations again, and thank you for all you do for our community, and here is a plaque."

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "Would you like to say a few words?"

Sebastian DeModica said, "Sure."

Mayor Tecklenburg said, "Okay. Come forward right here."

Mr. DeModica said, "All I can tell you guys is first of all, thank you, and secondly, change begins with a single potato chip bag."

There was laughter in the Chamber.

Councilmember Lewis said, "Mr. Mayor, I would say everything that you said about him is true. He is a very outstanding citizen and a great constituent of mine."

Mayor Tecklenburg said, "There you go. Once again, thank you, and thanks to the Commission and the time and effort they put into their community in selecting our recipient. Diane Hamilton was with us tonight and Arthur Lawrence. Thank you for your help with all of this."

Councilmember Gregorie said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "We didn't acknowledge that the Principal of Burke High School is also here."

Mayor Tecklenburg said, "I'm sorry about that. Ms. Cheryl Swinton is the Principal of Burke High School. I'm sorry, Ms. Swinton. I did not notice that you were here."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you for the work you do. So, next we have a number of public hearings, not too many, but a few, and for these matters we ask you to keep your remarks to a minute and a half tonight, and anyone can come forward when we call out these matters, but we ask you to keep your remarks relevant to the public hearing at hand."

We will wait just a minute. I'm telling you he's got a big family and a lot of friends. Thank you all for coming tonight. Mr. Morgan, do you want to shout out for number one here, public hearing number one."

Christopher Morgan said, "Yes, sir. Mr. Mayor and members of Council, this is 295 Calhoun Street on the Peninsula. It's 2.1 acres. It's a request to rezone from Limited Business to Mixed Use/Workforce Housing (MU-1/WH), and we have a few images here for you. The owner is the Medical University of South Carolina. The property is on Calhoun Street, as previously stated. Let's see if we've got the laser going here. It's not showing up on the board, but it's right there outlined in black on the board at the corner of Calhoun and Halsey Boulevard backing up to Alberta Long Lake. We have some images. This is the site from the Century V Plan that shows it's in the Urban Core designation, which is the district in the Comprehensive Plan that calls for the densest, most intense uses. Here is an image of the property there with an outline above it. There is a current medical office building on it. You can see it a little bit closer, and there's the site across from Roper Hospital, and just from the other side, here is a street view of the property and another from the other side of the property, and right there at the corner. So, again, a request to go from LB to MU-1/WH. Both staff and Planning Commission recommend approval."

Mayor Tecklenburg said, "Thank you. Would anyone like to be heard on the rezoning of 295 Calhoun Street? Yes, sir. Please come forward."

1. Anthony G. Bryant said he was a former Zoning Board Member in Charleston County in 2006. He said they had made public comment about JEDA. They were concerned about all public property owned by government, and the best use of that property should be above and beyond affordable housing. They hoped that many of the properties owned by the public were used for the public's good. He didn't think that MUSC was a good steward of that based upon its relationship with its intended beneficiaries and program of activities. He said he had submitted documents to add to the record, and he would like a copy at some point.

Mayor Tecklenburg said, "Thank you, sir. Would anyone else like to be heard on this matter? Yes, sir. Please come to the microphone."

2. Jason Long spoke on behalf of the applicant and said they were excited to be involved with the property. He said they were deferred at the November meeting, and they were asked to meet with the Harleston Village Association. He said they had met with the various Boards and answered questions they had. They felt it was a positive meeting and a very good dialogue. They desired to bring housing across from the Medical District as they thought there was a need and a great spot for that use.

Mayor Tecklenburg said, "Thank you, Mr. Long. Would anyone else like to be heard?"

No one else asked to speak.

Mayor Tecklenburg said, "Hearing none, it comes to Council."

Councilmember Griffin said, "Move for approval."

Councilmember Seekings said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just very briefly, I'd like to thank my fellow Councilmembers for deferring this from our December meeting. In the time between then and now, this matter has been brought to the Harleston Village Neighborhood Association. We had a very good and robust chat for a couple of hours about it. Just so you all know, this is a Gateway property to the City. It's one of three parcels along that southern corridor of Calhoun Street coming off the connector. When we went through and rezoned the entire Peninsula, we put this in the 85/30 Height District. It's currently zoned Limited Business and there are two pieces of property to the west of it that sort of frame up that entire package at the northern end of Alberta Long Lake. The vision and hope is that this will actually be one of three parcels that can be tied together and turned into a project that will be appropriate for that north end of the lake in that corridor. The developer's team, I think, is engaged. That one piece of property that we're rezoning tonight is owned by the Medical University. The other two parcels to the west are owned by Roper. Interestingly, the middle parcel has been approved by the City for a short-term parking lot, which is the lowest and worst use possible over there. It's dangerous getting in and out. So, hopefully, this will be one of three properties that we can then bring in concert together to build a nice project up there that all works together. It is in the MU zoning, so if you actually go do the math, this is going to spin off a good bit of money for affordable housing if they take the fee-in-lieu which, I think, the developers have indicated they're going to do.

One point of interest, as we were looking at this property and thinking about it, there is a bulkhead along the north end of Alberta Long Lake, and if you walk along there, don't walk too close to it. It's failing like crazy, and I wanted to thank Mr. McQueeney who went back and did a title search along the whole length of that wall, and it's fascinating. But the most fascinating part of it for the purposes of those sitting around this table is, it's not the City's seawall. It's about to be the developer's who is about to buy this piece of property and MUSC, so we're going to get a nice seawall out of this, courtesy of the ultimate development out there, and I do believe the access on the north side to Long Lake to the public, so we can build a ring around it. This will be one of three. The Harleston Village Neighborhood Association, after a long conversation, did, in fact, unanimously approve this. I would ask that you all do the same, and let's see. This has got

a long way between now and when it actually gets developed. I'm not sure what it's all going to look like in the end, but Residential is the best use. If we don't do Residential, that will be a bunch of offices, really tall, dense parked-up offices, so it's the best use. I ask for approval. Thank you."

Mayor Tecklenburg said, "Alright. Are there any other comments?"

No one else asked to speak.

Mayor Tecklenburg said, "We have a motion."

On a motion of Councilmember Griffin, seconded by Councilmember Seekings, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 295 Calhoun Street (Peninsula) (2.10 acres) (TMS #457-02-02-001) (Council District 8), be rezoned from Limited Business (LB) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification. The property is owned by the Medical University of South Carolina.

Mayor Tecklenburg said, "Next, E-2, Mr. Morgan."

Mr. Morgan said, "Yes, these next two are recent annexations in the City of Charleston. 2115 Saint James Drive on James Island, it's a quarter acre. It would come in as SR-1. It was an R-4 property in Charleston County."

Councilmember Griffin said, "Can we take E-2 and E-3 together? Is that possible?"

Mr. Morgan said, "E-3 is a different zoning designation recommended, so that's why we had them separated."

Mayor Tecklenburg said, "We'll take those separately. Would anyone like to be heard on 2115 Saint James Drive?"

1. Anthony G. Bryant questioned as to the process for anybody would be a notice in the Post and Courier and a procedure would follow where someone could provide exhibits with an effective date and any interested person in the community could petition in favor or against it. He said you didn't have to be an expert, but could be an interested person in the community.

Mayor Tecklenburg said, "That's what we're doing right here. Yes, sir. Does any interested person want to comment on 2115 Saint James Avenue? Hearing none others, it comes to Council."

Councilmember Moody said, "Move for approval."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and second. Is there any discussion?"

No one else asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Griffin, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2115 Saint James Drive (James Island) (0.24 acre) (TMS #343-02-00-090) (Council District 11), annexed into the City of Charleston December 4, 2018

(#2018-162), be zoned Single-Family Residential (SR-1) classification. The property is owned by Catherine G. Galloway.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "This next one is on Bentgrass Court backing up to the Stono River on James Island. Again, a recent annexation. The recommended zoning would be RR-1 which matches the zoning on the other parcels that are in the City and the surrounding street, and both staff and Planning Commission recommend approval."

Mayor Tecklenburg said, "Would anybody like to be heard on this matter of Bentgrass Court being annexed into the City?"

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, it comes to Council."

Councilmember Griffin said, "Move for approval."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "We have a motion to approve."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I'm seconding. I would also just like to say that I think this is the kind of annexation that is a longstanding practice of the City to welcome in a property owner who is going to be respectful of the Stono watershed and the saltwater marsh tidal creek areas that she will now own."

Mayor Tecklenburg said, "Right. Are there any other comments?"

No one else asked to speak.

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Bentgrass Court (James Island) (0.57 acre) (TMS #334-03-00-009) (Council District 12), annexed into the City of Charleston December 4, 2018 (#2018-161), be zoned Rural Residential (RR-1) classification. The property is owned by Linda Ketner.

Mayor Tecklenburg said, "E-4."

Mr. Morgan said, "The final one is a recent annexation making its way forward now. This will get the zoning set for it. This would be SR-2 because that is based on the lot size that's in the area and the surrounding zoning. Both staff and Planning Commission recommend SR-2 and this is on Agatha Street in West Ashley."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on the Agatha Street annexation and zoning. Yes, sir."

1. Anthony G. Bryant questioned whether all of the new annexations would be involved in the new traffic and flooding studies.

Mayor Tecklenburg said, "So, just to answer your question, for all annexations we now consider the flood characteristics of the property before we are willing to take a new property into the City. So, yes, sir, we do consider that. Alright. Would anyone else like to be heard?"

No one else asked to speak.

Mayor Tecklenburg said, "If not, it comes to Council."

Councilmember Griffin said, "Move for approval."

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg said, "We've got a motion to approve and a second. Are there any questions or discussion?"

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a vacant lot on Agatha Street (West Ashley) (0.13 acre) (TMS #351-07-00-070) (Council District 7), be zoned Single-Family Residential (SR-2) classification. The property is owned by Donna R. Johnson.

Mayor Tecklenburg said, "Next is our approval of minutes."

Councilmember Mitchell said, "Move for approval."

The Clerk said, "Well, just one set, Mayor, the December set, because we weren't able to put the other ones on the desks."

Mayor Tecklenburg said, "Okay, just for the December 18th meeting."

Councilmember Mitchell said, "Move for approval."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "We have a motion to approve the December 18th minutes only."

The Clerk said, "Who was the second?"

Mayor Tecklenburg said, "Councilmember Griffin."

The Clerk said, "Thank you."

Mayor Tecklenburg said, "Are there any comments, changes, or deletions?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Griffin, City Council voted unanimously to approve the minutes of the December 18, 2018 City Council meeting.

Mayor Tecklenburg said, "Next is our Citizens Participation Period, and we have about 26 folks who have signed up, so we're going to have to limit you to minute each. I know that's not a

lot of time, so let me just suggest, don't beat around the bush. Get right to the point of whatever you want to talk about, and if you hear someone else who has kind of made a similar point, you might want to take another angle at the subject matter rather than be repetitive. If there are a lot of folks here talking about the same thing, we will have a show of hands and show for or against anything you all might be here for. I'm going to respectfully ask for no outbursts in the Chamber. Let's just listen respectfully to everybody's remarks, and Madam Clerk will call out about four or five folks at a time. If you all will just queue up to either side on the microphones, and we will take you as you come."

Councilmember Seekings said, "How many are signed up, Mr. Mayor?"

The Clerk said, "About 26."

Mayor Tecklenburg said, "About 26."

The Clerk said, "First we will have Mohammad Idris, followed by Tony Bryant, then Arthur Lawrence, Josh Dix, and Tanisha Brown."

1. Mohammed Idris said he was sorry that Councilmember Gregorie was not running for Mayor, as he thought he would make a great Mayor if he ran on his merits and not on his color. Every time trouble happened in the City it was blamed on race. He stated that Mayor Tecklenburg was going to get an officer for racial bias, but there was not any racial bias in the City. He said the City had a Councilmember that had been on Council for 25 years, an excellent Clerk that kept excellent records, and Geona Johnson who did an excellent job.
2. Anthony G. Bryant said the Federal Court called him interlocutory. No one had ever called him that before, but it was in good standing. He added to the documents regarding how to file a formal complaint to the Justice Department. This was on the table, as well as DHEC issues, AG issues, and other issues in the State. He wanted to make sure that everyone understood that he was not interlocutory, but for over 200 years the policies and people of the State were interlocutory.
3. Arthur Lawrence said after the last Council meeting he went back to his neighborhood and told them the fantastic job Council had done and they were proud of their elected officials. They thanked Council and the Planning Commission. He knew some problems needed to be worked out, but the Planning Commission did a fantastic job also. He said sometimes people don't appreciate what people have done, but the Westside Neighborhood Association appreciated everything that they did. He also said that the MLK sign on Cannon Street wasn't there anymore and it needed to be put back.
4. Josh Dix, Government Affairs Director for the Charleston Trident Association of Realtors, was there to discuss the proposed James Island/Johns Island Moratorium. He said, while the stormwater initiatives and the flooding were problems the City was facing, he thought a moratorium was not needed currently. They went through the same exercise last year with Johns Island and a Johns Island Task Force was created and they had only met twice to address the stormwater drainage issues on Johns Island. He asked if a Task Force was formed and not initiated to meet with industry experts, then why would another expansion of a moratorium be needed. He asked Council to look at stormwater drainage, flooding issues, bring in the industry experts, and work with the City and the new stormwater team to look at the issue responsibly.

