

COUNCIL CHAMBER

Regular Meeting

February 12, 2019

The sixty-ninth meeting of the City Council of Charleston was held this date convening at 6:19 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media February 6, 2019 and appeared in The Post and Courier February 10, 2019 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

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

Mayor Tecklenburg called the meeting to order at 6:19 p.m.

The Clerk called the roll.

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

Councilmember Wagner opened the meeting with a moment of silence.

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

Mayor Tecklenburg said, "Councilmembers and citizens, I have the high honor of recognizing Reverend Alma Dungee to be with us tonight. She is one of Charleston's most active and dedicated citizens. We're proud to both thank her and honor her for her tireless service to the community tonight. She is here to my right, and I'm going to read a proclamation Reverend Dungee, our dear friend, in your honor. If any of your family would like to join us, and I'd also like to ask Councilmembers Lewis, Mitchell, and Gregorie to please join me. I think, technically, Reverend Dungee lives in Councilmember Lewis's District, but her spirit and her gracious activities have benefited the City of Charleston across all jurisdictional boundaries. So, if I may, a proclamation to share with you tonight."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "Now, Reverend Dungee, in your honor, upon the recommendation of your Councilmember, James Lewis, and the consideration of the City's Recreation Department, Councilmember Lewis has an announcement he would like to make."

Councilmember Lewis said, "Thank you, Mr. Mayor, and thank you to my colleagues. We are in the process of renovating 1099 King Street, which we have Neighborhood Council meetings at. I've been on City Council for 24 years. Reverend Dungee has been the only Neighborhood President I served under until about a year ago. She has been there over 30 something years as Neighborhood President. We have some money in the line item in the budget to re-do that center. Thanks to the members of City Council, and the Recreation Commission chaired by Councilmember Gregorie, we're going to name that building the 'Reverend Alma Dungee Community Center'. Thank you."

There was a standing ovation in the Chamber.

Reverend Alma Dungee said, "I would like to thank each and every one of you for being here today with our Mayor who really works hard, and I do thank God for all of you. Continue the work. I was sorry that I couldn't make it earlier because of my condition now. You see I was walking all of the time, greeting and helping people, and it's a blessing when you can be a blessing to somebody else. That's what life is about, sharing and caring. As long as you help somebody as you pass along, your life will not be in vain, and I just thank God for each and every one of you. I pray his blessing upon you all that you continue doing the work. Everybody's not going to say good things, even when you're doing good things, but that's alright. That doesn't mean you have to respond in that manner. God said put him in his hands, for vengeance is his, he will repay. Remember to trust in God and do good, and that's why you're all here right now doing good. May God bless you and keep you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you, and next we have another short recognition of a fine young man in our community. I just came to meet him at our recent professional breakfast of the Martin Luther King Day Celebration, and his name is Ke'Von Singleton. He is a senior at the First Baptist School, and he was the youth speaker at the breakfast this year. He is the son of Michael and Santonia Singleton. He has created five documentaries already on the Civil Rights Movement, received multiple awards in filmmaking, co-produced a film titled 'Atlanta, the City Too Busy to Help'. At First Baptist School, he studies English and Political Science. I think he'd like to run for Mayor one day, but you have to move to the City of Charleston. He plays defensive tackle for the varsity football team. He's quoted as saying, 'My goal is to work as hard as I can and be the best I can be. Effort is everything. I am a great student who enjoys learning new things. I'm fast off the ball and will never give up.' Ke'Von, would you come forward and just share a few words with the Council?"

There was applause in the Chamber.

Ke'Von Singleton said, "Thank you so much for this opportunity today. I really wasn't expecting to say anything, but recently I was given the opportunity to speak this past Friday at the Charleston GOP Black History Program. Along with my speaking engagements, have become new connections. The whole purpose of a community is in fact to learn different things about each other and to join together whether it is the difference between races, economically, or just political parties. We are all one. The City of Charleston has come together before to be one, and we all can agree that right now our United States Government is in a bit of controversy. So, why not let the United States learn from us. We can show them that the City of Charleston is a stepping stone. We are the model of excellence in the United States. Thank you."

Mayor Tecklenburg said, "God bless you. Thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you. Keep up the good work. Next, we have no public hearing matters this evening, so we go to our approval of City Council meeting minutes."

Councilmember Griffin said, "Move for approval."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "We have a motion to approve both January 8th and 22nd. Are there any additions, deletions, or changes?"

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted unanimously to approve the minutes of the January 8, 2019 and January 22, 2019 City Council meetings.

Mayor Tecklenburg said, "Next is our Citizens Participation Period. We have 20 people signed up, so I'll ask you to keep your remarks to 90 seconds, a minute and a half, and Madam Clerk will call out four or five individuals at a time. If you all would queue up on either side and just step forward, state your name and address, and we'll be happy to hear from you with any remarks you would like to make to the Council this evening."

The Clerk said, "First will be Mohammed Idris."

The Clerk said, "Followed by Lisbon. Anthony Bryant, Melinda Hamilton, and Maria Keiling Breeze, in that order, please."

1. Mohammed Idris read scripture and asked the Lord for mercy upon Council as they were full of contempt and their souls were filled with the scolding of those that were of ease.
2. Melinda Hamilton spoke on behalf of the League of Women Voters. She thanked Council and the Mayor for their service to the community and was proud to call Charleston home. She may be even prouder to hear the United Nations Women's Council and women around the world speak about the work that was being done in Charleston on behalf of women's rights and human rights. The City was an icon in the deep south and because the League worked closely with United Nations, the work was always being held up as an example of positive change in the south. She asked for Council's support for the Equal Rights Amendment. She told a story about a bipartisan bill that the League supported H-3391 was in the House Judiciary Committee of the South Carolina General Assembly. It was led by Rep. Gilda Cobb Hunter, and by Charleston's Peter McCoy. The League was proud of the grit, grace, and leadership that was represented by the bill. Support from Council and ratification of the ERA by the General Assembly would be a major step and it would allow South Carolina to stand proudly on the right side of history.
3. Anthony G. Bryant said it was good to see Mayor Tecklenburg at the Flood Commission with Governor McMaster, as well as Ray Farmer who he made public comment to in 2013 regarding that issue. For the record, he presented the IRS Bill of Rights. On January 22nd, he received from the U.S. Court of Appeals in Virginia Bryant

- vs. U.S. Department of Education. In 1045, Pope Urban II sanctioned the crusades. In 1500, the Transatlantic Slave Trade was sanctioned. Years later Thomas Jefferson stated that Africans would be equal to white people in the world. Shane Massey, who was going to author the Educational Bill, was doing the 8th Amendment electrocution and other forms of cruel and unusual punishment to people on death row. He told Council to quit lying about the State, as the State had a serious problem with black people.
4. Maria Kiehling Brees echoed the sentiments of the representative from the League of Women Voters. She was fortunate enough to be one of the members of the Commission on Women and she spoke about Gilda Cobb Hunter. She remembered speaking with her on the phone and doing a political science project when she was at Furman and there was no one finer in the State Legislature than her to be the one supporting this along with Mr. McCoy. They strongly urged Council to put their positive message behind it and urge the State Legislature to support the ERA.
 5. Audrey Lisbon said she was a resident of the Westside Neighborhood community and she lived on Fishburne Street. She had a couple of concerns and one was certain items that were being sold at their corner stores. The items could be associated with things that were not conducive in the stores that could be bought in novelty shops such as glass pipes, cigarette rolling papers, and Jewel E-Cigarettes. She knew they had a right to sell the items in the stores, but children frequented the stores after school and during Spring Break and it didn't look good in the community. She hoped something could be done, such as an ordinance or something written up so that they wouldn't be sold in the stores and could be bought in the novelty shops. Her second concern had to do with the City Police Department and the connection with the neighborhood. She understood the policemen were there to patrol the neighborhoods and to protect and serve the neighborhood, but she would like to see a closer relationship in their neighborhood and community. A policeman showed compassion when her grandson was missing and then found and that was the kind of relationship they wanted in their neighborhood.
 6. Leah Farrell, Preservation Society of Charleston, spoke on the Interim Stormwater Regulations. They understood the Regulations didn't hit the mark, but they felt it was important that the hydrologists, the stormwater experts, continued to work on the issue. The pushback from the development community was always going to be disguised around affordable housing, but they shouldn't confuse cheap with affordability. The City learned the hard way that the City couldn't afford to not do something and sustainable building practices must be endorsed for the residents. Millions were being spent on drainage and infrastructure projects throughout the City to correct past errors. Council needed to ask if they were willing to fix the development practices now or kick the can down the road for another 20 years. They urged Council to take bold action and do something wonderful for the community.
 7. Dr. Martha Menard said she lived on James Island and urged Council to vote in favor of the Resolution supporting the ERA. She spoke to the economic impact with regard to the gender wage gap in South Carolina being larger than the national average. Many people were familiar with the statistic of \$.80 cents on the dollar. White women in South Carolina made \$.74 cents on the dollar. African American women made \$.53 cents on the dollar. The advantages of supporting the ERA would lead to greater

economic empowerment for women in South Carolina. It would help support economic stability for families, and it would add to the growing tax base in the State. She hoped Council would support the Equal Rights Amendment.

8. Caroline Bradner, Coastal Conservation League, commended City staff, in particular the Resiliency Department, for the hard work they were doing on flooding mitigation and updating the City Sea Level Rise Strategy and the new Resilience page on the City's website. The Mayor and Council had made it clear that flooding and mitigation for flooding was a priority. They were pleased to see that the number one goal listed in the updated strategy was to protect citizens and neighborhoods and that innovative policies were needed to ensure that future neighborhoods were being built resilient to flooding that maintained their value in spite of future challenges. To achieve this goal, more innovative zoning would be needed and more stringent land use policies, stringent stormwater design standards, to protect quality of life and financial investments of Charleston residents and they needed to be proactive. Floodplains covered nearly 60 percent of the landscape of the City and development needed to stop in the floodplain. This was the time to apply science and policies that could accommodate the growth they knew was coming without exacerbating flooding and no fill ordinance within the City would be a great place to start. The updated Sea Level Rise Strategy was an excellent resource for planning a more resilient future and they were hopeful that all of the discussion and planning would lead to important and impactful decisions in 2019.
9. Anne Siegfried said she lived downtown and was on the Commission for Women. She amplified what had already been said and hoped the City would adopt and support the passage of the ERA.
10. Franny Henty, James Island, said she hoped to see the stormwater restrictions implemented as soon as possible, as she had a vested interest as a property owner and as a realtor. She had a fiduciary responsibility to clients to sell in an area where the government took care of the land and allowed safe permitting. She had a particular concern with a specific neighborhood. At a TRC meeting on January 17th, developers stated that they tried to work with the neighbors, but this wasn't her experience and they were the adjacent property. She stated they tried to reach out to the developer, but to no avail. She had it on good authority that an L-shaped pipe in the design was not a good idea. The developer would not speak to her to be able to overcome her objections even after his engineer offered to speak with her. The development proposed three drainage ponds collecting 55-plus acres in stormwater runoff with no plan for filtration or hazardous waste removal. The drainage before and after development had proven faulty and her private engineers stated that it desperately needed to be addressed. The Wambaw studies would address such and needed to happen so their engineers could know what to ask for from the development, as they didn't know what the mark was until they had this and the mark could not be missed.
11. Marc Knapp said a couple of things he noticed was that the City kept doing studies and the City was wasting money. There were simple solutions. If there weren't people on staff that could do these things, then people needed to be fired and hire people that could. He saw another \$700,000 contract go to over \$8 million. There was one change order and \$8 million was added and he didn't know why the City allowed it and why it wasn't being investigated. He dealt with engineers every day and very few engineers

these days were worth their weight. The City needed to start looking for different engineers.

12. Neita Wiese, Charleston Sister Cities International, said they had two Sister City Programs, one with Spoleto, Italy and the other Panama City, Panama, the gateway to the Panama Canal. They had a busy year ahead of them. The Consulate General from Barbados would be in Charleston in February and she wanted to see if they could ratify their Barbados Sister City partnership discussed when they were in Charleston in May last year. She hoped to connect with Councilmember Griffin on that. She said they needed to bring Fleur de Monet on board sometime in the first quarter and Doha Qatar who was in Charleston last year explored investing \$45 billion into the economy and they said they wanted to do a Sister City with Charleston. She tried to get a template done last year for their mission to Panama which was done in collaboration with the Department of Commerce and was highly successful. They wanted to invite Council to a delegation to Doha in April, so it needed to be signed and someone on Council needed to be the Doha Council liaison. Michael Moore would like to do one with Freetown, Sierra Leone, with the International African American Museum and she needed a Council person for that, as well. She thanked Council and said Sister Cities added \$525 million to the local economy and they wanted to give a good return on investment. She also thanked Council for helping with their start-up mode.
13. Denise Fugo, West Ashley, stated liberty and justice for all and she hoped that Council would endorse the Equal Rights Amendment. She said women started at a disadvantage in terms of wages from \$.50 to \$.80 cents on the dollar compared, but the real tragedy was that by age 50, women and people of color were making 50 percent of what men were making. She worked with Meals on Wheels and 69 percent of the meals were delivered to women that were homebound and poor. That didn't count the people that were on the street and in tents that didn't have a place to live. In United States history, women were the poorest today that they had ever been. It was part of the consequences of not having an Equal Rights Amendment. She knew Charleston, as well as South Carolina, wanted to be a global leader and supporting the Equal Rights Amendment would be one way of doing that. If the men and women that had worked for them over the years couldn't be properly taken care of by giving them equal rights and equal access under the law then the City had failed in being global. She asked Council to support the Equal Rights Amendment and make them proud.
14. Andrea Schenck said she was there as a member of the Commission on Women to talk about the ERA. The ERA didn't say anything about women. It was the equality of rights under the law should not be denied or abridged by the U.S. or any State on account of sex, so it really wasn't about 'for women or for men'. It just said all should be equal. Part of her day job was helping organizations with governance and the pledge said liberty and justice for all, but the laws didn't allow for that. She hoped that they could make history and she hoped Council would encourage the State Legislature to pass the Resolution so that the ERA could be passed.
15. Deborah Saye, James Island, said the people that had spoken were a hard act to follow and she thought they had said everything that she would have said and more about the passage of the ERA.

Mayor Tecklenburg said, "Thank you very much. Did we miss anyone? Did anybody sign up who hasn't been called or would like to say a word to Council this evening?"

No one else asked to speak.

Mayor Tecklenburg said, "So, that's the end of our Citizens Participation Period. Thank you everyone for participating and sharing with us. Next will be our report from the Commission on Women. So proud that we have one here in the City of Charleston and represented also by Councilwoman Jackson on that Commission, but we're going to call for the Chairperson of the Commission, Jennet Robinson Alterman."

Jennet Robinson Alterman said, "Thank you, Mayor Tecklenburg, and I do want to recognize Councilmember Jackson as the Vice-Chair of our Commission. You've heard from several people. I want to give you just a few little points because I think this is really important, and I think it could allow the City of Charleston to make another major leap. Our Commission voted unanimously to forward you this resolution showing support for the current bills in the South Carolina Legislature. There are currently two of them. We also have the support of several other organizations that literally represent thousands of women in the community and around the State. They are the League of Women Voters, the Center for Women, the Sofia Institute, the Tri-County Women's Project, the YWCA, the American Association of University Women, and the Women's Rights and Empowerment Network. I'd like to ask my fellow Commission members if you stand and come join me up here. We believe that women deserve full and equal rights in the U.S. Constitution. The only right that is guaranteed to women in our Constitution is the right to vote. That's it. We're asking you to support the concept of equal rights, as you did a year ago when you adopted the Resolution in Support of the U.N. Convention to Eliminate Discrimination Against Women. In that Resolution that you adopted unanimously, it stated, 'Whereas the Charleston City Council desires that women and girls who live in the City of Charleston enjoy all of the rights, privileges, and remedies that are bestowed on all people in the United State no matter their race, national origin, gender, or religious belief, and declares that Charleston, South Carolina is a City that shall not tolerate discrimination against women or girls.'

