

CITY COUNCIL VIRTUAL MEETING

Regular Meeting

January 26, 2021

The one-hundred and twelfth meeting of the City Council of Charleston was held this date convening at 6:25 p.m. over video conference call (Zoom).

A notice of this meeting and an agenda were made available on the City's website January 20, 2021 and appeared in the Post and Courier on January 25, 2021.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember Delcioppo	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Sakran	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Brady	District 5	Councilmember Appel	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 6:25 p.m.

The Clerk called the [roll](#).

Mayor Tecklenburg said, "Now, if everyone would like to join us, Councilmember Shealy will lead us in an invocation."

Councilmember Shealy opened the meeting with an [invocation](#).

Councilmember Shealy then led City Council in the [Pledge](#) of Allegiance.

Mayor Tecklenburg said, "Thank you. Now, if I may entertain a [motion](#) to make a little modification to the agenda, it's just for reporting purposes, not to ask for any action of Council, but it's on me. I forgot to ask Jennifer to put on there under Petitions and Communications a report from the Smokestack Task Force, and they have a finding they would like to share with us. I think you might have read it in the paper, but we would like to do it after Petitions and Communications, and then also, Councilmember Griffin had asked for a short update on the Calhoun cornerstone. Could I entertain a motion that we include those two items tonight?"

Councilmember Gregorie said, "So moved."

Councilwoman Jackson said, "Second."

On a motion of Councilmember Gregorie, seconded by Councilwoman Jackson, City Council voted unanimously to add to the agenda, under Petitions and Communications, a report from the Smokestack Task Force and an update on the Calhoun cornerstone.

Mayor Tecklenburg said, "Thank you. So, first up, we have a little presentation. Ruth Jordan is going to lead us in this. The City of Charleston and our Minority and Women Business Enterprise Spotlight Program recognizes local entrepreneurs who are vital to the City of Charleston's economic growth and vitality. We award them for their achievements in developing their own businesses and supporting their community. So, every month we designate a Spotlight Entrepreneur of the Month, and Ruth Jordan is our Minority and Women Business Enterprise Officer. [Ruth](#), take it away."

Ruth Jordan said, "Yes, Mayor, thank you so very much, and to Council and everyone who is listening, we are excited to be announcing our 2020 Business Spotlight owners. Just like we said, even during a pandemic, our small businesses continue to thrive. So, we want to take this time to recognize all of our winners from 2020. January, Gibbs Construction Group LLC, the owner Katherine Jordan. Our February winner was Atlantic South Engineering Consulting Company, Adrian Williams. March's winner was Pedestal Technology, the owner Marcella Brucellaria. Then, we skipped April. Our May winner was Brownstone Construction Group, Dale Collier. June was Resource Partners LLC, Audrey Whetsell. Our July winner was Charleston Cotton Exchange with Stephanie True. Our August winner was Rahman's Painting & Repairs, owner Rahman Aminee. Our September winner was Edna's LowCountry Seasonings, and the owners of that company are Jonzetta and Edna Taylor. Our October winner was Japan Karate Institute of James Island LLC, owner Theraun Mixon. November's winner, BullzEye Equipment & Supply LLC, owner Kristie Collins, and our final December winner was Elite Properties of Charleston, Mr. Larry Watson. Again, we want to thank all of our winners. Everybody, please give them a hand for the exciting work that they're continuing to do with our community because they are recognized not just for their businesses, but also for the support of our community. We ask you all to please go to our website and read their incredible stories. We can't tell their stories tonight, but they are listed on our webpage under Business Services, and maybe next year we'll be able to do a Business Breakfast Spotlight. So, Mayor, thank you for the opportunity to recognize all of these fine businesses."

Mayor Tecklenburg said, "Thank you, Ruth, and thanks for the work you do to support our minority and women businesses in the City. [Next](#), very briefly, I won't read the whole thing, but just to let you all know that January was National Mentoring Month, and I can't think of a more critical time to be focused on helping our youth in this upcoming year, and as you particularly review some of the activities of young people who have not made good decisions, it really accentuates the need. So, we want to recognize Samuel Bellamy. He was the leader of a group called SC Mentors, ReZsaun Lewis, Lowcountry Youth Services, and there is a group on the Eastside of Charleston R3, Inc., led by Eric Jackson. These are just a few examples of many organizations in our community that are doing mentoring work. So, I just want to let Council know that staff will be working with both our Recreation Department and our Mayor's Office on Youth and Families to make 2021 a priority year for trying to assist all of our community groups that are doing mentoring, to involve as many City employees as we can and as many good citizens that are willing to step up in this important need in our community. It's National Mentoring Month. So, next, we'll move on to our public hearings, and I think we have about five or six of those this evening. Mr. Morgan, you want to lead us off?"

Christopher Morgan said, "Yes, sir. Rezoning [E-1](#) is on the Westside of the City on the Peninsula, Tax Map #463-16-03-041. It's a tenth of an acre. It's a request for a rezoning from Diverse Residential (DR-1) to Diverse Residential (DR-2F). The property backs up to the I-26 overpasses and also to the future LowLine. This neighborhood has a mix of DR-1 and DR-2F zoning. As you can see, across the street is DR-2F, and even on the same side of the street,

some of the parcels are DR-2F. This rezoning would allow for the owner to have two residences on the property instead of one. Just to show you some of the other images, this is in our Century V Plan as an urban location, so the rezoning would be in keeping with that. This is an aerial image of the vacant lot. You can see where the LowLine would be behind it and then the elevated portions of I-26. Here is another aerial view of the property and the mix of residential types that are in the surrounding area. Here is a street-level view of the subject property, as well, and a street view of the property in either direction. This is a request that staff and Planning Commission have recommended approval to.”

Mayor Tecklenburg said, “Alright. Madam Clerk, did anyone from the public wish to be heard?”

The Clerk said, “No, we haven’t had anyone sign up for this item.”

Mayor Tecklenburg said, “Okay. Hearing none, it comes to Council.”

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, “Yes, Mr. Morgan, would they have any parking there? H Street, F Street, and all of the others are always congested. They are two-way streets, but I mean, it’s really hard to even turn around in those streets sometimes. You have to go to the end of the street and turn into someone’s driveway, back up, and come back out of the streets. Even the sanitation department has problems getting down there sometimes because of people parking, and the trucks are so wide. So, I’m just wondering, how are we going to deal with that?”

Mr. Morgan said, “Yes, sir. They will have parking. They are required to have, I believe, two spaces per unit on the site, and they know that they have to have that, and there is enough room on the site to have that.”

Councilmember Griffin said, “I move for approval.”

Councilwoman Jackson said, “Second.”

Mayor Tecklenburg said, “Are there any other questions or comments?”

No one else asked to speak.

Mayor Tecklenburg said, “I’ve got one question, Christopher. Do you know what the height allowance is there? We’re not going to end up with some of those so called ‘rocket’ houses, are we?”

Mr. Morgan said, “No, sir. I believe its two-and-a-half or either three stories in this area. One of those two, but it’s lower, and they’re probably going to do a park under type construction, so it would end up being a lower level parking and then a story-and-a-half or so above it.”

Mayor Tecklenburg said, “Alright.”

Councilmember Mitchell said, “Mr. Mayor, one thing, I just wanted to make sure of that because most of the homes around there are single-family homes. They are not that high, if you

may, because most of them are cottages. So, we don't want to make the place look like a seesaw in the area, too, so we've got to make sure of that."

Mayor Tecklenburg said, "Christopher, go back to that aerial photograph you had, if you don't mind."

Mr. Morgan said, "You can get a sense of the heights a little bit from this one. So, it's next door to a two-story structure, a one-story structure on the left, a story-and-a-half a little bit further down. So, it's a mix."

Mayor Tecklenburg said, "Yes. Alright. Are there any further questions or 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 14 F Street (Peninsula) (approximately 0.10 acre) (TMS #463-16-03-041) (Council District 4), be rezoned from Diverse Residential (DR-1) classification to Diverse Residential (DR-2F) classification. The property is owned by William R. James.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "We're doing good on time here?"

The Clerk said, "We've got five minutes."

Mr. Morgan said, "Okay. This is rezoning [E-2 and E-3](#). It's at 578 Meeting, on the Eastside of the Peninsula. It is 2.13 acres. It's a request for a rezoning from General Business and Light Industrial to Mixed-Use Workforce Housing (MU-1/WH) and a portion from Old City Height District 2.5-3 story to the 3.5 three-and-a-half story classification. To orient you to the site, most people know this as the Regis Milk Company site on Meeting Street. It's across from a new multi-family development that is directly across the street here in the light blue, the MU-2/Workforce Housing here. It's also across the street, partially from the grant homes that are owned by the Charleston Housing Authority. Just to the north is a church that was built ten or 15 years ago, to the southeast is another church that is in the corner of the property. That is not a part of this rezoning. Then further to the south is the Meeting Street Manor development, owned by the Charleston Housing Authority. This is in our Urban Core area, so that's the area that is recommended for the most intense densities, heights, and zonings. This is an aerial view, and you see the original Regis Milk Company facilities here still present on the site. This is another aerial photo. You get a sense of the church that is to the southeastern corner. Also, a church that's to the north. This is a view from Meeting Street. This is a view from Stuart Street looking up towards the grant homes from the back of the property. Again, at the back of the property, you also see a very large water tower that the Charleston Water System has that's about 45, 50 feet tall. Then, you see this water tower again. This is, again, 45, 50 feet. This building over here to the left is a four-story structure that fronts on Huger Street, just to get a sense of scale. So, the request, again, is related to both the zoning and the height on the property, and both staff and Planning Commission recommended approval of this request."

Mayor Tecklenburg said, "So, in essence, we're taking numbers two and three together?"

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg said, "Madam Clerk, was anybody from the public signed up to speak on this?"

The Clerk said, "Yes, we have three citizens that have signed up to speak. Would you like them to speak now?"

Mayor Tecklenburg said, "Yes, I think so. Councilmember Mitchell, do you mind if I take them first?"

Councilmember Mitchell said, "Yes, you can take them first."

The Clerk said, "Do you want to set a time limit?"

Mayor Tecklenburg said, "Yes, 90 seconds."

The Clerk said, "Alright. The first speaker we have is James Walker, and Mr. Walker, if you're on, if you could press *6 to unmute yourself."

No one asked to speak.

The Clerk said, "Next, we have Ryan Foster. Mr. Foster, if you're on the line, if you could press *6 to unmute yourself. Ryan Foster."

No one asked to speak.

The Clerk said, "Next, we have Tony Woody. Mr. Woody, if you're on the line, if you could press *6 to unmute yourself. Is that Mr. Walker?"

James Walker said, "Yes. Sorry."

Mayor Tecklenburg said, "Please proceed, Mr. Walker."

1. Mr. Walker with Walker Concepts Architecture said he was there if there were any questions about the request. He said they would work closely with the City, the BAR, and the neighborhood in different communities.

Mayor Tecklenburg said, "Perfect, and thank you, Mr. Walker."

The Clerk said, "Last, we have Tony Woody, and if you're on the line, if you could press *6."

2. Tony Woody with Thomas & Hutton said they were the applicants. They thanked the staff and were happy to answer any questions Council may have.

3. Ryan Foster with Flournoy Development said, along with Mr. Walker and Mr. Woody, they were there to answer any questions. He thanked Council for their time.

Mayor Tecklenburg said, "Great. Thank you all for being available. So, it comes to Council. Councilmember Mitchell had his hand up."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mr. Mayor and City Councilmembers, I spoke with the developers and asked them go out to the neighborhood association, and to the public Housing Authority and speak with Mr. Don Cameron. No one had any complaints or problems with it, and the AME Church that they were talking about is right behind it. I told them to get with the church on the north side, which is Eastside Baptist Church, and they are getting with all of those entities, to see if there were issues with this, and there weren't any. So, I'm going to move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. Are there any other questions or comments?"

No one else asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Shahid, City Council voted unanimously to give first reading to the following bills:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 578 Meeting Street (Peninsula) (approximately 2.13 acres) (TMS #459-01-03-031) (Council District 4), be rezoned from General Business (GB) and Light Industrial (LI) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification. The property is owned by Exchange Real Estate Holdings LLC.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a portion of 578 Meeting Street (Peninsula) (approximately 1.25 acres) (TMS #459-01-03-031) (Council District 4), be rezoned from 2.5-3 Story Old Height District classification to 3.5 Story Old Height District classification. The property is owned by Exchange Real Estate Holdings LLC.

Mayor Tecklenburg said, "Then, number [four](#), let's see if we can just do four, and then we'll break off."

Mr. Morgan said, "Alright. This is an ordinance amendment that we discovered when these folks were coming to us in reference to this development on this site, and this is related to the fact that the Old City Height District in the 2.5 and 3 Story District did not allow for an extra level of height if you went for a rezoning. That was unusual because the other height districts do allow for an extra level of height, the extra story of height. So, there was an amendment that was put together by staff and reviewed by Planning Commission. It's in front of you. It's in your packages, and you will see it here with strikethroughs and double-underlines. Essentially, this now allows for that district to have a rezoning to an extra height, just like what you all looked at with the

previous rezoning. Staff is comfortable with this, and we did meet with the preservation groups on this issue, as well.”

Mayor Tecklenburg said, “Okay. Madam Clerk, did anybody sign up to be heard?”

The Clerk said, “We have one person, Cashion Drolet. Ms. Drolet, if you’re on the line, if you could press *6. It’s a minute-and-a-half. Ms. Drolet.”

1. Cashion Drolet with Historic Charleston Foundation said they were supportive of the amendment, and they respectfully requested City Council’s approval of it. They thanked Mr. Morgan, Mr. Batchelder, and other City staff for reaching out for their input. In particular, they were excited about the language in Section 1. It established important evaluatory criteria for future height district rezoning, such as context and character of the surrounding area, as well as street widths. Lastly, as part of the conversation with the Planning staff on this ordinance, they also talked about addressing shortcomings in the definition of architectural merit in Section 54-306.17 of the Zoning Code, an ongoing issue at BAR. Some interpretation issues needed to be addressed. It would assist both BAR members and applicants, and they were hoping to begin working on that list with the new City architect, City staff, and Planning Commission members in the near future.

Mayor Tecklenburg said, “Terrific. Thank you, Ms. Drolet. Is there anyone else, Jennifer?”

The Clerk said, “That was all we had.”

Councilmember Shealy said, “Move for approval.”

Councilmember Griffin said, “Second.”

Mayor Tecklenburg said, “Is there any discussion or comments from Council?”

No one else asked to speak.

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending subsection 15. of Section 54-306 – Old City Height Districts and the footnotes to the Old City Height District Chart in Section 54-306.X.

Mayor Tecklenburg said, “Alright. So, I think that’s a good breaking point because number five might take a little discussion. Could we recess? I guess the address will be on YouTube, as well, and then as soon as we’re done. They’ve only allotted me 12 minutes, so luckily, you won’t have to put up with too long remarks. I’ll be 12 minutes, and we will reconvene Council about 7:13. How about that?”

Councilmember Seekings said, “Mayor.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Can we please do 7:20 p.m. just to give us time to get a quick bite in there, please?"

Mayor Tecklenburg said, "Right. Is that acceptable to everyone?"

Several Councilmembers said, "Yes."

Mayor Tecklenburg said, "Okay. We'll start back at 7:20 p.m. with the formal meeting. Thank you all."

A Citizen said, "Excuse me. Will there still be a Citizens' Participation Period?"

Mayor Tecklenburg said, "Yes, there will. Absolutely. We'll pick up right where we left off with the agenda, and there will be a Citizens' Participation Period. Yes, sir."

City Council recessed at 6:48 p.m.

City Council reconvened at 7:23 p.m.

Mayor Tecklenburg said, "I don't know that I have to take official action other than to announce we'll reconvene this meeting of City Council of Charleston, and we were in the midst of our public hearings. We made it up to number [five](#) on the agenda, so I'm going to go back and ask Mr. Morgan to lead us in a presentation of the remaining items. Number five, Mr. Morgan."

Mr. Morgan said, "Yes, sir, Mr. Mayor. This is the amendment to provide that cluster developments will no longer be permitted for new developments. It's up before you all for second reading. It went to the Planning Commission in November, and they deferred it with some questions, and it came back in December. I'm going to kind of go through the Planning Commission discussion on this, the questions that they asked, and the answers that we had for them as background material on this for you all. So, this is the text that you all endorsed for the first reading on October 13th of last year. It was a sunset for the Cluster Development Ordinance, which is an optional development pattern that can be undertaken in certain Zoning Districts in the City of Charleston. The information requested by Planning Commission before endorsing or giving their opinion on this ordinance amendment was they wanted to know what has and has not worked with the existing cluster developments. They wanted an overview of the proposed conservation ordinance intended to replace it and what is the interplay between the accessory dwelling unit provisions in the existing cluster development and referenced Conservation development ordinance and the new ADU ordinance. They wanted to know the anticipated timeline for adopting the referenced conservation ordinance and the anticipated impact on developers during the period between the sunset of the cluster ordinance and the referenced conservation ordinance. Just as a background, this slide, I think, is a really good explanation of what we're talking about here.