5. Darin Jones said he was there to talk about the fiasco that was Shoreham Road, which the Council was aware of. He said he had a discussion with the Mayor last week, in which he said the only thing the City could do was help him apply for a mitigation grant. The mitigation grant was primarily funded from FEMA and it's meant to mitigate for legally occupied and legally built structures that were impacted by flooding, not to mitigate for building code violations that led to flooding. The structures on Shoreham Road were never legally built and never legally occupied. The City's Flood Plain Manager wouldn't speak to the legality of the mitigation grant, probably because it was not legal. It was disgraceful that the Mayor was asking for citizens to commit fraud and this problem was a City problem, not FEMA, and there was no reason other citizens in other states needed to pay for it.
6. Derek Wade said he lived on Ellis Creek on James Island and over the years they've enjoyed swimming, boating, and crabbing. He said Waterkeepers monitored the water condition and sometimes after a heavy rain they had bacterial counts that were ten times above what was recommended as a maximum level. There was a lot of development pressure in the watershed in Ellis Creek. He said he was there to speak in favor of a moratorium on development there until they could make sure that any new development met the requirements of the new Stormwater Management Plan.
7. Susan Lyons, Groundswell, spoke in support of the moratorium, as she thought any effort made in the City to intelligently manage flooding was critical. She felt terrible about what the people were going through on James Island and Johns Island and she thought they needed to stop and take a look at what was being developed before developing it. She encouraged Council to support the moratorium and do the homework.
8. Theodosia Wade thanked Council for taking this on, as it was a big issue all around the world. Flooding was here to stay and they had to be able to manage it. It was a great time for the moratorium, so she supported the temporary moratorium on development currently. There was the restructuring of the City's Stormwater Department, the update of the City Stormwater regulations, and looking at the update of the sea level rise strategy. It made good sense to set aside some of the old regulations that were not doing the job and come up with new regulations that fit the new science, the new day of more water, and then allowing development to come in and work with that plan.
9. Paula Brady encouraged Council to take the ordinance one step further and apply it not only to James Island and Johns Island, but to the City's flood-prone areas. She said if there were clearance specific improvements then it would help residents believe three key facts from Council that there was a collaboration to restructure the City Stormwater Department; commit to updating the stormwater regulations; and residents would know that the Council committed to the sea level rise strategy.
10. Harriet Reavis thanked Councilmembers Gregorie, Jackson, Moody, Griffin, and the Mayor for coming to James Island to look at the flooding issues. She asked for Council to support the temporary moratorium on James Island and Johns Island. She asked people who were in support of the moratorium to stand. She also asked for Council to support more money for maintenance and improvements for existing drainage and infrastructure on James Island, as these two things went hand in hand. She asked Council to press pause on developments in high risk areas, so that more problems weren't added before the new stormwater manual could be adopted.

11. Leah Farrell, Preservation Society of Charleston, said there were over a 100,000 homes coming to the Charleston region, which didn't include the 9,000 that were currently being constructed. The City should continue to grow, but in a way that did no further harm. She said if development wasn't used to help fix flooding, then a golden opportunity was being missed. The stormwater guidelines needed to be finished, get the drainage studies done, and use the facts to inform the policy. The amendment may not be the perfect approach, but they thanked Councilwoman Jackson for starting the conversation because it was the only thing on the table currently. There was a lot to debate, but she thought they could all agree that Council needed to do something proactive against the development driven flooding.
12. Becki McSwain thanked Council for hearing them out on the moratorium issue. No one wanted to hear it, but in this case, as somebody who lived through the new developments, she appreciated Council considering the moratorium as it was a short pause to allow the City to get the updated stormwater regulations in place that would save their older neighborhoods, the values of their properties were at stake, that would prevent them from experiencing any future regret about allowing developments before everything was in order. She said, though budgeted last year, they were still waiting for a water basin study.
13. Betsy LaForce, Coastal Conservation League, said they supported the proposed temporary moratorium as it addressed the concerns that the community, especially on James Island and Johns Island that they had been expressing for years, specifically regarding the use of fill material. Current building regulations were enabling developers to clear land and bring in countless truckloads of incompatible fill material for new construction projects, limiting the lands natural capacity to store water. As the lead engineer studying the Church Creek Drainage Basin reflected about Church Creek, one of the biggest mistakes the City made was not regulating how developers used fill dirt in flood plains. She said the City could turn to lessons they've learned from problems of the past to identify solutions for the future. They encouraged Council to take the ordinance one step further and make it Citywide, as flooding was a Citywide issue and proposed solutions shouldn't be limited to Church Creek and the Sea Islands.
14. Franny Henty thanked Councilwoman Jackson for proposing the moratorium. She was a realtor and had given up two listings that would require land development adding impervious surface on Johns Island. She said the request for a moratorium on James Island, as well as Johns Island, rang true for her not to list any land until the studies that needed to be done were completed to stop them from being flooded out. She said the development needed to be stopped until it was crystal clear, especially for the taxpayers who had already been sustaining the community, so that builders had a place to come build. She thanked all of the Councilmembers for their valuable time, consideration, and for voting 'yes' to the first reading of the moratorium. She challenged all realtors not to list property in flood zone areas.
15. Todd McNerney said he lived on James Island and thanked Council for their service and leadership, specifically his Councilmember, Dudley Gregorie, and Councilwoman Jackson for bringing forth the proposed moratorium. He spoke in favor of it, in the respect that in recent newspaper articles they learned about the Dutch dialogues and many on Council had taken trips to the Netherlands to observe them. This reminded him of a fable he had heard as a child called *Hans Brinker or The Silver Skates* which was about a little boy who stuck his finger in a dike and stopped a flood. He said that

- took courage and simplicity. It wasn't a permanent fix, but rather it was a temporary challenge that one young person took in order to save his community. He asked Council to consider being that courageous and try to save the City.
16. Ashley Valdivieso, Association Director of the Charleston Homebuilders Association, said, on behalf of the building community, they did not recommend the proposed moratorium. As a reminder, fill-in development standards were set by the City, not their builders. They asked Council to reject the moratorium on the grounds of violating private property rights, economic hardship for businesses and landowners, encouraging sprawl and undermining affordability. While they were also concerned with flooding as citizens, a moratorium would create more problems than solutions. In its place, they recommended allowing industry flood prevention, expediting stormwater design standards, manual updates, develop a transfer of development rights program, and implement the TRC reforms recommended to the City over a year ago.
 17. Jim Mazyck said at least four people on Council and the Mayor had walked the neighborhood and people understood why a moratorium was needed. Their houses were flooding. He said if there was one piece of dirt left they could build on that, but the developers and builders would go against that. He asked Council to pass the moratorium, as he could not stand another flood.
 18. Cathryn Davis, President of Cross Creek Neighborhood Association, said she was a citizen representative on the City's Stormwater Task Force and that she supported the moratorium. By allowing for the necessary pause on development, it would give the City time to update the City's stormwater regulations which they were hard at work doing now and would be to Council later in the summer. The City must be more proactive with land use practices when planning for a changing future and climate. She asked Council, especially Councilmember Gregorie, who had represented Cross Creek for so long, to support the moratorium. She thanked Councilwoman Jackson.
 19. Bill Hanahan said he lived in the Marlboro Subdivision which had been impacted by the flooding with the development on James Island and he couldn't improve on what people had said. He urged Council to support the moratorium until the studies were done and appropriate action could be taken from there.
 20. Joshua Craig questioned what happened when demand outstripped supply. He thought everyone knew that prices went up, which ultimately limited affordability and pushed urban sprawl. He said moratoriums and responsible growth did not go hand in hand. He said to keep the economy moving forward and he thought everyone knew that shutdowns didn't work.
 21. Bob Pickard echoed the sentiments of the HBA representative and highlighted the affordability aspect of this. The unintended consequence of a moratorium was the affordability issue which he thought was paramount right now for City residents and highlighted the fact that they had worked as a development community and engineering community alongside with staff, Councilmembers, and the Mayor in trying to modify the current regulations to address the concerns. Some of the requirements that were put on the developers and builders did need to be changed and the development community agreed with that. They were working through that process and he thought great strides had been made and they needed to finalize it, but a moratorium was not the answer at this time.

22. Trent Humphrey said he was the Student Ambassador for the Historic Preservation and Community Planning Department of the College of Charleston, as well as an intern at the Board of Architectural Review. He expressed support on behalf of the students of the Historic Preservation and Community Planning Department of the College of Charleston. He said they had a class that was looking into the problems and they were strongly in support of responsible development. He said the elephant in the room was that the City was going to delay this by having the moratorium and then nothing would get done and the City would be behind. That was the only reason why the City would want to delay it and the only reason the City would be against it. If it was done effectively, and they actually updated the design standards as they should be, it would allow the City to not make the same mistakes made in the past.

Mayor Tecklenburg said, "Thank you very much. Did we miss anybody else?"

No one else asked to speak.

Mayor Tecklenburg said, "Alright. So, in addition, we have a letter."

The Clerk said, "There are some letters that have been placed on desks."

Mayor Tecklenburg said, "This is from Nancy Bright over on Johns Island with a petition in favor of the moratorium, I take it."

Councilwoman Jackson said, "They represent the Johns Island Community Association."

Mayor Tecklenburg said, "There are probably 20 or so signatures on here. This was addressed specifically to Councilmember Wagner. I'm sure you've seen it."

The Clerk said, "Mayor, this letter was placed on desks. I didn't have enough to go around for everybody when it was given to me."

Mayor Tecklenburg said, "Okay, and Ms. Henty was here."

The Clerk said, "She spoke."

Mayor Tecklenburg said, "She spoke, as well."

The Clerk said, "Yes."

Mayor Tecklenburg said, "Alright. Well, thank you all for your opinions and comments here this evening. We appreciate your input, and we do listen. I saw a lot of folks raise their hands when Dr. Reavis asked for those who were in favor of the moratorium. Do you mind if in all fairness, I ask how many folks here are opposed to the moratorium? Raise your hand or stand and be recognized together as a group. We have four or five of those folks. Thank you very much for being with us this evening.

So, next, we're going to move along, we have Petitions and Communications for the appointment of some Code Enforcement Officers in the Fire Department. Do I hear a motion for approval?"

Councilmember Shahid said, "So moved."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We've got a motion to approve. Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Yes, so when we are appointing these Code Enforcement Officers, whether it be for the Fire Department or whatever department, I wish we could get a job description because we have a lot of trucks riding up and down these streets that say Code Enforcement and Livability, but there are a lot of things that they're not doing. I can tell you that. Up and down the streets, especially King Street, and Line Street, north of Line Street. Those trucks go up and down that street every day going up to Melbourne. I can tell you there are a lot of citations, if I'd been a Code Enforcement Officer, that I could've written, but they're not writing citations up there. I would like to have, every time we appoint a new Code Enforcement Officer, a little job description of what they're going to do. Whether it be Livability, whatever the problem they're going to be doing, I'd like to know."

Mayor Tecklenburg said, "Well, this is a fine group of Code Enforcement Officers that's particularly geared to fire inspections and that side of our Code, as opposed to Livability. Am I correct, Chief?"

Chief Dan Curia said, "Yes."

Mayor Tecklenburg said, "So, we could certainly write that up, but that's clearly their focus here in the Fire Department."

Councilmember Lewis said, "Thank you."

Mayor Tecklenburg said, "Yes, sir. As you know, Mr. Riccio is very responsive regarding any issues. If you see something, say something. Give him a call, and he will certainly try to respond."

Councilmember Lewis said, "My thing is if these people are hired to do a job, I shouldn't have to call Mr. Riccio. They should do their job."

Mayor Tecklenburg said, "Yes, sir. I understand."

Councilmember Lewis said, "I can tell you right now I walk you up and down, and I can tell you there are garbage cans right now, blue cans, sitting on King Street that have been sitting there for over a week. That's not going to happen up here, but it's happening up there, and we need to do something about it because I get tired of looking at it."

Mayor Tecklenburg said, "Yes, sir. Please call it in. Councilmember Waring, did you have a comment?"

Councilmember Waring said, "I moved to approve, but with one context, we can follow up on this later. I'm told there were some problems in getting the fire inspections on the gas heaters for the people that came here a year ago, who work on the market in extreme elements, and we ran gas lines. That's not been approved as of yet and, obviously, it was freezing this morning when those people came to go to work. We promised them that we would have that in place over a year ago. So, can we follow up on that after the meeting with the Chief? My understanding is it's bouncing back and forth between the Fire Marshal and our Engineering Department. Anyway, a decision needs to be made."

Mayor Tecklenburg said, "It did. I think it's close to being resolved. I hope so. We'll talk about it."

Councilmember Lewis said, "As of today, it wasn't resolved. Actually, I spoke with Chief Curia also this morning, and we spoke with Jason this afternoon. The problem is not resolved. This Council okayed it to go see the lines they're running for those heaters, and if we've got Department Heads that can't come together to make a sound decision, then we need to find some more people to work for the City because people are paying to rent those spaces in the market. They came to us. They asked for some help. We approved the monies to put the system in. The system is in, and now all they need is approval on the type of heaters. That's between Engineering, and I guess the Fire Department, but right now it's going back and forth. We need to get these heaters in because I've heard a lot of people in the last week or so who stayed home from work. So, the City's losing revenue when they're not working because they're not selling goods to the tourists. So, we're losing money. We're spending money, but we're losing money, so let's get this problem resolved, please, and I know you will, Mr. Mayor. Thank you so much."