Adopting the Resolution in support of the ERA is your next step in supporting equal rights for the women of this community. Most Americans think the ERA is already in the Constitution, about 90 percent of them. Unfortunately, with the resurgence of the 'Me Too' movement, which is really highlighting the second class treatment of many women, the ERA is really needed now more than ever. Former Supreme Court Justice Antonin Scalia was asked about the ERA and the Constitution, and he said, 'Certainly, the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It doesn't.' The ERA would expand legal protections for women, and the biggest impact would be in that area of pay equity. Women and children are the vast majority of persons in poverty in the U.S., and despite laws guaranteeing equal pay for equal work, women on average are making those low salaries that Denise referred to. In South Carolina, if the current trends continue, women will not see pay equity until 2088, 69 years from now. Do the figure of the tax that would come out of those years. I think it's time to recognize that we can do better by our female citizens, and we ask you to unanimously adopt the resolution. Thank you."

Mayor Tecklenburg said, "Thank you very much."

There was applause in the Chamber.

Mayor Tecklenburg said, "Alright. Order in the Chamber. Thank you. So, now the matter of the Resolution comes to Council."

Councilmember Griffin said, "Move for approval."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "We have a motion made by Councilmember Griffin and seconded by Councilwoman Jackson. Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I just wanted to go on the record, Mr. Mayor, and I'm speaking in my hat as President of the Charleston County BAR Association that the BAR Association fully endorses the approval of this Resolution."

Mayor Tecklenburg said, "Great. Well, I would also like to just shout out to our Representative, Peter McCoy, who is Chair of the Judiciary Committee. He will be a key figure in the passage of this in Columbia, and although he wasn't mentioned, and I'm sure there are many other sponsors, I know that representative Leon Stavrinakis is also a sponsor, along with representative Gilda Cobb Hunter. So, our thanks to them and congratulations, and thanks for their leadership on this issue."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. As a minority sitting on this Council, the law said that we couldn't be here decades ago. When I see a lot of times when we think about our forefathers, I find it hard to gather, how could you not let your mother have the right to vote? How can you not let your wife have the right to vote or hold office? So, I feel privileged to be able to cast a vote today in favor of this, but what I would also ask is that we go further. All of us have connections around this table, and I would hope we would go to County Council with this, too. Call the elected officials that we know that are allies and ask them, in particular the ones in Columbia, to support this. Who amongst us didn't feel proud when the Confederate Flag came off the dome or when the flag came off the pole? It would be so awesome if the State of South Carolina could be one of the final three that would lead to ratification of this amendment. So, I applaud these women for the enthusiasm that they have, but 60 degrees of separation puts us in contact with so many other people. So, I would hope that it doesn't just end with this Resolution tonight, that we would use the influences and the contacts that we do have with our legislators in the General Assemble and, of course, the State Senate. So, thank you ladies for what you've done, onward and upward."

Mayor Tecklenburg said, "Would anyone else like to be heard?"

No one else asked to speak.

Mayor Tecklenburg said, "So, we now vote to encourage and support the timely passage by the South Carolina Legislature of the Equal Rights Amendment to the United States Constitution, making South Carolina the final State required to ratify the amendment."

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted to approve the Resolution urging the State of South Carolina Legislature to support passage of the Equal Rights Amendment.

---INSERT RESOLUTION---

There was applause in the Chamber, including a standing ovation by the Clerk and others.

Mayor Tecklenburg jokingly said, "Madam Clerk, an outburst is not allowed in Council Chambers, Madam Clerk."

Councilmember Seekings said, "That's a \$5.00 fine."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Thank you. Congratulations, and thank you for bringing this to City Council. Next, Mark Wilbert, our Chief Resilience Officer will have a short presentation on the adoption of the Flooding and Sea Level Rise Strategy Second Edition."

Mark Wilbert said, "Second Edition, the 2019 Edition. Good afternoon, Council. I'd like to go ahead and give you a very short overview of the document I believe you were given last week and that you're going to be asked to adopt here. So, what's important to know about 2019 is that it continues and builds from the 2015 strategy. One of the things that I'm very proud of, and I think our team here in the City is very proud of, is that this document responds to a lot of the citizen feedback that we received over the last three years. When we wrote the 2015 document, we said we would do that, and we've done that. I'll point out a little later how we made sure we did that. It continues our reliance on science and data. We said we would do that and we've done that. What's new in here is it outlines five components, five buckets, that we, as a City staff, find ourselves doing work to support this strategy. It outlines, very extensively, our initiatives that all of the City departments are doing. It gives examples. It talks a little bit about those studies and initiatives and the looking forward, and I am going to spend some time talking about that when we get there. But, one of the key issues here is that this document is now asked for by the citizens. It's completely web-enabled. Everything on it is there for people to see. I cannot take credit for that. I've got to give credit to Tracy McKee and Katie McKain who have really worked tirelessly for about two weeks to get that up and running, but that is available. All of the information is available to every one of our citizens, and it ties right back to this. Lastly, this has been a very collaborative document. We've had probably three opportunities before the Sustainability and Resilience Committee, as well as we've met with other groups in the City. We've solicited their feedback and made adjustments based on their feedback.

I just want to start, and I don't want to spend a lot of time with this unless you want to, but we said we were going to stay with the Charleston Harbor. We've stayed with the Charleston Harbor. The sea level continues to rise in Charleston Harbor. It just does, and it's accelerating. The projections that came out in the fourth climate assessment that was just released in 2018 by NOAA show that and, again, using the intermediate graph that the projections for sea level rise in the next 50 years in Charleston have increased from our 2015 study. We've upped it by half a foot because that's what the document shows. That's the same document we used in 2015. We're using it again in 2018. Then, here is what used to be called 'nuisance flooding'. Under the current administration we don't call it that anymore, and when I say that, it's the Federal Administration. We call it 'minor coastal flooding'. So, those are the disruption flooding days, and you can see the bottom. The yellow is actually observed. You can see where that's trending, and what's interesting about that is if you look at it, it's right there on the intermediate scale which correlates back to the previous two graphs that I showed you. So, all of this lines up very nice from a science standpoint in the projections that we're having, and it's exactly what we're seeing.

The five critical components, as we were looking at this over the past three years, and we've had a team working on this, we've realized that it's really five areas of work that the City has. One is resources. We just had a great discussion about resources and where they're coming from. That's not going to go away. That's going to continue to be there. Land use, I jump to land use because land use is about where you build and what you build and how you build, and that's

what it's about going forward. All of the literature that's being published today about anything in the future talks about that. Governance, that's our CRS System, and our stormwater regulations. We've got to get that right, as staff members and as a City. We've got to be doing that and be on the cutting edge for the documents that are out there and the information that's available. Obviously, infrastructure, in this City we've put a lot of emphasis on infrastructure, but I would argue that it's all five that make a city well prepared for flooding and sea level. Then last, there is the outreach portion, which has become very important as we've kind of socialized this around. One common theme we hear from the citizens over and over again is that the information is not getting out there, so we're trying really hard to find ways to get it out there to both educate our citizens.

This is going to be new. This is going to be up and live on our website. These are the initiatives that the City staff is working on. These are either in progress, completed, or underway. This is going to be out there for all of the citizens to see. These can be added to, detracted from, and then we're actually, in the future, going to do some data mining and data analysis on this as we go forward. Initiative examples, I want to go through some of these initiatives. We're going to talk about infrastructure, our drainage improvement projects. One of the things that I have to give the team of Tracy and Katie a lot of credit for, there is an infrastructure story map up where every infrastructure project on the City of over 200,000 is now available for the citizens to see, where it is, how much money is being spent on it, and it's on a map. It moves all around the City, and you can watch it move all around the City. Governance, again, strengthening our stormwater regulations is a good example of initiative. Resources, Dutch dialogues, and I'll come back to those in just a minute, land use, again, how we're going to use the remaining land that we have, and we hope to give you some answers, or at least a help to some answers with that with another initiative that we will be kicking off, and then, obviously, outreach and our new web portal is one of the tools that we're going to use in addition to getting out. This talks a little bit more about the story map and, again, I can't tell you how interesting this is. If you want to go home, log on, and take a look at this, just go through that. It will show you all of the work that's being done in the City, and it's actually quite a bit of work. When you start to look at it on the map and you start to add up the dollars and cents, it's a lot of work, and, again, it's all over the City. The web portal, and the idea here is that a citizen only has one place to go to get all of the information they need about flooding. That was something that citizens wanted, and they wanted it desperately, and we're trying to put that all there. Everything that we can put there, we're trying to put there, so our citizens can reach into that and find it. It's a ton of work being done.

I want to spend just a minute here looking and planning forward because the conversation, and I'm going to step out here a little bit, and say the conversation that you all just had, I hope the work here precludes that from ever happening again because that's the intent. So, industry best practices, academia research, will tell you that in order to decide what you're going to do you've got to do your homework first. So, we are going to put our hazards and vulnerability and risk assessment is really the tool that you start with. You have to know where your vulnerabilities are, and you have to know what your risk is. Decisions really need to be made on risk, and that's risk to your economy, risk to your critical infrastructures, risk to your insurability, risk to the economic vibrancy of the City based on risk, and we kick that project off hopefully early March, and hope to have it deliverable to you by the end of the year. Then, what you do is you begin to put these other things against that, and you begin to buy down your risk. You have a choice. Do you want to buy down your risk, or do you want to spend your money in other places? But, at the end of the day, what it comes down to is risk, money, and how do you buy down your risk. Based on the literature, that's the way conversations are going to have to be going in the future, and I hope that we can provide that information to you, so that you will be able to use that in the future. That is the intent. That's why we have these projects up here.

I do want to say that when you go out and ask for money, and I've been out asking for money, you need two things or three things, really. You need a project. You need the benefits of the project. You need the cost of the project, and you need the consequences of not doing it. Those are the four things that you need. Without those four things, people are not interested in giving you their money. All of these things up here are designed to do that. Now, the Dutch dialogues, it's probably a matter of semantics, but the Dutch Dialogues actually deliver four projects, and those are projects that you can take to the market that you could show to the market that you could go and ask money for at the end of the day. The Vulnerability and Risk Assessment, I talked to you about that. The Hazard Mitigation Plan, right now, FEMA and the State are telling counties that they want to see cities have hazard mitigation plans that are more specific to their city needs. We have a FEMA grant for that which we got last year that will be kicking off, so FEMA is paying 75 percent of that. The Army Corp of Engineer Peninsula Flood Study, again, that goes back to the risk and the gain. The reason that that is Peninsula specific, because we asked for the Church Creek area to be studied as well, is because you have to have a certain economic cost benefit in order for the Army Corp to come in. They're going to study this for a year. They're going to evaluate it for two years, but at the end of the year, we're going to have some darn good projects, and it's already engineered, that have already been studied that we can take to the market once that project is done. That's going to look at protection from storm surge around the Peninsula.

I think what we'll find is that a lot of our risk will end up on the Peninsula just because of the threats, because of the economic activity, because of all of the things that we currently have. Going through the Peninsula, you talked about Septima Clark, if you lose Septima Clark, you've lost mobility in and out of the City. As a guy who was sitting in the back of an ambulance with a leg busted trying to get to the hospital on a flooding day, and the driver wasn't sure he was going to be able to get there, that mattered to me that particular morning. That's the kind of things that we're actually facing right now in our City, and this Vulnerability Assessment will help to highlight that.

Then, the last thing is, once we finish all of that, the Stormwater Program Management Team that we've talked about, they're actually the team that are going to come in and, in terms of the infrastructure projects, begin to put projects against what our risks are. That will essentially be up to Council to decide how you buy down your risk, but the industry is looking at this. I've just read a really good paper on it, and I was actually glad to hear your discussion, but I'm glad I was up presenting this after it because that's really the future for cities like ours that are living along the coast that are facing these threats of flooding from all sources and then sea level rise, which just makes all if it worse. Then, finally, again, it's web-enabled and with that, I'll answer any questions."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I was just thinking about this while I watched. I have a question and kind of a comment. My first comment is kind of a rhetorical question, too, but we just touched on the Dutch Dialogues, and this is one of those looking and planning forward, big progress spotlights, but how much money did we spend on the Weston & Sampson Study of Church Creek? Six hundred thousand? And now this. What's going to happen if the Dutch come back and say that we need to go a different route than what Weston & Sampson said as we've already started approving projects over there? That, to me, is going to be very, very scary. That's just something to think about and part of what Councilmember White said about doing so many studies. Eventually, when you do so many, you could probably start contradicting yourself. Are Weston & Sampson going to be a part of the discussion with the Dutch?"

Mr. Wilbert said, "Well, I have even better news for you. Weston & Sampson was at the table at the very beginning, and they've spent probably six hours with them already going through their studies, the work that they're proposing, as they look to turn that into what might be a project that we could then take to market."

Councilmember Griffin said, "So, they're actually working together?"

Mr. Wilbert said, "They have absolutely been working together."

Councilmember Griffin said, "Cool."

Mr. Wilbert said, "In fact, out at Church Creek, Weston & Sampson did a tour with the Mayor, and I think you were there when they did the press conference out there."

Councilmember Griffin said, "They weren't there that day."

Mayor Tecklenburg said, "I think it was the next day. Are there any other questions?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I just said 'well done'."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just briefly, Mark, thank you. There is a lot that goes into this, and there's a lot to do, so it's the beginning of the beginning. I think when you talk about the strategy, one of the things I would encourage you as you look to updating this again, which you're going to have to do, is you mentioned at the very end that this is something that affects 'cities'. You used the plural, and it's true. The only way to go to market, I think, and bring this to a level where you can get the funding to take this is sooner or later, there has to be a document that this gets plugged into. I just wrote it down. It's something like the Coastal Atlantic Flooding and Sea Rise Strategy. It's got to plug into the entire coast. That's the only way you're going to get the political power and will to get infrastructure that works along the whole coast. We're scalable because we're pretty small geographically, but we are, just like many other places, facing the same issues, and the way to get after this is collectively. So, what's good for Charleston should be good for others and vice versa, and I think that's where you need to take this to the market. You need to take Charleston to the market and get the Coastal Atlantic Flooding Alliance going."

Mr. Wilbert said, "The Mayor just did a really good job last week of doing this presentation to the South Carolina Council Flood Water Commission. Yes, sir."

Councilmember Moody said, "I guess this calls for adoption. I'm trying to figure out what we are approving here. Is this an official position, or is this of the City? How are we moving forward with this? I know it's not an ordinance."

Mr. Wilbert said, "It's part of our Stormwater Manual."

Mayor Tecklenburg said, "Well, this is a comprehensive set of strategies. It's a major revision of what Council passed in late 2015 that Mayor Riley submitted, but it's been more gone over with a fine toothed comb by a core of City staff members, who really, over the last three years, have worked on this and added richly to it, if I may say, but it's similar in a way to the parking study that we passed at our last meeting. It's a guideline. It's guidance."