On the left is what our zoning, and what most zoning in the United States, typically requires of developments. If you all can see my cursor, I'm kind of circling over here on the left. These are similar size lots, kind of cookie cutter shape, using up most of the land on a developed acreage. On the right is what you might call a cluster or conservation oriented subdivision where the houses are on much smaller lots. They're much closer together, but there is much more green space provided for, and this is what, essentially, the cluster ordinance aims to do, as well as the worked on, new conservation ordinance. The existing cluster developments in the City, there are about 12 of them, and this is a listing of all of the different cluster developments in the City. Between

them, they have approval for about 760 units, and these would all be moving forward. Whether you all sunset the ordinance or not, they would be allowed to move forward because they have concept plan approvals. They're in a number of areas in the City other than downtown. They're in West Ashley, James Island, Johns Island, and also in the Cainhoy area. This is an image of a cluster, the Sea Aire Cluster Development, on James Island.

Clusters in general, in the City of Charleston, have an average size of 22 acres, they have an average number of 58 units, an average density of 2.6 units per acre, which is lower than typical SR-1, which is 4.8, and they have approximate open space preserved across the City of about 140 acres. So, by virtue of these being in place, we've preserved about 140 acres as green space throughout the City. The clusters are around the City, as I said, in 12 different locations. These are showing where they are on the edges of Johns Island, to the center areas of James Island, to the Ashleyville-Maryville area of West Ashley, and also out to the edges of the City in the Cainhoy development.

Staff has analyzed our current cluster ordinance, and we came up with successes and areas for improvement. The successes were the preservation of open space, the nearly 140 acres preserved, tree preservation, use of vegetation and other natural systems to enhance drainage systems, and to mesh suburban and rural designs. The areas that staff felt needed improvement were the extraneous impervious surface, in other words, getting as little impervious surface as possible in these developments, varying levels of low-impact development practices, and integration of natural site features into the Stormwater Management Plan. That hasn't been done as well as it could be. Varying quality of open space design and excess of new tree plantings versus conservation of pre-developed groups of trees. The conservation ordinance that staff worked on last year to replace the cluster ordinance reduces the maximum impervious surface, requires low-impact development practices to be used in stormwater design, adds a pre-application site review meeting to identify conservation features and pre-development hydrology before designing site layout and to assessing the appropriateness of the site for conservation design standards. It enhances open space requirements, enhances tree conservation requirements, particularly the clusters of trees which you've seen articles in the Post and Courier about how important those are, and adds provisions for affordable housing and accessory-dwelling units."

Councilmember Gregorie said, "Christopher, could you go back to the screen before the last one and the flooding issues?"

Mr. Morgan said, "There have been many flooding issues that have been cited in connection with the Fleming Park cluster off of Fleming Road. These have all been investigated through our stormwater folks and were found to be connected to the inaccuracy of off-site topographic data available for use in stormwater calculations. They were not connected to the specifics of the Cluster/Conservation design on the site. I know that's been a point of contention with some nearby neighbors and some things like that, but any issues that have been created from that have been because of off-site conditions and not conditions that were on the site itself. Is that what you needed to see, Councilmember Gregorie?"

Councilmember Gregorie said, "That's fine. Thank you."

Mr. Morgan said, "Okay. Yes, sir. So, additional responses about the interplay between the ADU provisions in the existing cluster development and referenced conservation development ordinance are that ADU's are permitted in the current cluster ordinance without any affordability

requirements and, of course, that's different than how they're permitted in other parts of the City. You have to have affordability requirements for an ADU, so that's a difference. The anticipated timeline for adopting the referenced conservation ordinance, and we have anticipated it being adopted in 2021 following the adoption of the revised Comprehensive Plan because the Comprehensive Plan has a whole lot of data about how our City is growing and the impacts on our City from the water, sea level rise, from flooding, also the impacts on our City from our housing situation. We wanted to have all of that data in hand to bring forth the conservation ordinance with all of that information behind it."

Councilmember Gregorie said, "When will you have that? When will the Comprehensive Plan be completed?"

Mr. Morgan said, "The Comprehensive Plan will be completed in a March/April timeframe. We will have more public engagement in March, and it will be coming to you, hopefully, sometime in April, so that is the timeframe on that at this point. Then, the final item here is the anticipated impact on developers during the period between the sunset of the cluster development ordinance and the referenced conservation ordinance. Developers wanting to start the approval process for a cluster development will be required to wait until the new ordinance is ratified because, at present, there is not an ordinance in place that they could use. So, that is where we are with these items, and I would be happy to go over any of these items in more detail and answer any questions that Council may have. The Planning Commission recommended the disapproval of the sunset of the cluster ordinance by an 8 to 0 margin."

Mayor Tecklenburg said, "They recommended disapproval?"

Mr. Morgan said, "Yes, sir. They feel that the cluster ordinance should not be ended until the new conservation ordinance is in place."

Mayor Tecklenburg said, "Understood. Madam Clerk, did anyone from the public sign up to be heard?"

The Clerk said, "We do. We have four citizens who would like to speak to this public hearing and the time limit is a minute-and-a-half. Is that correct, Mr. Mayor?"

Mayor Tecklenburg said, "Yes, ma'am."

The Clerk said, "Our first citizen is Jason Crowley, and if you're on the line or on Zoom, if you would like to speak."

1. Jason Crowley, Communities and Transportation Director for the Coastal Conservation League, said they long advocated for land use policies that protected their watersheds by clustering new developments on highlands where the infrastructure already exists and avoiding impacts to wetlands, natural habitats, and other significant resources. The League worked on this with the City many years ago, and there were several positive examples of cluster developments that had been successfully implemented. However, what looked right on paper didn't always pan out well in the field, and from time to time, they reviewed how the land use policies were working and made necessary adjustments based on new information. They believed that new information was definitely coming out of the Comprehensive Plan update, particularly the influence of the Dutch Dialogues Report that Council adopted last year,

- which would be incorporated into the new Comprehensive Plan. They believed it was appropriate that Planning staff, as they wrapped up the Comprehensive Plan in the coming months, make the new cluster conservation ordinance that Mr. Morgan mentioned. The first priority was to implement the new recommendations in the form of this revised ordinance. They believed that sunseting was appropriate, but they would like to have some sort of firm start date of getting the drafting of this new ordinance by spring, as the Comprehensive Plan was wrapping up. Closing out this one, but with a clear date of when the new one would begin, in order to get the full potential out of it. They believed highland acreage should be the only acreage included.
2. Eileen Dougherty said she lived on Bryce Road off of Grimball Road Ext. and was in support of the ordinance, as there were a lot of undeveloped forested land out there. Like many of their neighbors, they could no longer afford to buy a house in the community in which they lived. Zoning and building codes were not just the stroke of a pen. They had real impacts. They knew this firsthand because when the Seaside Spyglass development was built adjacent to their property, their land began a metamorphosis into the sloppy mess of standing water they called their yard for literally nine months out of the year, drought or no drought. Their concerns were met with sympathy and no action. Since then, the City had taken great strides to educate themselves on water and better understand what they must do to build a future with water. Taking positive steps today, based on what they learned from the Dutch Dialogues, Rethink Folly Road, and watershed studies that protected their community and residents from flooding, not only preserved their quality of life but was a smart, economic move. Why did they focus on prevention for things like diabetes and heart disease? She said because every dollar spent on prevention saved \$10 and countless lives. The point was there was no better time to start than now. They had a better conservation cluster in the pipeline, and they had knowledge and understanding of how climate change and development were contributing to flooding in their community. They had zero time to squander. She asked Council to please vote to remove the permitting for cluster developments at this time.
 3. Leah Farrell said she lived on Eutaw Battalion Drive on James Island and was in support of deferring the cluster ordinance for new development. In reviewing the ordinance, she realized it could get tricky, and it may work well in part of the City. She said on James Island, where she lived, there were still some pockets of developable land. She was not anti-development, but they had come so far. They were always talking about what good development looked like, and wanted to make sure they weren't exacerbating already saturated, flood prone areas. Her friends and neighbors lived on properties near lands that were at risk of what they would call poor development under the current cluster ordinance. If they allowed the pockets to be paved over, they were knowingly putting her community at risk. Their southern corner of James Island was already in a fragile state. It was pouring rain, and she hoped it wasn't high tide, as all of their land got saturated. They heard this over and over, and that was just how it was to live in the Lowcountry. They saw overflowing ditches and ponds popping up in people's front yards, but this community was a real neighborhood. Some of the properties had been there for multiple generations. They were excited to know that the City was working on making improvements to development policies, particularly around the conservation ordinance. She urged Council to hold true to their

original recommendation and not allow subdivisions at this time until better policies were in place.

4. Joshua Robinson said he was a City resident and the principal of Robinson Design Engineers. He was directly familiar with the cluster ordinance, as they had designed two residential cluster neighborhoods within the City. One of them was the Sea Aire Neighborhood, which Mr. Morgan had mentioned, and his firm was also part of the design team for the Comprehensive Plan update. He strongly supported the goals of the cluster development ordinance to preserve open space in site development projects, but he had experienced firsthand the unintended shortcomings, specifically related to stormwater management. He did believe that the City needed a development ordinance that incentivized space, recreational areas, and buffers, but based on his own experience, he believed that the ordinance should be reframed to incentivize preserved natural areas and to afford greater protections to site specific natural resources, such as remnant forest areas, trees that don't qualify as grand trees, for example, wetlands, soils, and adjacent properties. He was confident that a conservation based ordinance of this kind was feasible and that it could be made appealing to real estate developers and builders, too. The current ordinance, in his opinion, left too much room to inadvertently create stormwater problems. He would be glad to provide more specific input or feedback if helpful.

The Clerk said, "We received one letter of support from the Charleston Trident Association of Realtors (CTAR), and that was distributed to Council earlier today. It was a letter in support of cluster development, and they stated that there were benefits of clustering to include providing a more diverse range of housing options in a community, reducing infrastructure costs, and unit development while respecting the land and resources. Those were all of the comments that we received."

Mayor Tecklenburg said, "They were in support of keeping the ordinance alive or sunseting?"

Greg Peyton said, "Excuse me."

Mayor Tecklenburg said, "Yes, sir."

5. Mr. Peyton said he lived at 1621 Downey Lane behind the Sea Aire development. It was right behind his house, and his family had been on the property for almost 100 years. They never had the kind of flooding that was happening on their property until the Sea Aire development had been put up. They asked Council to have some consideration for them. They may not have all of the technical expertise to explain exactly what was happening, but they knew these developments caused flooding. They didn't have any other place to move. They asked Council to deal with the stormwater management problems before putting development projects up. If this stuff was dealt with now, Council wouldn't have to come back later and ask for hundreds of thousands of dollars to put in new storm drains. If they knew that Huger and King was going to be a flood area, they would have done it when they started building, and they would have built some areas so it wouldn't flood. Now they have to go back and spend hundreds of thousands of dollars to do that, and they didn't need to do that with the new developments. They knew that there were some areas that were going to flood and they needed to be addressed.

Mayor Tecklenburg said, "Thank you, sir. Appreciate your speaking up. Was there anybody else that was signed up for public participation that wanted to speak on this matter in particular? If so, *6 your phone, and we'll be happy to hear your comments."

No one else asked to speak.

Mayor Tecklenburg said, "Okay. I don't hear any more public comments, so the matter comes to Council."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I support the ordinance, but I would like to introduce a change to the ordinance as a text amendment from the floor. I tried to communicate my idea to each one of you verbally. I sent you a sample of what I would like to insert into this ordinance as an amendment now. I would like to read it if that's okay and then ask for a second."

Mayor Tecklenburg said, "I think just a point of order. Could we get the motion on the floor first for consideration before you amend it?"

Councilwoman Jackson said, "I would move to consider the ordinance that's in front of us."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "We have a second. Alright. Now I will call on you again, Councilwoman Jackson, if you would like to add an amendment."

Councilwoman Jackson said, "Yes. Thank you. I'd like to add it, and then I'd like to ask for a second. Then I would like to state my reasons, if that's okay. So, I'm sorry to dominate the floor for a few minutes."

Mayor Tecklenburg said, "No, go ahead. Read it."

Councilwoman Jackson said, "I appreciate that. So, this would be a new section two, replacing the section two of the document that's in front of us, and basically, it would say: 'City Council directs staff to prepare a draft ordinance establishing the parameters for conservation developments in sufficient time for consideration by City Council on or before its Regular Meeting currently set for March 9, 2021.' I would hope that I could get a second."

Councilmember Brady said, "Second."

Mayor Tecklenburg said, "Alright. We have an amendment to the original motion. In essence, just to see if I understand this correctly, we would still be sunsetting the cluster ordinance, and we would ask staff to have prepared for us the new conservation ordinance by March 9th. Is there any discussion?"

Councilwoman Jackson said, "Sir, may I just explain why I'm adding this amendment?"

Mayor Tecklenburg said, "Sure."

Councilwoman Jackson said, "Great. Thank you. Yes, I introduced this. It was discussed at the Community Development Committee meeting after our Legal Counsel Chip McQueeney drafted this amendment that's in our packet. I really paid attention to the discussion at Planning Commission, both meetings where this was discussed, as well as, I tried to consult people that I know are following land use in detail, especially as we're learning the inputs from the City Plan consultants. So, I really am convinced that we have a conservation ordinance that the staff worked hard on, with members of the community and with our stormwater director, and with a lot of the tangential staff that would be involved in maintaining and supporting any subdivision that we allow it to be built in the City. So, I've talked at length with the Coastal Conservation League, with Josh Dix from CTAR, with some of our conservation partners down on Johns Island, with Joshua Robinson, with Dana Beach, people that have really followed the history of the current cluster that we have in front of us, as well, and are very eager to see a new, improved, best practices type of conservation ordinance be initiated and enacted in the City.

So, I know that, originally, we talked about waiting until after the City Plan was at least presented, if not adopted, before we would consider the conservation ordinance that's been drafted, but after all of those conversations with people who really want that kind of best practice tool, and knowing that the conservation ordinance is probably 95 percent done, it needs to be reviewed by the same audience of people that have been paying attention and then go back to Community Development and then come to the Council for first reading. I think we could give it a very peaceful and cooperative first reading in March, and then that would enact a new conservation cluster ordinance. So, we wouldn't have more than a five-week gap, essentially, between what we've already created by sunsetting this one in October. I think I've now got the support of CTAR. I haven't had a chance to talk to Mr. Arnold from the home builders, but I think that they would also agree that getting a new ordinance that's vastly improved and has all of those things that Mr. Morgan put in front of us for why we want a new conservation ordinance, if we can do that in March, then I think we've done a really good service to ourselves and the public. Thank you."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Just a question for Councilwoman Jackson. The March 9th date, does that coincide with the approval of the Comprehensive Plan? Why I raise the question is, in listening to Mr. Morgan, he did talk about sort of aligning the two, so I'm just wondering with the magic about the March 9th date."

Councilwoman Jackson said, "I think the magic about that is it would be the earliest that we could have a first reading for a document that we know is going to be very aligned with the City Plan results. Basically, I think the conservation ordinance is going to be the poster child of a lot of the zoning uses that we're going to have to consider after we see the City Plan. So, originally the date that I had on this, as I was circulating it to each of you, was the end of May as the date that we would most definitely commit to considering the conservation ordinance, but, again, after talking to the most involved members of our development industry and the Conservation League itself, it seemed like the earlier we could put this forward the better. We can always make changes. It will have to go through the second reading, and by then, we will have seen the Comp Plan. We might not have adopted it, but we will certainly have seen it in April. So, by the time it's adopted, we'll have the Comp Plan."

Councilmember Gregorie said, "Just as a follow up, the reason I'm asking is because if I hear correctly from staff that they would like to see the Comp Plan, and correct me if I'm wrong, Christopher, they would like to see the Comp Plan approved prior to. Did I hear you correctly, Christopher?"

Mr. Morgan said, "That would be our preference, that the Council would have endorsed the Comprehensive Plan. Then we are bringing forth ordinances that are implementing what is in the Comprehensive Plan."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir. I appreciate you, Councilwoman Jackson, for all of your hard work on this. I'm not yet seeing the benefit of approving this tonight when we haven't seen that conservation ordinance. I haven't seen it at all. Now it may be 95 percent completed, but as far as I'm concerned, until I see it in front of me, it's zero percent completed. I mean, for us to vote tonight on something that we haven't even seen yet scares me, and it's not something that I'm really willing to do. If there's not a big benefit in us approving this tonight, I think we should wait."

Mayor Tecklenburg said, "Alright. Is there any further comment or questions?"

Mayor Tecklenburg recognized Councilmember Waring, followed by Councilmember Seekings.

Councilmember Waring said, "Alright. Thank you. Christopher, should this be adopted or whenever it is adopted, will SR-1 continue to have clustering by right?"

Mr. Morgan said, "Well, with the new conservation ordinance, it would still have it by right. That is the way the new conservation ordinance has been designed."

Mayor Tecklenburg said, "But it hadn't been passed yet."

Mr. Morgan said, "Correct."

Councilmember Waring said, "Yes, but I'm talking about our now existing SR-1 zoning. So, if I've got a piece of property zoned SR-1 last week, I have the right to cluster and, quite frankly, not with a lot of public input, and that's one part about the existing SR-1 aspect of clustering that we certainly didn't like. We all may remember, who were on Council at the time, the Ashley Hall Plantation Road development. A gentleman was trying to annex a piece of property and tried to get SR-1. The neighborhood wasn't against the development. They were against 66, 67 houses being put on the parcel. It was approved for 45, 46 in the County. When the applicant found out that he couldn't get SR-1 in the City then, obviously, he remained in the County, which was fine, so he did the 40 some odd houses. I ride my bike through there in the mornings. It's going to be a very nice development. That's what I'm asking about, Chris. Can a person, from an annexation standpoint, bring a parcel into the City and get the SR-1 that was pretty lucrative and with very little public input? I like clustering, but I think it should have public input. So, what's the situation going to be compared to what we have now and compared to the new ordinance?"