Mayor Tecklenburg said, "Yes, sir. I've been trying. Alright. Are there any other discussions or questions?"

No one else asked to speak.

On a motion of Councilmember Shahid, seconded by Councilmember Mitchell, City Council voted unanimously to approve the appointment of Code Enforcement Officers to the Fire Department.

Mayor Tecklenburg said, "Next is our Council Committee Reports. First up is Traffic and Transportation, Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. We had an excellent meeting of Traffic and Transportation this afternoon right here in the City Council Chambers at about 3:30 p.m. We had a report from our consulting firm, Kimley-Horn and Brett Wood, about the Parking Study that's been done over the past year or so. It was heard from all aspects of it. There are lots of issues surrounding parking on the Peninsula. One of the things we learned, I think, from the presentation today is that parking goes across all City lines. We've got issues all over the City. This is going to sort of stand as a template for all things we need to think about with parking, transportation, and development. It's all inter-related, and it's inter-related with water, too. There are all sorts of things that parking relates to. So, we heard from our expert. We heard from Mr. Benjamin, and he recommended to us, as a Committee, that we adopt the report in whole, as a guide to policy in the City, without any specific adoption of anything in there. The Committee voted 5 to nothing to adopt the report as a matter of policy for the City. I would ask that this Council do the same. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Alright."

Councilmember Waring said, "Move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion to approve. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to adopt the Committee on Traffic and Transportation Report as presented:

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

- a.) Adoption of Charleston Comprehensive Parking Study and Recommendations
- b.) Director's Update
- c.) Discussion

Mayor Tecklenburg said, "Thank you. Congratulations. Next, our Committee on Public Works, Councilmember Waring."

Councilmember Waring said, "Mr. Mayor. Thank you, Mr. Mayor. You see two Acceptance and Dedications, as outlined, on the agenda. They were properly moved and passed unanimously in our Public Works Committee, and I move for approval at this meeting."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We have a motion and a second. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the Committee on Public Works and Utilities Report as presented:

---INSERT PUBLIC WORKS AND UTILITIES REPORT---

a. Acceptances and Dedications:

- (i) Sidewalk and granite curb at 137-141 Spring Street. Approved to notify SCDOT that the city intends to accept maintenance responsibility for concrete sidewalk and granite curb to be constructed in conjunction with the project at 137-141 Spring street with the SCDOT right-of-way (S-10-3).
 - Letter
 - Map
- (ii) Sidewalk at 642 Meeting Street. Approved to notify SCDOT that the City intend to accept maintenance responsibility for concrete sidewalk on North Nassau Street to be constructed in conjunction with the project at 642 Meeting Street.
 - Letter
 - Map

b. Miscellaneous and Other New Business:

- (i) Update Spring Fishburne and Calhoun West (*INFORMATION ONLY*)
- (ii) Update from Flood Plain Manager (*INFORMATION ONLY*)

Councilmember Waring said, "We also had an update on the Spring Fishburne and Calhoun West drainage basins which were very impressive. I wish all of you could have been there. It was a very, very good presentation, and I thank the staff and the Mayor for putting that together, and we also heard that we are very, very close. The Ad Hoc Committee met last week, and we whittled down the companies for the Flood Plain Manager for the entire City. They're down to two companies. I think they will be brought in, I believe, in February for the interview, and eventually, we will vote on one to bring forward to Council, but that information was provided to the Committee members just for information."

Mayor Tecklenburg said, "Are there any questions of Councilmember Waring?"

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I have a question for you, Mr. Mayor. Where are we at with the hiring of the new Stormwater Director?"

Mayor Tecklenburg said, "We have some good applications. It's technically still open. I think we're going to leave it open for about one more week and then, when I get back from Washington, D.C. next week, we'll be interviewing candidates for the position. How quickly they can accept after a decision is made, an offer is made, will depend on their circumstance, but my guess, my goal, would be in three to four weeks' time."

Councilmember Griffin said, "But when do you expect to make the decision? In February or so?"

Mayor Tecklenburg said, "Maybe even before the end of January, but then you have to do the offer and get accepted and all like that, but pretty soon."

Councilmember Griffin said, "Okay."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mayor. Chairman Waring, I don't mean to correct you, but I do think that you used the term 'we're about to hire a Flood Plain Manager' and outside. It's actually for project work, so the firm that we're about to hire, we already have a Flood Plain Manager, so I just didn't want the record to show that it was a Flood Plain Manager."

Councilmember Waring said, "My problem was I read the agenda that's before us, and that's what it says."

Councilwoman Jackson said, "So, it's the long awaited Project Manager, the team that's going to be able to get some jobs done. Good news."

Mayor Tecklenburg said, "That's correct. Alright. Thank you very much."

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Huger and King. Where are we at on getting some work started on that? I know we've gotten the study done, but it seems like that's as far as we've gone."

Mayor Tecklenburg said, "We had a preliminary study done. Now, we have to do the engineering for the recommended project. The same firm, JMT, would like to be able to proceed. It pushes them above my authority to hire them without it going through our normal procurement process, so that's where we are. I think it's headed to Procurement so that we can hire them for the next step."

Councilmember Lewis said, "Okay. Thank you."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Mr. Mayor, I'm concerned about the same thing, King and Huger. Councilmember Lewis always beats me to the draw on that, but I've been living there 33 years, at King and Huger. It's been flooding, like I tell people here, ever since I lived there. Even around the corner on Rutledge Avenue, when my father bought a house in 1971 and I was living in New York, and I came and helped him move, it's been flooding down there since then, Ashley Avenue, Fishburne Street, Sumter Street, and President Street. I went to school in the 50's, and there was flooding, had to walk through President Street, and my parents were the type of parents that said 'You're going to school.' You put the books in your hand, rolled up your pants leg, took off your shoes, held them, and you went to school. So, I hear a lot of people talking about flooding, flooding, flooding, flooding. I've experienced flooding all my life, and it still hasn't been solved yet. I hear all of these things, and I sympathize with a lot of people, with people who we've been talking to, and about what's going on in Johns Island and James Island. I know the area. My family goes back 250 years on Johns Island and James Island. So, I understand what they're going through, but I'm still going through it myself."

Mayor Tecklenburg said, "That's right."

Councilmember Mitchell continued, "I'm still waiting for some results there, and I mentioned to you all when the rescue squad had to come there in front of my door with the boat to get the people out of the service station, to bring them back and put them in front of my door. I said, 'Look we've got the rescue squad with the boat in the City of Charleston with the motor on it going down the street.' So, I understand what people are saying, but it wasn't that big of a flood on James Island during that time. I can tell you facts. It was not happening. That was my running and stomping ground on James Island during my high school days. So, I'm listening very carefully to what everyone is saying, but I don't know if I'm going to go with that yet. But I need to have that done with the pumps. I think the pump that Steve, or whoever puts in the pumps."

Mayor Tecklenburg said, "They've recommended a small pump station to be able to--"

Councilmember Mitchell said, "The pump did a pretty good job the last time we had the flood there, and the water went down pretty quickly. The pump helped a lot, but we still have to resolve that because we have three schools there."

Mayor Tecklenburg said, "I fully understand. If the dollar amount hadn't gone over my authority, I would have approved it already. I assure you, and we just have to go through the process."

Councilmember Mitchell said, "Yes, I'm fearful for those young people. Those kids in James Simmons School, Charleston Catholic School, and the Math and Science School."

Mayor Tecklenburg said, "Right. I understand."

Councilmember Mitchell said, "They've been going through this a long time."

Mayor Tecklenburg said, "Well, in fact, if you look at the old map I'm going to show you in a little bit, there was a creek right there, and so it's been flooding there since before Charleston was here. So, it's one of those many locations where that's the case."

Councilmember Mitchell said, "Like I tell people, Charleston was all marsh in the City, all marsh, and what happened, the water is now saying, 'You stopped us. Now, we're taking back what you took from us', so the water's coming back. The water is coming here, and it's going to be hard to stop. That's the bottom line."

Mayor Tecklenburg said, "Yes, sir. Thank you kindly. Committee on Ways and Means."

Councilmember Griffin said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Are there any comments or discussion?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. Terrific."

On a motion of Councilmember Griffin, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the Committee on Ways and Means Report as presented:

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(Police Department: Approval to submit the FY20 SCDPS Highway Safety Grant application. The grant will fund two officer salaries and equipment. Officers will focus efforts on speed enforcement. The application for this grant is due February 1, 2019. This grant does not require a City match.

(Police Department: Approval to submit the FY20 SCDPS Highway Safety Grant application. The grant will fund two officer salaries and equipment. Officers will enhance efforts to reduce impaired driving. The application for this grant is due February 1, 2019. This grant does not require a City match.

(Fire Department: Approval to accept the DHEC grant in the amount of \$85,754 for the Low Country Healthcare Coalition to support the Haz-Mat Team. Funds will be used to purchase detection and decon equipment. There is a 20% in-kind match required.

(Parks-Capital Projects: Approval of Federal funding in the amount of \$74,795 for a back-up power generator at James Island Recreation Center. This would be matched with \$24,932 in City funding, for purchasing and installing the generator for mitigation of future hazards. The approval of the grant award will institute a \$99,727 project budget. The funding sources for the project are: FEMA Hazard Mitigation Grant Funds (\$74,795) and 2019 General Fund Police Budget (\$24,932).

(Public Service: Approval to purchase and install two check-valves with Palmetto Gunite Construction Co. in the amount of \$121,760 at the Meeting St. and King St. outfalls at the Battery Wall. Funding is coming from the Drainage Fund (\$60,880) and Charleston Public Work (\$60,880).

(Public Service: Approval of a Memorandum of Understanding (MOU) with the Charleston Commissioners of Public Works (CPW) which commits CPW to assist the City in funding 50% of the costs to install check-valves at the King St. and Meeting

- St. outfalls on the Battery, not to exceed \$80,000.
- (Public Service: Approval of Spring-Fishburne US 17 Phase 4 Fee Amendment #17 with Davis and Floyd in the amount of \$505,688 to include additional design elements moved from Division IV, project enhancements, design revisions due to as-built conditions and other ancillary items, value engineering, mitigation support, and program administration. Fee Amendment #17 will increase the Phase 4 portion of the overall Professional Services Contract by \$505,688 (from \$879,065 to \$1,384,753). The funding source for this work is the State Infrastructure Bank (SIB), the Drainage Fund, and the King Street Gateway TIF. (DEFERRED)
- (Public Service: Approval of Spring-Fishburne US 17 Phase 4 Fee Amendment #18 with Davis and Floyd in the amount of \$6,831,772 to provide construction engineering and inspection (CEI) services to support the construction of the Phase 4 pump station wet wall and outfall. Fee Amendment #18 will increase the Phase 4 portion of the overall Professional Services Contract by \$6,831,772 (from \$1,384,753 to \$8,222,213). The funding source for this work is the State Infrastructure Bank (SIB), the Drainage Fund, and the King Street Gateway TIF. (DEFERRED)
- (Public Service: Approval of Spring-Fishburne US 17 Phase 4 Construction Contract with Conti Construction, Inc., in the amount of \$51,933,757 to construct the Pump Station, Wet Wall, and Outfall of the Spring-Fishburne Drainage Project. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved budget. The Construction Contract will obligate \$51,933,757 of the \$65,909,935.70 project budget. The funding sources for this work are the State Infrastructure Bank (SIB) (\$39,000,000), King Street Gateway TIF (\$8,500,000) and the Drainage Fund. (\$18,409,935.70). (DEFERRED)
- (Police Department: Approve the mutual aid MOU with City of Atlanta to allow City of Charleston Bomb Tech/K-9 Officer to assist City of Atlanta with security for Super Bowl LIII on February 3, 2019 in Atlanta
- (Approval to authorize the Mayor to execute the necessary documents for the purchase of 0 Justin Avenue, property located in the Maryville-Ashleyville community, for \$372,000 subject to the conditions outlined in the attached Agreement of Purchase & Sale (TMS: 418-07-00-080; 418-07-00-081; 418-07-00-082; 418-07-00-083; 418-07-00-084; 418-07-00-085; 418-07-00-086; 418-07-00-087; 418-07-00-088). The property is owned by John T. Vernon, II.
- (Consider the following annexation:
-- A vacant lot on Agatha Street (TMS# 351-07-00-070) 0.13 acre, West Ashley (District 7). The property is owned by Donna R. Johnson.

First reading was given to the following bill:

An ordinance to provide for the annexation of a vacant lot on Agatha Street (0.13 acre) (TMS# 351-07-00-070), 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 Donna R. Johnson.

Mayor Tecklenburg said, "Our bill for third reading is deferred. We have five bills up for second reading."

Councilmember Griffin said, "Move to take L-1 through L-5 together."

Councilmember Mitchell said, "L-1 through L-5. Second."

Mayor Tecklenburg said, "We have a motion and a second to take L-1 through L-5 together. Are there any questions or comments?"