Councilmember Moody said, "It's guidance. I just wanted to be sure."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mayor. Thank you very much, Mr. Wilbert. I just wanted to say that it's been a privilege to be on the Sustainability and Resiliency Committee as one of the Council representatives. I think we have an amazing set of good circumstances in a hard challenge that will never end in our lifetime, but I do think that we are so well positioned to take advantage of all of the expertise that's already here in Charleston with NOAA, the DNR, and the DHECS of the world. I went to a conference. You were there Mr. Wilbert. That was at the Riley Center last year, and one thing that I don't think about, and I don't know if the rest of you do, but when Beaufort County that supports the Marine Corp, they are basically ahead of us in ways because they have that urgency with the base that has made them want to prepare for these things a whole decade or so ago, right? Even longer, and so I think that when you do multiply what we have in Charleston with our Port, and the reasons for our economy to be well-supported with strategies like this, I do think that we should be encouraged. We've got an amazing challenge to face all of this with the sacrifices that it's going to entail, but we've come a long way in just a short time since whenever you were still in your part-time position, and we were listening to the King Tide Awareness Team. When was that? A year and a half ago, two years ago at the most, and that feels like elementary school, and now we're sort of entering college. So, I congratulate everyone who has put all of the efforts that they have into this. I personally find it fascinating. I will volunteer for any Task Groups or anything like that, the money creation. We really just all need to work together because this is our challenge of the century. So, thank you very much, Mayor."

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

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilmember Wagner.

Councilmember Shahid said, "Thank you, Mr. Mayor. Mark, on an earlier screen you had up there the Citizen Portal, so citizens can call in. I'm looking on page 12 of the report, and we talk about new and ongoing action items with the GPS system that's in place. So, this is something we discussed yesterday at our Public Works Committee. When citizens have an issue, a maintenance issue, or a clean-up issue, how will we be tracking that? They call in and say, 'I live at 123 Maple Street, and the ditch in the back of my yard needs to be cleaned up'. So, can you just sort of give us a practical walk-through of how that's going to be addressed, and how you would be tracking that improvement or addressing that particular property?"

Mr. Wilbert said, "I'm going to take a stab at it, an educated guess, because I don't normally do stormwater ditch cleaning, but what I'm going to say is we're driving everyone to our Call Center, and our Call Center enters it into the Gov System that we've just purchased and just got online, and it's tracked through that system."

Councilmember Shahid said, "I think that's really an important part of that because, all too often, we're just receiving that type of complaint from our constituents and so, those are questions I get."

Mr. Wilbert said, "Absolutely."

Councilmember Shahid continued, "Would they be able to get a response back to that, if we're tracking it, that's going to be an intricate part of this for our people that we serve."

Mayor Tecklenburg said, "I'd like to give Council an update on our Call Center. There are new ways that are coming on line this month and how to communicate with our Call Center, maybe a little review of the kind of calls they've been getting and the responses we're giving because it's been up and running about nine months now, and they're really doing a terrific job."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Alright. I just need to clarify. This is for me and the normal citizen. We talked sea level rise. It's very clear that we're going to get increased King Tides. All of that, that's been out there for years, and we're seeing that. About half the days as we are, we will flood pretty much. Now, put this to where I can explain this to the general constituency. 'My God, it's going to be ten feet higher'. Does that mean if I'm at ten feet above sea level that I'm going to be at sea level, or is that kind of like the tsunami effect that right here it's going to be bad, but a mile inland everything's normal. I need a very simple explanation."

Mr. Wilbert said, "I don't think we're going to see a ten-foot wall of water show up on the shore, and I think what's interesting is that, as we're finding out, it's different everywhere you go in the City. Depending on the day, depending on the wind, depending on the tide, depending on all of those factors, it can be different in the same spot on different days. To specifically answer your question, two feet of sea level rise does not necessarily mean that it will be two feet higher in any given spot. The sea will rise two feet. Depending on what the land is will determine how far that sea goes up. Does that answer your question?"

Councilmember Wagner said, "That's the answer I was looking for. Yes. Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Move for approval."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. I would just like to thank Mark and Katie. Is Katie here?"

Mr. Wilbert said, "She's not."

Mayor Tecklenburg said, "She really has put a tremendous amount of excellent work into this. It's been a truly collaborative effort. I think it's very comprehensive, and it is a living document with recommendations going forward. For example, when the initial sea level rise strategy was passed by this Council in 2015, the estimate based on the science at that time was that in 50 years, the sea level rise would be, our best guess, one and a half to two and a half feet. Already just in a four-year period, we're upgrading our estimate that it will now be two to three feet. So five years from now, hopefully it won't go any higher, but it could. So, this is the kind of strategy, comprehensive in nature, that's alive. We'll be coming back and following these things, revising it from time to time, as need be."

On a motion of Councilmember Waring, seconded by Councilmember Shealy, City Council voted unanimously to adopt the Sea Level Rise Strategy Report.

Mayor Tecklenburg said, "Next we're going to our Council Committee Reports. First, Committee on Recreation, Chairman Gregorie. Thank you, Mark."

Councilmember Gregorie said, "Mayor and Council, first, I'd like to recognize that this is Black History Month, and it's something that all Americans should be cognizant of. I didn't want to leave this place without acknowledging that.

The Committee on Recreation met on February 7th at 1:00 p.m., and we had several items on the agenda. However, we didn't complete the agenda, but there are some items that would require this body's action. The first item is the age requirement change to the Palmetto Artisan Ordinance, and we do have with us here our Manager of Minority and Women Businesses, Ms. Ruth Jordan, who will explain it to you."

Ruth Jordan said, "Yes, as you know, as of August last year we formulated a Task Force of 25 community members to include businesses, residents, members of the Artisan Program, staff and educators. One of the recommendations was to increase the age to high school graduates or 18 years of age. One of the things that we want to do is to provide a robust Artisan Program, and we're going to come back and provide you with complete details. So, one of the first things was age change for up to high school graduates and age 18. We're going to have a mentorship component along with a scholarship matching component and again, financial literacy. This will require an age change along with providing those kids between the ages of 16 and 18 to be able to get their, I like to call it their business licenses, because they are currently not working with their permit here with the City of Charleston. So, we're going to create this robust mentoring program, and we're going to improve upon our existing Biz-Camp, so that our young people will begin to look at an entrepreneurial program. So, we want to empower our youth up to age 18 or high school graduation."

Councilmember Gregorie said, "Thank you. Are there any questions?"

Ms. Jordan said, "Yes, Mr. Lewis."

Councilmember Lewis said, "I don't have a question, just a comment. I want to thank the Committee for the hard work that they are doing. They are empowering our young people. Then, there was a move to just get rid of them. These young people have done such a good job with putting this City on the map for years. Every time I talk about the rose peddlers, my mind comes to Ms. Dorothy Williams. She was the editor of the Post and Courier 12 years ago. She called me, and she said, 'Councilmember Lewis, you all have to do something for those young people because they're about to run those young people off of King Street', because most of that time, they used to hang out on King Street but, her words to me, 'Those kids are good kids, they're really good children, and we need to do something.' I went to the Mayor, and the Mayor got Jimmy Bailey to start a program at the Community Center to help with these children, and years later, there has been an uproar with the kids doing no good. Thank God you came in, and you all are working with them. I want to thank the Commission for really working hard, and I'm looking forward to working with you and hope you all continue to work to empower these young people where they could be young entrepreneurs one day. Thank you."

Ms. Jordan said, "Thank you, Councilmember Lewis."

Councilmember Gregorie said, "I would also like to say I'm very excited because, as you read the report that was developed, we're really taking this to a totally different level. We're really talking about economic development and teaching our children skills and entrepreneurship, how to approach the Convention Bureau, hotels, etcetera, etcetera. So, we're really talking to folks about something that really expands and provides opportunity for our children, and I'd like to take my hat off to you, Ms. Jordan."

Ms. Jordan said, "Well, I cannot take the credit. I want to again applaud the entire 25 member Task Force, staff, Mr. Jordan Lanier, along with all of the other members, Janie, and all of those who are here. They've really worked hard over the past 12 weeks, and we'll come back and give the entire Council a full report, the same report that we provided in writing with all of the recommendations. So, this was one of the first recommendations which was to increase to allow up to high school graduation, or 18, to be able to get their business license to continue to do their tasks. More importantly, we want to preserve and sustain a Gullah Geechee tradition of Palmetto Artisan, but we want to go beyond that. We want to create the next business leaders. We want to create the next entrepreneur, but we have to start now. We can't wait until they graduate. We need to start in middle school."

Councilmember Gregorie said, "Thank you very much, appreciate you. I want to continue going through the items before we vote on them, if that's okay. The next item that we discussed was the naming of the Reverend Alma Dungee Recreation Building, and we applaud the efforts of Ms. Dungee. One thing that wasn't brought out when we were honoring her is she is also a great singer. One day she gave me one of her CD's, and it was like the kids say, 'off the chain', really good. The other items that were brought before us, most of them were discussion items. One, Brantley Park, which is a small acreage on James Island in District #6, an effort led by Councilwoman Jackson."

Councilwoman Jackson said, "For the Re-think Folly."

Councilmember Gregorie said, "As a part of the Re-think Folly Road, and the Recreation Committee supported it, the same for the Longborough Exchange Agreement, and, of course, all of this stuff has to go to Real Estate, and we made that clear. We did get a time for the Waring Senior Center and its opening. I think it's March 5th at 2:30 p.m. The other item that we had a lengthy discussion on was the Wellness and Aquatics Center Complex. That presentation was done by past Councilwoman Wilson, and we did have some recommendations there, as well. While our staff was prepared to give us a status on all of the other items, we decided to delay that because we were already at about 90 minutes in our discussion. All of the items that I discussed the Recreation Committee overwhelmingly support, and I make a motion that this body do the same."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "We have a motion on the floor, and that would include first reading of the ordinance to extend the age for the Palmetto Artisan Regulations."

Councilmember Gregorie said, "Yes, Mayor."

Mayor Tecklenburg said, "Alright. Is there any discussion? Yes, sir."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I know it was 18 or a high school graduate. What was it before?"

Mayor Tecklenburg said, "I think it was 16 before."

Councilmember Gregorie said, "16."

Councilmember Moody said, "Where does it start?"

Ms. Jordan said, "It starts at nine, and so, you will see in the program that we're going to do virtual modules for the 9- to 12-year olds and then the 12 to 14 and right around to age 18 for training and literacy."

Councilmember Moody said, "Okay, good. Thanks."

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

No one else asked to speak.

On a motion of Councilmember Gregorie, seconded by Councilmember Griffin, City Council voted unanimously to adopt the Committee on Recreation Report as presented:

---INSERT COMMITTEE ON RECREATION REPORT---

- a. Age Requirement Change for Palmetto Artisan Ordinance
- b. Name 1099 King Street the Reverend Alma Dungee Recreation Building
- c. Items for Discussion (*Action may or may not be taken on any of the below items*):
 - Brantley Park;
 - Longborough Exchange Agreement;
 - Waring Senior Center;
 - Wellness and Aquatics Center Complex;

First reading was given to the following bill:

An ordinance to amend Chapter 17 of the Code of the City of Charleston, South Carolina, to modify the City's Palmetto Artisan Regulations to extend the age of the program to eighteen years old or until graduation from high school.

Mayor Tecklenburg said, "Now, I was remiss in not making an announcement earlier. I didn't write it down, so I just remembered, and most of our citizens have gone, but for the benefit of those remaining, and particularly for Council, we have the honor, as a City, to have a new naval vessel being named after our City, the USS Charleston. The commissioning of this vessel will be at the Columbus Street Terminal on Saturday, March 2nd. It's been a part of our budget for this year. We're going to host a breakfast that morning. I mention it because you must register online to be invited. It's no charge, but everyone who wants to attend needs to go online by the end of the day on Thursday. They're having a cut-off, so if you want to attend the commissioning of the USS Charleston, please register online by Thursday. If any Councilmembers would like assistance, just call Michael Tito in my office. He's been serving on the Committee."

The Clerk said, "Pat asked me if I would work with them, and I've sent them the information as I did last year."

Mayor Tecklenburg said, "Okay, and so maybe it's been sent, but just to bring it to your attention because there is that deadline. Alright. So, next is our Committee on Community Development, Councilmember Mitchell."

Councilmember Mitchell said, "Yes. We had a Special Meeting of the CD Committee on City Council held Thursday, February 7th at 3:00 p.m. First, number one, we had a review of the Opportunity Zone Proposal, and that item was deferred, but the CD Committee asked the Planning staff to bring back to them the specific strategies that could be implemented as a result

of the Opportunity Zone Initiative. The Planning staff is to provide a one-page list of the proposed zoning initiatives that could be used in the areas of the Opportunity Zone, so they're going to bring that back to the Committee.

Number two, a discussion of the Huger Street Streetscape Project. That item was not approved as it was presented at the time at the Committee. The Mayor advised that he had written a letter requesting that the agreement was amended to allow funds for the project to be re-directed to affordable housing. The request was denied by the South Carolina DOT and the Federal Highway Administration. The CD Committee voted to pursue an amendment to the agreement between the City of Charleston, the South Carolina DOT, and the Federal Highway Administration by contacting Congressman Clyburn's Office and Senator Lindsey Graham's Office for their support in amending the request. Councilmember Waring made that motion. The Mayor did not agree with this recommendation in light of the ongoing collaboration with the South Carolina DOT, so that would be before Council tonight. Number three, updates with a request for the proposal for the Cooper River Bridge Redevelopment Area and the Lowline Affordable Housing site. The Cooper River Bridge Area, Ms. Johnson advised that three bids and one no bid was received. Staff is working with the selected, most responsive, bidder which is Flat Iron Partners and Classic Development Company. The appropriate documents would be presented to Real Estate and City Council at a later date, and the Lowline Affordable Housing site, two bids and one no bid received. The selected responsible bidder for the site was The Michaels Development Company. The staff is instituting the proper due diligence and follow up.

Number four, we had a review and approval request for bond funds. The recommendation of the CD Committee of City Council was forwarded to you under separate cover for your approval. The one amendment which was different from the staff recommendation was \$500,000 being deducted from the City of Charleston Cooper River Bridge Redevelopment Area and being awarded to Atlantic Housing for the rehabilitation of the Orleans Gardens, which is 100 units. That change is reflected on the chart that was sent by the Clerk's Office. Funds will be awarded to the development entities which are subject to all legal requirements being met by the applicants. So, all of these items were approved by the CD Committee, and you will see the one that was deferred to the Council to be voted on. So, I make a motion that we approve all of this."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have a motion on the floor to accept all of that together and a second. Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Are we voting on the streetscape as part of this, or is that separate from your motion? I'm asking."

Councilmember Mitchell said, "Well, the streetscape, you are voting on it because they require the streetscape for us to ask the staff here to contact the various Congressmen to be able to see if they can re-direct or try to help us, if they would make any change that way because right now, they were saying no when the Mayor went there. So, if we vote on it, then we are instructing them to try to come up with something else."

Councilmember Waring said, "If you would allow me a motion, can we set that aside separately and then vote on the balance and then come back and discuss that, because I think there may be some sort of compromise on that piece to go forward. I would like to discuss that separately if we could. If not, I'll do it like that."

Councilmember Mitchell said, "Yes, we can separate it. Well, I'll make a motion that we vote on all of the rest, and then we'll separate the one that's dealing with the Huger Streetscape."

Mayor Tecklenburg said, "Alright. So, 2(a) is coming back to Council at a later time regarding the Opportunity Zone. We took no action on that. So, really what we would be considering right now with this motion is all of the requests for the Cooper River Bridge Redevelopment Area and for the other Affordable Housing Bond Funding."