Mayor Tecklenburg said, "Councilmember Waring, the way I understand it, now you can't cluster because the sunset is already in effect because we gave it first reading. Isn't that correct?"

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg said, "There is no clustering right now."

Councilmember Waring said, "Okay. So, that took care of that."

Mr. Morgan said, "Yes, sir."

Councilmember Waring said, "Alright. How do we include what Mr. Robinson said from obviously having experience in developing some of this stuff? I think we ought to maybe take into account what he said during public comment, from a drainage perspective, with this new ordinance moving forward. So, how do we, I guess, move this forward and incorporate at least some of what he said, at least get our drainage people to get in communication with him because, obviously, drainage is a big aspect to this ordinance?"

Mayor Tecklenburg said, "I'm sure he would be happy to comment on our proposed conservation ordinance when we put it out there, which if we approve this tonight, would be no later than March the 9th."

Councilmember Waring said, "Okay, and my last question, Mr. Morgan, I just want to make the clarification. Our Planning Commission, that 8 to 0 vote was to do what now? To deny what?"

Mr. Morgan said, "They recommended that the sunset not be placed on the cluster ordinance, and I don't want to speak for them exactly, but I think it was because they felt like there should be something to replace it before it went away. So, I think they were in favor of seeing a conservation ordinance adopted simultaneously with a cluster ordinance being sunsetted."

Councilmember Waring said, "I kind of think that's what Councilmember Griffin was getting to. I mean, if we've got something 90 percent completed, I mean, really all 12 of us should be looking at that and not singularly or a couple at a time. So, where is that 90 percent draft?"

Mr. Morgan said, "Well, we have it in our office. We have reviewed it with a number of folks. It had extensive involvement from our stormwater folks to be drafted, and we think it deals with a lot of the things that Mr. Robinson was talking about. In fact, I want to say he was in one of the drafting or review sessions on it. The realtors have also taken a look at it, as well, but we were holding on it because we thought that we needed to have the recommendations of the Comprehensive Plan ready and done and adopted before we brought forth such an ordinance."

Councilmember Waring said, "So, why would we vote on something we haven't seen?"

Mayor Tecklenburg said, "We're not voting on it. We're just voting to sunset the cluster and ask staff to bring us the conservation by March the 9th. That's what we're voting on."

Councilmember Waring said, "Okay. Well, thank you for that clarification, Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Seekings followed by Councilwoman Jackson.

Councilmember Seekings said, "Thank you, Mr. Mayor. Councilmember Waring, I actually was there and did participate in the Planning Commission debate about all of this and, Mr. Morgan, I know you were, too. I think, procedurally, we're sort of getting ahead of ourselves on this. I'm not inclined to vote for getting rid of something before even seeing what's going to come in its place. The most unfortunate part about the ordinance that we're discussing tonight, which we're discussing about sunsetting, is its name. I mean the cluster ordinance just sounds bad. It really is a conservation ordinance. It allows for some things to be done on properties that otherwise wouldn't be done, and that one slide that Mr. Morgan put up, and, Mr. Morgan, if you would put it up again for me, please, right now, I think it's very instructive. I'd like to just use it as a tool for the remainder of my comments with Council to suggest that there is a better way forward here. I'm sure that in a second Mr. Morgan will get the slide up, but when I sat during the Planning Commission meeting and the presentation from Mr. Morgan you would have thought, and Mr. Morgan please don't yell at me, but you would have thought, if you were listening for the first time and had never come across this debate, you would have thought that our Planning team was in front of the Planning Commission arguing in favor of the cluster ordinance as opposed to what you see there with conventional subdivision design. The Planning Commission's reason for not wanting to sunset this is because it was taking a lot on faith without having seen, as we've all pointed out tonight, what the next ordinance might look like. If we sunset this and for any reason we go beyond March, April, May, and we listen to our Planning team who say they want to wait until our Comprehensive Plan is in place to replace and make some improvements on this, what you're going to see is to the left and nothing to the right because it won't be available. The other thing that I think is important to know, just from a procedural standpoint, we've already given this first reading, and although this isn't necessarily an ordinance that allows development by right, if you meet certain requirements, if you are in SR-1, SR-7, R-1, and you have the lot size requirements, you can come in, and you can build this. So, we have essentially, by giving first reading, taken away a right the property owners have without giving them any notice at all. This ordinance came through Community Development, where there is no public comment, got to the Planning Commission, and we just voted on it out of a Committee Report. So, I think just, procedurally, we need to be careful about that when we talk about land use and land development and noticing people and letting people know what we're doing.

I think it's admirable, and I applaud the fact that we want to advance and do quickly a new ordinance to put in place of this, but until we do that, I would suggest, humbly, to our Council that we separate these two issues. We leave the ordinance in place, perhaps we vote on a name change for it tonight, and let's hear from Mr. Morgan and his team. Get it in place, get it through the Planning Commission, do it in conjunction with the Comprehensive Plan, and move forward. I just think we're mixing and matching two things here that, procedurally, we might have made a mistake or two on and we, I think, are going to make an error if we just simply abandon the cluster ordinance now in hopes of something a little bit better down the road.

I would observe, and Mr. Robinson has been integrally involved with this, I went back and looked that the cluster ordinance is generally consistent with the recommendations of the Dutch through their reporting. There are some adjustments that need to be made, but I can tell you one thing, it's a heck of a lot better what you see on your screen to the right than it is to the left, and there is no telling where we're going to be in the future whether we pass in March or April or May or June a new ordinance. In the meantime, what we're going to have is nothing. We're going to have what we see to the left, and we're going to have some disgruntled property owners who

have a pretty good argument that we did this to them without telling them about it. So, I would humbly ask that we wait and see what we've got before we start voting to get rid of what is out there right now, which is pretty darn good. It's not perfect, but it's good, and the Planning Commission recognized that. I mean, I think I am fairly reporting back to my colleagues that the Planning Commission recognized that we can do better, but just getting rid of this is not that. So, with that, I'm not going to vote for this amendment tonight. I'm not going to vote to give this second reading. I am going to encourage Mr. Morgan to do it right. I don't know that we need to put a timeframe on him of March when he and his staff have told us in conjunction with the Comprehensive Plan. Perhaps May is a good timeframe. The world is not going to end if we don't sunset this cluster ordinance. What we might get is some conventional subdivisions permitted that we otherwise wouldn't want to have without any water management consistent with our Comprehensive Plan that's coming at us. So, I've spoken way longer than I wanted to on this, but I would encourage all of you to really think hard about this before we sunset something without any alternative, and we haven't really gone through a good notice process to those landowners who really, by right, can go in and do this. So, thank you, Mr. Mayor. I think I've said my peace and, thank you, Mr. Morgan."

Mayor Tecklenburg said, "Thank you, Councilmember Seekings. Councilmembers, if you don't mind, I'd like to call on Mr. McQueeney. Sometimes he comes up with a salient point of where we are."

Chip McQueeney said, "Christopher, if you could pull up that picture again. I just want to make sure, and Councilmember Seekings wouldn't do it, but I don't want anybody to be misled. So, the one with the conventional subdivision design, I mean, all of that's not paved, is it, Christopher?"

Mr. Morgan said, "No, it's not paved."

Mr. McQueeney said, "There are going to be maximum lot coverage requirements. So, I mean, you're really more moving the open space from within the lots to a community open space?"

Mr. Morgan said, "Correct."

Mr. McQueeney said, "Okay. I just want to make sure. I mean, it looked like you've got all pavement in one and then a jungle area in the other one."

Mayor Tecklenburg said, "Right. Somebody might have a lawn. I get it."

Mayor Tecklenburg recognized Councilwoman Jackson, followed by Councilmember Shahid.

The Clerk said, "I think Councilmember Sakran. I thought I saw his arm go up, but I'm not sure."

Mayor Tecklenburg said, "Okay, great. Sorry I missed you."

Councilwoman Jackson said, "I'm happy to wait until my colleagues speak the first time."

Mayor Tecklenburg recognized Councilmember Shahid, followed by Councilmember Sakran.

Councilmember Shahid said, "I just want to make sure that I'm all very clear about this procedurally. We have given first reading to this ordinance, and the effect of this first reading has frozen folks from proceeding with their plans, if they own a tract of land and they want to develop. In the meantime, I want to make sure I've got this right, we have a conservation ordinance that's in the works that's going to improve the shortfalls of this cluster ordinance, and if we wait until we adopt the conservation ordinance that's going to improve the shortfalls of this cluster, but then the cluster will die in allowing people to proceed with developing the land that they have. Am I stating that all accurately?"

Mayor Tecklenburg said, "You could develop the land under SR-1, but you just could not use the cluster concept. You could still develop it, but under that more traditional format."

Councilmember Shahid said, "So, if we follow the Planning Commission's recommendation of disapproval, that frees up folks to proceed with their plan?"

Mayor Tecklenburg said, "You could still cluster if you agree with the Planning Commission, correct."

Councilmember Shahid said, "As my math teacher would say, simultaneously, together, at the same time, we're going to take it to advisement or under consideration at some point in the near future, this conservation ordinance?"

Councilmember Seekings said, "Right."

Mayor Tecklenburg said, "I'm sorry."

Councilmember Shahid said, "While we're allowing the cluster ordinance to be in effect, we're now going to then consider abandoning the cluster ordinance and have a conservation ordinance come before us at some point in the near future."

Mayor Tecklenburg said, "We effectively abandoned the cluster last October, and that's where we are right now, unless you vote against the ordinance as the Planning Commission did and, basically, reinstate the ability to use the cluster concept."

Councilmember Shahid said, "So, out of a matter of basic fairness to those companies or developers who have got plans on the books, it seems that we should follow the Planning Commission's recommendation of disapproval, allow them to proceed, and then at the right time take up the other ordinance."

Mayor Tecklenburg said, "That's what Councilmember Seekings very eloquently described. Yes, sir."

Councilmember Shahid said, "Right. I just want to make sure I'm on the same page with what I think I'm hearing from a good number of my colleagues. So, just a follow-up question, Christopher, and we talked about the Dutch Dialogues and those issues dealing with stormwater, I am presuming that whatever we consider with the conservation ordinance that it is going to be consistent with Plan West Ashley and consistent with the new Stormwater Manual."

Mr. Morgan said, "Yes, sir. Now, the Stormwater folks, as I said, worked with us extensively on developing the new conservation ordinance, and, just in general, our new stormwater standards are much broader, and they look at a broader area than what we had had when we developed the original cluster ordinance. So, on all fronts, the stormwater is definitely going to be better."

Councilmember Shahid said, "Alright. Thank you."

Mayor Tecklenburg recognized Councilmember Sakran, followed by Councilmember Appel.

Councilmember Sakran said, "Thank you, Mayor. I'm good. Councilmembers Shahid and Seekings helped clear up some of the muddiness for me. I got it now."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor, and first I want to send kudos out to my colleague on James Island, Councilwoman Jackson, for having the desire to bring something forward that's intended to improve situations that we're dealing with in the outer boroughs, as she puts it, regarding overdevelopment and flooding. I've got a unique perspective on this. I represented the developer of Ashley Hall Plantation, not when they were making a run at developing in the City, but once they went over to try to develop in the County. I'm telling you, I mean, it's going to be an awesome development, the Settlement at Ashley Hall Plantation, but it would have been better had it proceeded under the cluster development in the City of Charleston. There would have been large swaths of that property that would have been protected, that wouldn't have been developed, that would have remained natural. Clustering is a tool just like any other tool. It can have great success in some places, and it can have adverse impacts elsewhere. The cluster that's world renowned, or at least renowned in the City of Charleston, is the Central Park Cluster that everybody on James Island has heard about and, I mean, what I keep going back to is the fact that had that property in Central Park been developed according to traditional single-family zoning, the base zoning, the non-cluster approach, it still would have exacerbated flooding, or it still would have posed all of these impacts of flooding, traffic, and things like that. So, the real question in my mind isn't so much cluster versus not cluster, it's what properties in the City of Charleston are really appropriate for development given everything we know now, given some of the infrastructure challenges we have from a stormwater and traffic and transportation standpoint. Because in the abstract clustering or conservation, however you want to frame it, and I agree with Councilmember Seekings there's a semantic challenge here above all, that's really what I hope we can start looking towards when we finalize the Comp Plan process and things of that nature. So, I mean, I'm just concerned that if we do away with the cluster approach, we open the door to the development we don't want to see, the more traditional type, suburban type layouts that are problematic. But, there's no question that this is touching on a very important issue we're going to be dealing with for many months and years to come because we know we're growing. We're not going to be able to stop that. We have to decide where we want the growth to be, and it's not appropriate in all places. We have to come up with the mechanisms to deal with that, but I don't know. I'm torn on this one because I know this is coming from the best set of motivations and best intentions. I just think let's get that new and improved ordinance moving forward as quickly as possible. I think that would be beneficial to everybody."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Just a couple of questions because this is an issue that we all on the Island have been contending with for years. If you listen to the comments from the folks on James Island who clearly can say that there is a cause and effect. Let's take Fleming Cluster, for instance, a cluster that was developed adjacent to an old, traditional neighborhood. Before the cluster was even developed, the neighbors were up in arms letting folks know that it was going to result in increased flooding and water to their neighborhood. What happened? Exactly what they predicted. However, what is different is the new Stormwater Manual because, if I'm not mistaken, even though the Central Park Cluster was underway when the Stormwater Manual came into effect, it gave our Stormwater Department more authority to require more, regardless of when it was approved. Correct me if I'm wrong because I think that many of those Stormwater Manual provisions did apply to the Central Park Cluster."

Councilwoman Jackson said, "No."

Councilmember Gregorie said, "It didn't? Well, we sure took Central Park Cluster through an unbelievable gyration to improve the drainage on that site, including expanding the retention tanks. A number of things that we did that initially were not a part of the whole TRC process. Where did that come from? A lot of that came from the new Stormwater Manual provisions. Be it applicable or not, they applied some of them to that development. What I'm trying to say is if someone comes in now, if we change things back and remove the sunset, the new Stormwater Manual provisions would be applicable. Am I correct? To another cluster?"

Mayor Tecklenburg said, "They will."

Councilmember Gregorie said, "So, do we know yet whether or not the new Stormwater Manual provisions will make a significant change in cluster development? I'm not at conservation yet because I agree with Councilmember Seekings. Call it what you want. It's still the same. With much stronger provisions, much stronger requirements in terms of minimum acreage in order to qualify, I mean, there are a number of differences, but it's still a cluster. So, where I'm torn is, are we to judge the existing cluster ordinance with the old lens, or do we look at it in terms of the new lens and that lens IS that the applicability of new, stronger stormwater provisions? So, that's where I'm torn because Councilwoman Jackson and I are the ones that get the big, big problems with our constituents on the Island with respect to cluster. So, I'm going to have to be able, if we do something tonight and support the Planning Commission, then it's going to be up to Councilmember Appel, Councilwoman Jackson, and I to convince the folks on James Island that it's going to be different. I'm not sure quite how we do that, even though we know that the applicability of the new stormwater provisions will make a difference. So, where I'm torn is, how do I convince my constituents on the Island that, if for lack of a better way of saying it, de-sunset, un-sunset this cluster ordinance, that it's in their best interest? I'm just not sure yet how to convince them of that given their experience on James Island. I'm not saying that James Island is the only place with water issues, but James Island is one of the places where clusters are, in fact, eligible. So, we're going to have to be able to convince our constituents that if we do make this change tonight, that this change tonight will be with much stronger Stormwater Manual requirements and, therefore, it will address, if not eliminate, the problems that they had with clusters in the past."

Mayor Tecklenburg said, "Thank you, sir. Sounds like a conundrum."

Councilmember Gregorie said, "It is."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Thank you, Mr. Mayor. I guess I want to ask Christopher Morgan again about the density side of this with the clustering. I know when we went back to Ashley Hall Plantation, before I was on City Council, that because of the clustering, they were able to put more homes there than they would if they did not have the clustering, and that's a big concern. Putting more cars on the roads in high traffic areas is a big concern in my district. So, I mean, is that true? I mean, I know that with Ashley Hall Plantation, with that new subdivision, they were able to put more homes, and there was big opposition from people that there were going to be more cars on the road and more traffic on those roads. How does this affect density?"

Mr. Morgan said, "Well, the current cluster ordinance is essentially the same density. You just concentrate on smaller areas of the property, and that's how, as Councilmember Appel said, the Ashley Hall Plantation plan, when it was going to come in the City, had a lot more green space. I think they ended up with like six or eight more units by virtue of staying in the County, something like that, but they lost that greenspace. So, as a planner, I lament the loss of that greenspace greatly, but I understand you all have constituents who have concerns about the density, but the greenspace loss was pretty dramatic in Ashley Hall Plantation."

Councilmember Shealy said, "Yes, I understand, but, I think, I mean, it was like 67 homes I thought that they would be able to build."

Mr. Morgan said, "No, sir. It was eight or nine, somewhere six, eight, or nine, something like that more. It was less than ten more units by virtue of the cluster versus when they built in the County. It was not very many."

Mayor Tecklenburg said, "But if it had come into the City, the density opportunity was the same, correct?"

Mr. Morgan said, "They were coming in as SR-1 at 4.8 units an acre, and the net number of units there, I think, ended up being six or eight, something like that, greater with the City Plan than the one that they got approved in the County, but there was not the significant greenspace."

Mayor Tecklenburg said, "But, Mr. Morgan, if they came into the City, they couldn't build any more units under cluster than under regular SR-1. Isn't that correct?"