No one asked to speak.

On a motion of Councilmember Griffin, five (5) bills (Items L-1 through L-5) received second reading. They passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Shahid, the rules were suspended, and the bills were immediately ratified as:

- 2019-004** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 52 LINE STREET (PENINSULA) (APPROXIMATELY 0.90 ACRE) (TMS #459-05-03-139) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY NORFOLK SOUTHERN.
- 2019-005** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON F STREET (PENINSULA) (0.71 ACRE) (TMS #460-04-04-118) (COUNCIL DISTRICT 4), BE REZONED FROM UNZONED RIGHT-OF-WAY TO MIXED-USE/WORKFORCE HOUSING (MU-1/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY THE CITY OF CHARLESTON.
- 2019-006** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 89 ROMNEY STREET (PENINSULA) (0.10 ACRE) (TMS #463-16-02-005) (COUNCIL DISTRICT 4), BE REZONED FROM DIVERSE RESIDENTIAL (DR-1F) CLASSIFICATION TO RESIDENTIAL OFFICE (RO) CLASSIFICATION. THE PROPERTY IS OWNED BY MARY A. BOAGS LIFE ESTATE.
- 2019-007** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2026 CLEMENTS FERRY ROAD (CAINHOY) (30.50 ACRES) (TMS #271-00-01-035) (COUNCIL DISTRICT 1), BE REZONED FROM LIGHT INDUSTRIAL (LI) CLASSIFICATION TO GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY CLEMENTS FERRY PROPERTIES LLC.
- 2019-008** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON THE PURCHASE AND SALE AGREEMENT WITH GALPHIN LEE JACKSON, III, TRANSFERRING A 539 SQUARE FOOT PORTION OF CITY OWNED PROPERTY LOCATED ON DILLS BLUFF ROAD, CHARLESTON, SOUTH CAROLINA.

Mayor Tecklenburg said, "So, now, we have two bills up for first reading. Before we start, this first one that so many people have come to comment on, it might take a little while for us to discuss, and I just want to make everybody aware with the State of the City remarks that I'm giving

at 7:30 p.m. However, Channel 4 wants to get set up a little after 7:00 p.m., so we may not finish this item before we have to break for the State of the City.”

Councilmember Seekings said, “Can we take up M-2 first just to get through that part of business?”

Mayor Tecklenburg said, “Sir?”

Councilmember Seekings said, “Can we take up M-2 before we go to M-1?”

Mayor Tecklenburg said, “If that’s the pleasure of Council.”

Councilmember Seekings said, “So moved.”

Mayor Tecklenburg said, “Because I’m sure that would move very quickly.”

Councilmember Seekings said, “I move for approval of M-2.”

Mayor Tecklenburg said, “We’ve got a motion to approve M-2. Is there any discussion or questions?”

The Clerk said, “Councilmember Shealy, were you the second?”

Councilmember Shealy said, “Second.”

On a motion of Councilmember Seekings, seconded by Councilmember Shealy, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to Article 2, Part 15 – Mixed Use 1 - Workforce Housing district and Mixed Use 2 - Workforce Housing District.

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, “Mr. Mayor. Is it the pleasure of Council if we go ahead and knock out the Executive Session, too, because that’s going to be late?”

Mayor Tecklenburg said, “Well, to tell you the truth, I was going to ask whether we really even need to have that Executive Session since we talked about it at length the other day in the workshop.”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Yes, as far as the Executive Session, I talked with our Counsel before the meeting, and I understand that Ms. Herdina and the attorney for Middleborough Condominiums talked and they think, they’re hoping that they’ve got a solution to work this thing out. So, unless Mr. Boone is here, I don’t think he is, is he?”

Mayor Tecklenburg said, “I haven’t seen him.”

Councilmember Moody said, “I haven’t seen him either, so I’m assuming that they’re okay with it. So, with that fact that they’re not here, we would just cancel that or defer it until we need it. The only thing I’m concerned a little bit about, and I don’t think this needs to be in the Executive Session, I know we don’t have another meeting until February, and our expiration expires before

that. So, if we can defer that, and maybe Ms. Herdina could tell us whether or not we could defer it for a few weeks or something, and whether that's even an option."

Susan Herdina said, "Yes, I don't know if that's going to be an option or not. What I said is we did meet today. We discussed a number of different possibilities that we're looking at, and what I would probably like to do is just report back to you before the end of the week on where we are with this."

Councilmember Moody said, "I think we're close to solving this. I think everybody wants it solved in the best interest of the surrounding people and the people that are here now, so I'm encouraged that we're moving in that direction. So, I'll just move for a deferral."

Mayor Tecklenburg said, "Alright."

Councilmember Moody said, "Or cancellation."

Mayor Tecklenburg said, "Right."

Ms. Herdina said, "Thank you."

Mayor Tecklenburg said, "So, that just leaves us with M-1."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Haven't they sent us some information this afternoon in an e-mail concerning the topic we're talking about? So, some of you all may have gotten it late."

Councilwoman Jackson said, "It's on your list, so you would have it on your desk."

Councilmember Lewis said, "I know this is about Davis & Floyd."

The Clerk said, "Yes, that's a little different from what this is."

Councilmember Lewis said, "So, which one were you talking about?"

Councilmember Griffin said, "Shadowmoss."

Councilmember Lewis said, "Oh, Shadowmoss, excuse me. Okay, yes."

Mayor Tecklenburg said, "So, understanding that we may have to break a little after 7:00 p.m."

The Clerk said, "Actually, they would like for us to break at 7:00 p.m., and 7:10 p.m. is pushing it."

Mayor Tecklenburg said, "Okay, we will cut the middle and say 7:05 p.m. So, we have M-1."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, I would like to move for approval of this ordinance under Item M-1 on our agenda tonight, as it's been presented and written in this specificity. I would like to have a second and then I, again, would like to yield staff time to my new friend and professional, Lisa Vandiver. So, I'm ready to have a second to the ordinance, please."

Mayor Tecklenburg said, "Is there a second?"

Councilmember Wagner said, "Second."

Mayor Tecklenburg said, "Councilmember Wagner."

Councilwoman Jackson said, "We need the screen. She's going to make a PowerPoint presentation."

Mayor Tecklenburg said, "Is that right?"

Councilwoman Jackson said, "Yes. It's the background from the PowerPoint."

Mayor Tecklenburg said, "We need to get our screen back up for a little presentation."

Councilmember Moody said, "Can we have a show of hands for those who are in favor and those who are against?"

Mayor Tecklenburg said, "Yes, we did that."

Councilwoman Jackson said, "So, I'd like to introduce Lisa Vandiver. She has a Ph.D. and has spent the last 15 years researching the impact of development and restoration strategies on tidal creek ecosystems in the southeast. She conducted her Master's and Ph.D. research in the Charleston region, where she evaluated the stormwater management practice in mitigating the impacts of development."

Mayor Tecklenburg said, "Councilmember, please turn your microphone on."

Councilwoman Jackson said, "I'm sorry. Lisa currently works for NOAA's Restoration Center as a Coastal Habitat and Water Quality Restoration Specialist. In addition, she currently volunteers with the Johns Island Community Association as their Preservation Chair. That's the organization that has been formed within the last four or five years. They have 500 members and 1,500 followers on their listserv where they produce an excellent newsletter that's a resource to all of the residents of Johns Island. Just so you know, I will probably follow by saying, I am speaking on behalf. This is what Lisa is saying, as she is a citizen, to make sure no one thinks she is speaking on behalf of her employer, NOAA, is currently shut down for the budget. So, thank you very much, Dr. Vandiver. I appreciate you being here, and we do have a PowerPoint that you created to be viewed tonight for you to speak through."

Dr. Vandiver said, "Great, and I don't know who's loading that. Thank you so much for that introduction, and as Carol Jackson mentioned, I am here to speak to you as an expert, but most importantly as a citizen of Charleston. So, I wanted to make sure we all know, we've all heard this from all sides, these flooding pictures, this is our new reality. So, I was hoping to take some time to shed some light on the current management issue and also give you some perspective on how these key studies that the City is currently working on will address these issues. These studies will be completed within the end of the year. So, I think there are three, I mean, you could go into any details and, as a scientist, I could really go into the details, so I tried to keep it at a higher level. There are three main issues I think we're facing. Number one and most importantly, FEMA flood zones do not account for stormwater runoff. It's only looking at storm surge. So, this is a picture of my property. It's in AE zone, and in the new FEMA flood maps, in the updates, it will be in an X zone. This is following a rain event in August. You can see clearly that this land is flooding. So, it's important for you to understand that stormwater is not captured in the way that FEMA defines flood zones. This is important, for you, as a City

Council, because you need to understand the importance of the decisions that you're making in regards to land use and how that then changes stormwater runoff."

Councilmember Gregorie said, "Where is that?"

Dr. Vandiver said, "That's on Johns Island."

Councilmember Gregorie said, "Johns Island. Okay. Where?"

Dr. Vandiver said, "My property is actually in the County."

Councilmember Gregorie said, "Okay."

Dr. Vandiver said, "So, this is near the Tomato Shed, if you're familiar."

Councilmember Moody said, "Is this property not in the City?"

Councilmember Gregorie said, "No, County."

Dr. Vandiver said, "Yes, it's County. That is County. So, just to give you a little perspective, again, higher level, but what you need to know is that in the Lowcountry, we don't have much slope, of course, and a lot of our soils are pretty sandy. So, when you have rainfall applied to a landscape, a lot of that rainfall, there is very minimal runoff under natural conditions, and when that runoff comes off of your landscape, it comes off in a pretty slow manner. The thing is, when you come in and develop a landscape, you take away that sponge, natural seepage processes that you have, and you're replacing it with impervious cover roads, rooftops, driveways, and now you're increasing the volume of runoff. That volume is discharged over a much quicker timeframe, so you have these flashier events and that contributes to your flooding. So the development process alone, we need to be able to account for that when we're thinking about flood management. So, one of the things, the FEMA flood zone does not account for that stormwater runoff. That's a big deal here.

The second thing that the flood zones don't account for are these future scenarios, which you've heard a lot about lately, sea level rise, increase in rainfall intensity and frequency, as well as the increase in storm intensity and frequency. All of these are very real, and we know it's happening. I pulled one example here of where we can expect to see the increases in what they call 'sunny flood events.' This is essentially just looking at sea level rise over time. By the 2040's, we're anticipated to have 180 flood days. Right now, 2016 the most recent number that we have, we had 50 flood days. So, we're talking about tripling that just in sea level rise alone. All of this, cumulatively, means more flooding.

The last thing that we've talked about a lot, and a lot of what the focus of the City has been on is in stormwater management because that's really where they have jurisdiction to do something. So, stormwater management, we all recognize there is a need to incorporate the future scenarios that I just discussed, but to also incorporate the more regional information into the models and regulations. So, just very high level, again, some of the key things we're finding is we need to look at watershed scale impacts of developing a specific parcel. We need to start accounting for the impacts of shallow water tables on our models and our ability to capture the amount of runoff. We also know that fill displaces the micro-topography that helps support that natural infiltration. So, it's important to capture that, and we're all thinking about in this new stormwater manual how to incorporate that into our new regulations.

Essentially, right now, we're underestimating the amount of stormwater runoff. So, what we have are developments like Barberrry Woods that was put in the middle of a flow path, unknowingly, and now serves as a dam. So, whenever it runs, whenever you have rainfall, all the runoff collects right there. This is another example of a very new development on the bottom where, essentially, it's bringing new infrastructure, and it's already filling in and collapsing because there is way too much stormwater coming into the system. It was under-designed, and I think the thing that we're all here to speak to is the impact to our residents. You've heard several people, on all sides, talk about the impacts of this flooding and how it's affecting both our risks to life and our risks to property. These are very real concerns. I just highlighted two specific studies looking at the reduction in property value. This was a recent study by First Street Foundation that found, in Charleston, that of the houses that were impacted, they've lost \$266 million in value since 2005. That's a very real loss that someone incurs. I think the most important thing for you all to keep into account is that, as we continue to approve and permit development in these known risky areas, we are then passing the costs to the taxpayers to retrofit those decisions. I'm very much sensitive to the today costs to realtors and developers. I understand that, but we can't forget the costs that we're passing on to those in the future.

So, just very quickly, I know you've heard all of these studies, but I just want to let you know that these studies that the City is undergoing and that are projected to be completed within this year are all trying to focus on these key issues that I was highlighting. They're going to identify flood risk areas, which is inclusive of rainfall, not just the storm surge which is super important. In addition to that, they're going to improve stormwater management in other locations. I think the biggest thing that we've been pointing out is the update to the manual and then the subsequent regulations that will come from that. So, this moratorium is not about just taking a pause, it's taking a pause with purpose. We have these studies in mind. If we can just get them completed, then we'll be in a much better, informed place moving forward with development. So, I know, I'll kick it back to Carol, she's going to present more about the moratorium, but I just want to leave you with this, that you have a choice. You can continue to permit development in what we know are these flood risk areas, and we know the likelihood of failure, or we can be bold. I can't remember who talked about the little boy with the finger in the dike. I really appreciated that because this is a challenging choice for you to make, but we know that what we're doing is not working. So, let's take a pause, consider taking a pause, consider being bold, let the City complete their studies and initiate their regulatory updates, so that we can move forward with developments that are more informed to minimize our flood risks to these areas and, most importantly, to our residents in Charleston."