Councilwoman Jackson said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I think that the Cooper River Bridge is information only, so we're not voting on that yet."

Mayor Tecklenburg said, "What's that?"

Councilwoman Jackson said, "We're not voting on the Cooper River Bridge Redevelopment."

Councilmember Mitchell said, "The Cooper River Bridge was information only right now because we have to come back. Staff has to do some research with that."

Councilwoman Jackson said, "It's going to be a negotiated contract that will come to the Council."

Mayor Tecklenburg said, "Okay."

Councilmember Waring said, "But, Mr. Mayor, there was some information on the Overlay Zone, some instructions to staff. Maybe Mr. Lindsey can get up and give a little overview on that part."

Jacob Lindsey said, "Thank you, Mayor and members of Council. In the Community Development Committee, the members of the Committee did direct staff to go and investigate further the things that would need to be done to take maximum advantage of the Opportunity Zones to facilitate the construction of affordable housing in those areas. We're going to do that and report back to you next month."

Councilmember Waring said, "That was just information. Okay, thank you."

Mayor Tecklenburg said, "Okay. Is there any other discussion?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. One of the things that we're going to vote on now is the potential distribution of all of the funds for the \$20 million Affordable Housing Bond that the Committee voted in favor of. I just have a couple of questions because I didn't sit in the Committee, and I think some of this was done in Executive Session. One of the lines, or one of the columns, on the chart that was distributed to us about the distribution of these funds, which does total \$20 million, is a scoring and a ranking system. I'm sort of interested to know what that scoring or ranking system is and how it was arrived at, and there are two systems. Apparently, there is an 84 point system. It sounds like a boxing match. Then, the last two were done by the financial analysis conducted by Bloomberg which are the two City projects which we're partnering up on. I'm interested to know, on that ranking system, how that all worked. Then,

the second part of my question is, I'm sure a lot of these projects that are on our City projects are formulaic, and the entire program is conditioned on a fairly sizable sum coming from these bond monies. If we don't give the full amount requested, or only give a half of it, some of those projects may not go forward, I guess. I don't know. So, first off, how do we score them, and then what do we do with projects that don't get funded at 100 percent of what they asked for if that is the difference between life or death of the project?"

Geona Shaw Johnson said, "So, I'll answer your last question first. We don't know the answer to that yet until we discuss it with the development entities. Prior to doing that, we bring it to you all to make the decision whether the amounts that the Committee or the Bond Review Committee allocated based on their review of the applications was appropriate. So, typically, once we bring it back to or have CD Committee of City Council make a recommendation, we bring it to Full Council. Once you make a vote, then we determine and go back to those entities to say, 'This is what was approved. Will this allow your project to go forward and be feasible?' When the Underwriting Review Committee looked at it and made a determination as to the allocation, they also made other recommendations where some of the development entities could look at, for instance their developer fee, to determine where they could find other dollars to make those projects more feasible, if that makes sense. So, that was the goal there."

Councilmember Seekings said, "So, we're approving this, but then you're going to go back and talk to each individual entity, see where that fits into their program and their formula. Then, is this going to come back to us reallocated?"

Mr. Johnson said, "Correct. It will come back to the CD Committee of City Council first because the bond funds are what they are. They're \$20 million, and if you look at what was requested, it was a little over \$33 million."

Councilmember Seekings said, "So, when we vote tonight, and each one of us individually votes, we're then giving you the authority to go back to each individual entity to talk with them, and essentially, negotiate a little bit with them to see where they are. We're not finalizing these funds. They're not locked in to each one of these projects. Am I right about that?"

Ms. Johnson said, "That's correct."

Councilmember Seekings said, "I think that's an important distinction. We're about to vote on \$20 million here."

Mayor Tecklenburg said, "So, one of those projects, for example, they might apply for these LIHTC tax credits. They may get turned down, and their deal may fall apart. In which case, we're certainly not going to fund them, right? So, that's one example, and I do want to also raise the issue which is consistent with what we're telling you right now, that we're going to come back for final approval, is that we've continued to discuss this whole arrangement with our bond attorneys. There may be some legal requirements that the grantees may have to comply with. So, we'll also be part of the negotiation as to whether they're willing to give us the kind of protection or legal requirement that we need. Am I saying that well, Susan?"

Susan Herdina said, "Yes, that's correct."

Mayor Tecklenburg said, "So, before we finalize any dollars going to a specific project, we will come back to this Council again. We're giving a guideline, but the ability for us to now go and make a commitment, for example, to One80 Place, that we're willing to put X dollars into your project, go see if you can get the rest of your funding."

Councilmember Seekings said, "Right, and just to follow up quickly, it goes both ways. If LIHTC goes away, that project dies but, again, they're going to need some funding for LIHTC to be there, right? They're not going to do 100 percent LIHTC funding and the difference between four percent and nine percent. All of those different formulas go in there. So, I just want to make sure. This is a big deal. This is the first time we've ever had a \$20 million bond issue for affordable housing. We're now to a point we're actually thinking about projects that look like some of them actually may be ready to go. Just so we understand where those funds are going and what we're getting, what bang we're getting for the bucks that we're putting out there. I think one of the things we talked about early on is these are basically grants from the City, right? These aren't loans. We are going to take this funding, we're going to take this bond money, and it is going to go to affordable housing with no obligation back to the City, whatever other obligations we might have?"

Ms. Johnson said, "No funding coming back to the City."

Councilmember Seekings said, "Right, they've got an obligation to comply with all of the requirements and everything they represented to us, the number of units, the pricing and all of that. Got it."

Ms. Johnson said, "Yes."

Councilmember Seekings said, "Okay."

Councilmember Mitchell said, "Yes, that's why it's going to coming back. That's why we said it's subject to all legal requirements being met by the applicants."

Councilmember Seekings said, "Thank you. That answers my questions. Thank you very much."

Ms. Johnson said, "In most cases, in literally all of the applications that were submitted, they're also pursuing other funding, either nine percent or four percent tax credits, in order to make their deals come together. So, this enables them to know what direction they're going in, relative to their funding sources, and where they may need to tap other funding sources."

Councilmember Seekings said, "I'm suspecting most of these are four percent, right? Those nine percent ones are tough to get."

Ms. Johnson said, "One is nine percent, I believe. I don't have that with me. I'll bring that back to you, but the majority of them are four percent or otherwise. As it relates to the application, we fashioned ours very similar to what the State Housing Finance and Development Authority fashioned theirs as where we looked at basically what that development entailed. These organizations completed what is called a letter of intent, or a pre-application, which was a two-pager that basically gave us general information on what amount of funding they wanted, as well as the number of units. Then, once that was reviewed by the Bond Review Committee, we determined whether we wanted a full application from the organizations. So, within that application, it literally went into a bit more detail for the applicants to disclose for us. Basically, what type of financing they were going after, how much of the Bond Funds were required for their project, 20 percent, 50 percent or more, what the affordability period would be, basically, their readiness to proceed, organizational summary. It's a whole list of questions. What we determined, as we went through the process, was that the possible score was less than what we thought it would be when we structured the application and Legal basically advised us that we couldn't change the application once it was released, so, we advised the applications what the

possible point scores were and scored them based on that when they came into the office. So, we used criteria that was previously established by agencies in the State.”

Councilmember Seekings said, “But the next time we’ll hear back from you will be basically what you’ve learned once these allocations and preliminary have been approved from the projects as to whether that helps, hurts, or is neutral?”

Ms. Johnson said, “Yes, that is correct.”

Councilmember Seekings said, “Okay. Alright. Fine.”

Councilmember Mitchell said, “So, we have to make a motion on that.”

Mayor Tecklenburg said, “I think that’s the motion we have on the floor.”

The Clerk said, “Well, yes, there is a motion, but I wanted some clarity. So, are we only talking about voting on Item (d)?”

Mayor Tecklenburg said, “Basically.”

The Clerk said, “That’s what it looks like.”

Mayor Tecklenburg said, “Yes.”

The Clerk said, “It’s just Item (d).”

Councilmember Lewis said, “Right.”

The Clerk said, “Okay.”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “Just for a matter of clarification. So, when one of these applicants came forward and they wanted \$4.5 million, and we awarded \$3 million, is that with the understanding that that project will still go forward? They didn’t get the 100 percent of their requested funding. So, they’ve got a timeline to find that other revenue, I presume?”

Ms. Johnson said, “Correct.”

Councilmember Shahid continued, “To come up with that. So, what happens in the instance, and they go we’re short a \$1,000 or whatever amount of money their short, that we’re going to pull that money out?”

Ms. Johnson said, “Right. So, if the project cannot go forward, they would advise us accordingly. One of the things that we were asked by the CD Committee is to allow them 30 days to review that once we get back to them, and if it cannot work, they would advise us at that time. Either they can find other funds or their project will not go forward.”

Councilmember Shahid said, “But we can’t go back and take from another applicant to make up that shortfall? That money is already locked in. Whatever we may have pledged to another applicant we don’t have the liberty of coming back?”

Ms. Johnson said, “If they do not use the funds, we absolutely have the ability to go back out, re-advertise, and award those funds to another project.”

Councilmember Shahid said, "Okay. Thank you."

Mayor Tecklenburg said, "The loose commitments you made total the \$20 million, right?"

Ms. Johnson said, "Correct."

Mayor Tecklenburg said, "So, there is no room to spare, so to speak, unless somebody comes back and says we're a no-go, and then we could reallocate those funds."

Councilmember Shahid said, "Good job. Thank you."

Ms. Johnson said, "You're welcome. Thank you."

Mayor Tecklenburg said, "Are there any other questions?"

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I'm going to at least make the motion."

Mayor Tecklenburg said, "I think we have a motion on the floor on (d). Are there any other questions?"

No one else asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Lewis, City Council voted unanimously to approve Item 2(d) of the Committee on Community Development Report:

d. Review and approval of requests for Bond Funds

Councilmember Mitchell said, "While I'm here, I was going to recognize, I see Mr. Foster over there."

Delbert Foster, Executive Director of 1890 Program, said, "Thank you."

Mayor Tecklenburg said, "Speaking of Mr. Community Development, right here. We're making great progress, I understand, to go forward with our Community Center on Lee Street in the 1890 Program."

Mr. Foster said, "We've got one issue we're addressing."

Mayor Tecklenburg said, "Yes. Thank you so much for being with us. It's always good to see you."

Mr. Foster said, "Yes, sir."

Mayor Tecklenburg said, "So, next, we have the matter of (b), the discussion of the Huger Streetscape Project, Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. The reason I brought that up, and we had a hardy discussion at Community Development about the Mitigation Agreement, affordable housing was an allowed use. Streetscapes is an allowed use, and I think drainage is. We did a manhole prior to Mayor Tecklenburg being elected. We did, I think, \$400,000 or \$500,000 for a manhole out of the original \$3 million that was for mitigation. To spend 100 percent of the remaining dollars on streetscapes, which is not a crisis in this City, and I don't think anybody,

our leadership in the City anyway, would disagree that affordable housing is a crisis in this City. So, when you get a chance or an opportunity to get any appreciable dollars for affordable housing, we have to go for it. It's already allowed. Now, I don't know if the Secretary of Transportation is familiar that a good portion of the streetscapes on Huger Street have been done by the private sector. When we voted on this in 2014, there was no new development on Huger Street. Today, there is. We also know from the drainage project that is going to be on King and Huger Streets. If you're headed toward Morrison Drive, as you get to where the interstate goes over, our Engineering Department has told us we may need to raise that street to effectuate the drainage solution there, which means the existing sidewalk is going to have to be torn up. So, it doesn't make any sense to pave new streetscapes there before we do the drainage between King on Huger to where the interstate goes over.

Now, after you go underneath the interstate, from that point all the way to Meeting Street on the north side has been done. It's in place by a private sector. On the right side, there are a set of apartments going up with some additional new development they will take care of that portion. So, then you cross the intersection of Huger and Meeting. The northeast corner is where Eddie Buck and their team is going to do a hotel, an office building, a parking deck, etcetera. That takes in a solid third of the portion from Meeting to Morrison Drive. So, at least two-thirds of that project we either can't do because of the drainage, or it has been done by a private sector. So, I hear you, Mr. Mayor, on the portion about there being some streetscapes that hadn't been done and probably won't be done. We can do that part. But, I'm a firm believer that has the Secretary seen the portion that's been done? Have we done pictures or DVD's showing her what has been done? The part about it's been said that we don't want to upset these people because they can take reprises. I thought about that. That was part of our discussion, but I thought about that, Mr. Mayor, and if we accept that, starting with me, shame on me, and I'll tell you why.

I remember some years ago, when Hurricane Floyd was coming, the lanes were not reversed. The Governor was replaced and so was his Secretary of Transportation and you know what, now, we're reversing in advance, so to speak. It's never a problem. You know why? If we lead our City because we want to take money that's allowed to go towards affordable housing because of a reprisal, then that becomes the new normal. That becomes the new normal on the way we do business with the Department of Transportation, South Carolina, in particular, the Department of Transportation. We have not reached out to our delegation on this. I invite them, take a ride up and down Huger Street and see what's happening. We were told when we voted on this, Steve Bedard came to that same microphone, and I asked, Mr. Mayor, at that time, if these dollars could be spent on affordable housing. 'Yes, but it's a use it or lose it, Councilmember Waring. If we don't use it, they're subject to take the money back.' That was in 2014. It's 2019. They're not going to take those dollars back. If we were to spend \$2.2 million on streetscapes, where we know development is coming, we didn't know that development was coming at the time, that wasn't in the pipeline. We now know what was in the pipeline and in place, and we know what's coming. We have an opportunity to take some of those dollars, not only to create affordable housing, but to create permanent affordable housing.

The project that they're doing on One80 Meeting we funded some. We've funded about half of their request, but going forward I think these affordable housing projects, in particular, when they create permanent affordable housing, I don't know how we score them in the future, but we should give them an extra point or two if they're doing housing that expires versus permanent affordable housing. So, the tug of war of the remaining amount being spent all on streetscapes I think Senator Proxmire, I think was his name in the U.S. Senate, used to give out this thing called a Golden Fleece Award. It used to recognize wasteful spending on behalf of the Federal Government like when the Government would spend \$900 on a hammer. This comes close to

that, \$2.2 million on Huger Street that already has sidewalks by the way. There are already sidewalks on Huger Street, so nobody has to walk in the mud like they have to do on Sam Rittenberg on certain parts on a rainy day. We actually, on a major thoroughway, have cow paths down Sam Rittenberg. Fighting to put people before streetscapes should be an easy task.

So, I would think that another presentation to the Secretary of Transportation, if that means we need to fan out because it's a three-way agreement, I will be happy to get in contact with Congressman Clyburn on the Federal side. I'll be happy to reach out to Senator Scott and Senator Graham. You have a strong relationship with Senator Scott. Affordable housing needs to be brought forward in that light, and if they took reprisals against us, why would we be quiet about that? We're the largest City in the State of South Carolina. We should let every city know that's what they're doing to us. Whatever reprisals, they're doing that to us. Charleston County is a donor county. We send more money to Columbia than they send back. When we send a dollar to Columbia, we don't get a dollar back. So, to sit here and be intimidated by potential reprisals, shame on us. I didn't say shame on you. I said shame on us because our people deserve better. We can lead on this. I understand you don't have the 40 years' experience. None of us would have the 40 years' experience where Mayor Riley could pick the phone up on something like that, but collectively we do. The relationships we have collectively, we do, so I don't think this is poking anybody in the eye. I think that if the reality of what's happening on Huger Street was told to decision makers, people would win, so that's why. We're not going to get anymore mitigation money from the South Carolina Department of Transportation, the Federal Highway Transportation Authority, and, obviously, the City of Charleston on that Cooper River Bridge Project. This is it. My point is let's spend it more efficiently and include people. Thank you."