Mr. Morgan said, "That is correct. Yes, sir."

Mayor Tecklenburg said, "Alright. Would anyone else like to be heard? Last word."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "No, Mr. Mayor. We're going to have to have a debate on this. I mean, not tonight, but outside of the meeting. It was in the sixties that he could put on Ashley Hall Plantation. How many units does he have now, 46? It definitely was in the sixties that he could put in. It wasn't that people were against clustering. It was the difference in the number of units he would have been allowed to build under SR-1 in the City versus staying in the County under the existing zoning that he had, which was in the forties, which the County eventually approved. The neighborhood didn't have any trouble with it being in the forties. It was more than six or eight units."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Mr. McQueeney.

Mr. McQueeney said, "I was just going to say, I think the only difference is density accessory dwelling units in cluster developments don't count. So, our lowest density residential areas can be clustered. Conservation which is one-and-a-half acre minimum lot size, SR-1, which is 4.8 dwelling units per acre, RR-1, I think, is 3.5 dwelling units per acre, and SR-7 is one dwelling unit per acre. So, all of those, if you have a lot base zoned, and it's at least five acres, you can take advantage of the cluster development now as part of your site plan process. The only density difference is if you have an accessory dwelling unit on any of those lots, it will not count towards your overall density cap, if that makes sense."

Mayor Tecklenburg said, "Right. Alright. Last word, Councilwoman Jackson, and then we'll call the question."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. I really appreciate hearing from each one of you. I know that this is a moving target on a very sort of dense subject, no pun intended. I think that there are answers to some of the questions in terms of protective qualities. The reason that the City has a conservation ordinance that is called cluster, right now, but part of the reason for that tool is to take a piece of property and try to preserve the most natural of its features, or the places where you would be building that would put more of the neighborhood properties at risk, or however it would turn out on a location by location basis. So, the theory of clustering for conservation purposes is right on track and especially in an area like ours, where the water does come up through the ground, and we have to worry about title creek, rain bombs, and all of that, so there is no question about that. I think what is happening now, the phenomenon that is happening, in terms of the type of developments that we see approach our permission process to be clustered under the current ordinance are locations that probably wouldn't have been the first choice of developers when they were first looking at annexing land and doing subdivisions and even doing cluster development ten years ago. We all know that land has become scarce, and the only reason it's not being built on is because it's got problems. So, clusters are now the opportunity for land that has problems, that if you had a by-right subdivision or a regular subdivision, as you're calling it, even if they had a density that is four units an acre because of the problems that a piece of property would have, they wouldn't get four units for every acre. So, let's say we have a ten-acre piece of property, and it's got a lot of problems with topography, land, draining, not having clear outfall access, and potentially damaging its neighbors, which we don't allow under our stormwater regulations. So, maybe they would have 40 units in theory, on paper, but at the end of the day, once they laid it out and tried to get stormwater permitting, put the roads in, and put the setbacks in, it could be a lot less. I think that's where clustering is now becoming a tool of convenience, and we don't have the protections, and we don't have the goals built into the current cluster.

We will have them in the conservation cluster, and I thought that that document had already come to Community Development last year. So, maybe I'm misremembering that because I've been following it for a long time, as have all of my colleagues out here on James and Johns Island. But to answer Councilmember Griffin's question, if we would agree to sunset the current ordinance that I consider scary and risky for the properties that are eligible, it's a five-acre

minimum. That's too small to put this kind of development in successfully, without potentially causing the problems that you heard from some of the residents of lower James Island this evening. We would have a month to circulate the ordinance that is currently, I would say, 90, 95 percent done. It has been vetted by a lot of people. I thought it went to the CD Committee, but if it didn't, it would be there in February. Then it would come to the Council for first reading, and we could give it first reading, and it would be enacted. Then we can take advantage of the Comp Plan input and make it the absolute best it can be at second and third reading.

So, I've seen a lot of ordinances go through that exact, as we call it, making the sausage process in the short time that I've been watching City Council work on land use issues. That's why I put it forward. To take one that we're no longer proud of and enact one that we know is going to be a best practice model that we'll be showing the County and all of our neighbors because we're going to have all of the best in there, including housing affordability. So, right now, we can do ADU's with this current cluster by-right, doubling the unit count, and we can't prevent that. If they can figure out a way to park ADU's, they can have them if they get their cluster concept approval. So, that's my argument. I know that you all have a lot of concerns about not wanting to take away one thing until you have another one firmly in place. I say six weeks is pretty much firmly in place. It's a month of looking at all of the ingredients of the conservation ordinance, sending it to Community Development for their review and recommendation, coming back to Council on March 9th and giving it first reading, and then if there are things that we want to add or change, we can do that during the months of March and April before it comes back for second and final reading. That's my argument. I really appreciate you all getting yourselves involved in this because I know it's really hard thinking, and I really do appreciate it. Thank you."

Councilmember Gregorie said, "Mayor, I just have one question."

Mayor Tecklenburg said, "I really would like to call the question."

Councilmember Shahid said, "I have a procedural question, Mr. Mayor."

Mayor Tecklenburg said, "No, no. Let me call on Councilwoman Delcioppo, who has not been recognized at all this evening."

Councilwoman Delcioppo said, "My only question is, we're so far into this I don't even know what the motion on the floor is anymore. I don't even know what I'm going to be voting for."

Mayor Tecklenburg said, "I was going to recap that, if you will let me do that. I'm happy to do that."

Councilmember Gregorie said, "Mayor, can I just ask Councilwoman Jackson one question before we take the vote?"

Mayor Tecklenburg said, "Sure. Quickly."

Councilmember Gregorie said, "Yes, Councilwoman Jackson. Are you suggesting that if we were to lift the sunset and someone comes in with a cluster application, that the new Stormwater Manual provisions will not make a difference?"

Councilwoman Jackson said, "Well, they will certainly be a lot better than the ones that dictated the Central Park Cluster stormwater design. No question, but they don't have the same

low impact development and all of the environmental protection. The Stormwater Manual uses the water to do that. It encourages green infrastructure as a water drainage tactic, as opposed to piping everything. The conservation ordinance that's been in front of us is going to make the environmental controls even more rigorous."

Mayor Tecklenburg said, "Okay. Thank you."

Councilmember Shahid said, "Mr. Mayor, I just have a procedural question."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Since the Planning Commission recommended disapproval, can we take up an amendment to the ordinance with their disapproval recommendation?"

Mayor Tecklenburg said, "I believe that we can. Yes, sir."

Ms. Herdina said, "Yes, we can. We can do that."

Councilmember Shahid said, "Okay, I just wanted to make sure we were clear on that."

Mayor Tecklenburg said, "So, what we have on the floor is an ordinance that put a sunset, or ended the cluster provision of our SR-1 zoning. It's now been amended to ensure that we promptly get a proposal before us for a conservation ordinance that would replace it. So, if you vote yes, that means no clusters, and we're getting a conservation ordinance presented soon. If you vote no, that means you want to continue allowing folks to be able to apply under the cluster provision. I'll tell you this folks, in 20/20 hindsight, I wish that we had dovetailed the conservation with the end of the cluster, okay? We wanted to wait until the Comprehensive Plan. Regardless of how this vote comes down right now, I'm going to instruct staff to dust that baby off the shelf and bring it to us as quickly as they can. I think we know enough about the comments that have been made to the Comprehensive plan to reasonably proceed with the conservation ordinance. So, just for the record, I'm going to ask staff to do that regardless. So, the motion is on the floor. If you vote yes, that means no clusters, and we get the conservation soon. If you vote no, that means you want to continue the ability to have a cluster. Madam Clerk, would you please call the role on this?"

The Clerk said, "Councilwoman Delcioppo."

Councilwomen Delcioppo said, "No."

The Clerk said, "Councilmember Shealy."

Councilmember Shealy said, "Aye."

The Clerk said, "Councilmember Sakran."

Councilmember Sakran said, "Yes."

The Clerk said, "Councilmember Mitchell."

Councilmember Mitchell said, "Yes."

The Clerk said, "Councilmember Brady."

Councilmember Brady said, "Aye."

The Clerk said, "Councilmember Gregorie."

Councilmember Gregorie said, "Yes."

The Clerk said, "Councilmember Waring."

Councilmember Waring said, "No."

The Clerk said, "Councilmember Seekings."

Councilmember Seekings said, "No."

The Clerk said, "Councilmember Shahid."

Councilmember Shahid said, "No."

The Clerk said, "Councilmember Griffin."

Councilmember Griffin said, "No."

The Clerk said, "Councilmember Appel."

Councilmember Appel said, "No."

The Clerk said, "Councilwoman Jackson."

Councilwoman Jackson said, "Yes."

The Clerk said, "Mayor Tecklenburg."

Mayor Tecklenburg said, "Yes."

The Clerk said, "The motion passes."

On a motion of Councilwoman Jackson, one (1) bill (Item E-5) received second reading. It passed second reading on motion by Councilmember Brady, and third reading on motion of Councilwoman Jackson. On further motion of Councilmember Brady, the rules were suspended, and the bill was immediately ratified as:

2021-006 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CHANGING PART 16 (CLUSTER DEVELOPMENT) OF ARTICLE 2 (LAND USE REGULATIONS) TO ADD A NEW SEC. 54-299.16, PROVIDING THAT

**CLUSTER DEVELOPMENTS WILL NO LONGER BE PERMITTED FOR
NEW DEVELOPMENTS. (AS AMENDED)**

The vote was not unanimous. Councilmembers Delcioppo, Waring, Seekings, Shahid, Griffin, and Appel voted nay.

Councilmember Seekings said, "Was it 7-6?"

The Clerk said, "7-6."

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg said, "Thank you. So sorry that took a little while. Next up is number 6. Back to you, Mr. Morgan, 2891 Doncaster [Drive](#)."

Mr. Morgan said, "Alright. 2891 Doncaster, as the Mayor said. It's 1/3 of an acre lot. It's a recent annexation in West Ashley. It was R-4 in Charleston County and would come in the City as SR-1. Planning Commission and staff recommended approval as SR-1."

The Clerk said, "And no one has asked to speak on this item."

Mayor Tecklenburg said, "Alright. It comes to Council."

Councilmember Shealy said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

On a motion of Councilmember Shealy, seconded by Councilmember Mitchell, 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 part thereof, so that 2891 Doncaster Drive (West Ashley) (approximately 0.31 acre) (TMS# 358-10-00-087) (City Council District 10), annexed into the City of Charleston December 15, 2020 (#2020-178), be zoned Single-Family Residence (SR-1) classification. The property is owned by Debra Sottile.

Mayor Tecklenburg said, "[Number 7](#)."

Mr. Morgan said, "333 Fleming Road. This is 8 units in an existing development that were never annexed into the City. To bring them into the City, we would need to have value that is comparable to the rest of the development, which is the DR-1F. Again, the existing units would then be brought in from Charleston County with DR-1F. Both Planning Commission and staff recommend approval."

The Clerk said, "And no one has asked to speak on this item."

Councilmember Shealy said, "Move for approval."

Councilmember Brady said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

On a motion of Councilmember Shealy, seconded by Councilmember Brady, 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 333 Fleming Road, Units C1-C4 and D1-D4 (James Island) (approximately 0.29 acre) (TMS#343-07-00-113 through 120 and a portion of 343-07-00-193) (Council District 6), annexed into the City of Charleston January 12, 2021 (\$2021-005), be zoned Diverse Residential (DR-1F) classification. The property is owned by AV SG Southcourt, LLC.

Mayor Tecklenburg said, "So, next is our approval of [City Council minutes](#)."

Councilmember Mitchell said, "Move for approval."

Mayor Tecklenburg said, "December 15th and January 12th."

Councilmember Mitchell said, "Move for approval on both December 15th and January 12th."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Any corrections, deletions, or changes?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Shealy, City Council voted unanimously to approve the minutes from the December 15th and January 12th City Council meetings.

Mayor Tecklenburg said, "Next is our [Citizens' Participation period](#). Madam Clerk, if you don't mind conducting that for us."

The Clerk said, "Yes. We have 12 people signed up to speak. Would you like to set a time limit?"

Mayor Tecklenburg said, "Let's keep to 90 seconds. That seems to be a good number for tonight."

The Clerk said, "And we did have Mr. Peyton down. He was on our Citizens' Participation list but he spoke earlier during Public Hearings. Our first citizen is Leslie Armstrong. If you are on the line, if you could press *6."

1. Leslie Armstrong called regarding the Resolution that City Council passed several weeks ago. She said she was disappointed that some Councilmembers refused to concede that white supremacists were the problem. She said they had it from really good sources that it was the truth. She didn't know why they could not accept it. A Federal judge, the former FBI director, and the Department of Homeland Security have all said it was true. She said that if they didn't believe those sources, they could look at what happened in Michigan, Charlottesville, or on January 6th at the U.S. Capitol. She was sure everyone on Council saw white men storming the Capitol, many carrying Confederate flags. She was sure they had seen the giant noose that was erected near the Capitol. How much more evidence did they need to recognize what the actual problem was? She said she had children and grandchildren and if one of them got sick, she would not want the doctor telling her, "They have a disease." She wanted a doctor telling her exactly what the disease was so that they could fight it. She thought the City of Charleston needed to recognize exactly what the disease was that was hurting the community, State, and Country. Otherwise, how could they fight it? Now was not the time to be vague or timid. It was the time to stand up, be brave, and do what was right.

2. Heather Bender said Council had heard this a few times tonight, in regard to the Resolution regarding white supremacy. The country has been rocked, the City specifically. A white supremacist killed nine innocent lives in church, and she asked that the resolution not be watered down. If Council was going to stand against racism, they had to stand up completely. They couldn't just do it halfway or part of the way. These were all of our people. They were all a family. They were all human beings, and they all deserved justice. They all deserved equality. The fact that is was being watered down, was still allowing groups that incite violence and hate like the group that tried to take over the Capitol on January 6th, they were basically saying that was okay when they didn't stand against them. They were hearing the 46th President of the United States standing against white supremacy, and they had to follow suit and do the same. She appreciated the opportunity to speak and hoped that they would hear what citizens had to say.

3. Maddie Durham said she was calling in regards to the completely watered-down, garbage resolution that was passed last Council meeting. She was disappointed that the City of Charleston still had not condemned white supremacists, neo-Nazis, or white nationalists but instead generalized it. The initial Resolution draft that was posted up until the time of the meeting had it right, hence the praise it received before the real Resolution was released. She didn't understand why it was so hard to call out white supremacy groups that resided in Charleston. She thought Councilmembers were afraid to hurt the racist, domestic terrorists' feelings. If the President of the United States could call out these groups, surely Charleston could do the same. She said they were still waiting for Charleston to speak on the events that happened on January 6th, an event that was not mentioned in the updated Resolution. Instead, Council decided to bring up the event that happened in the summer of 2020. She said Council did not have a problem calling out groups that just wanted equality, but they struggled to call out groups like Flags Across the South, who posted pictures of hanging black shadow figures, telling black people they could go pick cotton, and got two black women escorted away from a statue that they considered theirs during a permitted event that the City allowed. She wanted to know where the specification and follow-up to the Resolution was. She said 25,000 people were still waiting for Councilmember Griffin to resign.

4. Jason Jones said he stood by the original statement he had made at the last meeting. He thanked Councilmember Mitchell for proposing the Resolution, however, he felt that the approved version had been sneakily released. He said that many members of the community felt blindsided because the version on the website was different than the one that was presented.

Calling out white supremacy groups, hate groups, white nationalists, and neo-Nazis is important to have in the Resolution. He claimed the Resolution basically said that any anyone who did not agree with the mainstream thought process was being labeled as divisive. He wanted to know how the word “divisive” passed through the City’s legal department, knowing that 10 years from now that terminology would hold no weight. He felt that the Resolution should be looked at it again and that it had the potential to be a legal nightmare. He said there needed to be something to come behind the resolution, to give it power and teeth. He said there were groups that stood around the City, holding Confederate flags. What said division more than Confederate flags? He said Councilmember Griffin would resign or he should be removed.

Councilmember Griffin said, “Was that a threat? I mean, what was that?”

Mayor Tecklenburg said, “Councilmember Griffin, this is our public participation period.”

Councilmember Griffin said, “Okay, but are you going to let people make threats at me, or are you going to say anything?”

Jason Jones said, “No, sir, that is not a threat. You will be voted out, sir. Is that clear enough for you?”

5. Erin Minnigan, representing the Preservation Society of Charleston, said she wanted to speak about the St. Julian Devine Smokestacks Task Force report and the proposed ordinance to create a special parking overlay zone along King Street. Regarding the Smokestacks, she wanted to commend Council for pressing pause last year when the smokestacks were ordered down, to have taken the time to engage with the community and explore options for preservation. The creation of the task force had led to productive conversations among a diverse group of stakeholders that she felt confident would result in best outcomes. She wanted to support and underscore the recommendation of the taskforce, at their previous meeting, to urge Council to move forward with bidding the work to remove the inner liners to address the immediate safety threat. The task force had unanimously stated their support for the preservation of the smokestacks, and the Preservation Society was actively working with the Historic Charleston Foundation and Eastside neighborhood to develop a fundraising strategy for preservation efforts. She thanked Council for allowing the Preservation Society to be a part of the task force and said they looked forward to working with the City towards the successful preservation of the iconic, historic structures. She thanked Councilmembers Appel and Seekings for proposing temporary zoning changes that would activate a portion of King Street by removing minimum parking requirements. She said Charleston’s small businesses had been hit hard by the pandemic, and they supported this innovative land use policy as a way to restore vibrancy to this important, historic corridor.