Councilmember Seekings said, "Can I ask you a question?"

Dr. Vandiver said, "Yes."

Councilmember Seekings said, "Why wouldn't we do this Citywide? Why is it just in two places? If this is such a big deal, and we have so many studies going on out there, and we're just isolating two parts of the City? You've got Councilmembers that live on the Peninsula. We're getting crushed."

Dr. Vandiver said, "Yes."

Councilmember Seekings said, "Crushed, and we know what we need to do. Just moratoriums, we're tired of them. So, if we don't do this Citywide, are we doing any big benefit to the whole City by just doing a couple of places?"

Dr. Vandiver said, "I think we've tried. We've tried in other locations, we've tried on Johns Island, and I think that's a great point."

Councilmember Seekings said, "One of the pictures you showed was on the Peninsula."

Dr. Vandiver said, "Yes. It would be good to extend this to a broader area, and we can continue to argue about the details, but I think we have to start somewhere."

Councilmember Gregorie said, "A question for you."

Councilmember Gregorie said, "Yes, I'm sure you've read the proposed piece, and in that piece, there are several provisions that a developer can undertake in order for them to be in compliance with something, I don't know what, because it looks like to me, if those provisions will get these guys in yellow to be in compliance, why aren't we just amending the existing stormwater handbook, period?"

Dr. Vandiver said, "I can't speak to that. That's outside of my expertise in the policy, development and regulations."

Councilmember Gregorie said, "As an expert, my question to you is after reading those provisions, do you think they will get the job done?"

Dr. Vandiver said, "So, I'll be honest, I don't know the details of the revisions that are being proposed."

Councilmember Gregorie said, "Okay. Thank you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes. Thank you, Mayor. Thank you very much, Doctor. I really appreciate all of the time that you took. It's such a complex set of challenges and moving parts. I really appreciate that we have people, and this is really part of why I'm here tonight. I realize that this is the kind of legislation that we try to avoid because it's not good policy in the Planning realm. It's not good lawmaking to stop things that we've put into motion in earlier times, but you heard from the audience tonight. I have spent my first year in office, when I thought I was going to be helping out with our transportation challenges on Johns Island and the whole region and affordable housing and the things that I really knew were the challenges of our era, as I was starting to think about running for my seat. But, it became the water. So, I spent the last year basically seeking out the information that is actually readily available to us. I think, because it's been such an evolutionary process of experiencing the flooding, I can't imagine what it's like to have lived in your neighborhoods, sirs, for 30 some years and see the same storm drains still pumping out water. I think that's wrong, and I do think that we have a whole era of dedication and commitment and funding that we're going to see the end to those things that have been embarrassing and wrong for our community. I spent the year talking to people, the knowledgeable people that we have in our region that are starting to work together, to collaborate, to come up with the kinds of game plans that they want us to take up and the staff that we have that we've been trusting to do the kinds of evaluations and reviews and permitting that we're all relying on. Basically, their system is broken for the regulations that we have not provided to their level of authority. They do not have the ability to permit a stormwater design plan in good conscience. So, it becomes this iterative process that goes on for many reviews, and no one is happy at the end of the day. So, we've got the regulations. They're being written. They're going to be peer reviewed. It's going to be an amazing, vastly improved, set of regulations that we'll be able to

regulate and know that we're doing the right thing for our development. So, Councilmember, I would just like to answer the question that you asked."

Councilmember Gregorie said, "That's the question I want answered. Thank you."

Councilwoman Jackson said, "That the intent when I started working with the Corporate Counsel's Office, Stormwater, and the Resiliency Director, in particular, about what we could really do to be the most help to our citizens and to the work that we're asking our staff to do. We came up with this ordinance that would give us the pause on the properties that are currently in the development process that are located in the areas of special flood hazard, the 100-year flood zones, as we all talked about them. So, that's the overarching term of who is going to be evaluated to be in the moratorium."

Councilmember Gregorie said, "I understand that, Councilmember."

Councilwoman Jackson continued, "But I also wanted to give an incentive--"

Councilmember Gregorie said, "Councilmember."

Mayor Tecklenburg sounded his gavel for order.

Councilwoman Jackson continued, "--to the properties that are going to be paying attention to the Church Creek way of doing stormwater design, so that's this section of the document starting on page 8, Section 54.975. It's called the Interim Standards for Stormwater Systems and Facilities, and that mirrors exactly the standards that we currently have in place for the Church Creek Basin. It won't be identical. It will be rolled-up into the regulations that we have coming forward to us at the end of the fall of 2019. But, for now, it's a much safer way of creating stormwater systems that are more likely and will be a better protection for the neighborhoods the properties are going into. So, that's the nature of this section of the document."

Mayor Tecklenburg said, "Alright. One meeting."

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Griffin.

Councilmember Gregorie said, "My question was whether or not the provisions, the interim standards, that we came up with will do the job? That's a 'yes' or 'no'."

Councilwoman Jackson said, "That's everyone's expectation, 'yes', according to the engineering work that was done for Church Creek Basin. It's universal in the way that it deals with the--"

Councilmember Gregorie said, "So, it could be applied across the board?"

Councilwoman Jackson said, "It could. Yes. Absolutely."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. Mayor, I have a few lengthy comments but, I think, we should go ahead and stop and we'll come back."

Mayor Tecklenburg said, "Does anybody have a short snippet?"

Councilmember White said, "Yes, I have a short question."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "There was a handout put on my desk, and I think everybody has got one of these, too. I'm not sure if I'm deciphering this information correctly, but if I am, it's telling me there are 7,649 residential units in Johns and James Island, of which 445 are the impacted units from this moratorium."

Councilmember Gregorie said, "Of which 155 are on James Island."

Councilmember Seekings said, "Are we looking at the yellow ones?"

Councilmember White said, "Am I correct? So, basically, what's highlighted in yellow--"

Councilwoman Jackson said, "According to the work that the staff has done."

Councilmember White continued, "--will be affected by the moratorium, and really of that, there is only one project of any substance? American Star, Oakville, 287 units."

Councilwoman Jackson said, "In terms of the projects that are currently in some sort of permitting status, yes. The moratorium will also cover properties that are in the locations of the special flood hazard areas, essentially the 100-year flood zones, who would choose to begin a project. Then, they will be given the green light if they follow the Church Creek design standards that are the exception for how you can keep going in one of those locations. So, we know we have many properties that are currently in the process of the application."

Mayor Tecklenburg said, "Terrific."

Mayor Tecklenburg recognized Councilmember Seekings.

Mayor Tecklenburg said, "Then, we're going to go ahead and break."

Councilmember Seekings said, "Just quickly, so the interim standards are drafted from the standards that were in Church Creek, which the only thing we've done in there so far is buy a bunch of people out and moved them out."

Councilmember Griffin said, "That's simply my comments."

Councilmember Seekings said, "Yes, we're going to have to talk about this."

Mayor Tecklenburg said, "We're going to have a long discussion about this, I believe, after the State of the City, so I need everybody's forbearance and patience. We're going to take a timeout for a while and reconvene about 7:25 p.m. for some remarks, and then we'll continue with this discussion. We're recessed."

The meeting recessed at 7:03 p.m. for the State of the City address.

The meeting reconvened at 7:58 p.m.

Mayor Tecklenburg said, "We have a unique opportunity that the Mayor of Mount Pleasant is with us. Mayor Haynie, would you like to say a few words to our Council while you're here? We welcome you, and thank you for coming and acknowledging the importance of this issue."

Mayor Haynie joined Mayor Tecklenburg on the dais.

Mayor Haynie said, "Thank you for having me. It's a pleasure to be here in your historic hall. I want to thank you all for being great neighbors all of the time, but especially when we really need you, when we have storms, when we have bridge closures, and now with flooding. This is a regional issue that's going to require regional, State, and national attention. So, I look forward to working with you all in the future, and thank you for having me."

There was applause in the Chamber.

Mayor Tecklenburg said, "I knew there was something I forgot to mention. You know, in 25 minutes, you can only say so much, and I could go on for an hour about this topic, but our cooperation with the regional governments is critically important. The Council of Governments will be taking up the issue of stormwater regulations, not just for the City, but for the whole region. Senator Senn, as many of you know, has taken an initiative, which we gladly participate in because they are across jurisdictional lines, particularly when it comes to maintenance. Lastly, Governor McMaster has formed a Floodwater Commission that he's asked me to serve on, and we'll review policy, not just for the City or region, but the entire watersheds of the State of South Carolina. So, I think it's kind of uplifting that there's a much higher awareness, not just on our level, but on a regional and a State level, about the importance of flooding and drainage. As my colleague, Councilmember Gregorie, would say, 'It's all about the water.'"

Councilmember Gregorie said, "No, it's the water, stupid."

Mayor Tecklenburg said, "With all of that being said, we come back to the matter of M-1, which is in our agenda as the moratorium. Councilwoman Jackson had a made a motion to approve it. It was seconded. Some groundwork has been laid on the matter already in discussion. I think next up was either Councilmember Griffin and then to Councilmember Moody."

Councilmember Griffin said, "Mr. Mayor, I want to point out first that you and I, on Saturday, went to James Island. We went to Jim Mazyck's house, right in the heart of the Wambaw area. We looked at a bunch of ditches. We went to the crux of that whole system, and then we walked across the street, across Central Park Road, to the EME Apartments, and looked at where that drainage system ends up. Correct me if I'm wrong, but every one of those neighborhoods all come out of one pipe in the end, on the other side. One pipe."

Mayor Tecklenburg said, "One pipe."

Councilmember Griffin said, "One pipe, one 48 inch culvert. That's tough to see, guys. It really is. You've probably got six developments all draining to one pipe. You have the Central Park Cluster, which is another 40 units, which would be right in the middle of all of that. So, you add another development right there. You've got homes that are three or four streets off, and their system is flooding out. Pretty much every house in that area is, I'd say, is at relatively low elevation. You don't have anybody, especially the older homes that are built up. So, trust me when I say it breaks my heart to see that. Now, I don't know if this document necessarily fixes that. I would whole-heartedly support a moratorium on Central Park Road right now. I think that is a must because we have the Wambaw Study that was appropriated in 2018 that hasn't been done. We have a Stormwater Manual that was supposed to be done in 2018, as well, and it wasn't get done. Now, we had moratoriums in place on James Island at the beginning of 2018, and Church Creek, and we still didn't get them done. So, what makes me think that this moratorium is going to be any different? I don't know the answer to that question. I think that we can still come up with answers to those questions without a nine month moratorium. Now, if we want to come back and look at this thing and maybe come up with some sort of compromise,

three months, maybe six at the most, but to give somebody nine months to finish something that was supposed to be done last year, I don't think that's right.

Now, when you look at this, too, you have a ton of exceptions, and that, to me, is scary because any good developer is going to find a way around it. They're going to find an exception, and we're going to be having arguments with our legal counsel, back and forth, over whether they're in the moratorium, or not in the moratorium. That, to me, is an area of concern. We based a lot of this document around Church Creek. We passed the Church Creek regulations only a couple of months ago, and we don't even know if they work yet. I mean, I'm just being honest. I represent Church Creek and so do a few other Councilmembers, but we definitely came up with some strict regulations that are probably going to work. However, we haven't had any development since we put them into place. The first project that's upcoming, the Harris Teeter, which is going to be coming to Bees Ferry Road and Grand Oaks, that's going to be the first development commercially along Bees Ferry Road. Well, we have one gas station. In the last ten to 15 years, we've had a Walmart and a Bi-Lo. That was ten years ago. We had a gas station that was built three years ago, and now we have a Harris Teeter. We have a very limited amount of commercial development along Church Creek, and when I say that, we don't have a lot of examples as to whether these Church Creek regulations are necessarily going to be the end all, be all. Now, we put a lot of time and effort into them, and we want to believe that they're the best regulations that we've ever come up with as a City, but we don't know for sure whether they are the best that we've ever seen.