Mayor Tecklenburg said, "So, if I may respond to just a couple of points and make a suggestion in concert with you, but I do want to draw a distinction between what's allowable under the Mitigation Agreement from 2004 and what was agreed upon in 2014. Yes, affordable housing was an allowable expense in the original Mitigation Agreement but, in fact, the former Council and Mayor, in 2014, agreed, in a three-party agreement, that they would spend the balance of the funds for this streetscape improvement. I wasn't here then, and I agreed with you, Councilmember Waring, to ask if we could make that change-up. I did so, I think, very politely and very effectively, but just given the dynamics of everything that's gone on and maybe the hassle of getting the Feds to approve it as well, I got a 'no'. In a way, I just want to draw this analogy.

It's not unlike the situation that we were in and the County of Charleston was in with the extension of I-526. They had a three-part agreement between the County and the SIB Board, and the Highway Department. So, the SIB Board basically said somewhere along the way, 'No, we don't want to do this anymore. We don't want to give you the money for this agreement that we had already agreed to back in 2006.' Well, the County and the DOT said, 'Hey, wait a minute, you can't unilaterally make a change to a three-party agreement'. So, thankfully, everybody stood firm and finally, with the help of Governor McMaster, we got the SIB Board to come back around, and the agreement is back on track as it originally was because two of the three parties didn't want to change it. In a way, this is a pretty similar situation. I would like to change it, you would like to change it, and I think most of our Councilmembers would like to change it. We're just one party to a three-party legal agreement that we've agreed to. I'm not a lawyer, but I think it would take concurrence of the three parties to mutually agree in order to make a change. That's what I asked for. I was not successful. I would like to also point out that even though you're so correct, in that a lot of development has occurred on Huger Street and those property owners, developers will do their little sections of the streetscape, you will have a significant section that's not finished.

So, you'll end up with not a pretty smile with some nice teeth and some that aren't so nice or some that are missing.

Streetscaping is not an inexpensive matter. It's expensive and, in addition, we've asked the drainage improvements be included with the streetscape. I'm not going to say that it's a bad deal, but it's different. So, this is what I would propose to you. How about I call Secretary Hall again, and I invite her on the next trip to Charleston that she has some time to meet with you and me on Huger Street, and we'll just go over this whole matter one more time with her and see if we can get a different result. How about that?"

Councilmember Waring said, "Yes, I'm willing to do that. I'm willing to meet with the delegation. I'm willing to meet with Congressman Clyburn. I'm willing to meet with Senator Scott and Senator Graham. You brought up the example of the State Infrastructure--"

Councilmember Lewis said, "Remember now, we've got a Charleston Congressional Legislative Delegation."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "That's right."

Councilmember Lewis continued, "We've got State Senators that need to be involved with this because part of this is a State matter."

Councilmember Waring said, "Correct, and the delegation piece, as a matter of fact, was Councilmember Lewis's idea at the Committee. In other words, the State Infrastructure Bank Board said 'no', and you're right with your example of I-526. The appointed people said 'no' and the majority, right? But, it wasn't until the Governor got involved, and all of a sudden, the appointed people said 'yes'."

Mayor Tecklenburg said, "That's right."

Councilmember Waring continued, "That's the process that I'm asking for. As a matter of fact, it would have been great when the Governor was here if we had taken him down Huger Street, so he could have seen it for himself. I'm willing to do that, but my point is to spend \$2.2 or \$2.3 million, when a healthy portion of that potentially could go towards affordable housing, it's worth those efforts, and it's worth us getting involved collectively if that helps. I don't think there is a Councilperson around this table that says they're not willing to make a call to the members of the County Delegation, Senators, representatives, etcetera."

Mayor Tecklenburg said, "I do want to share with you. I want to be most respectful of Secretary Hall, and they are one of the three parties to finish I-526. That's real important for us. They are an important part of our drainage maintenance program, as Senator Senn has helped get started. One of those matters came up last night. I mentioned it to you earlier today, of improving the drainage behind Ashley Plaza Mall involves tying in a new pipe to an existing DOT drainage feature. I know they say 'no' sometimes to us on a crosswalk or some curb cut or something like that, but there are so many levels that we need and want their cooperation and good faith, and I know you want to be respectful to them as well, but I'm sensitive about that. If we have two of the three parties together, I see bringing in the heavy hammer, but sometimes if we're one of three, I just want to be respectful of them. You hear me?"

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mr. Mayor, just to sort of piggy-back on Councilmember Waring's effort here. If you go back to the bonding issue that we were just discussing earlier and look at some of the recommendations from our Housing and Community Development Division, if you can leverage \$2 million into 72 units, that's a blessing. So, \$2 million can go a long way. Given the track record of our Director of Housing and Community Development and how she's been able to leverage our limited dollars into hundreds of units, I just think that this is also a good opportunity if we were able to have that \$2 million, that \$2.3 million to leverage into additional housing."

Mayor Tecklenburg said, "Hey, look, I wish you all hadn't voted on this in 2014."

Councilmember Gregorie said, "Well, all of us didn't."

Mayor Tecklenburg said, "Okay. I didn't go back to check the vote. It passed. A majority of Council passed it."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "So, Mr. Mayor, if this mitigation money was allocated to us and we spent all of the money we could, and they came out that we had \$2 million left over, I don't know, maybe I'm looking at our Legal Department. What are our obligations under that if we don't spend that money and we had to return it back to the State as it stands right now?"

Mayor Tecklenburg said, "That's what Steve Bedard must have threatened you with back in 2014."

Councilmember Waring said, "He said, 'Use it or lose it.'"

Councilmember Gregorie said, "Yes."

Councilmember Shahid said, "What harm does that create to the State? The State has allocated this money to us. They've earmarked it to us."

Councilmember Lewis said, "The Federal Administration."

Amy Wharton said, "It's a Federal pass-through."

Mayor Tecklenburg said, "It's a pass-through of Federal funds."

Councilmember Shahid said, "The question is, what skin is off their back if we've maxed out the money that we needed to do for the mitigation project? We have surplus money. Where is their skin in the game at this point? They're not losing that money if we complete a project. If we've done everything that we were supposed to do under the mitigation, and we've got leftover money, whatever the leftover money is, what is the fuss about that?"

Mayor Tecklenburg said, "They've got a lot of time invested in it already."

Councilmember Shahid said, "Do they get the money back?"

Mayor Tecklenburg said, "I don't know, I'm going to let SCDOT speak for themselves. I shared with you a letter that they sent me where they basically said it's mandatory that we proceed with what we had agreed upon before. Maybe it's not mandatory. Maybe we would risk losing the money, I don't know. If you all are willing to take that risk--"

Councilmember Shahid said, “No, I’m just sort of more curious as to their position on this. We’ve got a Memorandum of Understanding. We’ve got a contract, and we’re bound by that. I understand that completely, and I’m not trying to rock the boat with them. I’m just more interested as it’s pass-through money, it’s available for a particular purpose, and they’re raising a stink about it.”

Mayor Tecklenburg said, “But what we agreed to was an allowable purpose, as well. So, was affordable housing, but so was doing streetscape in the area and in the meantime, respectfully, Council has, we’re trying in any way we can to dedicate resources to affordable housing. We’ve dedicated some land sales. We have some future land sales, and we now have a fee-in-lieu that has generated some millions of dollars already. We’ve dedicated, even though they’re small, the fees from short-term rental registrations for affordable housing. We, I think, this year, in addition to the \$20 million bond, we’ve accumulated something like \$6 million total of funding for affordable housing. So, I do have to reasonably say, if the DOT and Federal Highway Administration don’t want to change gears and fixing the rest of the Huger Street and addressing some drainage issues there, isn’t a bad thing to do. You might, on your list of priorities, prefer spending that money somewhere else, but a former Council agreed to it. I just question how much effort and skin you want to put in this game because we’re working to get other funding sources for affordable housing. We’re doing that every day and so I just, being respectful of DOT and making progress and making something happen and getting on with life, I don’t think it’s a terrible thing at all to proceed with the project myself.”

Councilmember Shahid said, “Just to follow up on that, Mr. Mayor. I think it’s important that we are all good partners with our other agencies and governments because we have a lot of projects we will be working with them on, like you mentioned, with the Ashley Plaza Mall.”

Mayor Tecklenburg said, “We need to buy some property from them to complete Cooper Street back to Meeting. Every day there is something else we need their cooperation on.”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Yes, I was just going to suggest, first of all, the Highway Department deals with the highways, and the affordable housing piece is something that they feel like that’s a bait and switch maybe. We’re talking about \$2 million here. In the scheme of things, particularly in the Highway, it’s not a big pot of money.”

Councilmember Waring said, “Don’t say that.”

Councilmember Moody continued, “But, it seems to me like, and I rode Huger Street with Councilmember Waring and down towards Morrison Drive, there is a lot of work to be done. Maybe that will be developed some day, but it just seems to me like you all ought to try the issue of how far this \$2 million would go to that, and it might be that we need to just leave it alone for the time being and not try to switch it. We’ve got plenty of affordable housing projects that we can work on in the next year or so, but there will be one of those projects that comes along that we can maybe use some of this money for some kind of highway or something the DOT is interested in and take the money we may have otherwise would put there and put it in affordable housing or call some developer to create more units or something like that. I think we’re kind of all talking the same thing here, and we don’t have all of the facts. I just don’t believe, I’m afraid that the Highway Department sees this as housing and highways, and that’s not their purview.”

Mayor Tecklenburg said, “That might be part of it.”

Councilmember Moody said, "That's just the way they look at stuff, and they're just saying unless you can convince them that that affordable housing would really be good in that area. I think you're kind of beating your head against the wall with some of those folks, but for \$2 million, I'm not sure that I want to upset I-526 or upset some of these other things because I don't want to go to war with Christy Hall and the Highway Department. I want to keep them there, but I think we can make this thing work. So, I think you two guys ought to talk to Christy and see if you can make something, but I think that's what your problem is."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Why did they put it in writing that housing could be part of the solution? It was to mitigate people that were being displaced. We've got two, what could be permanent affordable housing, that's in the footprint that hold on a second. I understand. It's in the footprint of the area that was to be mitigated. We've got the property from the bridge site, Parcel B, and we've got the One80 homeless shelter trying to do 70 or 72 units. I understand Council was very able in telling us about the agreement in 2014, but things change. Sidewalks have been repaired."

Councilmember Moody said, "All I can say is put on that face when you go see Christy Hall."

Mayor Tecklenburg said, "That's what the SIB Board said, too. Things have changed."

Councilmember Moody said, "Convince her that that's the thing to do."

Councilmember Waring said, "I look forward to meeting with Secretary Hall, but not just going up and down Huger Street. I'd like to take over the One80."

Mayor Tecklenburg said, "We'll do both."

Councilmember Waring said, "And Parcel B, so she could see what could be."

Councilmember Moody said, "I think you need to make the case for why that affordable housing is so important because she's just looking at it as streets and streets, and she's not getting any streets."

Councilmember Waring said, "I agree with that part."

Councilwoman Jackson said, "Well, and it goes to the streets."

Mayor Tecklenburg said, "Alright."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "You're welcome."

Councilmember Seekings asked, "Where are we?"

Mayor Tecklenburg said, "Well, we had a motion that was part of the Committee Report to go back to the Council to ask for this change of use. I basically agree with Councilmember Waring to contact Secretary Hall again and arrange a meeting and a discussion about it. So, if that's acceptable to Council, we'll move forward with that."

Councilmember Waring said, "Move to defer."

Councilmember Gregorie said, "Second."

The Clerk said, "Move to defer. So, that was Councilmember Waring seconded by Councilmember Gregorie?"

Councilmember Gregorie said, "Yes."

Mayor Tecklenburg said, "Right."

The Clerk said, "Okay, that's a deferral."

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, City Council voted unanimously to defer Item 2(b) of the Committee on Community Development Report:

b. Discussion of the Huger Street Streetscape Project (DEFERRED)

Mayor Tecklenburg said, "Next, is our Committee on Public Works and Utilities, Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. We had a couple of streets and dedications that passed unanimously, as stated on our agenda, and I move for approval of Items a (i) and (ii)."

Councilmember Shahid said, "Second."

Councilmember Waring said, "I move for approval of those two things before I go on."

Mayor Tecklenburg said, "We're going to take those separately a (i) and (ii), just the Acceptances and Dedications. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to approve Items a (i) and (ii) of the Committee on Public Works and Utilities Report:

Acceptances and Dedications:

Bluestone and granite curb at 475 East Bay Street. Approved to notify SCDOT that the city intends to accept maintenance responsibility for bluestone and granite curb to be constructed in conjunction with the project at 475 East Bay Street with the SCDOT right-of-way (US-52).

- Letter

- Map

642 Meeting Street. Approved to notify SCDOT that the City intend to accept maintenance responsibility for street lighting and street trees on North Nassau Street (S-119) to be constructed in conjunction with the project at 642 Meeting Street.

- Letter

- Map

Councilmember Waring said, "For information, Mr. Newham told us he has hired two project managers. If you remember, we appropriated money in the 2019 Budget, and they are now on board. So, hopefully, some projects will begin to move forward. There was an update on two projects that Councilmember Shahid requested. No, it was more than two, but anyway."

Councilmember Shahid said, "It was like ten."

Councilmember Waring said, "Ten projects, right. So, you all better get your requests in."

Mayor Tecklenburg said, "Another one showed up this afternoon."

Councilmember Shahid said, "Number 11 showed up."

Councilmember Waring said, "I know, but he's doing a good job over there trying to get some flooding taken care of. Update from the Floodplain Manager on Freeboarding, which I believe will come later on today. I'm going to go through the remaining and come back to you, if you don't mind. The update on the Stormwater Drainage Division, we had a lot of discussions on that, and the Committee actually took a vote to seek comment from the Developers' Council at the Chamber. I didn't make that clarification at the meeting yesterday. The Developers' Council isn't staged with real estate people. It's actually staged with engineering development firms. I thought maybe they needed to change their name. It almost sounds like people that go out buy property and build houses, but it's really the engineering members of the Chamber. So, they're going to review those recommendations that came to our Committee, have comment, and then bring it back, and that's what the Committee voted to do, and I will put that forth as a motion."

Councilmember Waring said, "This is update of the Stormwater Design Standards Manual revisions."

The Clerk said, "Right, Item (iv)."

Councilmember Seekings said, "And Interim Stormwater Standards."

Councilmember Griffin said, "I actually have (v)."

Councilmember Waring said, "Items (iv) and (v). Right. Thank you. So, that came forward from the Committee, and I'm making that motion that we take that position at Council."

Councilmember Griffin said, "Second."

Councilwoman Jackson said, "I think the clarification is Item (iv) is the permanent standards that are being drafted under Kinsey Holton as the Staff Coordinator for that, and that's the group that has been working on the standards that are going to be adopted at the end of the year."

Councilmember Waring said, "Councilwoman Jackson is correct. That was information that Mr. Kinsey gave item (iv), but we voted on (v) to send the Interim Standards to the Developers' Council for approval."

Councilwoman Jackson said, "Somebody make the motion?"