6. Theo Cogdill called in regards to the Resolution recently passed by City Council that stated, “City Council rejects and condemns all groups and individuals whose ideologies are based on hate, violence, divisiveness, and intolerance.” She wanted to know why City Council chose to use that wording, instead of naming white supremacy as the real problem. Council’s choice to change the Resolution to that vague wording demonstrated that people in the City continued to not accept that white supremacy existed or was a problem in the State of South Carolina.

7. Marcus McDonald, from Charleston Black Lives Matter, said Martin Luther King Jr. was killed by white supremacists. He wouldn’t need to explain that point further because they all

understood that. The night before his birthday, he got an urgent call around 9:00pm that there were Proud Boys speeding up and down the Eastside with their flags. That was three nights ago. He had been so afraid for his life that he drove to a friend's house. He didn't feel safe if people with these insignias were speeding around the Eastside, a place that a lot of Councilmembers worked at, and they wouldn't even take the time to call them out and call them what they were, white supremacists groups. There was one part of the resolution that he focused on because they were all really disgusted when they saw it. It said, in the third paragraph, that the City had gone through a lot with public health and was struggling economically because of the social unrest and the pandemic this year. He said that to put them in the same category as the global pandemic that had killed 300,000 people and had caused the worst levels of unemployment since the Great Depression was incomprehensible. He said they had had about a month or two of consistent, peaceful protests that actually made things happen. The last thing he wanted to say was don't talk about economic empowerment. That was all they did, and they were there every day doing that. They shouldn't blame the economic stuff on them. The real economic empowerment was the 40% of youth living in poverty now in Charleston.

The Clerk said, "Our next speaker is Reverend Nelson Rivers. If you're on the line, if you could press *6."

No one asked to speak.

8. Katie King said she was calling again to ask Councilmember Griffin to resign and asked the rest of Council why he was still permitted to sit on City Council. She asked this not over just from the events surrounding the white supremacist demonstration on December 6th in Charleston, but over the insurrection at the nation's Capitol just a month later on January 6th. The same people Councilmember Griffin called friends and good people were seen on the steps of the U.S. Capitol while attempting to overthrow the national government in a falsified "stolen election." When the nation was on the precipice of an impeachment trial for a former president for the aforementioned insurgency, how was it that in Charleston, the seat of slavery in the U.S., the City was still laissez-faire when it came to calling out white supremacists and their sympathizers and holding them to account? How was it that after the people of the City had suffered through the Emmanuel massacre was allowed to go unchecked and unpunished? She had read the recently released rough draft of the proposed Code of Conduct and urged Councilmembers Appel and Delcioppo to make necessary changes to make sure the language was clear and direct with regards to violations of the Code and the repercussions of such violations. She asked that the Code be retroactively applied to past violations for those still active on Council. She said that Councilmember Waring had said two weeks ago in the Ways and Means Committee that some of the best ideas brought to fruition by City Council had come from constituents. She said that constituents had continued to speak out and would not stop on the issue of Councilmember Griffin's abhorrent behavior until it was dealt with appropriately. She said there were 36,000 people who wanted them to act on the matter.

9. Rita Kazirskis said she had four action items for Councilmembers that would save lives and save money. She said she was requesting that the City immediately adopt a "no mask, no permit" policy that would require all participants of permitted activities to wear masks, without exception. The City controlled who got permits, and asked them to commit to 100 days and help stop the spread of COVID. Almost half a million people were dead already. Watching the deadly attacks by mobs at the Capitol reminded her of an incident that happened in Charleston a few months ago at the Confederate Defenders monument when a grown man hit a guy so hard that he broke a flag pole over the young man's back. The area around the Defenders' monument was an especially high traffic area, where the general public was not easily separated from groups

with flags. She requested that they prohibit the use of flag poles in and around all areas of White Point Garden and the Battery. There were much safer places for groups to assemble for events when flag poles would be used. Thirdly, she requested that the areas of the Battery and White Point Garden be designated a no protest zone, a high traffic area with hundreds of people passing every hour, in cars, on bikes, and by foot. The purpose of the park was to be a place where everyone felt safe and welcome to explore and enjoy the area to its fullest. It would cost nothing to implement, but it would also eliminate the cost of extra police presence every week. She asked for Council to stop issuing permits to the group known as Flags of the South and any of their members representing the group. On July 5th, one of their members broke a flag pole over the back of a young counter-protester. Existing codes prohibited any conduct that caused injury and allowed for refusal of permits. She invited Councilmembers to go to the Battery on Sunday from 10-12pm or next Saturday from 10-12pm.

10. Michelle Melton thanked the Council for their continued efforts. In regards to the Resolution condemning any groups or individuals who seek to divide our community and incite hate, she said the removal of the words “white nationalism, white supremacy, and neo-Nazism” was very concerning. Looking back on it in twenty or one hundred years, no one would know who or what, in fact, they had been addressing. The time had come for them to stop beating around the bush and call things as they were. Local hate groups continued to be supported by, not only the permitting process that had been spoken of this evening, but by Councilmember Griffin. Council was asking for social justice for all, yet Councilmember Griffin continued to associate with people like Corey Allen, who was at the Capitol on the 6th in an attempt to overthrow the government. Councilmember Griffin continued to publically praise people who invited the Proud Boys and other local hate groups to downtown Charleston to “take back our City.” The City continued to permit Flags Across the South, a group that continued to divide the City. There was nothing more divisive than a Confederate Flag. After not one, but two, arrests for assaulting individuals over the last seven months, the permit continued to be issued. Charleston was in a unique position, as the home of sweet tea and slavery, to rally around something of importance, equity and equality for all.

The Clerk said, “And then we did receive some comments that were submitted. One person said that Charleston should be more specific in the hate groups resolution about the type of hate groups that cause the greatest danger. One person said that the City should cease issuing parade permits to Flags Across the South and other groups that spread hate and possibly COVID because of no mask wearing when in close contact. Four people said that the City should adopt a no mask, no permit policy and that the Battery and White Point Gardens be designated as a no protest zone and that no flagpoles be allowed at the Battery. One person said he was at the Battery and noticed rebel flags posted by protest groups, and many were not wearing masks, and the City should address it. One person said that the re-drafting of the Resolution and leaving the original on the City’s website was misleading to citizens and that the City should acknowledge white supremacy groups as a threat, and there had been no resolution in denouncing activity such as the attack on the Capitol and the hate groups resolution as drafted was too vague. One person said that negative protests at the Battery and White Point Garden set bad examples for tourists who frequent the area. One person said that flagpoles should be banned from the area because Greenville, South Carolina had already created a policy related to that and the ones displayed at the Battery were 30 feet tall and should be discouraged. And those were all the comments that we received.”

Mayor Tecklenburg said, “Great. Thank you, Jennifer, and thank you to everyone who participated tonight. Appreciate your comments. So, next we have our Petitions and

Communications and an update on our response to COVID-19. Tracy McKee will give us an update on the numbers, and perhaps Shannon Scaff is also going to share some comments about our vaccination efforts, [Tracy](#).”

Tracy McKee said, “Yes, sir. Good evening, members of Council. Tonight, just a brief update for you on our COVID response. So, it’s a little bit of good news. Since we were last together we’ve actually seen a 23 percent decrease in the 7-day average of cases in the City of Charleston zip code. So, that is good, and we definitely hope that it continues to trend in that direction. Looking at kind of our operational indicators, we actually now have two of them in green, so that’s also very good. The positivity rate in Charleston County is still very high and really has been for quite a while. Hospitalizations have gone up a little bit, and I think that’s just a result of the surge that we did see, so we’re seeing kind of the impacts of that now in hospitalizations. They were stable for a little while even though we saw that increase. They stabilized, and we’ve seen just a small uptick here recently. So, definitely hope that we see those decrease as we see these case numbers continue to go down, I hope.

A brief update on employees, we’ve had three hospitalizations so far. We actually currently have 16 active cases. Since the beginning of the pandemic, we’ve had 229 total cases, and just a huge kudos to our safety and wellness team for all of the contact tracing that they have done. Almost 1,200 employees they’ve had to do contact tracing for, and that all takes a lot of time and they’ve done an amazing job in trying to do everything that they can to keep everyone safe. Vaccination distribution has been steady. We’re not getting a lot of vaccines in South Carolina. We seem to be getting about 60,000 a week. They did release today that for next week we are going to see a little bump in the Moderna vaccines, but only by about 10,000, so we hope that that trend continues. Here is just kind of the South Carolina vaccinations by the numbers, if you will, and I do want to say that Shannon is on the line to answer any questions. Emergency Management has done an incredible job. They’ve been really jumping up and down and waving their arms in front of all of the providers to see how we can help to get shots in people’s arms, but the reality is there is just not enough doses right now for us to support those providers, but they are working really hard to be able to do that when the time is right and, of course, Shannon and I are both here to answer any questions that you all might have tonight.”

Mayor Tecklenburg said, “Alright. Are there any questions for Shannon or Tracy?”

No one asked to speak.

Mayor Tecklenburg said, “Tracy, did Shannon have anything else to add to your remarks? Shannon, we good?”

Shannon Scaff said, “Good evening, Mr. Mayor. Yes, I’m good. I have nothing to add. The Emergency Management team is doing a great job. So, we’re working on identification of some vaccination sites over the next few months. Hopefully, at the next Council meeting I’ll be able to give you some details on that.”

Mayor Tecklenburg said, “Great. Thank you for your work on that. Shannon and his team are really coordinating with our health care partners in order to help get the vaccine out as soon as it’s available. Thank you for that. Alright. So, next is an Emergency Ordinance.”

Councilmember Gregorie said, “Mr. Mayor.”

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Do we have any plans to provide vaccines 24/7?"

Mayor Tecklenburg said, "There is discussion I believe about that, Shannon."

Mr. Scaff said, "Yes, sir. We are in discussions. In fact, just over the last few days we've met with MUSC and others about a 24/7, long term, nine to 12 months sort of operation, and we're looking at a couple of different locations for that. One would be the old DMV location at Lockwood, so we're looking at that and a few others. There are some logistical concerns that we've got to work through, basically, with each one of those locations, and that's kind of what I was alluding to earlier. We're going to dial in on those and hopefully have some things figured out by this Friday. Then we'll be able to move on from there and hopefully establish something in the next few weeks. As Tracy said earlier, really it's all about the supply. You know, we're not able to meet the demand right now, so things are slow going, but as the supply increases, we want to be ready. So, that's why we're sort of in a full court press right now to nail the location down."

Councilmember Gregorie said, "Thank you for that answer."

Mayor Tecklenburg said, "Great. Are there any other questions or comments?"

No one else asked to speak.

Mayor Tecklenburg said, "Alright. So, [next](#) we'll go on to an ordinance. I think it's considered an Emergency Ordinance to eliminate minimum off-street parking requirements in certain parts of our City. I think we actually listed parcel by parcel. Councilmember Appel, I think you originally proposed this. Do you want to make any opening comments or entertain the motion to approve?"

Councilmember Appel said, "Sure, Mr. Mayor, and I appreciate that, and I appreciated also the shout-out during your State of the City Address about this being one of the ways that we are rolling back some regulations in order to help stimulate and incentivize, not just businesses on King Street, but also second and third story residential uses, office uses, and things of that nature. I think you all, everyone on this call, has heard my spiel on minimum parking requirements. I'm not going to belabor it too much, but this is a great example of government getting out of the way to help encourage the sort of vibrancy that we all want and that we all share for King Street. I want to just thank Councilmember Seekings, Councilwoman Delcioppo for their wonderful collaboration on this, and also our staff, who worked very diligently to put this package together, and all of the different business and other stakeholders that we consulted along the way. I think this is great. This is a great first step. It's going to proceed under an emergency basis. We're going to gather information throughout this process, and the hope will be that we can look to expand the geographical scope of this, as appropriate, over time. This is a great first step, and I'm really excited and encouraged about this and make a motion to approve the Emergency Ordinance on eliminating minimum parking requirements in the designated areas."

Councilmember Waring said, "Second, Mr. Mayor."

Mayor Tecklenburg said, "Alright. We've got a motion and a second."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I'm just curious. I think if we call it an emergency, this is the first I've heard of that. Is there some reason we have to do it like that, or do we want to experiment? I'd just like to understand why it's now an emergency. I think it's a great idea, so I don't know why we would need to go in under that title."

Mayor Tecklenburg said, "I think it might be explained better by someone else, but in a nutshell--"

Councilmember Seekings said, "Mr. Mayor, I'm happy to explain it if you would like me to."

Mayor Tecklenburg said, "Please proceed."

Councilmember Seekings said, "Thank you, Mr. Mayor, and first off thank you, Councilmembers, for considering this late on a Tuesday night when we've had a lot of other things on our plate. This did come from a couple of different places. The original conversation has been had a long time ago, but Councilmember Appel brought up the whole idea of parking minimums, and then we have a group that's been assembled that looks at King Street and the corridor of King Street which goes right through the middle of Districts #8 and #1, which is my district and Councilwoman Delcioppo's district. The call was to do something quickly, to jump-start some of the problems and challenges that the retail establishments in that corridor have had. One of the things that we melded was the idea of reducing parking minimums with the idea of doing something quickly, to see if we can actually jump-start it. The word emergency really isn't what this is all about. We attached this to the already existing ordinance, much like we did the outdoor dining ordinance, to be able to do something quickly, and that was the whole idea. If this passes tonight, and I certainly hope it will, it will open up a window of time in which the businesses along that corridor, or the building owners in that corridor, can seek some tenants in there with some diminished requirements and less bureaucracy. Just so you all know, of all of the TMS numbers that are out there, there are 158 TMS numbers in the corridor that we're going to vote on tonight. Twenty-seven of those retail establishments and spaces were unoccupied when we first started talking about this. It's actually now down to 23. There has been some leasing going on in that corridor and the idea was, again, to get this thing jump-started quickly and, as you all know, there are many businesses along there that the parking requirements would be huge.

One of the empty spaces there, probably the longest empty space in there, it's actually in District #1, is the old King Street Grill. If they were to come back in line and get leased up, they would need 10-, 20-, 30-plus parking spaces. So, this is the first step of many steps along the way to think about zoning in the core of the City. Some of the requirements we put on them make it difficult to do business and to lease up spaces at an affordable rate because parking requirements rev up leasing costs. So, please don't focus on the word emergency, but think of this as a way, just like the outdoor dining ordinance, to jump-start an area that has really been devastated by the last year between COVID and the events in May. King Street is suffering, and this is just one of many tools I think that we're going to have to employ to get it jump-started. There will be plenty of conversations about expanding this up King Street and across the City. Eventually there are other incentives, I think, and initiatives we need to undertake through the regular process of getting through the neighborhoods, going through Council, going through the Planning Commission, but this is really a good chance for us to take a snapshot of it and see if it works, and I think it will.

It's going to be in effect, depending on how long we keep with our emergency ordinances, for a couple or three months, and we'll get some real feedback in real time and then be able to come back to the community and talk about the effectiveness of it. So, I really want to thank staff for jumping in on this. I see Ms. Herring was on there for a second. She really took the bull by the horns and got this going. So, thank you for doing that. I think we have her support, but I'll let her speak for herself. Councilmember Appel and Councilwoman Delcioppo, I mean this corridor runs through our districts, and we took this back to the community. They are in favor of this. I think you heard tonight from the preservation groups. They think this is a really good idea and, again, it's not forever. It's a start, it's the beginning of the beginning, and I would commend it to you all. Please give this a vote tonight, and then let's gather the information, and let's see what happens along the way, and let's kick-start really, probably, the most important economic corridor we've got not just in the City, but in this region. So, I thank you all in advance for your vote. I thank my fellow Councilmembers for working on this, and I look forward to seeing how this all goes going forward. Did that, by the way, answer your question, Councilwoman Jackson?"

Councilwoman Jackson said, "Yes, it did. I'm an old Main Street kid, so you didn't have to convince me of anything other than the technicality, so I appreciate that. Thank you."

Councilmember Seekings said, "Thank you."

Susan Herdina said, "Mayor Tecklenburg, this is Susan. I just wanted to add because it is an Emergency Ordinance in response to the situation on King Street due to COVID, we only need one reading. It requires a two-thirds vote and, by law, this can only be in existence for 60 days unless it's extended at a later point, or excuse me, before the 60 days expires. So, I just wanted to make sure that that was on the record, too. Thank you."

Mayor Tecklenburg said, "Understood. Thank you."

Mayor Tecklenburg said, "Councilmember Mitchell, did you have your hand up a minute ago?"

Councilmember Gregorie said, "I did."

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Shahid.

Councilmember Gregorie said, "I'm going to support it. I just have some questions. The TMS numbers that you include, is that all of the businesses on King Street or only those that are vacant?"

Councilmember Seekings said, "No, it's all of the businesses. It's all of the TMS numbers between Calhoun Street and Broad Street."

Councilmember Gregorie said, "So, will this then be retroactive?"

Councilmember Seekings said, "It's effective during the time that it goes into effect tonight and then going forward it will be. I mean it is, essentially, I guess, retroactive, but only on vacant properties. So, I mean, it just is an opportunity to get out there and see if we can give another tool to people trying to lease up vacant buildings."

Councilmember Gregorie said, "So, it's only applicable to vacant buildings and what we're doing, as a safeguard, is including all of them just in case they become vacant?"

Councilmember Seekings said, "Right. Exactly."

Councilmember Gregorie said, "Okay. The second question is how many minimum parking spaces will be affected?"

Councilmember Seekings said, "Well, that depends on how many properties get leased up during the period of this being enacted."