Another thing that I wish we would have done is brought this to Public Works. I think that we could have dissected this moratorium a little bit more. I want to support this. I really do, and I'm fine. I'll give it first reading because I think that there's a really good center for this. I think there's a lot of heart and a lot of great characteristics in this. I think our legal staff really vetted this document big time, but with all of these exceptions, that scares me a lot. We have like 13 exceptions, which tells me that our legal staff was a little bit nervous, that we have an exception here, an exception there. The last point I want to make, we talked about the Church Creek TIF District. We've talked about it so much over the last few months. It's going to be the savior to Church Creek. It's going to fix all of our drainage problems. It's going to bring all this money. Well, our City is known for moratoriums over the last few years. That's what we're known for, and if you want to scare developers away, that's how you do it. We'll never have any money through a TIF District because nobody's going to want to come develop here. We've already had a moratorium on James Island. We've already had a moratorium in Church Creek. We tried the moratorium that came to us for Johns Island, and it didn't happen. We have to find a common sense solution here because we can't have projects that say 'TIF.' We're going to raise all of this money and commercial development, and then we're going to take two islands and say, 'No development at all.' We've got to find a better way to do it, guys. Like I said, I'll support you tonight, Councilwoman Jackson. I really think your heart's in it. I think we can come up with a common sense approach, but the one area that I totally, 100 percent support for, is the Central Park cluster, limiting that, and focusing on the Wambaw Study. But beyond that, we've got to get our priorities straight, people. We are confused."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. One of the speakers said they wanted a pause, so everything would become crystal clear. Everything is not going to become crystal clear. That, I know. As for moratoriums, my sense of what would happen is if you put this moratorium in place in any way, basically everybody will stop doing anything. You'll wait until whatever time you put on it. There might be a little activity down towards the end of it, but we'll

come back, and nothing will be done. I use as Exhibit A, I agree with you, I've been over to look at the Wambaw/Central Park Road area. If you look at the 1984 Master Plan, that master plan calls for two 48 inch pipes. That was 25 years ago. It's almost like King and Huger, 35 years, excuse me. My point is if we want to do something tonight, let's talk with Mr. Newham or some of our other project managers. Let's get them out there and start working on putting those pipes in the ground right now, and let's see what happens to those 48 pipes, whether that would relieve some of this flooding. Really, the crux of these moratoriums, they have so many unintended consequences, that you can't even imagine all of them. I say that because if we said tomorrow if we pass the moratorium tonight, we want to go out and put those two 48 inch pipes in that district, it would be prohibited under this moratorium. That's the kind of stuff that goes on.

At the last meeting in December, or maybe the other one in January, we accepted land for the north pitchfork on Johns Island. At the same time, we'd give a development agreement to the property owner there, and then we come in and say, 'Moratorium,' on everything else around it. It just doesn't make a whole lot of sense, and I've just never seen one of these moratoriums work. You know, all of the pictures that the doctor came up here with were downtown. It doesn't even cover downtown. It just doesn't make any sense. I mean, we've had a Stormwater Department that's had an aversion to submerged pipes. Those submerged pipes work great on Daniel Island. I mean, there's no flooding over there, but we can't have them anywhere else in the City. This is some great technology. The ditches fill up. They become clogged. You have to have drainage easements. You have to have all of that stuff. You put that pipe in, and it's submerged, and if you need to clean it out, you blow it out, and it just keeps running. If we put those two 48 inch pipes over on Central Park Road and maybe put a couple of backflow or check valves in those to keep the tide from coming in. At least when the tide went out, all of that water would drain out and give a lot of relief to that area, just those pipes. So, all that moratorium does is just say 'Okay, don't bother me for six months.' I want us to start tomorrow to figure out how to work on Wambaw, and I've talked to Councilmember Gregorie about walking that. I think I know a little bit about it. I did walk with him and some of the residents over there in the Marlboro area, but I think we can get that fixed. Anyway, I think I've pretty much covered the points that I want to make. I'm not going to be supporting first reading on a moratorium on this project."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. Thank you, Councilmembers Griffin and Moody. I do have more to say that's a little more overarching. Just in terms of, I think the point that you had made, Councilmember Griffin, about having a moratorium on James Island, and nothing happened. We did have a moratorium on James Island, and it was for the purpose of adopting the Folly Road Overlay for development. So, it really had nothing to do with flooding controls or anything to do with drainage. It was purely to get our zoning in sync with the County and the Town of James Island. So, I just want to make that point, so the public is not confused about that. Also, two things, Councilmember Moody, first of all, if we tried to improve the system that runs water away from Central Park, that wouldn't be a time-out in this temporary moratorium. This is for the purpose of issuing a development permit for approval. So, I really don't think we should be confusing. People have a hard enough time following along with what we're trying to do. So, with all due respect, that's not the intent of this ordinance, and it's not an unintended consequence of this ordinance.

As far as the exceptions are concerned, there are really three main exceptions. The other ones are just for things that are already permitted. We're not stopping them, for things that are not relevant to development where we're changing zoning boundary lines and zoning map amendments and zoning text amendments. I mean those are basically standard exceptions for

anything like this. I trusted the Legal and Planning Departments to put in the kinds of things they knew would be defensible in a document that, there's no question, is controversial. No one likes to think that we've got to take a course correction or something that calls a halt to the progress. As our building and real estate industry has known it to be a very good path for them for the last 35 years of developing on James and Johns Island in ways that we would not want to stop the growth that Charleston has experienced because it means we have a healthy economy. It means we have jobs for people. It means we have new people moving in to populate our City for the future. I mean, this is my grandson. [Councilwoman Jackson showed a picture of her grandson to Council.] He's the future that I'm going for here. He lives on James Island. He's a resident of Councilmember Gregorie's District 6. He lives in front of one of the biggest canal ditches that drains to where you were just talking about, Councilmember Griffin. His parents, stretched themselves thin to buy a really good house for their lifestyle and their family future, but they can't afford to worry about water. So, I'm here because my family's invested in the future, and that's really the motivation for me.

The exceptions that I cared about when I was working with our Corporation Counsel's office to do this, and it's not a Public Works exercise, so I guess maybe we could have covered more of the bases ahead of time. Basically, this is a flooding control document that deals with how we're going to create construction in our region. If someone wants to make it Citywide, I don't think any citizen would complain about that. Basically, the exceptions that I wanted to make sure we were covering in this document, that I didn't want to capture in a season of taking a pause on development permits, were for three purposes. The very best and biggest one is spelled out at the top. That's for any development that wants to come before our permitting process and present their stormwater management design plan to satisfy what we're calling the interim standards that are clearly identified at the end of the document here, and match Church Creek. Yes, we haven't had a test case for that, but that was the wisdom that we're banking on in Church Creek, Councilmember Griffin. We won't know the future until we're presented with the reality of how it's implemented. I'm fully expecting that by the time we get to the regulations, which I don't believe should be rushed, I think they have a very achievable process. They're building momentum. This needs to be a process that we can stand on for the next 20 years. They do a peer review. The document gets written and vetted, and then they shop it around to experts in other areas of people who study water engineering professionally, academically. So, it's not something that you can just take your best guess. Frankly, that's what we did have to do with Church Creek in a lot of ways because the pressure was on to end the moratorium. I think the engineers that have looked at this, no one likes change, so of course we're going to get pushback that we're not sure how this is all going to work. I'm willing to bet that we've got the interim standards here for this document, that if a developer wanted to make a change in how they were designing their stormwater infrastructure, we would be very happy to accept it. Those are the people I want to reward. We have developers in this region who are already challenging themselves to do better because they know the regulations that they're being required to build under are not strict enough. So, I want to reward the developers who are doing good building standards and making a life for themselves here because they're also stakeholders in our region.

The other exception that I cared about the most was the single-family house on one lot. That's clearly spelled out here and the same for, we don't have many duplexes built, but I think we should have more because that's a housing affordability tool. Those two small single-family lots with one structure on them, we didn't want to capture them. The other one I felt very strongly about, and I had agreement for was the same thing for commercial. We don't want to capture a small, commercial footprint improvements that we are master planning on Folly Road, in particular, to improve the building structures that we have. So, we're going to give an exception to any commercial property that stays in the 5,000 square foot print or less. Those are the three

I care about. You can ask your questions of the legal and planning staff about the other ten. They made sense to me when I read them. They're basically completed projects or these things that shouldn't even apply to a development permit. So, I think this is a really good document. I know the legal staff are proud to have brought it forward and felt like we really can stand on it for a very short time and reward the developers who want to rework their plan, and come back and give us a better project. That's what they're going to have to do anyway once we adopt the better regulations that we're all championing and agreeing on. Even the development community agrees. We've got a broken system. It takes way too long to be reviewed, evaluated, and permitted. We should have standards that are clear and desirable. The developers should see what they are in plain English, get all of the boxes checked, come in with their plans, meet the regulations, and then they go on their merry way to build their developments. Right now, they're going back and forth and back and forth, and we have our water manager evaluators, Kinsey Holton and his team. We had to hire outside consultants because it's such a special, laborious process, and they take forever because they're trying to control the developer to do a little bit better every time they come back for a review. I've sat through several of those sessions, and it's painful. These people like each other. They're in the same industry. They're engineers. They all want to appreciate that they're doing something of value for the future. So, they don't want to be sitting there arguing over the details of a product that no one's going to be happy with at the end of the day.

That's my motivation, listening to the people, knowing what they're really crying over. I've seen people cry, and we've got to take care of that. It's not a linear process. We have to fix the old drainage systems. Wambaw is a great example, but what about Howle Avenue? What about Grimball Road that's getting some houses built down there, and they're getting flooding on their properties? We've all heard from our people. So, we need to fix it all. It's not linear. I think Dr. Reavis said it most clearly. This is a 'both' solution. We can do both of these things. We can keep bad building from starting, and we can protect the properties that are next door to the most likely development, and we can reward the developers who are doing a good job. That's my motivation. I really hope you can join me in giving it a first reading. I'm happy to think about the whole City. I'm happy to think about the things that you all are most concerned about. We can do that in the month before we come back with a second reading, final documents. I think it's time, and we need to do this. So, thank you very much."

Mayor Tecklenburg recognized Councilmember Shahid, followed by Councilmember White, Councilmember Wagner, Councilmember Seekings, and Councilmember Gregorie.

Councilmember Shahid said, "I have several comments to make, Mr. Mayor, but first of all, I want to get a clarification. If we vote and give this ordinance first reading, does that mean the moratorium goes into effect immediately?"

Councilmember Gregorie said, "Yes."

Councilmember Shahid said, "Can I get Legal Counsel, I just want to make sure we're clear on that point."

Susan Herdina, Corporation Counsel, said, "Yes, sir. This would be a pending ordinance because it's a zoning change."

Councilmember Shahid said, "I just wanted to put it on the record. So, if we vote for this moratorium, before we do anything else, it goes into effect as of tomorrow morning, and that's an issue that I think we need to make sure that we understand. Councilwoman Jackson, I appreciate you doing this, and I know you've put a lot of work into this thing. It's good that we're having this

discussion about it. Everybody knows that we have an issue on James Island and Johns Island, but we also have an issue, as the Mayor just spent 30 minutes talking about, Citywide. These are some of the concerns I have with the project and I have with the ordinance, and I think we need to consider this.

First, it is not Citywide. We all, in our very individual districts and individual parts of the City, have particular issues dealing with flooding and stormwater. Councilmember Waring, myself, and Councilmember Moody represent the older areas in West Ashley, it's a maintenance issue. It's a huge maintenance issue over there, and the Mayor addressed that problem tonight. If we can attack that maintenance issue, we may solve a lot of the issues over in West Ashley, but it's also overdevelopment. It's overdevelopment, not just on James Island and Johns Island, but development in the Church Creek Basin. We've seen the effects of that.

I don't have an opposition to moratoriums, per se. I think moratoriums have a very important part in City governance. We have to hit the pause button sometimes, but it has to be followed-up with something that's logical and reasonable. Once we pass this, it goes into effect. We're about to hire, the Mayor said maybe within a week or two weeks, a Director for our new Stormwater Department. That person we hire needs to weigh in on this thing, and they need to weigh in on this immediately. Councilmember Griffin, to my left, mentioned that this probably should have probably gone to the Committee that I serve on with Councilmember Waring as Chairman, Public Works and Utilities, because I think this is something we need to dissect, particularly, this is what I'm concerned with. It's not the number of the exceptions, but it's the relationship of the exceptions to the moratorium.

Now, if you develop something, and that something that you develop creates a runoff problem, what is the correlation between exception number one, application for a development permit or an approval in compliance with Section 54-975? What correlation is that to not have an impact on flooding or stormwater runoff? I don't know the answer to that question, and I can go through each one of these 13 exceptions, and they give me pause because I want this moratorium to take effect, and I want it to be effective, but if you pass this thing, as written, with these 13 exceptions, I'm not sure how that exception is going to affect the stormwater effect, how it's going to affect flooding. By allowing an application to go forward under number 13, for example, how does that not effect flooding? I don't know the answer to that question, and that's something that I think should have been brought up to the Committee at some particular point. What I'd like to do is take this to Public Works and have it deferred to that Department, so we can study this a little bit more and understand it a little bit. I've read this thing three or four times. Honestly, I'm having a hard time comprehending all of it, quite frankly, and I'm a lawyer. I read ordinances and statutes all the time, and I'm trying to understand and get my head around this. We've got a problem that we've got to address, and Councilwoman Jackson should be patted on the back and applauded for what she's doing here in having this discussion. I really want to support this ordinance, but those are my concerns as to how the exceptions apply to the effect that we're trying to avoid, and I don't know how to answer that question. Those are my huge concerns."

The Clerk said, "Was that motion to defer, Councilmember Shahid?"

Mayor Tecklenburg asked, "Did you present a motion to defer?"

Councilmember Shahid said, "I so moved."

Mayor Tecklenburg asked, "Did someone second?"

The Clerk said, "Not yet."