Councilmember Waring said, "So, I'll make a motion that Item (v) be approved as approved in the Committee."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I would just like to make sure that, as essentially it's being deferred to go to the engineering members of the Developer Committee, and I think they're adding on. I just saw a couple of e-mails this evening that they're adding on other professionals that don't have anything to do with stormwater management programs and their relationship with the Chamber. So, while we're waiting for that to happen in the next couple of weeks, I just want to make sure that the document that they are considering, and the one that we should all be keeping in front of us as an interim set of design standards for stormwater management programs, is the document that came to us separately on Friday evening from Ms. Cook. That's the official, final revised set of standards that were initially transferred from the Church Creek Ordinance that the Council passed last year. In the process of getting to you on Friday, February 8th and to the Committee that's going to look at them on behalf of the Public Works Committee. That list of Church Creek standards was adjusted and revised based on input that Kinsey Holton and I, and I think some other people were collecting, from other members of the engineering industry. So, the two items that were a part of Church Creek are still part of Church Creek's Ordinance today that seem to be the most not transferrable to other parts of the City have been removed from this document that's now the one that we're all going to be looking at that was sent to us on February 8th. Then, there is a new item that is determined by the people that are contributing to the ordinance as of tonight, Item 6, and that item was actually revised twice, inserted once, and then revised. So, the document that you should be looking at shows Item 6 with the line out of the original item that was substituted for 6 and now, in underlined boldface type, is the existing Item 6 that is going to be reviewed. So, I'm sorry if that's confusing."

The Clerk said, "I am confused."

Councilmember Gregorie said, "It is confusing."

Councilwoman Jackson continued, "But there were three or four versions of this document that came before."

Mayor Tecklenburg said, "Can we just say the most recent version?"

Councilwoman Jackson said, "Now it's the most recent version, but the item to focus on in the next couple of weeks is this Item 6. That's the one that is generating the most discussion, and I just want to make that clear."

The Clerk said, "I have a question. So, Item (v) is being referred to the Chamber? Is that right?"

Councilmember Moody said, "The Developers' Council."

The Clerk said, "The Developers' Council. I have that and Chamber Development Council. So, we're going to keep both? This one's being referred to the Chamber."

Councilwoman Jackson said, "When I say Item 6, I'm talking about in the Standards document itself."

Councilmember Gregorie said, "Not what's in here?"

The Clerk said, "Okay."

Councilwoman Jackson said, "That's the next topic. What I'm talking about is the version of the Interim Stormwater Standards that is attached with the Council's packet that was delivered this past Wednesday is no longer the most recent Interim Stormwater Standards that will be reviewed on behalf of the Public Works Committee by the Chamber. That document came to us Friday evening."

Mayor Tecklenburg said, "Okay. It's understood we'll use the most recent version."

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

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yes, it was sent out by separate memo by Vanessa. It says Section 27-28 and clearly is marked 'As Amended'. That is what we discussed, and pretty well said we weren't going to bring it here as a body called Public Works."

Councilwoman Jackson said, "People are talking about it. This is the document they're talking about. That's what I wanted to make clear."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I think it's important that I share with the Council that there were four engineering firms that sent representatives. As a matter of fact, one of them, I think, is on the Task Force which was Seamon Whiteside. Seamon Whiteside sent somebody. I think Thomas & Hutton, Forsberg Engineering, and I think HLA. All four separately came to the microphone and said that using stormwater designs from one drainage basin and making it applicable across the City was not one size fits all. None of them agreed to do that. So, they were clear in what they said on that."

Mayor Tecklenburg said, "Alright. So, could I make a request?"

Councilmember Waring said, "Yes, sir."

Mayor Tecklenburg continued, "That we're going to send this for some review by the Developers Council. Now, we have, as you mentioned, a Task Force that's reviewing the permit, if you will, rather than Interim Design Standards. It includes, in addition to engineering firms, some citizens that are large and some other community groups that have an interest in this topic of flooding and all like that. I know when it comes back it will be a public process. So, could we just add 'in addition to the Developers', Council just make it clear that we would welcome any other input from either citizens or community groups?"

Councilmember Waring said, "I agree. Yes, sir."

Mayor Tecklenburg said, "Terrific."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Moody.

Councilmember Griffin said, "I also just wanted to add in that Mr. Holton specifically said that all of these things would be brought up with the Manual Committee for the new Stormwater

Manual. So, some of these things may be dismissed before it comes to us. I believe he also said that that would come before the Public Works Committee as well, right? Didn't he say that before it came to Council, the Stormwater Manual updates?"

Councilmember Waring said, "Yes, I definitely believe we've got a good public process inclusion going on."

Mayor Tecklenburg said, "That's right."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I guess it must be just getting late, and I hate it. The next time we bring this up it's got to be first on the agenda, not last. I'm going to vote against all of this. I don't want City Council approving anything. I don't want any ordinances to go in place until we've got something that we can live with. This is not even half-baked, and for us to approve anything, I'm all for the Committee, and I thought that's what we were doing was to put the Committee back there. Well, some of us were out in the streets saying, 'Well, this is better than a moratorium', and all of this kind of stuff. I don't want people thinking that we're doing something that we're not doing, and that's where this is. That's why it's so confusing. We've got stuff coming from every direction. So, I think, tonight, I'm going to vote against all of this, and hopefully we could bring it back in some kind of orderly process and put something in place that has some meaning. So, that's my two cents."

Councilmember Waring said, "The motion on the floor right now is to send the Interim Standards to the Developers' Council."

Mayor Tecklenburg said, "That's correct. That's the motion on the floor."

Councilmember Moody said, "But we had first reading on some other stuff."

Councilmember Waring said, "You're right. I'm going to get to that, but you're jumping ahead."

Councilmember Moody said, "I jumped the gun on you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Mayor Tecklenburg said, "Then, let's call the question."

Councilwoman Jackson said, "So, this is on (v)? We're still talking on (v)?"

Mayor Tecklenburg said, "Correct."

Councilwoman Jackson said, "I'm in perfect agreement with what happened yesterday at the Public Works Committee to send the existing, the most recent Interim Stormwater Standards Ordinance to be reviewed. I was just trying to point out to the gentlemen at this table that if you're going to go along with any of that review that you use the most recent document that was delivered to us on February 8."

Mayor Tecklenburg said, "That's what we're going to do."

Councilmember Moody said, "Why don't we use a number or letter, so we know what we're referring to?"

Councilmember Waring said, "But that's what the Mayor said."

Councilmember Moody continued, "Call this number one. Just put the number on it and say that's what we're talking about, so if somebody comes back to something, we can say this is number two, but right now that's number one, and we're sending the ordinance to the Council."

Councilmember Waring said, "The most current version."

Councilwoman Jackson said, "That's great."

Mayor Tecklenburg said, "Are we very clear on that?"

Councilmember Waring said, "I guess so."

Councilmember Seekings said, "Totally clear."

Mayor Tecklenburg said, "We're voting on (v) to send it for review to the Chamber of Commerce Developers' Council, the most recent version."

Councilwoman Jackson said, "Thank you."

On a motion of Councilmember Waring, seconded by Councilmember Griffin, City Council voted to send the following bill to be reviewed by the Chamber of Commerce Developers' Council:

An ordinance to amend the Stormwater Design Standards Manual in accordance with Sec. 27-28 of the Code of the City of Charleston, by adding interim requirements for stormwater systems and facilities for new developments within all areas of the City other than the Church Creek Drainage Basin; to provide for exemptions; and to provide for an expiration date.

Mayor Tecklenburg said, "Councilmember Moody, did you want to vote against it?"

Councilmember Moody said, "I'm present."

There was laughter in the Chamber.

Councilmember Moody said, "No, I don't have any problem with it going to the Developers' Council, but I didn't want us to approve anything."

Councilmember Waring said, "Item 6 on the report, I thought that was going to be withdrawn."

Councilwoman Jackson said, "Yes. Would you call on me, please, Mayor?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes. Thank you. I would like to make a motion to withdraw this ordinance."

Councilmember Gregorie said, "Second."

Councilwoman Jackson said, "I'm sorry, I don't know how it got on the agenda."

Mayor Tecklenburg said, "I think it was the intent for it not to show up again. Here it is. We now have a motion to withdraw b(vi)."

On a motion of Councilwoman Jackson, seconded by Councilmember Gregorie, City Council voted unanimously to withdraw the following bill from the agenda:

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

Councilmember Waring said, "That is the extent of my report, Mr. Mayor."

Councilmember Griffin said, "Move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "I think we voted on everything so we don't need to vote on anything. Next will be our Committee--"

Councilmember Waring said, "I'm sorry, can we go back?"

Mayor Tecklenburg said, "Can we come back to that when we do first readings because it's on as first reading?"

Councilmember Waring said, "That's fine."

Mayor Tecklenburg said, "Okay. Now, our Committee on Ways and Means."

Councilmember White said, "Move for adoption of the report."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

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

(Bids and Purchases

(Police Department: Approve extension of Agreement between CPD and Charleston Housing Authority. CHA pays CPD for five officers assigned to cover CHA properties.

(Police Department: Approve Third Amendment renewing Agreement between Charleston Dorchester Mental Health Center (CDMHC) and CPD in the amount of \$20,000 wherein CDMHC provides CPD with a full time mental health professional who provides services to children and families in domestic violence cases.

(Public Service: Approval to apply for a FEMA grant application in the amount of \$694,821.57 that requires a City match of \$69,482. If approved, this grant would fund 3 property mitigation projects (2 acquisition/demolition and 1 structural elevation). Due

to time constraints, the application was submitted on January 29, 2019. The City match required is \$69,482.

- (Public Service: Approval of Spring-Fishburne US 17 Phase 4 Fee Amendment #17 with Davis and Floyd in the amount of \$505,688 to include additional design elements moved from Division IV, project enhancements, design revisions due to as-built conditions and other ancillary items, value engineering, mitigation support, and program administration. Fee Amendment #17 will increase the Phase 4 portion of the overall Professional Services Contract by \$505,688 (from \$879,065 to \$1,384,753). The funding source for this work is the State Infrastructure Bank (SIB), the Drainage Fund, and the King Street Gateway TIF. *(DEFERRED)*
- (Public Service: Approval of Spring-Fishburne US 17 Phase 4 Fee Amendment #18 with Davis and Floyd in the amount of \$6,831,772 to provide construction engineering and inspection (CEI) services to support the construction of the Phase 4 pump station wet wall and outfall. Fee Amendment #18 will increase the Phase 4 portion of the overall Professional Services Contract by \$6,831,772 (from \$879,065 to \$7,710,837). The funding source for this work is the State Infrastructure Bank (SIB), the Drainage Fund, and the King Street Gateway TIF.
- (Public Service: Approval of Spring-Fishburne US 17 Phase 4 Construction Contract with Conti Construction, Inc., in the amount of \$51,933,757 to construct the Pump Station, Wet Wall, and Outfall of the Spring-Fishburne Drainage Project. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved budget. The Construction Contract will obligate up to \$51,933,757 of the \$65,909,935.70 project budget. The funding sources for this work are the State Infrastructure Bank (SIB) (\$39,000,000), King Street Gateway TIF (\$8,500,000) and the Drainage Fund. (\$18,409,935.70).
- (Legal Department: Approval of a Memorandum of Understanding between the Historic Charleston Foundation and the City of Charleston not to exceed \$225,000 for the Dutch Dialogues
- (Request authorization for the Mayor to execute an easement agreement, together with the appropriate easement drawing, under which the City will grant an underground electric line easement to South Carolina Electric & Gas Company ("SCE&G"), together with the ability for SCE&G to install pad mounted transformers, switch gears, and other necessary apparatus and equipment on the City's property lying to the south of Savannah Highway (U.S. Highway 17), designated as Charleston County TMS Nos. 350-00-00-072 and 350-00-00-073, commonly known as the site for Fire Station No. 11. The Mayor will be authorized to execute the easement and drawing without further action by City Council upon approval of the final form of the agreement by Corporation Counsel.
- (Update on Longborough Exchange Agreement between City and Longborough Homeowners' Association
- (Update on the Charleston Technology Center
- (Consider the following annexation:
 - A vacant lot on Stinson Drive (TMS# 350-05-00-095) 0.99 acre, West Ashley (District 11). The property is owned by Rale MGMT LLC.
- (Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code for the receipt of legal advice concerning potential claims related to the Middleborough Development. The Committee may or may not take action after returning to open session.

First reading was given to the following bill:

An ordinance to provide for the annexation of a vacant lot on Stinson Drive (0.99 acre) (TMS# 350-05-00-095), 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 11. The property is owned by Rale MGMT LLC.

Mayor Tecklenburg said, "Bills for third reading, there was one. It's deferred. We have five bills up for second reading."

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

Councilmember Seekings said, "Second."

Mayor Tecklenburg said, "We're going to take L-1 through L-5 together. Is there any discussion on any of those?"

No one asked to speak.

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

- 2019-009** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 295 CALHOUN STREET (PENINSULA) (2.10 ACRES) (TMS #457-02-02-001) (COUNCIL DISTRICT 8), BE REZONED FROM LIMITED BUSINESS (LB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-1/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY THE MEDICAL UNIVERSITY OF SOUTH CAROLINA.
- 2019-010** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2115 SAINT JAMES DRIVE (JAMES ISLAND) (0.24 ACRE) (TMS #343-02-00-090) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 4, 2018 (#2018-162), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY CATHERINE G. GALLOWAY.
- 2019-011** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON BENTGRASS COURT (JAMES ISLAND) (0.57 ACRE) (TMS #334-03-00-009) (COUNCIL DISTRICT 12), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 4, 2018 (#2018-161), BE ZONED RURAL RESIDENTIAL (RR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY LINDA KETNER.
- 2019-012** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF A VACANT LOT ON AGATHA STREET (0.13 ACRE) (TMS# 351-07-00-070), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN

THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 7. THE PROPERTY IS OWNED BY DONNA R. JOHNSON.

2019-013 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A VACANT LOT ON AGATHA STREET (WEST ASHLEY) (0.13 ACRE) (TMS #351-07-00-070) (COUNCIL DISTRICT 7), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION. THE PROPERTY IS OWNED BY DONNA R. JOHNSON.

The Clerk said, "It is third reading."

Mayor Tecklenburg said, "Third reading and ratification. Yes, ma'am. We did, and then we just have the one bill up. Folks, this is the last item on our agenda. We're making progress. We have one item up for first reading regarding increasing the freeboard requirement from one foot to two feet effective this coming August 1, 2019. Mr. Julka, would you like to make a presentation? Do we have a motion to accept?"

Councilmember Shahid said, "So moved."

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg said, "We have a motion and a second. We did have a long discussion about this and a very fine presentation by Mr. Julka. There were some questions that, I think, he was prepared to respond to from yesterday, but you might, since everybody wasn't here, give a very brief outline of the ordinance change."

Stephen Julka said, "Certainly. So, I guess we can consider this perhaps the first proposed implementation of an initiative from the newly adopted update to the Sea Level Rise Strategy. This has been several months in the works with meetings with staff, preservation groups, went to Planning Commission in the summer, the Stormwater Standards Task Force which was recently mentioned last month. Very quickly, freeboard is just a measurement in feet above the base flood elevation that a community implements as a higher standard of safety for new development. The base flood elevation is established by FEMA on the flood insurance rate maps. So, we are currently at a one-foot freeboard, and we are proposing to move to a two-foot freeboard. You will hear me refer to DFE. That stands for Design Flood Elevation. That simply means the combination of the base flood elevation, shown on the flood insurance rate map, with the added measurement of freeboard to that. We looked at a few similar cities on the Atlantic Coast that also have significant Historic Districts to see what they've been doing. St. Augustine currently has a one-foot freeboard. Annapolis has a two-foot freeboard, and Norfolk, Virginia has a three-foot freeboard currently on the books. Really, the only issue that those cities have run into, in terms of the implementation of an increased freeboard, has been in Annapolis where they still measure their height limits in feet as opposed to in stories in their Historic District. So, they are currently experiencing a crunch of a top limit that is not moving and a bottom requirement that is moving. In our Historic District, we recently moved to measuring our height limits in stories. Outside of the Historic District, we currently have a Zoning Ordinance exception on the books that allows for the difference between the base flood elevation and the existing grade of a property to be added onto the top of the height limit that is measured in feet, so we should not run into that same problem that Annapolis did.