Councilmember Gregorie said, "Okay. But, let's just say for instance it's all of them on King Street, all 158 TMS's."

Councilmember Seekings said, "Well, it won't be. I mean, they're not going to go vacant and leased up in the next two months. There are 24 currently vacant in that entire corridor."

Councilmember Gregorie said, "Okay. Twenty-four are currently vacant, and how many spaces are currently assigned to those spaces?"

Councilmember Seekings said, "Well, I'm going to let Ms. Herring jump in, but I do know something about it because I've done this survey myself. It really is hard to tell, Councilmember, because there are so many different properties that have been vacant so long, so the parking minimums have come and gone, and the King Street Grill is a perfect example. So, it's hard to tell the number of spaces that otherwise would be required. Look, not a single one of them would ever go and provide them. They would go through the variance process, and it would just take longer. So, almost all of those properties in the King Street Corridor are either existing non-conforming uses or have gone through the variance process and gotten the variance and do not provide the parking that would otherwise be required per 1,000 square foot. So, this is really, procedurally, a way to avoid just another step along the way to get your business open because, invariably, the variance and variances have been granted, and if there is ever an example of it, it's right there between Calhoun and George Street. I think it's 367 and 365, which is massive development that is about to start for student housing, but we went through the variance process and went through some litigation, and the number of parking requirements was reduced significantly."

Councilmember Gregorie said, "The reason why I'm asking the question is because I don't want us to be flying blind here."

Councilmember Seekings said, "And I think that's legitimate. I don't think this is going to be a burden on parking in the neighborhoods in the area."

Councilmember Gregorie said, "No, I'm not even in the neighborhoods because, to me, that area doesn't really abut neighborhoods that are really going to be affected. I think it's one of the best places to do this experiment, however, I'm just trying to figure out, if we do it, how many more cars will park on King Street? Will we have a problem there? I'm just trying to think through the process."

Councilmember Seekings said, "Well, I will tell you, the businesses want more cars parked on King Street because there aren't many right now."

Councilmember Gregorie said, "Yes, I would agree with that, but what about the two hours?"

Mayor Tecklenburg said, "Councilmember, as a reminder, this is all in the area where the parking garages are. We've got lots of space."

Councilmember Gregorie said, "I understand that because we had this discussion earlier that there are enough parking garages that would be able to accommodate. I understand that, and that's the logical way to go, but a lot of times things just don't happen logically. What I'm trying to just determine is if we still have the two-hour minimum or maximum parking on King Street in that area. Am I correct?"

Mr. McQueeney confirmed.

Councilmember Gregorie continued, "Well, to me, if we want the businesses to flourish, we would shorten that parking time so that customers will be in and out and using the businesses, and the spaces won't be occupied by folks who work in the businesses and, therefore, every two hours, they just put some money in the meter. That's not going to help businesses at all. I'm just trying to figure out, have we thought this through so that we can make sure because if we start being able to rent the upper spaces, the offices or living spaces, that's going to create the kind of synergy that you want in a downtown area. But the question that I'm having is when we do that, how many more, and I guess this is a transportation question, how is that going to affect things downtown just in terms of parking in general?"

Mayor Tecklenburg said, "I'm going to let Ms. Herring address this, and then let's try to move on, Mandi."

Mandi Herring said, "So, thank you. One thing about our parking requirements, it does vary depending on the use of the site, whether there is a restaurant or an office or residential. So, we have not done that analysis to determine how many parking spaces would be required in this corridor that we're talking about here because it depends on the use, so that's a variable. Also, in talking to our Zoning Administrator, he indicated that for a number of these properties they already have a variance for the parking that runs with the property, so you already have that variance in place. But what this does by eliminating this minimum parking requirement, it takes a step out of the process for the businesses when they are trying to update a space and get that business license. We specifically said it helps to remove a hurdle that can trip up businesses when they are starting out in this process, and it can prolong a process unnecessarily. So, in looking at our, you know, just a general discussion with our Zoning Administrator, we do not anticipate this having a big impact with regards to parking requirements on a zoning standpoint. There is also the parking study that the City did a couple of years ago, and this is one thing that the parking study recommended: revisit your parking requirements, eliminate minimum parking requirements for your Central Business District. So, we know other things are being done, as well, and there is the HOP bus, and we do have a concentration of City garages and private garages in this area. I have a map pulled up and am happy to share it with you with that. So, we think there is a combination of things that help make this proposal work and, again, there is that opportunity to revisit this in just a few months' time, and if it's working, great. If it's not, we can make some tweaks."

Councilmember Gregorie said, "So, you know my questions already. Thanks. Appreciate it."

Mayor Tecklenburg said, "Thank you, Councilmember."

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilmember Waring.

Councilmember Shahid said, "Thank you, Mr. Mayor. What I would like to see happen because I think this will help answer some of Councilmember Gregorie's questions is while we're doing this on an emergency basis, just start the process of making this into a regular ordinance that is not based on an emergency basis. So, I think that the issues that Ms. Herring just brought up are going to be incorporated for a long-term solution for this business corridor. We have seen King Street change dramatically from Broad Street all the way up past Line Street in the past several years, so this is not just going to impact the area from Calhoun to Broad, but all of the way to Huger Street for that matter. So, I would like to see if we can do a parallel course with this, to go ahead and start the process of making this not just an emergency ordinance, but a regular ordinance and go through the first reading and second reading and get public input on this, so that this is something that we have adopted as a regular ordinance. The other thing I would mention because Councilmember Gregorie brought this up is that we do need to look at the other parking requirements. I know we debated this and passed and increased the parking meters past a certain hour, but restaurant owners who have got a limited number of restaurants on this area complain about their patrons having to run out to feed the meter while they're eating dinner, and that has a negative impact on their ability to do business on this corridor, as well. So, that's another area we need to be looking at is other parking requirements besides the minimum parking at some of these establishments."

Mayor Tecklenburg said, "Well, Councilmember Shahid, a good idea about a permanent ordinance, and I'm sure our department will keep close track of how many parking spaces are impacted by this during the emergency times. I will remind you that we do not charge at the meters now after 6:00 p.m. So, currently, there is no hourly limit after 6:00 p.m., so people can have a leisurely dinner and not worry about feeding the meter right now."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I'm going to support this. I think it's a great idea. I agree with Councilmember Shahid. I understand getting going on this 60-day emergency clause, but maybe within that 60-day period we can determine, even six months or whatever, to try experimenting with this. I don't think this period of 60 days is long enough. So, I think it's a great idea, in particular, with all of that infrastructure we've got around there. I hope if they have a parking problem then we maybe can come back and revisit some parking fees that will help merchants to pay for patrons' parking, and we can maybe provide some assistance with that if the growth does, in fact, pick up. So, let's go with it. I'm ready to go, I'm ready to vote."

On a motion of Councilmember Appel, seconded by Councilmember Waring, City Council voted unanimously to ratify the following Emergency Ordinance:

2021-007 - AN EMERGENCY ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO CREATE A SPECIAL PARKING DISTRICT OVERLAY ZONE FOR THE PURPOSE OF ELIMINATING MINIMUM OFF-STREET PARKING REQUIREMENTS APPLICABLE TO CERTAIN USES WITHIN THE DISTRICT AND BY CHANGING THE ZONE MAP,

WHICH IS A PART THEREOF, SO THAT PROPERTIES DESIGNATED AS CHARLESTON COUNTY TMS NOS. 457-04-02-007 TO 012, 457-04-02-014 TO 033, 457-04-02-035 TO 041, 457-04-02-081, 457-04-02-111, 457-04-02-113 TO 134, 457-04-02-157 TO 172, 457-04-02-175 TO 182, 457-04-02-184 TO 191, 457-04-02-193 TO 194, 457-04-04-009 TO 023, 457-04-04-039, 457-04-04-041 TO 047, 457-04-04-092, 457-04-04-094 TO 105, 457-04-04-107 TO 111, 457-04-04-117, 457-04-04-129 TO 130, 457-04-04-150 TO 154, 457-04-04-157 TO 160, 457-04-04-163, 457-04-04-167 TO 201, 457-04-04-258 TO 269, 457-04-04-271 TO 277, 457-04-04-307 TO 320, 457-04-04-322, 457-08-01-039 TO 044, 457-08-01-046, 457-08-01-048 TO 064, 457-08-01-072, 457-08-01-078, 457-08-01-080, 457-08-01-088 TO 090, 457-08-01-095 TO 117, 457-08-01-125 TO 127, 457-08-01-141 TO 156, 457-08-01-163, 457-08-02-020 TO 026, 457-08-02-032 TO 038, 457-08-02-135, 457-08-02-159 TO 161, 457-08-04-003, 457-08-04-015 TO 017, 457-08-04-019, 457-08-04-0191, 457-08-04-020 TO 032, 457-08-04-035 TO 040, 457-08-04-042, 457-08-04-088, 457-08-04-091, 457-08-04-131, 457-08-04-133 TO 134, 457-08-04-137 TO 143, 457-08-04-148 TO 149, 457-08-04-154 TO 156, 457-08-04-184 TO 188, 457-12-02-009 TO 010, 457-12-02-041, 457-12-02-046 TO 049 AND 457-12-04-015 BE INCLUDED WITHIN THE SPECIAL PARKING DISTRICT OVERLAY ZONE.

Mayor Tecklenburg said, "[Next](#) up was our addition of having a brief report on the Smokestacks Task Force. I did invite Chairman William Applegate to join us, but I told him I thought we would be on about 6:00 p.m., so he might not be on. Mr. Applegate, are you on the line?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. Well, hearing not, I will make the brief report. I'm sure many of you might have seen the little article that ran in the paper on this, and first let me thank Chairman Applegate, John Massalon, Councilmembers Delcioppo and Mitchell, Deborah Anderson, Latonya Gamble, Edmund Most and Ken Granata, from our staff, and I might have left somebody out, but those are the members of the Task Force regarding the smokestacks. At their last meeting, they passed a motion to report to Council. One was to unanimously support the preservation of the smokestacks and recommended that Council preserve them. Two, the reports that they received identify the most pressing safety issue to be the possible collapse of the inner liners, therefore, the Task Force recommends that Council authorize Bennett Engineering to prepare a bifurcated, or two-stage, set of construction drawings. In fact, Council doesn't need to do that. It was a great idea. I asked Edmund Most to go ahead and proceed along those lines, and Mr. Bennett is preparing a two-stage, two-phase set of drawings for the smokestacks. Phase 1 of the project would be the immediate deconstruction and demolition of the interior liners. The Task Force recommends that the Council make that work a priority and fund that phase with funds currently available from the project budget, and we believe, based on the estimates that were given to the Task Force, that our existing balance of about \$750,000 may cover Phase 1, which would make the whole situation safer. Number four, Phase 2 of the project would be the preservation of the exterior shells of the smokestacks. The Task Force recommends that Council authorize the Task Force to reconvene to receive further information about the project costs and explore funding options for preservation of the smokestacks to include further evaluation of funding through the TIF, a potential sale to a private person or entity, and fundraising by a coalition of the Eastside Community, the preservation community, and others interested in the preservation of the landmarks. So, they are basically agreeing to try to raise funds to help with Phase 2, which

would really be the ultimate preservation of the stacks. So, Councilmembers Delcioppo and Mitchell were both on the Task Force along with me. Would either of the two of you like to add anything to that report?"

Councilwoman Delcioppo said, "I think the main thing is there is confidence that the 50 percent that would be raised out in the public can happen, so I think we feel confident in that, and that's why there's a unanimous decision to move forward with the restoration of the smokestacks. Some different options have kind of bubbled up into where that money can and maybe ultimately will come from. So, those have been the biggest things, and I've reiterated this in our meetings, and I know someone said this earlier, this has just been a really special opportunity because groups have come together to work for something that I don't know if they have ever all come together, being so passionate for a common cause. It's just really special to see, and we want to honor that and respect that and do everything that we can in order to make their dreams realized. So, I think there is more to come and, as Councilmember Shahid charged us, by this meeting we could make a decision, and our decision is for the restoration, and we believe we have the means in which to do that."

Mayor Tecklenburg said, "Great. Thank you. Councilmember Mitchell, do you want to add anything?"

Councilmember Mitchell said, "Well, I'm just really going along with the program because even if we have the money for the liners of the smokestacks, my thing is, how long is it going to take to raise this money, and what if something comes up before then? Because like I explained to them, we don't have it. The City doesn't have it. If we must raise additional funds to come up with the other \$800,000, or whatever the case may be, we must take it from somewhere else, and that's what I explained to the group. We will have to take it from someone else, and they're going to get angry if we are pulling funding from them. Like I said, they keep talking about the TIF, but even with the TIF, we spent a whole lot of money on completing the St. Julian Devine Center, which is a beautiful place and a beautiful building that is going to be utilized for programs, for the kids, and for other programs that are going to be in there. I look at the smokestacks, and I'm going with the community because they want to preserve it, but I just had my reservations on the smokestacks because it's not serving that much purpose, as far as I'm concerned. That's just me, and I'm going along with them because the community came together, and they wanted it to stay. So, I told them I would fight hard to preserve them, if you may, but I just have my reservations on a lot of different things with the smokestacks themselves and getting this \$3 million.

That's the thing, that's a lot of money to have something sitting as an icon. I grew up right by there and know what the smokestacks were all about and with my parents back in 1948 to 1950 explaining to me what the smokestacks were all about, you see. So, the history that I have with the smokestacks is different from the history they're talking about, and I always feel that if something is not being utilized to promote the community, to keep the community going, or working with the young people and things, I just had my reservations with it, but I'm going along with the Committee because I'm on the Committee, and they voted unanimously to have it there. So, I'm going along with the Committee, but just making sure how long it's going to take for them to raise this money, how long are they going to have to wait before this money comes in, and if anything else is going to transpire on the outside of the smokestacks, if anything else is going to fall off of it before then, before that happens, for the safety of the outside of it, and that was what I'm thinking about more seriously than anything else."

Mayor Tecklenburg said, "Great. Well, I appreciate that both, Councilmembers Mitchell and Delcioppo. So, in a nutshell, the estimate to fully preserve them would be about \$3 million and, based upon the charge of Council, our recommendation is to preserve them, but based on that formula, the City would need to provide about \$1.5 million, and then the private fundraising would provide about a \$1.5 million. We have about \$700,000 or \$800,000 in our project budget still, so we would have to come up with another \$700,000 or \$800,000 to add just to get to our \$1.5 million commitment. But here is the thing about the deconstruction of the inner liner, even if you were to demolish the smokestacks, the first thing that you've got to do is take down the inner lining. So, as we went through all of this it just totally made sense to try to move forward and get that inner lining down, and it makes them safer. Although we would still have to likely keep our evacuation plan in place until they were fully preserved or we took them down, but it would be safer. There would be less risk if we take the inner lining down. So, I just ask you all to accept all of that as information. I think the next step would be to come back to Council with a recommendation on where we would find additional dollars to even make up our 50 percent and then hear back from the Task Force as to what their fundraising plan is going to be. Are there any comments or questions?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. Hearing none, we will move on. We also had a request to get an update on the [Calhoun cornerstone](#), and I saw Jason Kronsberg was still on the call, maybe Edmund Most is. Jason or Edmund, would you bring us up to date on that?"

Jason Kronsberg said, "Edmund was on site on Saturday, so I'm going to let him take the lead on this one. So, thank you, Edmund."

Edmund Most said, "Great. Thank you. So, as we all know, Saturday it was discovered, the cornerstone on the northwest corner. That's the corner that's closest to the Embassy Suites' front entrance off of Meeting Street. The cornerstone measured about 32 inches long, 14 inches high, and 20 inches wide. It was made out of the sandstone type of material. It looked like it was bluestone, but we think it was a sandstone. It's essentially a five-sided box. It had a bottom and four sides, and then it was capped with a marble top that appeared to be attached with some type of pitch or some kind of tar substance. Then there was another cap on top of that, which was a sandstone cap and, I guess, that was to take more of the vertical loading from the weight above. It was about two feet below the finish grade with about six inches of tabby concrete on top of it. If you were looking at the monument and plan, the footings supporting the monument was about two feet wider on all four sides. The outside corner of the cornerstone was located about two feet in from those corners, so it was almost entirely underneath the actual granite monument there. It was embedded in tabby, so there were six inches of tabby concrete on top of it. You had 16 inches that was surrounding it, and then you had about another foot to 18 inches below that, so it was all encased in tabby.

We did not damage the box at all. We kind of just chipped off the top when we were feeling around looking for it. We had a really good idea of its location, so we were using a chipping hammer with great care. We could see that white marble. That's how we really knew that it was there when we were looking for it. The next steps right now, so Brockington is our archaeologist, we've worked with them a lot. They worked on the IAAM archaeology dig. They worked on the Gaillard. They took that into possession. It's at their shop right now, and what they're doing this week is they're lining up the consultants that they need and understanding the knowledge and have the chemicals on hand for once that lid is opened that they will be able to stabilize and treat

any of the materials that are in there. They're planning on doing that probably the second week of February. It will take some time for them to get all their ducks in a row and be prepared to open this. Are there any questions?"

Mayor Tecklenburg said, "Great. Thank you for the report. Are there any questions?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. Well, thank you. That was most interesting, and I went down there, as well, and I never saw so much shell in the tabby concrete before. There were like large, whole oyster shells still coming apart when they were breaking up the tabby. I thought that was very interesting, as well. Thank you, Edmund. Next is our Council Communications, we've really already taken care of number one. Number two is the establishment of the Paul Wachter Memorial Bridge and Pathway, Councilmember Waring."