Councilmember Lewis said, "I'll second his motion."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "So, I just have a couple of brief comments. The one thing I do have a challenge with, and I've had challenges every time we use the word, 'moratorium'. We go through this process of putting together a moratorium. We put it out there, and then in six to eight months, it expires. We come back and yet, we've not gotten where we need to get. So, what do we do? 'Well, let's give it another three months. In three months, we're going to have it ready to go.' Three months expires. 'Well, we need just a little more time.' Then a year later, we're no further along, but we finally get the study done, and it starts to collect dust because it says, 'Here are the problems that you need to solve. It's going to cost you \$150 million to do it.' Nobody has \$150 million to go fix it. We had the same conversation in the Budget Committee this year over and over again. I think we spend a lot of time focused on relearning the things that we already know. We know that there are two 48 inch pipes that need to be installed. They should have been installed 35 years ago. As opposed to us sitting here and spending a lot of energy tonight and over the next nine months figuring out how do we put a pause, how about let's go out and get that done. We'll see if that works, and all of these other issues that all of these other Councilmembers who have had the opportunity to go through and walk and see what needs to be done, why aren't we taking and putting that energy there? So, that's the one thing.

The other thing, I mentioned this right before we went to break, if this is accurate, truthfully, I hate to say it, but 445 units out of 7,600 and something, that impact is fairly limited. So, overall how does it impact, and it's probably because there are 13 exceptions to the ordinance is my suspicion. The last thing I'll say is one of the things I think is important, and this is the unintended consequence of moratoriums, and I think our friends in Mount Pleasant are going to see this, that when you a build moratorium on, demand is not going to stop. Demand will continue. People want to live in Charleston. They're moving here every single day. We've got some of the largest employers in our country now here, coming to Charleston, and there are probably more to come. So, we're not going to stop people from coming, but if you stop the supply and demand, we now know it's basic economics. You think we have a affordable housing problem now? Put a moratorium in the City of Charleston for two years, and see what happens. None of us will be able to afford to live here. So, I think we have to be very careful. I'm not saying we don't have a problem. It's very clear. We just saw the Mayor give a 25 minute presentation on the problem, but I think our energy needs to be spent on fixing the things that we've already been told for 35 years how to fix. Let's just get on it. Thank you."

Mayor Tecklenburg recognized Councilmember Wagner followed by Councilmember Seekings, Councilmember Gregorie, and Councilmember Waring.

Councilmember Wagner said, "I have been talking to an awful lot of Councilmembers and several constituents, including Ms. Bright, who sent an e-mail earlier that you mentioned, Mr. Mayor. She said a couple of things in here and I have responded to her. I'm going to give you my response in a second of what I said to her. She says in here that we are completing, the City of Charleston, studies that are going to give us an updated inventory of all of our drainage systems and maintenance, identification of flood risk areas on the island, and an update to stormwater regulations. I really wasn't sure about a couple of them, but it doesn't matter.

Councilwoman Jackson and I sat for a couple of hours about a week and half ago. We went through the draft of the proposal, the proposed moratorium. We talked with Chip for about an hour and half. There were some weasel words in there, which we pointed out, and they were taken out, 'as contemplated,' as opposed to 'this is going to happen.' Those types of words I had

a problem with. I told Councilwoman Jackson at that time that I would not only vote for it, I would try and get the other Councilmembers to vote with me, at which time I was very surprised. They said, 'What, are you crazy?' You know what, in a way, they're right. But, what I asked for at that time was, an exception 'in accordance with 54-123.' How many of you have all of the planning regulations in front of you? Can you pull it up on the internet? The answer is I bet 'none,' and no. I could not pull it up in total on the internet, but maybe I'm not bright enough. I'm not a lawyer.

Now, the second thing that occurred this evening that bothered me, and Councilmember White was very sharp to see it, is we have on this piece of paper that was handed out, and it says, those in yellow are the only ones that are going to be effected. There are 7,649 units, of which 1,378 are on James Island, and 150 units of which, according to the paper that was handed out, are to be affected by the moratorium. So, with a little simple math, you can figure out that only two of 33 items on Johns Island are affected, which means that's 295 units out of 6,272, real minor impact. Now, the problem I have is just by listening to the people tonight, if that is all the units that are going to be affected, the current, existing homes are not really talked about in here. It's not going to be the be-all, fix-all that I think the people are anticipating after listening to 30 or so of them tonight. However, I will stand by my words that I wrote to this lovely lady today because I'm very fond of that particular organization because I think they're doing the right stuff on Johns Island. So, if you will indulge me about three paragraphs here, I'm going to read to you my response and my rationale for the response. If you've got any questions, I'll be glad to answer them, too.

'Dear Nancy: It is my opinion that this is a very weak document that will not do what it's being advertised to do, which is be the fix-all for everything on that island.' That's what I was talking about. 'It needs to have some teeth added to be effective. It is based on a new document which has not even been written yet, sustainability rules and their new rules. It has no stated purpose. Usually a moratorium is to do 'a,' to do 'b,' to do 'c.' Church Creek was that way. The one on Johns Island was stated to fix transportation. That was pretty easy, and the Coastal Conservation League and a whole lot of groups on Johns Island were against it if you guys will remember that. Now, the citizens of Johns Island will see no difference in what is happening from what I have seen thus far. That's very true. I believe based on the document that was provided tonight. Having said that, I feel I made you a promise of a pause last year. I will support first reading of the moratorium at the meeting tonight. I stated publically, on taped television, that we needed to have a pause in development on Johns Island. That statement was not supported as sufficient by the president of your organization at that time. He thought I was supposed to be meaner and nastier. It was right after we left your office that day, and you mentioned the word 'moratorium' and no one had seen it, sir. Therefore, that statement was not supported as sufficient by the president of your organization. I feel that I made Johns Island citizens a promise. The item was deferred last year and was never brought back up at Council. It just died. There needs to be a pause. A pause, with reasonable expectations of a plausible and probable action, is needed. I plan to support first reading. I am hoping that Council can get the moratorium strengthened to where we can have both increased enforcement action and a definitive end result identified based on the current ordinance. Now, City of Charleston staff efforts that you identified in paragraph three, which I read to you guys previously, states that studies identified new initiatives. The area has been flooded by 100 year events almost annually during the past four years. We showed tonight three years in a row. Without positive actions or studies, no action. Dr. Dustan has been talking to Council for almost three years about the searise and its effects. The proposed moratorium document we have looks to be weak to me, but it's time to try to start somewhere. I look forward to seeing you at tonight's meeting.'

That's it. Do I believe that the entire City should be involved? Yes. That was my first thought. If we're going to do this, I think Carol and I talked about it that day, why not the whole City. Why just the island, because the rest of the City is flooding, too. You pointed that out very nicely tonight, and it has been for a long time. The two issues that we're talking about here are Wambaw and Barberry Woods, both of which have been previously identified. We allowed development. The City had previously done the development. Maybe we're partially, unknowingly, part of the problem. What I'm seeing guys is I'm going to vote for it because you know what? I've told folks I would. I told Carol I would. Had I had some of the stuff I've seen tonight and made the same promises, I don't know. My heart is not as hard into it as it was because of what I saw, what I heard, and what I've been listening to tonight. So, you know what I'm going to say, so I'll just hush. Thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I'll be brief. It's been one crazy day. I've seen a lot of things. I don't believe that anyone who got up here and spoke tonight really wants, as an end-all to end-all, moratorium. What they want is a Stormwater Director. They want stormwater regulations, clean ditches, less slab under grade construction, plans, action, all those things. We can give it to them and imbed it in this document, which is hard to read, lawyer or not. There are a lot of things. There are exceptions, but imbedded in this document is actually interim standards for stormwater systems and facilities. I don't understand why we can't send this to our Public Works Department, why we can't get our own engineering team in here, go look at these interim standards, see if we can put them in place while we're putting them together, while we're getting a new stormwater director, and while we're getting new regulations put together. Right here, on page 8, is where this all really has some teeth. So, I don't know. We haven't heard from an engineer tonight, not one, internally, about this. We haven't heard from our Planning Director. There are so many things that we need to be thinking about when we're going to make announcements about what we're going to do to an entire City of 200 square miles and now just a couple of square miles, and all of these regulations we seem to like. I'd like to see some action. I'd like to see some basis for doing it. I'd like to see a new Stormwater Director, which the Mayor said is coming, new regulations in the interim. I don't know if these regulations work or not, but let's do something. I don't see, that in nine months from now, why we couldn't have done all of those things anyway. So, my vote is to go do something. I agree with Councilmember White. I think the unintended consequences here are going to be huge, and we can do better, not that this isn't a good idea to think about this. But, if you go from page 8 forward and start doing some stuff, I think we put ourselves in a heck of a better position than we are right now. So, that would kind of be my direction."

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Waring and Councilmember Shealy.

Councilmember Shealy said, "I, too, want to thank Councilwoman Jackson. I appreciate it, and flooding is obviously a huge, huge concern. With the way we have this written, we're going to put a moratorium on Flood Zone A, well, V and A, but the big hit's Flood Zone A. We heard earlier that Flood Zones don't account for stormwater runoff. So, we're going to build in B, C, and X. We're going to build like crazy there because we can't build in A, and we've got runoff coming out of B, C, and X, out of those Flood Zones. I'm not sure that we've got it right there, but I know that in the past, moratoriums have been more specific to the Church Creek Basin area. What we're doing, we're saying 'all Flood Zone A areas.' There are some Flood Zone A areas that do not have flooding issues and aren't causing flooding issues right now, and there are unintended

consequences by stopping building in those areas, both for James Island and Johns Island. If we're talking about a moratorium for Barberrry, for Central Park, for Wambaw, for those specific areas, then I think we've got something there, but to just have a moratorium for Flood Zone A and Flood Zone V, I just can't wrap my head around that with the unintended consequences that would come from that moratorium."

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Waring.

Councilmember Gregorie said, "First of all, I'd like to thank my fellow Councilmembers and the Mayor for visiting Laurel Park and Marlboro, a place that we've been talking now with Dr. Reavis, in terms of problems, since 2015 or so. I'd also like to applaud Councilwoman Jackson for her efforts. If you look at James Island list, none of these properties are in District 12, which is the district Councilwoman Jackson represents. All of these are in District 6, my district. So, again, I thank my fellow colleagues for walking the site with me and to finally realize that we've got to do something, and I don't think a moratorium is the answer. This is not the first time Councilwoman Jackson has heard me say that or my neighborhoods because I tend to very transparent. What I do think we have to do is to stop talking about this issue. We've been talking about this issue since 2015. Mr. Myers, we've walked Laurel Park when it was underwater, and it does appear as though it's neglected maintenance issues. We don't need a moratorium to tell us that we should upsize the pipe. We don't need a moratorium for that. I think the suggestion that this should have gone to the Public Service Committee was a good one, particularly as they go over this year's stormwater budget. Now is the time for us to start talking about appropriating dollars to fix the Central Park/Wambaw watershed.

I'm tired of talking about this. I really am, and I think it's time for this City to take action, no different from what we did on Huger Street. We got enough interest. We got the seven votes, and we got it done. Central Park is a safety hazard for the residents in that area, no different than Huger Street. Thirty-five years ago, we knew what we had to do, and we've done absolutely nothing over there. Now, that's not to say, Mayor and Council, that our stormwater folks have not been to Marlboro ten to twelve times with us looking at the issues, some of which I think we were able to resolve, as a result of the City's interest in input. So, under no circumstances am I attempting to say at all that our folks have not been responsive when they can, but I think it's time for this body to give staff direction to fix the problem. Let's stop talking about it. These studies are great, but we already know what we have to do. We don't need a study to tell us that. Under no circumstances am I saying we should discontinue studies, but where it's obvious, where it's just maintenance and updating, let's do it. The value of people's property is at stake. We cannot continue to sit and kick this can down the road on James Island. Think about how many dollars we've spent on the Peninsula for drainage. Think about how many dollars we've spent West Ashley on drainage, and tell me how much we've spent on drainage, I mean the City, for James Island, since I've been sitting here. It is time for us to take action. I am tired of the studies when we know what the problem is, folks. With all due respect to Councilwoman Jackson, I appreciate you bringing this dialogue to this floor and to this body. I really appreciate it, and I applaud you for it. You and I just don't agree with the approach, and we've been talking about this while this was being drafted. I hope that my fellow colleagues will send this to Public Works where I think it should have been initially, so that they can vet it, and they can say, hopefully, 'let's fix Central Park/Wambaw watershed.' It's time, folks. It is the water, stupid."