Briefly, the major benefits of a freeboard requirement is simply reducing damages to properties, reducing the number of flood insurance claims that get made to the NFIP, as well as

the reduced costs to the community. We spent a lot of money, the State spends a lot of money, on mitigation from flooding events, as well as consistency with neighbors. We are currently in the minority at the City in terms of our freeboard requirement. Most all of the jurisdictions surrounding us in the Tri-County area are already at two feet. So, moving to two feet would bring us into consistency with neighboring jurisdictions and their requirements. This also adds a lot of points. It actually gets us more than a quarter of our way to the next classification in the community rating system which is this, the incentive program under the National Flood Insurance Program that allows communities to get credit for higher regulatory standards than what the NFIP currently requires. We are currently sitting at a classification of six, which means a 20 percent flood insurance premium reduction for our citizens with NFIP insurance policies. We are aiming to achieve a classification of five when we have our visit later this year. That classification of five will bump us up to a 25 percent premium reduction for our citizens with NFIP policies. So, the more points that we can get, the lower our class, the more the reduction in the premiums, and as you saw this one move gets 125 points towards that goal, so this is a big step in achieving that.

In terms of how much of our City is in the Special Flood Hazard Area, over half. Over half of the acreage, over half of the parcels in the City are currently in the SFHA. So, now, I'll quickly draw your attention to the large packets in front of you that show some information about the Special Flood Hazard Areas in our City. The package on Berkeley County has the now currently effective Flood Insurance Rate Map Panels for the areas of Berkeley County that are in the City of Charleston. For Charleston County, rather than printing off all 50 flood insurance rate map panels in duplicate for each of you, I instead did a broader look at the different areas of the City that you can compare between the currently effective Flood Insurance Rate Map that is currently the regulatory standard versus the proposed Preliminary Flood Insurance Rate Map that we are waiting to hear from FEMA when the next steps in that effectiveness timeline will progress. We are hoping that the Preliminary Map will become effective later this year. But, if you hold the two packets side by side, for Charleston County, what you're looking at there in the dark blue, that is the SFHA. That is the Special Flood Hazard Area. Those are our V Zones and our A Zones. So, anything that's not that dark blue color is outside of the Special Flood Hazard Area. The freeboard requirement does not apply to those properties. The freeboard requirement applies only to the properties that are in the dark blue area on the Charleston County maps and applies only to the areas on the Berkeley County maps that are shaded in the dark gray. That's the Special Flood Hazard Area on the Berkeley County maps. So, it's a lot of information, and I'm happy to come back to that at the end.

One important thing to note in comparing, for Charleston County, the currently effective firm, as opposed to the preliminary firm, is that there are some significant portions of the City that are proposed to be removed from the Special Flood Hazard Area. So, those areas that are currently subject to SFHA regulatory requirements, like the one-foot freeboard, if they are removed from the SFHA on the new map, they are no longer subject to the freeboard requirement. Very briefly, we enacted our one-foot freeboard on January 1st, 2015. Since that date, this is a breakdown of the number of permits that have been issued in the City of Charleston that would have to comply with that freeboard requirement. You see the top line there is the total permits that have been issued in the City, the number of permits below that that have been issued in the Special Flood Hazard Area. Those are the permits that would have to comply with that one-foot freeboard requirement, and then the bottom line is the percentage of building permits that have been issued in the SFHA out of the total City permits issued. The important number is actually right at the bottom. That is roughly five percent of all of the structures that now exist in the City of Charleston that have been built to the one-foot freeboard requirement. That is a number that we want to see go up. This is a look at the number of flood losses in the City of Charleston. We account for 6,600 flood insurance claims under the National Flood Insurance Program, and that

is 18.7 percent of all properties that sit in our Special Flood Hazard Area have made at least one flood insurance claim since 1978.”

Councilmember Seekings said, “Since 1978?”

Mr. Julka said, “1978. Since the NFIP went into effect in Charleston.”

Councilmember Seekings said, “Do we have internal statistics on what percentage of that is on versus off the Peninsula?”

Mr. Julka said, “I do have those statistics. I have a visual if you would like to look at it.”

Councilmember Seekings said, “That would be great. Thank you.”

Mr. Julka said, “You may pass that around if you like. I printed that big because it’s hard to see.”

Councilmember Waring said, “What is the tan area on this map?”

Councilmember Seekings said, “So, each orange, basically the orange is a claim. That big blob is the Peninsula.”

Mr. Julka said, “Yes, it is.”

Councilmember Seekings said, “It’s not a dot. It’s the big blob.”

Mr. Julka said, “The tan color on the SFHA Maps, that is the 500-year floodplain. So, that is what is referred to as the X shaded zone. That is outside of the Special Flood Hazard Area. That’s essentially kind of an in-between zone between the Special Flood Hazard Area and a full X Zone, but the tan area is also not in the SFHA. So, back to this slide, the most important number on this slide is also at the bottom. The City of Charleston makes up roughly two-thirds of all of the NFIP claims made in the State of South Carolina. So, just as we want that five percent number of properties that have been built to freeboard requirements to go up, we want that two-thirds number to go down. We want to make up less of a percentage of the State making flood insurance claims. So, a quick look at construction costs, the Association of State Floodplain Managers did a very comprehensive national study in 2017 to look at what an additional foot of construction means for construction costs. You can see in the tables, I know this is not easy to read, but on your desks you have a printout of this PowerPoint. So, it might be easier for you to look at in that way. But, you can see on the left hand side, depending on the type of foundation that is used, there are different costs associated with building up an additional foot. Those range from \$890 to \$4,470. The middle table there shows approximately what the reduction in your flood insurance premium looks like as a result of each additional foot of freeboard. You can see it obviously goes down. People pay less in insurance when they are elevated higher. The third table on the right is a breakdown of how those insurance premium savings over time offset the initial costs of an additional foot of elevation. You can see that it would depend on the method used to achieve that freeboard requirement, but in a matter of just several years, usually that initial cost is offset by insurance premiums.”

Councilmember Seekings said, “Can I ask you just a couple of questions about that left chart?”

Mr. Julka said, “Absolutely.”

Councilmember Seekings said, "So, the left chart you did take into account a 2,000 square foot house? Is that what that was?"

Mr. Julka said, "Yes. All of these charts are based on a 2,000 square foot house that is built to NFIP requirements."

Councilmember Seekings said, "I think it's interesting to point out that the most expensive way to do it is to do fill, and we're going to allow fill to reach the new freeboard requirement if we go to two feet. So, essentially, you can come in and just bring a bunch of non-native fill, raise an entire development up two feet, meet the freeboard requirement, and then flood out your neighbors. You could do that. That's possible."

Mr. Julka said, "Fill is a method that can be used to achieve the freeboard, yes. The freeboard requirement does not in any way alter any of our stormwater requirements."

Councilmember Seekings said, "So, we're going to have to integrate our stormwater requirements with the space."

Mr. Julka said, "Correct."

Mayor Tecklenburg said, "Note that it would be effective August 1st, and we're hoping to have our Stormwater Manual changes done about the same time."

Councilmember Seekings said, "What we heard last night, I think, I was in the meeting, from Mr. Holton was that we would have our manual done by the end of the year, I think is what he said."

Mayor Tecklenburg said, "Right. Well, we're trying to get this done in time for the review for the insurance rating."

Mr. Julka said, "Right. So, there will likely be a period of time between the effectiveness of a freeboard requirement and the effectiveness of the new manual, but regardless of updates that are going to be made to the manual, the existing manual remains in effect until that update occurs. So, while fill is an option to meet the freeboard requirement, it is not the only option, and if it is not feasible or possible to meet the stormwater requirements by using fill, the developer will have to use another method to achieve the freeboard."

Councilmember Seekings said, "But, again, we're not just looking at new construction. If there are houses that are more than 50 percent in disrepair that we have to go and fix, they're also going to be subject to that requirement too. For instance, on the Peninsula fill dirt is just not an option. You're just not doing that."

Mr. Julka said, "Right."

Councilmember Waring said, "According to this, it will be."

Councilmember Seekings said, "It's an option, technically, but I don't think that you're going to go put a bunch of fill on the Peninsula."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I agree with Councilmember Seekings. If fill dirt is not an option on the Peninsula, why are we allowing it to be an option? With this, it would be an option if somebody wanted to bring dirt in."

Mr. Julka said, "So, the use of fill is going to be regulated by the Stormwater Manual, not by the Floodplain Management Regulations, well, not by the Flood Hazard Prevention section of the ordinance as much as the Stormwater Manual. So, the implementation of an increased freeboard is not going to, in any way, amend the current requirements or the future requirements for the use of fill."

Councilmember Waring said, "So, you just had that as an example then?"

Mr. Julka said, "Right. Exactly. It is one method of building a foundation. It is not the only one, and it is typically the most expensive."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "A couple of questions. First, if we give approval after first reading, is this referred to Planning?"

Mr. Julka said, "No, this is not a Zoning Ordinance amendment."

Councilmember Shahid said, "So, I'm looking at the Historic District requirements and the variance process. Is there a specific ordinance that is going to govern the variance process?"

Mr. Julka said, "That ordinance already exists. It is part of our Building Code, and that variance process is a framework that is established by FEMA, but then the local community adopts into our ordinance, and we enforce through our Board of Appeals under the Building Code."

Councilmember Shahid said, "Does that include what is defined as substantially improved?"

Mr. Julka said, "Yes."

Councilmember Shahid said, "What those rules are, standards are?"

Mr. Julka said, "Yes. So, a substantial improvement is based on the value of a structure, and if work being done to the structure equals or exceeds 50 percent of the appraised value of the structure, it is deemed a substantial improvement, and it must come into compliance with all current regulations for that community."

Councilmember Shahid said, "I'm being a little selfish on this. My office is 89 Broad Street, which is right down here, which is on high ground. It never floods. So, if it's worth a million dollars and it has to have two feet, a half million dollars or more, then I don't need a variance to change the --."

Councilmember Seekings said, "Yes. Do you know what your base flood elevation is?"

Councilmember Shahid said, "No. I've never had that done."

Councilmember Seekings said, "So, you might have to go even higher than two feet because you may be well below the base flood elevation."

Mr. Julka said, "Right. So, each individual project must be looked at individually based on the current elevation, the required elevation. In the example of 89 Broad Street, the variance process for a historic structure certainly kicks in. I don't believe the City has ever denied a variance request to not elevate a structure that is deemed historic if they request that variance."

That is a variance that is very thoughtfully considered. The variance for a historic structure applies anywhere.”

Councilmember Griffin said, “No, I’m saying off the Peninsula, not in a Historic District. Have we ever done a variance for somebody like that?”

Mr. Julka said, “Not that I’m aware of. The variance procedure to be exempt from the elevation requirements does require the demonstration of a hardship. So, the variance process is one that is open to any citizen, any property. They may submit their case for a hardship, and that case will certainly be considered.”

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Moody.

Councilmember Waring deferred to Councilmember Moody.

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Let me ask a couple of questions. Everybody seems to talk about if you have 50 percent damage. That’s not just flood damage, if you have a fire and it burns down, you’ve got it. You have a tornado come through, you’re a part of this. So, it’s not just flooding that causes it, and I’m a little bit confused because I know you and I talked last night about the floodplain. They’re lowering that standard, but it’s not an exact correlation here between all of this. How does that work? They’re not making less floodplain area, but they’re lowering their standards or their base line in some respects.”

Mr. Julka said, “So, the preliminary map for Charleston County, as well as the newly effective map for Berkeley County, there are some areas that were previously in the Special Flood Hazard Area that are being removed from the National Flood Hazard Area.”

Councilmember Moody said, “Do these maps reflect that?”

Mr. Julka said, “Yes. In other areas that are remaining in the Special Flood Hazard Area, some base flood elevations in those flood zones are being lowered. This is the result of a greater amount of research done by FEMA. Unfortunately, the new firms, the data collection for those maps was done before the last several years of major events for us. So, they are using more accurate historical data, but the general trend of the maps is ‘yes’, that it appears as though flood risks are being reduced. We don’t want to encourage that viewpoint, but there are areas of the City that are being removed from the SFHA and areas of the City that are having their base flood elevations reduced.”

Councilmember Moody said, “Yes, well, we just heard a while ago from Mark that we need to assess our risk, and I think that really is what it’s all about, is how much risk are you willing to take. I don’t think people are really understanding that risk, and we may be imposing something on them here that if they do have a disaster, whether it be flood or something else, that they’ve got a lot bigger risk than they’re anticipating, and it gets very confusing to me how I measure my own risk.”

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmembers Seekings and Wagner.

Councilwoman Jackson said, “Thank you, Councilmember Moody. I appreciate the discussion on that particular point because I know that the Public Works Committee members

talked about it extensively last night, and I'm no expert on the property and casualty insurance. That was one of my responsibilities in the jobs that I had, especially with the National Trust for Historic Preservation where we had to, trust me, assess risk all of the time. Basically, in today's insurance industry, regardless of what we would do about elevation and freeboarding, if an insurer is evaluating you returning your property, after a disaster, to a status that they want to continue to insure, they are going to make sure that it's going to be allocated. So, the homeowner is not going to have a choice to say 'I would rather go through another ten years of being at risk at a lower elevation.' That insurance company is going to say, 'No, you're going to raise it to the extent that you need to, or you're not going to get insurance. My husband and I just bought a vacant lot five years ago and built a raised house. We're literally 15 feet above the high tide at our base elevation, and we're 12 steps up off the ground, and we had to get flood insurance because our homeowner's insurance would not cover us if we didn't also have flood insurance. So, that's how jealous the insurance industry is of their insurability of the properties that they're covering. So, I do think that we should be caring about what's going to happen to constituents in a worse-case disaster, but just keeping our freeboarding at a lower rate is not going to protect them anymore than raising it. Raising it will help them go through a flood in a better condition, and we're all going to be at risk if we have to replace properties after a major disaster."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I might get Mr. Lindsey to weigh in real quickly if he needs to. So, a couple things, I want to keep this moving forward. This is going to take three readings, right? We can't just do it on first reading."

Mr. Julka said, "Yes."