Councilmember Waring said, "Mr. Mayor, catch me up. What item are we on?"

Mayor Tecklenburg said, "We are on [J-2](#), and this is a very good request to name--"

Councilmember Waring said, "I got it. I understand. This is after a noted neighborhood resident. I mean he put a lot of work into this area. Councilmember Shealy, I know you're a part of this district, but we had no sidewalks that went from Ashley Hall Road around Ashley Plantation Road and all of the way to Hwy. 61. Paul Wachter worked on that for, I'm going to say, decades, going all of the way back to Mayor Riley meeting on Mayor's Night In, I can't tell you how many times. He certainly met with Mayor Tecklenburg on it prior to his death. Those sidewalks, right now people use those and take it for granted, but we all remember when they were dirt. Then, there was the replacement of a little flat bridge that leads to Ashley Hall Plantation or Ashley Harbor I should say, both of those neighborhoods. That bridge was replaced less than a year ago. County Councilmember Brantley Moody put a lot of work in getting the money to get that replaced. The funding came through the County. As a matter of fact, some of us kid him about calling it Brantley's Bridge, but it was Paul Wachter from years and years and decades ago that planted the seed in Mayor Riley's head, and I'm sure he probably mentioned it to you, Mayor Tecklenburg, about replacing that bridge, as well.

Some of the sidewalks went up to the bridge. The bridge was old and needed to be replaced, but it shows you the power of what one citizen volunteer can do. So, he helped West Ashley and certainly the area and the neighborhoods that I live in, and a lot of people are joined closely and raised the quality of life West Ashley. So, naming this bridge after him would be such a wonderful honor for his family, and I would hope you all would support this. He was one of the first purveyors of West Ashley revitalization way before we even thought of having a Commission appointed. He has passed on, so it would be done posthumously, but I would hope you all would support this."

Mayor Tecklenburg said, "So moved."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Is there any further discussion?"

Councilmember Waring said, “Yes, we want to put a real nice plaque on it. I mean they’ve got this, you know how they put these green signs up there, but it would probably be more appropriate if you were to put something mounted actually on the bridge itself.”

Mayor Tecklenburg said, “We’ll talk to Mr. Kronsberg in our Parks Department. They have some resources there, and we would be happy to do that. It would be well observed. We would want this naming to last a good, long time.”

Councilmember Waring said, “One last thing, that’s not my idea. A lady who is leaving us and has given us so much service over the decades, Ms. Su Griffin, gave me a call on this. She would have been here tonight, but she sent me a wonderful emoji with a hypodermic needle. She was scheduled to get her COVID-19 shot while this meeting is taking place. So, let’s root for her in getting vaccinated, but I wish we could have had some words tonight because somebody said earlier in the meeting tonight that we get some of our better ideas from the citizens, and I still maintain that. We do. Just because you got elected doesn’t mean we have all of the ideas. We don’t. There are a number of great ideas that also come forward to benefit our community from our staff and, obviously, this would not happen if Su Griffin, she is retiring and leaving out the door, and she said, ‘No, we’ve got to get this done.’ So, way to go, Su, on this one.”

On a motion of Mayor Tecklenburg, seconded by Councilmember Griffin, City Council voted unanimously to approve the establishment of the Paul Wachter Memorial Bridge and Pathway.

Mayor Tecklenburg said, “Thank you, Councilmember Waring. Next is our Council Committee Reports. I’m coming right back to you, Councilmember Waring, [Committee on Public Works](#).”

Councilmember Waring said, “Everything on Public Works passed unanimously, and I so move for its adoption.”

Councilmember Griffin said, “Second.”

Mayor Tecklenburg said, “Is there any discussion?”

No one asked to speak.

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

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

a. Stormwater Management Department Updates:

- (i) Low Battery Seawall Repairs Phase 1 – Approval of an Aid-to-Construction Agreement and payment to Dominion Energy in the amount of \$44,560.38 for providing 17 light fixtures located along Murray Blvd. This funding is available in the project budget from Municipal Accommodations Tax Funds and Charleston County Accommodations Tax Fees.

- (ii) Low Battery Seawall Repairs Phase 2 – Approval of a Construction Contract with Gulf Stream Construction Company, Inc., in the amount of \$11,976,855.02 for the restoration of the Low Battery Seawall from Ashley Blvd to approximately Council St. This amount includes \$1,370,179.41 of reimbursable in-contract Charleston Water Systems work. This funding is available in the project budget from Municipal Accommodations Tax Funds and Charleston County Accommodations Tax Fees. This establishes a project budget of \$34,523,134.53 and authorizes Staff to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in this Council Approved Budget.
- (iii) Low Battery Seawall Repairs Phase 2 – Approval of a Contract Fee Amendment with Johnson, Mirmiran and Thompson, Inc., to authorize Construction Engineering and Inspection Services for Phase 2 of the Low Battery Seawall Repair project in the amount of \$565,847.00. This funding is available in the project budget from Municipal Accommodations Tax Funds and Charleston County Accommodations Tax Fees.
- (iv) King/Huger Drainage Improvement – Approval of a Construction Contract with Gulf Stream Construction Company Inc., in the amount of \$5,266,974.52 for the improvement of the surface collection and piped conveyance system for stormwater at the intersection of King St and Huger St. including work to support the future project phase to install a pump station in the area. This amount includes \$1,856,820.55 of reimbursable in-contract Charleston Water Systems work. This establishes a project budget of \$6,926,407.52 from a combination of Cooper River Bridge TIF funds, an SCRIA Grant, the CWS reimbursable expenses, and the Drainage Fund and authorizes Staff to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in this Council Approved Budget.
- (v) Peninsula area project and rehabilitation update

Mayor Tecklenburg said, “Next is our [Committee on Public Safety](#), Councilmember Shahid.”

Councilmember Shahid said, “The only item that we had was the Adoption of the Open Data Policy. We received an update from Tracy McKee, though I’ll just report to you that this policy was based upon numerous hours of work based on her coordination with the departments of the City, and it got their support behind it, and I would urge us to go ahead and adopt the Open Data Policy, which was recommended by our Committee.”

Councilmember Shealy said, “Second.”

Mayor Tecklenburg said, “We have a motion and a second. Is there any discussion or questions?”

No one asked to speak.

On a motion of Councilmember Shahid, seconded by Councilmember Shealy, City Council voted unanimously to adopt the Committee on Public Safety Report as presented:

---INSERT PUBLIC SAFETY REPORT---

a. Adoption of Open Data Policy

Mayor Tecklenburg said, "Next is our Committee on [Ways and Means](#)."

Councilmember Brady said, "Move for approval."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Please note, Madam Clerk, my recusals on two items. Are there any other comments or questions?"

No one asked to speak.

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

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(Mayor's Office for Children Youth and Families: Approval to submit the renewal grant for VISTA, which will allow the City to provide up to 25 VISTA member slots to Charleston non-profits, and to receive 2 VISTA Leaders to serve in MOCYF. There is no match required for the City. Per the terms of the grant, the cost share funding amount is provided through site fees received from participating organizations.

(Parks-Capital Projects/Stormwater Management: Approval of Low Battery Sewall Repairs-Phase I Aid-to-Construction Agreement and payment to Dominion Energy in the amount of \$44,560.38 for providing 17 light fixtures located along Murray Boulevard. The Aid-to-Construction Agreement will be funded from the already existing \$25,870,773.53 project budget. The funding sources for this project are: Hospitality Funds (\$13,087,957.53), Municipal Accommodations Tax Funds (\$12,382,816), and Charleston County Accommodations Tax Fees (\$400,000).

(Parks-Capital Projects/Stormwater Management: Approval of the Low Battery Seawall Repairs-Phase II Construction Contract with Gulf Stream Construction Company, Inc., in the amount of \$11,976,855.02 for the restoration of the Low Battery Seawall from Ashley Blvd. to Council St. This amount includes \$1,370,179.41 of reimbursable in-contract Charleston Water Systems work. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000.00, to the extent contingency funds exist in the Council Approved Budget. Approval of this will institute a \$34,523,134.53 project budget, of which the \$11,976,855.02 Construction Contract will be funded. The project budget during Phase I was \$25,870,773.53. The growth in the total project budget for Phase II is \$8,652,361.00 and is a direct result of additional municipal accommodations tax and hospitality funds allocated during the 2020 and 2021 fiscal years to the project. The funding sources for this project are: Hospitality Funds (\$17,087,957.53), Municipal accommodations Tax Funds (\$17,035,177.00), and Charleston County Accommodations Tax Fee (\$400,000.00).

- (Parks-Capital Projects/Stormwater Management: Approval of Low Battery Seawall Repairs-Phase II Fee Amendment #7 in the amount of \$565,847.00 with Johnson, Mirmiran and Thompson, Inc., for CEI services for Phase II of the Low Battery Seawall Repairs project from Ashley Blvd. to Council St. Approval of Fee Amendment #7 will increase the professional services contract by \$565,847.00 (from \$1,879,851.05 to \$2,445,698.05). The funding sources for this project are: Hospitality Funds (\$17,087,957.53), Municipal Accommodations Tax Funds (\$17,035,177.00), and Charleston County Accommodations Tax Fees (\$400,000.00).
- (Housing and Community Development: Mayor and City Council approval are requested to approve a Memorandum of Agreement in the amount of \$200,000 between the City of Charleston and Days Inn, a Hilton Corporation to provide hotel rooms for individuals and families transitioning from homelessness. Persons provided the temporary shelter are clients of nonprofit organizations that have entered into a partnership agreement with the City of Charleston and conduct the necessary support for each individual or family. The City of Charleston provides the funding for the rooms through the Community Development Block Grant Cares Act Funding.
- (Stormwater Management: Approval of the Huger Street Drainage Improvements Phase I Construction Contract with Gulfstream Construction Company in the amount of \$5,266,974.52 for the improvement of surface collection and conveyance system of stormwater at the Huger St./King St. intersection. Construction will also upsize select drainage pipes in the road in preparation for a future pump station. CWS has included their previously planned water line replacement to avoid additional road closure/interruption and reduce future repaving/roadwork. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000.00, to the extent project contingency funds exist in the Council Approved Budget. Approval of this Construction Contract will institute a project budget of \$6,926,407.52 of which \$5,266,974.52 will be obligated for the contract. The funding sources for this project are: Cooper River Bridge TIF (\$1,157,141.00), SCRIA Grant (\$499,292.00), CWS Contribution (\$1,856,820.55) and the Drainage Fund (\$3,413,153.97).
- (Legal Department: Request approval for the Mayor to execute the attached Memorandum of Agreement between the City of Charleston and the Charleston Area Convention and Visitors Bureau for the purpose of installing, maintaining, and removing decorative planters hanging from light posts along the King Street commercial corridor. ***(Mayor Tecklenburg recused himself from voting on this item and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.)***
- (Approval to authorize the Mayor to execute, on behalf of the City, the Transfer Agreement conveying 36 Cooper Street to Charleston County Human Services Commission dba Palmetto Community Action Partners for \$68,449 for the development of a minimum of four affordable rental housing units subject to the Affordable Rental Housing Restrictive Covenant Agreement. [Ordinance]
- (Approval of Market Horlbeck Surface Parking Lot Lease Agreement. **(DEFERRED)**
- (Discussion and action regarding request for easement to Dominion Energy to relocate utility switch gear boxes along 179 Nassau St. (Property owned by the City of Charleston: TMS# 4590503001). [Ordinance]

(A Resolution authorizing the Mayor to take all necessary action and execute all necessary documents on behalf of the City of Charleston to accept from the South Carolina Department of Transportation that certain real property currently designated as Charleston County TMS No. 459-05-04-214 and shown as "Parcel H" on that certain plat recorded on January 25, 2012 in Plat Book I12 at page 0029 in the ROD Office for Charleston County, South Carolina.

(Request authorization for the Mayor to execute a Resolution approving the submission of an application for greenbelt funds for the purchase of the property commonly known as the Griffith Lane tract on Johns Island bearing TMS No. 313-00-00-063.

(An ordinance authorizing the Mayor to execute on behalf of the City of Charleston ("City") a Real Property Exchange Agreement and other documents necessary to convey to America Street Ventures, LLC, or its assigns, the City's property designated as a portion of TMS No. 459-05-04-209 and TMS No. 459-05-04-220, subject to affordable housing restrictions, in exchange for the conveyance to the City of property designated as TMS Nos. 459-05-04-001, 459-05-04-002, 459-05-04-048, 459-05-04-114, and 459-05-04-115, as shown on the attached map.

(AS AMENDED) (See also City Council Agenda Item #L-4)

(Consider the following annexations:

- 3486 Maybank Highway (9.62 acres) (TMS# 279-00-00-055), Johns Island, (District 5). The property is owned by St. Johns Center, LLC.
- 2181 Wappoo Hall Road (0.37 acre) (TMS# 343-01-00-032), James Island, (District 11). The property is owned by Hurley Living Trust.

(An ordinance authorizing the Mayor to execute on behalf of the City a Quit Claim Deed and elimination of possibility of reverter, such possibility of reverter contained in Deed recorded in Book J-543, at page 031 for the property located at the corner of Meeting and Wolfe Streets bearing TMS # 459-09-01-049 in the City and County of Charleston, State of South Carolina and to ratify and adopt any and all modifications or amendments to Ordinance # 2004-150. **(DEFERRED)(Mayor Tecklenburg recused himself from voting on this item and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.)**

First reading was given to the following bills:

An ordinance to provide for the annexation of property known as 3486 Maybank Highway (9.62 acre) (TMS# 279-00-00-055), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by St. Johns Center, LLC.

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

An ordinance authorizing the Mayor to execute on behalf of the City of Charleston ("City") a Transfer Agreement and other documents necessary to convey the property located at 36 Cooper Street (Charleston County TMS No. 459-06-01-008) to Charleston County Human Services Commission, doing business as Palmetto Community Action Partners, for \$68,449.00 for the development of a minimum of four

(4) affordable housing units, subject to the City's Affordable Housing Restrictive Covenant Agreement.

An ordinance authorizing the Mayor to execute on behalf of the City of Charleston ("City") an easement and other documents necessary to provide access rights to certain real property located at 179 Nassau Street (TMS # 4590503001) for the purpose of relocating one gear box and one transformer to Dominion Energy South Carolina, Inc.

The vote was not unanimous. Mayor Tecklenburg recused himself from voting on Items 10 and 11.h. of the report and completed Conflict of Interest Forms, which are on file in the Office of the Clerk of Council.

The Clerk said, "Susan, were you trying to say something?"

Ms. Herdina said, "Yes, I'm sorry. Just for clarity, we are not voting on the last item on Ways and Means, which has to do with the execution of--"

The Clerk said, "It was deferred."

Ms. Herdina said, "Correct."

Mayor Tecklenburg said, "Yes, the last item was deferred."

Ms. Herdina said, "Thank you."

Mayor Tecklenburg said, "So, next up is bills for second reading."

Councilmember Mitchell said, "Move for approval of [L-1 through L-4](#)."

Mayor Tecklenburg said, "Okay, and we have a second on that?"

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Do we have any discussion on L-1 through L-4 for second reading?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir. I just wanted to let everybody know that, trust me, I get how difficult it is to keep the minutes together. I'm still somebody who just has to have the verbatim minutes. I go back through and read our minutes from our meetings all of the time and sometimes years later. So, if I didn't have the verbatim minutes, it would be very difficult to do this job. So, for that reason, I'm going to be voting against summarizing the minutes in any other way."

Mayor Tecklenburg said, "Alright. Would you all like to take Item L-3 separately?"

Councilmember Brady said, "Yes."

Councilmember Mitchell said, "Move for approval of L-1, L-2, and L-4."

Mayor Tecklenburg said, "Alright. We're going to take L-1, L-2, and L-4, and may I add that L-4 is as amended because of the changes to L-4 that came to us this afternoon that we've already discussed?"

Councilmember Mitchell said, "As amended."

Mayor Tecklenburg said, "Is there any discussion on L-1, L-2, and L-4?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. I just feel like Item L-4 deserves a little recognition. It is an opportunity that the City has been basically considering for a couple of years now as the Eastside properties that are involved in this, it was essentially an exchange of property between the Humanities Foundation and the City of Charleston. It's going to be a really wonderful project, and I'm so proud and happy that we hung in there and handled all of the little messy details that a lot of times, in my work in affordable housing, could just sort of defeat this kind of vision. So, I really do think that everyone who is involved, our Legal staff, obviously the Humanities Foundation and their consultants, Geona Shaw Johnson, our design office that put the vision out there in terms of how this could all come together. So, anyway, thank you. I think it's going to be an amazing project to watch, and as Tracy Doran said today, 'Now the fun begins.' So, I'm looking forward to the outcome."

Mayor Tecklenburg said, "Now the fun begins. I'm glad to hear that. Alright. Are there any other questions or comments on L-1, L-2, or L-4, as amended?"

No one else asked to speak.