Councilmember Seekings asked, "Can we call the question?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Mr. Mayor, I want to thank Dr. Reavis because Dr. Reavis came to this meeting in December, and she thanked us graciously for appropriating the money in the 2018 budget. We did that at the end of 2017 for the 2018 budget for the study for the Central Park/Wambaw drainage basin because we didn't do that all last year. When I say 'we,' I'm not talking about you only. I'm talking about all of us. We didn't do that, and I wanted to apologize to you for that because that should have been done, and it's not only the Mayor's fault. It's all of our fault, all twelve people sitting here, and of course, the Mayor has responsibility also. This City was lucky. Under the Mayor and this Council, we're probably in the position of addressing more cleaning and drainage that has been done, I would say, and paying for it, I mean maintenance, in the last 20 years. When I say we were lucky, after Hugo, we really didn't have any major hits from hurricanes. We didn't have 1,000 year rain events, but within the last five years, I mean I can recount the storms. You can, too, literally we have been swimming with our trunks off. When all of those rain events hit the City, we found out, my goodness, it's not just downtown. It's not just in Councilmember Seekings's district. It really is all over. So now, in the State of the City Address, there were three projects in there, Councilwoman Jackson, that came through Public Works. The reason we are bias towards bias works is because that's where the action steps get done. You got a problem, it comes to Public Works, and you will find that people in our Planning Department and people in our Engineering Department, often times, will pull out that 1984 study that you hear us referring to. There are answers in that study. There was never money to fix it. All of the money got diverted elsewhere thinking the problem wasn't as bad because we hadn't been getting the rain. We hadn't been getting storm after storm, and we hadn't been getting sunny day flooding. I spoke to Councilwoman Jackson after you spoke in December. I also spoke to Councilmember Gregorie, as well as Councilmember Moody, who all have responsibilities on James Island, specifically what we all do collectively. I said, 'We've got to do something about that, and if we need to do a moratorium for that, I'm going to vote for a moratorium on Central Park/Wambaw.' When it came back, I think it had ten different drainage basins in it, but I have the experience of serving through Church Creek. It started out six months. It got expanded three months. It got extended another three months, as Councilmember White said, and then, our staff asked for six months. It ended up being 15 months, and they wanted more time. When we said, 'No more time,' the work was done. So, in this budget, we've appropriated more money for cleaning, but we've got to get better at that, and the Mayor's getting better at that. Council's getting better at that, and we've got to hire more people and include the private sector.

One of the failings of this moratorium is the private sector is pretty much left out of it. When I mean private sector, private sector engineering firms. What would they have to say about some action steps that may not make this as necessary? When we do a study, do you know where we go to get the answers? Private sector firms. We put out a RFQ, and we have private firms come in. They come and do a study, and they give us the answers. In this process, we've left them out. So, I will not support the entire moratorium. It's amazing, all of the flooding we've seen, in particular, on the Peninsula, I asked my colleague, Councilmember Seekings, how many moratoriums we have had on the Peninsula, because every time we have flooding, the cameras run to the Battery, right? We haven't had one, but, I'll tell you what, through these problems, you saw the Mayor show those check valves. All of those were answers because of somebody in the neighborhood having flooding coming with you and your neighbors as you did to say, 'We've got a problem. We need it fixed.' Councilmember Gregorie said it beautifully. We know what the problems are. We need the action steps, and I would dare say that if this were brought to Public Works, not only would you see action steps, I think you'd see some money, in particular. Virtually every problem out there is a clean ditch, an unclogged pipe, or a larger pipe. Those problems out there aren't a pump station. There won't be a pump station, most probably not. The most cost effective way to fix any drainage problem is with an open ditch, a pipe that's unclogged, or a

pipe that's properly sized. Right now, we know we have those problems all over the City. Even after the Church Creek Drainage Basin, I don't know that I could put my life on it to say that all of the ditches out in the Church Creek Drainage Basin, all the pipes out in the Church Creek Drainage Basin, have been cleaned. That's not the case. So, it's amazing how much of this would be answered if we could do that. The Mayor's trying to do that, the Council's doing that, we're trying to accumulate money to do that. Ashley Hall Manor, which the Mayor referred to, those people came down in 2018, and their problem was fixed, Mr. Mayor, in 2018. The drainage canal out on Church Creek came up in 2018, and the money was appropriated in 2018. You came down here in December, and you just don't know how effective you have been, and I thank each and every one of your neighbors for coming out tonight, but the action steps are in that Public Works Committee where the money gets appropriated, and the engineers come in with the how-to, and eventually it gets bid out, and fixes get in place. So, I would recommend that it come to the Public Works Committee, and we engage the private sector and not elbow them out of the process. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard before I give a wrap-up to Councilwoman Jackson?"

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I would just like to say, I do agree with Councilmember Waring because we have been talking about Huger Street, and we found out there was a plan on the shelf for 30 to 35 years, and nothing's ever been done. Now, I think we're going to get something done. One thing we found out, too, is the pipes in there are too small to hold the water. So, we've got to do preventative maintenance, and we've got to look at these projects on a case by case basis. The Public Works Committee, that's the Committee to send it to, and I'm always on them about making sure that Huger Street is done, hopefully this year. If not, we know what needs to be done, and it's promised it's going to get done. I think that's how we need to look at some of these other projects. We've got a good plan laid out, preventative maintenance and all of that, so hopefully we will solve a lot of the flooding problems in the City if we continue to push ahead. Mr. Mayor, we have tackled more affordable housing and more drainage problems in the last three and a half years since you've been here, and you are committed to that. We know you're committed to that. I certainly want to thank you for it, also."

Mayor Tecklenburg said, "Yes, sir. Thank you very much. Councilwoman Jackson, and then let's vote on the motion that's on the floor to defer. It takes precedence."

Councilmember Moody asked, "Would it be deferred or sent to the Public Works and Utilities Committee?"

The Clerk said, "Defer and send to the Public Works and Utilities Committee."

Mayor Tecklenburg said, "It was a combination."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I apologize for being perceived to be belaboring. A lot of words, thoughts, and good ideas have been presented here tonight. Both by the public, who are the people that live this and also by us, in the way that we are now choosing to educate ourselves and be as knowledgeable and as experts as we have, in our layperson ability to understand all of these things. So, first of all, Councilmember Gregorie, I totally appreciate that, there were a couple of slides that were supposed to come up after the doctor's presentation,

but I guess they wiped out with the Mayor's State of the City. I just want to say that I know I have been, potentially, intrusive or much more of an inquisitive colleague in my territory of James Island than some of you experienced in working with earlier colleagues. What should have been on the screen after Dr. Vandiver finished was the map of our districts as they go across James and Johns Island. Yes, everything we're talking about tonight in detail, in the Central Park basin, is in District 6, but my district is right on the other side of Folly Road on the same creek. Yes, there it is. It's supposed to be purple and brown and green. There it is (referring to the electronic presentation.)

So, you can see that little black dot. That's my house. My district is all purple. So, I'm on the Ashley River side of James Island, and I go all the way down to Sol Legare. I'll talk about this one, and then you can show the next slide, which is the south part of the island. So, my house is in that little black dot."

Councilmember Griffin said, "It's that black dot right there."

Councilwoman Jackson said, "I live on, some people call it James Island Creek. Some people call it Ellis Creek. My house looks out over the marsh that's created by that creek shed, title creek, and it flows to the Stono. So, it flows under Folly Road where my kids live, and the last house on the creek before it crosses under Folly Road. Then, it comes out on the other side, and it turns green. Then, on either side of the dark green is lime green, and the brown is across what Councilmember Wagner likes to call 'the big ditch', the Stono River. That's Johns Island. So, we are all woven together in the way that the water flows, and the water impacts our own lives and our constituents' lives. That's where I'm reacting. I know I've been pushing the envelope on learning things that aren't really my particular piece of dirt to be representing, but it's all the same. That's really been the thing that's been driving me.

Please press the next slide, so we can see the south part of the island, too. The inner-weaving continues all the way down. So, there's a little, minus purple, all the way down at the bottom on both sides of Folly Road as it heads towards the beach. Right above the purple on the right, there's a little green diagonal there. That's the corner of Folly and Grimball Road extended, and it actually should be a little bigger green now because we annexed the Moultrie Family property in there a year or so ago. My constituents live behind them, and that's where the water is flowing. So, we've got problems that we need to be working on together, and I do thank you, Councilmember Gregorie, and I thank you, Councilmember Moody, and I thank you, Councilmember Wagner, in particular, for giving me the leeway to learn by doing in the territory that we all care about.

So, my other message, I want to circle back and go to Councilmember Seekings at the very end. I know we've had our differences of approach, Councilmember Gregorie, as you called it. Frankly, I'm a multi-tasker. I believe that we should be sending the details of fixing our infrastructure wherever we need to, to get them funded. I share your concerns, and I see Central Park. That's my travel lane to Riverland, so I see it flooding on the king tide days. You don't have to convince me that we need to take action. I called Senator Senn not long ago when we were having the king tide flood that goes over the road and said, 'Senator Senn, we need to do something. That's a State road. We need to do something.' So, she said, 'Well, it's an environmental thing. OCRM controls what we can do in the marsh on either side of that road.' So, together, we've got OCRM to have an audience with our engineer, Frank Newham, and he went and talked to them about just getting permission to put the flaps in those pipes until we can make it even better by replacing them. So, that's going to be like a \$35,000 fix, and that's on the list to be done under the current budget that we have. We are problem solvers, but what I'm concerned about, and I want to salute Councilmember Seekings. I think he just had a light bulb moment. What I'm concerned about, with this type of legislation, is the compounding. We know

what's already there is not working and broken, and we're talking about Wambaw. We've got the same thing on Howle Avenue. I think the Mayor misquoted the list of 35 signatures. They were from the people on Howle Avenue, and I know you've been over there, Mayor, to see their flooded intersection when water runs down a couple of ditches, turns a corner, and there's no ditch to receive the rest of that water, and then it comes back and floods five houses that are on this intersection on Howle Avenue that comes across from Fleming. We've got the same thing on Grimball. It's just not as dense yet, but it will be because we're permitting density on the south part of James Island, and we don't have the regulations, so we can do both. That's what we need to do. So, I want to second Councilmember Seekings's brilliant idea that we should just enact the interim standards as the thing that every development is going to have to live by until we get the final product done at the end of the summer. So, can we make an amendment to do that?"

Councilmember Waring said, "We're deferring it."

Councilmember Seekings said, "Send it to Public Works."

Councilwoman Jackson said, "Alright. Then, I will support on the basis of making that change. The goal for this whole process was to have regulations that are a better protection for the existing neighborhoods and the existing properties where people live and pay taxes, in the face of having new development put in their contiguous and surrounding area. That's my goal. If we can do it with enacting interim standards, I'm all for it. I'm sure I can turn out people that would support you and salute you for doing that. So, thank you very much. I'm sorry I'm longwinded. Like I told you before, my husband loves it when I come here."

There was laughter in the Chamber.

Councilmember Seekings said, "So, is the motion to send this to Public Works?"

Councilmember Lewis said, "We have a motion on the floor to defer first."

The Clerk said, "The motion is on the floor to defer and send to Public Works. The motion was made by Councilmember Shahid and seconded by Councilmember Lewis."

Councilwoman Jackson asked, "Will that motion have them look at the interim standards?"

Councilmember Griffin said, "We'll look at everything."

Councilmember Seekings said, "We'll direct them to do it."

Mayor Tecklenburg said, "They're in there already, so if you just send it there with this charge, I believe it will be looked at."

Councilmember Seekings said, "Just a really quick comment, I don't want to vote for deferral and get people thinking that we're still thinking about this moratorium. I would like to vote to send this Public Works to review what's in here, particularly what's imbedded in here on the standards, but that this isn't going to come back for debate on a moratorium. I'm done debating the moratorium."

Mayor Tecklenburg said, "It wouldn't need to if the standards get passed temporarily. They would be in effect, and they would be in effect Citywide and not just for a particular area, which I think maybe of you all have made that point, which makes a lot of sense to me. It's good for the goose, it's good for the gander."

Councilwoman Jackson said, "I'm grateful that you have had that brilliant idea, Councilmember."

Councilmember Seekings said, "Thank you."

Councilmember Shahid said, "Call for the question."

Chip McQueeney said, "One issue that I just wanted you all to clarify when you send it, there's really no case law on when the pending ordinance doctrine really begins to apply. You may want to clarify that you intend it to either apply or not to apply when you send it."

Councilmember Seekings said, "Not apply."

Mr. McQueeney said, "I'm going to get the questions, and I'd rather you guys make that decision."

Mayor Tecklenburg asked, "What was that again?"

Councilmember Seekings said, "He wants to make sure we make it clear, as we send it back to Public Works, that we're not enacting a moratorium."

Mayor Tecklenburg said, "Right. Correct."

Councilmember Seekings said, "That we'll be sending this with no action on the moratorium. We're sending it to Public Works for discussion, debate, and consideration of all of this, including what's imbedded in terms of standards."

Councilwoman Jackson said, "At their next meeting."

Mayor Tecklenburg said, "Correct. So, does that sound like a motion?"

Councilmember Shahid said, "That's my motion."

Mayor Tecklenburg said, "That's your motion. We had a second."

On a motion of Councilmember Shahid, seconded by Councilmember Lewis, City Council voted unanimously to defer Item M-1 on the agenda and send the bill to the Committee on Public Works and Utilities.

The following bill was deferred:

An ordinance to amend Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), by adding new definitions to Article 1, General Provisions, Part 3, Definitions, and by adding to Article 9, Administration and Enforcement, a new Part 6, entitled, "Temporary Moratorium Applicable to Special Flood Hazard Areas on James Island and Johns Island," and in other respects, to provide for the temporary suspension of the issuance of development permits and approvals for the purpose of allowing the City time to update and revise its Stormwater Design Standards Manual to ensure the sustainability of development on James Island and Johns Island, while protecting existing and future residents, business owners, landowners, and developers in these areas from the adverse impacts of flooding which may result from land disturbing activities, development, and construction within such areas. (DEFERRED)

Mayor Tecklenburg asked "Is there any further business to come before this body tonight?"

There being no further business, the meeting was adjourned at 9:08 p.m.

Vanessa Turner Maybank
Clerk of Council