On a motion of Councilmember Mitchell, three (3) bills (Items L-1, L-2, and L-4) received second reading. They passed second reading on motion of Councilmember Shahid and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Shealy, the rules were suspended, and the bills were immediately ratified as:

- 2021-008 -** AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE CITY OF CHARLESTON, BY AMENDING FLOOD HAZARD PREVENTION AND CONTROL REQUIREMENTS IN SECTION 27-117, TO PROVIDE CLARIFICATION ON THE ONE-FOOT FREEBOARD REQUIREMENT FOR SUBSTANTIAL IMPROVEMENT OF RESIDENTIAL STRUCTURES.
- 2021-009 -** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1946 BOEING AVENUE (0.25 ACRE) (TMS# 350-13-00-028), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 5. THE PROPERTY IS OWNED BY JAMES FITZGERALD AND AMANDA L. RHODEN.
- 2021-010 -** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON ("CITY") A REAL PROPERTY EXCHANGE AGREEMENT AND OTHER DOCUMENTS NECESSARY TO CONVEY TO AMERICA STREET VENTURES, LLC, OR ITS ASSIGNS, THE CITY'S

PROPERTY DESIGNATED AS A PORTION OF TMS NO. 459-05-04-209 AND TMS NO. 459-05-04-220, SUBJECT TO AFFORDABLE HOUSING RESTRICTIONS, IN EXCHANGE FOR THE CONVEYANCE TO THE CITY OF PROPERTY DESIGNATED AS TMS NOS. 459-05-04-001, 459-05-04-002, 459-05-04-048, 459-05-04-114, AND 459-05-04-115, AS SHOWN ON THE ATTACHED MAP. (AS AMENDED)

Mayor Tecklenburg said, "Now we'll take up [Item L-3](#) regarding our minutes. Do we have a motion?"

Councilmember Mitchell said, "Move for approval."

Mayor Tecklenburg said, "And a second?"

No one asked to speak.

Mayor Tecklenburg said, "I'll second. So, we heard Councilmember Griffin's comments. I will say that I agree that having some form of a full record is definitely more than appropriate. It's required in today's world of technology, be it YouTube or some other future technology. I think we have that ability. Our Clerk has researched with our Information Technology folks, and we believe we can put bookmarks in the YouTube recordings and make it easy to find the portion of the meeting that you're searching for. So, I'd certainly want to have the capability, and if we didn't maintain the capability to get a full record of our meetings, I would be the first one to say we should go back to the full transcription, but I do believe that we should try to modernize and be efficient where we can. We've added a lot of weight to the chores of the Clerk's Office by the many Committees and Commissions that we've added over the last couple of years. So, most other cities do this and have been exploring new technologies, so I think we ought to try to step forward and be modern."

Mayor Tecklenburg recognized Councilwoman Jackson, followed by Councilmember Shahid.

Councilwoman Jackson said, "Thank you, and I do want to thank Madam Clerk. As I said, I think at our last meeting, this one is all too close to the management work that I used to have to do. It's definitely a split the baby decision in terms of knowing that we are changing a format that we all do love and take advantage of, and so does the public. So, I guess I was going to suggest that, as you just said, Mr. Mayor, if we can't make the bookmarking work because that would be just really, I think, a huge tool, if we were reading more of a summary-type minutes written document, and we'd be able to go exactly to where the YouTube video takes up the detailed verbatim conversations that we all have and listen to each other, could we hold off on changing the format for our minutes until we could actually make sure that this will work, as opposed to starting out on a new format and then having some challenges? Would that be a reasonable compromise to make sure it's going to work and then switch?"

Mayor Tecklenburg said, "If it's the will of Council. I think that's not unreasonable. I think that's everyone's goal here."

Mayor Tecklenburg recognized Councilmember Shahid, followed by Councilmember Shealy and Councilwoman Delcioppo.

Councilmember Shahid said, "Thank you, Mr. Mayor, and I want to give a huge shout-out to our wonderful new Clerk because she has really guided us through this digital age. We're able to do these Zoom meetings because of all of the work that she has done, and she has maneuvered us in and out of our breakout rooms as we did just today during Executive Session. I've given some more thought about this, as well, and I see the true value of these verbatim minutes. We've experienced just this week how vital those verbatim minutes really are, and I would just prefer that we look at other alternatives. We're in a digital age. Technology has sped up the ability to record these things and to have a verbatim transcript of our minutes. It's just too important to go to the summary part of it right now. Either we can defer this to see what other options are available or come back and look at this at another time, but it is just really important to me that we need to keep the verbatim transcripts as much as possible. It's just too vital for that.

I also thought it was interesting what the editorial of the Post and Courier had in there, that we are unique, and historians like to come back and review these things from time to time. That's true, and I think that was a point that was well-taken with the editorial of the Post and Courier. But from a practical standpoint, for our benefit and our use, I would encourage us to look at other alternatives to find out because I know this is a heavy burden on her staff and the work that she has to do. It's not just us, it's not just Council minutes, it's the Ways and Means minutes, it's the Public Safety, it's all of our department meetings that we have that adds to the burden on this, and her staff is stretched to the limit on this. But if we could find other alternatives, I think maybe deferring this would be a better option to doing this right now because I want to keep the verbatim minutes."

Councilmember Brady said, "Second."

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

Mayor Tecklenburg recognized Councilmember Shealy, followed by Councilwoman Delcioppo.

Councilmember Shealy said, "Thank you, Mr. Mayor. One thing I like to do when the Clerk or the Clerk's Office sends out the minutes, I like to hit that Control F and look for certain things, and sometimes I put my name in there to see exactly how I was quoted. Do we have the technology to be able to do that by using Zoom or some other recording because to me that's fairly important?"

The Clerk said, "Mr. Mayor, I didn't know if you wanted me to address that?"

Mayor Tecklenburg said, "Please proceed because I don't know the answer to that question."

The Clerk said, "Actually, I did reach out to our Information Technology Department, and they do think that we can bookmark the minutes. We do need to try it just to ensure that we can do it, and I've actually asked one of our staff members tomorrow, we can't do it while we're having a meeting live. She is actually on our meeting right now. But I've asked her to go back and go through the meeting and look through our agenda and bookmark the points, like if we're getting ready to head into Petitions and Communications or Second Readings, so that people can be taken there. This was a suggestion Councilmember Gregorie, I think, had made at our previous meeting, so it does sound like we can do something like that. If, for some reason, we can't, we

can always put a time marker in the minutes so that people can go to the portion of the video where that conversation is taking place.

I completely understand people wanting to preserve the City's history and how they like having that transcript and being able to look up what everyone says. I completely understand that, but the issue is they're called minutes because they're supposed to be short, to-the-point, and a recap of the business that happens at the meetings. Some of you may not know this, but actually, our minutes haven't always been verbatim. They actually were summary at one time, but they were very detailed. So, they haven't always been verbatim minutes. We're just trying to, I think, look at ways to take some of that burden off of our staff. I know from our December 15th meeting, I'm not going to give you all a pop quiz because I know you all read it from front to back, but it was 70 pages, and that's just one meeting. This meeting, I know, is going to be even longer. I realize how everyone loves it, and I'm not trying to do anything radical. This isn't anything being done on a whim. It's just gotten to a point where it's a lot of work on our staff.

Our department is responsible for a lot of other duties, and this is taking more time away from those other items that we need to be focused on. I think Councilmember Shahid had referenced that, as well. We have Standing Committees that we have to cover, we have other Boards and Commissions that we have to cover, we have agendas that, as you all know, they are hundreds of pages, and we have to turn those around every two weeks. So, it's a cycle, and most importantly, we have other departments that are very dependent on our department to get stuff to them in that timeframe. Every contract that goes through Council comes through our office and has to be cataloged and routed back to them, as well as any contracts that are approved by staff. We have ordinances and resolutions that we're responsible for keeping track of, we schedule all of the Committee meetings, we have several agenda meetings before we even send out the agenda for Council, and I only say that just because I know Councilmembers know what our tasks are, but I sometimes know with the public, they may not always know what our job responsibilities are. So, just in looking at that and looking at our staff, and especially now with COVID and the challenges that that has sort of brought with the additional responsibilities of putting our meetings on Zoom, we're just trying to find a way to keep the department afloat and ensure that we can continue to provide our services. So, I didn't want to take everyone's time. I know everyone is super tired right now, but this is sort of one of those meetings that is the best example as to why we're trying to move to a format that would be easier for us to be able to get that work to you."

Mayor Tecklenburg recognized Councilmember Gregorie, followed by Councilmember Sakran.

Councilmember Gregorie said, "I think Councilwoman Delcioppo was before me, Mr. Mayor."

Mayor Tecklenburg said, "Okay, I just call them as I see them."

Mayor Tecklenburg recognized Councilwoman Delcioppo.

Councilwoman Delcioppo said, "Thank you. Thank you, Councilmember Gregorie. Ms. Cook, if I was a transcriptionist, I would gauge my eyeballs out. I don't know how you all can sit there and transcribe. My utmost respect. I have built an entire career out of communications, so this is what I do for a living, and I always have to be on top of the latest and greatest technology and what is every portal I can send out a client's message through and get their brand across and things like that. That's how I keep a roof over my head. So, I respect integrating technology and

moving with the times, and this is where I've really struggled with this, but then I think to myself, we have no guarantee that YouTube is going to be around forever. What do we do if YouTube becomes obsolete? Now we've got summary minutes and little markers next to them that take you to nowhere. I know it's hard to imagine a world without Google, but it's a possibility, or as technology continues to advance, are we just chasing this and constantly having to adapt and then to ask members of the public to whom we are beholden, and they deserve to get every word that we say in a format that is easily accessible to them? Are we hindering that ability by relying on technology that is ever changing as opposed to direct transcription written down, which I can't ever see falling by the wayside, especially when it can be taken from written and made electronic? I'll also say I was one of the first people to say, 'Yes, absolutely, we just need summary minutes,' but in talking to some other Councilmembers and talking about some issues earlier, it was thank goodness we have these direct transcriptions so that we can go back to 2005 or wherever and see exactly what it is. So, I say this in that I am beyond sympathetic for what you and your department do, and we could not survive without you all, but I just feel much more comfortable if we maintain those direct minutes and keep ourselves as transparent as possible."

Mayor Tecklenburg said, "Alright. Thank you."

Mayor Tecklenburg recognized Councilmember Gregorie, followed by Councilmember Sakran.

Councilmember Gregorie said, "Yes, when I read the editorial in the paper, it sounded like some of what we were discussing when this first came for our consideration. I think that when you summarize, sometimes you lose the contextual part of a discussion. I also think that the problem may not be summary versus verbatim. The problem might be staffing. Staff up our Clerk, the Clerk of Council's office, with the kind of staffing that will be able to address this issue. I know that Novak did their study, and some of what Novak recommended was summary minutes in order to be more efficient, for whatever reason. I just really don't think that it works for us. I think verbatim minutes are very, very important to have. I think that we can lose something in summary. A summary may not get me where I need to be because it is a summary, and it's lost all context. I would have no idea, and I think that it blocks transparency to our citizens. A lot of our citizens don't have that kind of technical capacity. Some of us still need a hard copy. So, I just don't think that deviating from verbatim to summary is the way for our unique City to go. If there is a problem, then let's staff up the Clerk of Council's Office accordingly. They've been understaffed for years. This isn't new. So, to me, I think we need to look at it a little differently. Give her the kind of resources that are necessary for her to do her job."

Mayor Tecklenburg said, "Well, thank you, sir. We've already set our budget for this year, but we could certainly amend it."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thanks, Mayor. Just a quick question for our Clerk of Council. What is the best practice of municipalities around the area? So, I've got that question, and I just want to, go ahead."

The Clerk said, "Well, the most followed practice is to have summary minutes. If you go to any city's website, you are probably going to find some form of summary minutes. I sent everyone some examples towards the end of last week so you could see a variety of different ones that are out there, and they're all different. Some might be very brief, some might be a little more

descriptive, or some might include the actual documents that are approved or links to those documents. I mean, the standard practice, just from what I see, is to have summary minutes. If it's a transcript, it's a transcript. They're not really minutes. Minutes are designed so that you're just trying to hit the business of the meeting. When I look around at other cities, that seems to be the most followed practice."

Councilmember Sakran said, "Thanks, Madam, and then just two more questions, two more points. Is it possible to just basically defer this and see if the bookmarking or the marking on the video would work because, I mean, if it's a video recording of our deliberation at Council meetings, is that not a verbatim record of what's going on? I'm going to be honest with you. Of the minutes that you send me, I don't pour through those minutes every time, and I'm sure some Councilmembers will agree and some won't. I get the need for these, but I think this is a change, and I think, to Councilmember Gregorie's point, my last point is, if we vote to make sure that we do verbatim and you need additional assistance, then we should figure that out as a Council and support you."

Mayor Tecklenburg said, "Thank you."

Councilmember Sakran said, "Thank you."

Mayor Tecklenburg said, "Is there anyone else who would like to comment?"

No one else asked to speak.

Mayor Tecklenburg said, "We have a motion to defer on the floor."

On a motion of Councilmember Shahid, seconded by Councilmember Brady, City Council voted to defer Item L-3:

An ordinance to amend Sec. 2-23(b) of the Code of the City of Charleston to provide for keeping summary minutes and video recordings of its proceedings. (DEFERRED)

The vote was not unanimous. Councilwoman Delcioppo, Councilmember Mitchell, Councilmember Gregorie, and Mayor Tecklenburg voted nay.

Mayor Tecklenburg said, "The matter is deferred. I guess we'll come back to you at another time when we have a little more specific recommendation to make."

The Clerk said, "Mayor, can I just have the nays for the record? It went very quickly. I think I saw Councilwoman Delcioppo, Councilwoman Jackson."

Councilwoman Jackson said, "No, I voted 'yes' for the deferral. I'm sorry. I wanted to say something."

The Clerk said, "Okay. So, can the 'nays' please raise their hands for the deferral? This is Councilmember Gregorie, Mayor Tecklenburg, and Councilwoman Delcioppo? Alright. Thank you."

Councilmember Gregorie said, "And Councilmember Mitchell."

The Clerk said, "Okay."

Mayor Tecklenburg said, "We want to get that verbatim."

There was laughter.

Councilwoman Jackson said, "Mayor."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thanks. I just wanted to make a request since we are going to defer this topic. Might we get some sort of understanding for what it would mean to staff up to meet the level of workload that we all believe is true so we have that as a deciding factor?"

Mayor Tecklenburg said, "Sure. We can follow up with that question."

The Clerk said, "I mean, I would love more staffing. I'm not going to say no, but I will say because I think I saw Amy hop on the line, I do know we have to stay within our budget this year. It's very important, and I know that we've had to make some changes this year with regards to overtime and comp time. That's sort of another issue that's been affecting us like when we have Council meetings up until 10:00 p.m. at night, because I have to have another staff member on the line. So, we're trying to work around it with flex time, but of course, that cuts into their availability to do additional work. Then, also, I want to address just really quickly because I didn't get a chance to, but I did speak with Wes about YouTube and how long the videos can stay up and if we have a max for that. He said that there is no max. We'll keep having the videos up there, and I also have all of the videos on Zoom. We keep those, so that's a backup. So, we'll have those. They won't go away if YouTube goes away, which I don't think we have to worry about that, but we do have a backup. So, I know that was a question, I think, Councilwoman Delcioppo had, so I just wanted to make sure I answered it, and that was it."

Mayor Tecklenburg said, "Alright. We can come back to this."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "If I could just make one point, and Jennifer, that was the most polite way to beat up these meetings. We definitely will not be here until 10:00 p.m., but one thing that you could maybe find is what it would do if maybe the Boards and Commissions were summary or you all focused less on that because we have so many Boards and Commissions and so many Subcommittees. I feel like our Council Committees and City Council are so important because every decision we make, we end up looking back on it in years past, in years present. Then, future Councils, when new Councilmembers start, they like to go back and read old minutes, too, to get caught up on issues. How much time would it save you, and I'm not asking tonight, in the near future, how much time would it save you if you didn't have to spend so much time necessarily on some of the other stuff, if that would be a big help?"

The Clerk said, "It's something I can come back to you all with, but I think it would definitely help out. I mean, we would have to cover our Standing Committees, but I think some of the other Boards and Commissions, I would be in favor of that. We would have to find other staff who could cover them. That's something we can come back to you with."

Councilmember Gregorie said, "We're already using that approach with the Commissions."

The Clerk said, "Yes, we are."

Councilmember Griffin said, "On some Commissions, maybe we could ask for volunteers. I know we've started doing that to keep minutes so that your staff isn't constantly going to every single thing. People are ready and willing to serve, and if we look at all of the different Boards and Commissions, and other, not necessarily City Commissions and Boards, there is a secretary and people take notes and that sort of thing. So, I mean, maybe we all just need to find a way to step up, especially if we want to keep the verbatim minutes. Sorry. Thank you."

Mayor Tecklenburg said, "No problem. Are there any other comments or questions?"

No one asked to speak.

Mayor Tecklenburg said, "Is there anything else for the good of the order?"

Councilmember Shahid said, "Move that we adjourn."

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, "Yes, I just had one request as I was looking through the agenda late last week. At a previous Council meeting, we had discussed putting the dates for the deferrals in terms of when they would be rolling off the agenda, and I just wanted to see if there was an update on that."

The Clerk said, "Yes. I'm going to get with our Planning Department. That is correct because I think Councilmember Griffin had requested that at a previous meeting. I'm going to get with our Planning Department because the ordinances that would come off would be ordinances under Chapter 54. Those are the only ones that would, but otherwise, any others stay on indefinitely. It's only those because I think they have a one-year limit, but I will definitely follow up with them so that we can get you that information."

Councilmember Brady said, "Yes, that would be great. I think it would be good for us and just for the public to see which ones roll off eventually."

The Clerk said, "Will do."

Mayor Tecklenburg said, "Alright. Is there anything else for the good of the order?"

No one else asked to speak.

Mayor Tecklenburg said, "Hearing none, we adjourn until two weeks from now on February the 9th. Goodnight, you all. Thanks for hanging out with us."

There being no further business, the meeting was adjourned at 10:13 p.m.

Jennifer B. Cook
Clerk of Council