Councilmember Seekings said, "So, one of the things that these maps don't show, and you and I talked a little bit, Stephen, before Council, it's harder to see, is what the current base flood elevation is for any particular part of the City. So, the maps that we're seeing here just show you the Special Hazard Flood Zones. They don't show you the base flood elevations. My understanding is, and I'll just use the Peninsula as an example because that's what I represent and where I live, but it's all based on NAVD 88, which is a line in space. It means sea level, and if the base flood elevation, for instance, is +7, which it might be in some areas, there are plenty of houses in this area that are in the Special Flood Hazard Areas that are three and four. So, if you're at three or four, and we go to a freeboard +2 over means, seven feet of base flood elevation, you may be elevating old historic houses six, seven, eight, nine, ten feet, and let me just get to my point. There are two things to take into consideration here. One is houses, homes, buildings that are hit by a natural or unnatural disaster, but there are also a number of properties all over the City, but in particular on the Peninsula, that are not at 50 percent or better condition that are going to be rehabbed sometime in the next five, ten, fifteen, who knows how many years. There is also an entire portion of the Peninsula that is currently undeveloped that is going to get developed one of these days. That's the Ports Authority property. So, there are a lot of considerations. I think for the Historic District we really have to think about what it means in actual height elevation and how our Planning Department and our preservation side of things are going to feel about raising some houses, for instance, on Huger Street or Congress Street or where there are houses that are, I'm trying to think what street to go. I went down Nassau Street the other day. There are lots of houses that are going to have some work, so that's one question. I've got one more. You got anything to say about that? I know it's late."

Jacob Lindsey said, "I'm not an expert in that area, so with that caveat, but my staff did look at this issue extensively, specifically on a different freeboard matter. Our understanding is that Historic Downtown Charleston is more or less unaffected by those due to the historic

exemptions that exist for historic buildings. So, we don't believe that this two-foot freeboard is something that is a major issue because historic properties are exempted. However, owners of historic properties are going to want to get their buildings up and out of harm's way anyway, and that's why the BAR has looked at this matter, and we're coming forward with our guidelines to help people do just exactly that. The freeboard change doesn't really affect Historic Downtown and my staff's looked at the issue."

Councilmember Seekings said, "Fair enough. I just want to make sure we're semantically talking the same thing. It's not exempted. There is not an exemption. You have to actually seek a variance, which are two very separate things."

Mr. Lindsey said, "That's correct. That's right."

Councilmember Seekings said, "You could be. I don't think that's really going to happen, but with historic preservation, if someone realizes, wait my base flood elevation is way down here, and now I've got to go, it's not just plus two feet, it's plus seven, eight, or nine feet, I promise you, the longest BAR meetings you'll ever sit through in your life will be at those because people are going to come out of the woodwork to oppose it. Now, secondly, and I'm willing to give this first reading, but I want to see how this integrates. Fill soil to meet these requirements is crazy. It's all of the things we've been talking about, and we're going to be spending talking about going off in the future. That's a real problem for me, and I know we want to save money, but we've got to think about the long term, Mayor, take the long view of things. If we're going to go start filling whole areas of the City with infill dirt to meet base flood elevations and freeboard elevations, I just think we really need to think about that going forward. I really do. So, I'm willing to give it first reading, but we've got to bring this, I want to see the base flood elevation maps of the Peninsula, too. Anyway, more than two cents worth late at night."

Mr. Julka said, "I'll just very quickly interject. I purposely did not it print off. What you have in your packets for Berkeley County, I could have printed that for Charleston County, but between the current and preliminary maps, you would have had about a ream of paper each on your desks. So, I'm more than happy to send that to you and provide that information to you to get an idea of what the base flood elevations are in your respective areas. I'm happy to do that. I just didn't want to waste that much paper."

Councilmember Seekings said, "I got it, not a criticism, just an observation. I think we need to know it. If someone comes and asks you how does this affect me, you've got to, like Peter and I, 'What is your base flood elevation?' People don't know."

Mr. Julka said, "Absolutely."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Are these available electronically?"

Mr. Julka said, "Which one?"

Councilmember Moody said, "All of them."

Mr. Julka said, "The colorful ones are ones that our really awesome GIS folks produced for me, so I can send those to you personally. I can send any of it to you personally. The official Berkeley County ones that you see there, those are also officially available on the FEMA website, as well, but I can send you anything you want."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "I won't ask you everything we talked about yesterday. I've just got a couple of thoughts here. We brought up finance. How much is this going to cost? What's driving the cost of production in the world of Charleston right now is the dry drainage if you talk to the developers. They don't like having to raise the street. That's what's costing them all of the money. Now, we've got an extra foot or two where we put the piping on top of it. Now, we're going to give them two more feet over here, and my question is what standard are we using? Because if you keep raising the streets up, you've got to bring the rest of it up, not to meet the freeboard under that definition, but you're worrying about flooding. So, where is that water from the additional height of the street and the piping going? You're up here, you're creating a hole, then we're going up, and say 'Okay, you've got to be another foot over here.' I think I mentioned that about a month or so ago in the first meeting. Now, that's two different animals. That's an engineering decision to put that in their ordinance. But, now, if you are going to create flooding, why would you build basically a mini-dyke, and then do this? Right now, most of the subdivisions are working as planned. The street floods, it tapers up, but it doesn't go into property at the 11 foot or 12 foot wherever you were built up and now we're going to take it to 13, 15. The City would have never been re-built to what we have now after that earthquake we had like a 120 years ago under this standard. That's the first thought. Second thought is in following kind of Councilmember Seekings's thought process, here--"

Councilmember Seekings said, "Hard to do."

There was laughter in the Chamber.

Councilmember Wagner said, "Whichever one you want. I'm trying to at least. It's kind of late, but these maps, the FEMA flood maps change about every six to eight months it seems like to me, or at least, a minimum of every year or two. Are we building that freeboard?"

Mr. Julka said, "No. For example, the current effective map for Charleston County became effective in 2004."

Councilmember Wagner said, "That's what my insurance people told me though."

Mr. Julka continued, "So, they are re-drawn roughly every ten to twelve years."

Councilmember Wagner said, "Okay. I just wanted to be real sure because they do change. Are we building to this standard, or it's some unknown standard to the future, as far as where the flood map is and the parking zones are and everything like that?"

Councilmember Griffin said, "We're going to be doing new maps, right?"

Mr. Julka said, "Well, the Berkeley County Map became effective late last year. The Charleston County Map, we are waiting to hear from FEMA to get the final version of that map. Once we get the final version of the Charleston County Map from FEMA, we will bring it to Council for local adoption, so we are hoping that that happens this year."

Councilmember Griffin said, "It's been 15 years."

Mr. Julka said, "We think it will be this year."

Councilmember Seekings said, "As our Floodplain Manager, do you find it somewhat ironic that in the era where we're talking about flooding and water, that actually the number of properties that are in that Special Flood District is going down, not up? Is that not ironic?"

Mr. Julka said, "Yes. As I mentioned, that's not the message that we want to put out to our residents. Now, I do want to make the important distinction that those maps do not definitively demonstrate flood risk. Those maps are used by the insurance industry to provide insurance policies but, yes, there are areas that are being removed from the SFHA, areas where base flood elevation is going down. The freeboard requirement applies only to the areas that are in the regulatory floodplain which is the SFHA, and we want to send the message that we are committed to protecting our residents, even if the mapping from FEMA doesn't necessarily support the same message."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. When it comes to new construction, I think this is a no brainer. We are focusing so much on flood insurance until we don't have any information. That's why this Committee, Public Works, didn't come forward with a recommendation to the Council. We are not focusing on property and casualty. Virtually every house that's in a low to moderate area, actually beyond low to moderate area, that does not have replacement coverage will be underinsured with this. So, if you've got a house that has a stated amount on it, in other words \$200,000, and you have \$100,001 worth of damage, you've got to come up to now FEMA +2, and you're not going to have enough money in your policy, should a large claim come about. You're right, Councilmember Moody. If it's a fire, 51 percent of damage, our Building Inspection Department is going to say, 'You've got to come up to FEMA +2.' They say, 'Well, my policy paid me a \$101,000. I'm not going to have enough money to do that'. What this will do is displace communities. In particular, in the case of a large catastrophic loss. Again, we're preparing for flooding, but the next time, let's say it's an earthquake. I brought this up yesterday. So, it's an earthquake, and thousands of houses get damaged. Everybody that doesn't have a replacement, as a matter of fact, if you don't have earthquake coverage, you're not covered at all. So, then, you're talking about people going to savings or are dependent on the Federal Government with FEMA, SBA loans, etcetera. So, now, you go to get meager means, and you can't fix it to the level that you had. You're going to have to come up to FEMA +2, but there are more houses in Charleston that don't have the broad form of coverage, and we've got a property and casualty Councilmember to my right. They're going to be underinsured, and this is why. Should we pass this in the current form, Maryville-Ashleyville, Ardmore, Westchester, they're going to have to come and get a variance to put back what they had. Well, you're right. The Councilmember whispered, 'That's never been given'. So, we're going to have, under a catastrophic loss type scenario, an earthquake, Category 4, Category 5 direct hit hurricane, and tons of people that are going to be underinsured because they don't even know to try to get additional insurance when this passes. We need to have an expert from the property and casualty department, I don't know whether there is somebody who teaches property and casualty at one of the colleges and universities to say, 'Okay. We understand we may save a few dollars on the flood insurance'. I get you on that. I agree with you on that, but the property and casualty part, take for example, Lenevar. You take a 2,000 square foot house in Lenevar that probably sells for, I don't know, \$250,000. Well, okay, \$300,000. It doesn't go for \$300,000. You can get it for less than \$300,000, but let's go diagonally across the street to Wespanee. That's going to sell for \$400,000 or more. It's going to be easier for them to stay under the 50 percent threshold than the people in Lenevar, and Lenevar is not a low to moderate community. As a matter of fact, Councilmember Lewis, your house, if you were to have a fire or, again, a hurricane took your roof off and knocked a few walls down, and you said, 'I want to put my house back just the way it is',

because you are on the Peninsula, you may be able to get a variance. I think we need to look at this from the standpoint of property and casualty, in addition to flood insurance, before we make this decision, and I don't think we're doing that. We haven't gotten any information from that standpoint, in particular, people who do not have, I'd like to hear some professor or some expert in the property and casualty industry that says if you don't have the broad form of coverage on your house or your rental property or your commercial property, how's this going to affect you? Virtually everybody that's on a slab, once you get over 51 percent of value, you can't put back that slab. You're going to have to raise up to FEMA +2, which is an enormous expense. So, I think we all need to think of that."

Councilmember Shealy said, "Yes, what Councilmember Waring is saying, there are extended replacement costs that a lot of people have on their homeowners' insurance. The problem is when people are buying a house today, they call around and get insurance quotes, and they're looking for the cheapest quote. Well, the cheapest quote isn't going to have the extended replacement costs on it. So, there are a lot of people there that their insurance company is only going to pay what they have on their policy, even if it costs more to rebuild, they're going to cut off at that amount, so that's what he's trying to say. Now, there are extended replacement cost policies that you can get, where if it costs more than that, the policy will pay above. But, so many people opt to go, particularly when they're trying to get a mortgage, and they're trying to buy as much house as they can, and they're trying to keep that escrow down, they just will not purchase that additional coverage in a lot of cases."

Mayor Tecklenburg said, "Well, let me ask you a question. According to our current situation, if your house is in a SFHA, Special Flood Hazard Area, and a tornado damages more than 50 percent of the value of your structure, and you're in the SFHA, right now, if you call that being in a trap that you don't have enough insurance, you're already in that trap because you've got to build to FEMA +1 right now, right? So, what we're doing by going to two is, you're not putting a lot of people in a trap. They're already in there now. You're just making it safer for them long term to protect themselves and their property from flooding."

Councilmember Waring said, "You're increasing the trap, Mr. Mayor. You're increasing the costs."

Mayor Tecklenburg said, "Yes, you've got to go up one more foot."

Councilmember Waring said, "For somebody who may not have the money because they're underinsured."

Mayor Tecklenburg said, "Yes."

Councilmember Waring said, "We're talking thousands of people in this City that would be in that situation."

Mayor Tecklenburg said, "Okay. Well, let me just make a couple of points, if I may. We're trying to address the long-term effect of flooding and sea level rise. We've just heard tonight that the science is solid, that 50 years from now, you're going to have two- to three-foot sea level rise above what we already got right now. I don't know about you all, but if I were to build a new house or to substantially renovate my existing house, I'd want to get a pretty substantial life out of it. So, the whole point of this is to reduce the flood damage and claims that are occurring in our City, and, long term, we're going to do that by building higher. We've got the sea level rising. We've seen flooding occur over the last four years. Long term, we're going to have less damage, less claims, if we build higher. So, that's what this is all about in my view. Yes, it saves us some

money. Yes, it's consistent with what most other jurisdictions are doing around us, so the homebuilder doesn't have to plan one way to do it in the donut hole in Charleston County versus the City of Charleston, we'll be on the same level, which is good. So, I guess we could have an actual aerial analysis by the insurance industry. We hadn't had a serious earthquake since 1886 or 1887. I'm knocking on wood. We are near a little fault, I admit it."

There was laughter in the Chamber.

Mayor Tecklenburg said, "We haven't seen massive substantial renovations required because of an earthquake in a long, long time. We have an excellent Fire Department. Thank you, Chief Curia, and all of your guys. Luckily, we're not in California, not that a fire can't get out of hand, but it's a pretty spotty thing if you look over the last decade. We haven't had whole blocks or major parts of the City burning. We just have a fire at a time. They do a great job. The real damage that's consistent in this community is from flooding. It's about the water, and that's what we're looking at and facing long term with continued severe weather and sea level rise. It just makes sense to build higher as people build new structures in our City, and if they have the unfortunate consequence of needing to substantially renovate the property, and I understand there will be some cases where those folks might be underinsured, but if I'm going to spend half the value of my property to put it back into service, and I happen to live in a Special Flood Hazard Area, don't I want to raise it to where I'll be safe for the future, and the difference in raising it one foot versus two foot, you've got to elevate the home. You've got one more foot of block or wood or whatever you're going to use to elevate to hold your house up, I guess, once you've jacked it up. But, if you're in the process of elevating your house, it's not going to make it that much more expensive to do it in a safe and long-term manner."

Councilmember Waring said, "Mr. Mayor, that's a campaign speech."

Mayor Tecklenburg said, "No, it's not just a campaign speech."

Councilmember Waring said, "I'm going to tell you this thing about raising it a foot or so, you are incorrect on that. Councilmember Seekings just pointed that out. You're incorrect that you just have to go up one more foot. It's depending on your base flood level. So, if you're at six and you have to go to 15, that's nine feet. It depends on where the house is and what that base level is. It is not one additional foot."

Mayor Tecklenburg said, "Alright, and I would just argue that if you're in a Special Flood Hazard Area, to be safe long term, you would want to be above the base flood elevation."

Councilmember Waring said, "If you have the money to do it. You're making the assumption everybody is going to have the money to raise their houses. There are a ton of people in this town that don't."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Shahid.

Councilmember Shahid said, "I hear your argument, Councilmember Waring."

Councilmember Waring said, "That's a fact."

Councilmember Shahid said, "I understand your position, but if your house is damaged 50 percent or more, you're going to have to raise it anyhow. That's the problem. You're going to have to raise it anyhow."

Councilmember Waring said, "Unless you can get a variance."

Councilmember Shahid said, "Unless you get a variance. But if you can't get a variance, you're going to have to raise it. The question is we're at a standard right now of +1. So, the example that he gave, depending on what your flood zone is, what your baseline is right now, you're still going to be at that point +1 as it stands right now."

Councilmember Waring said, "I agree."

Councilmember Shahid continued, "So, if we do nothing at all, and something happens to the City, if it's an earthquake, it's a tornado, it's a major flood, and your property is damaged by 50 percent or more, you're going to have to raise it to some standard."

Councilmember Waring said, "We know that."

Councilmember Shahid said, "I understand. So, the question then becomes, is that standard as we leave it right now, +1 more foot? That's the difference that we're talking about."

Councilmember Waring said, "Our City is geared towards giving variances to people on the Peninsula. It is not geared to giving variances to people off of the Peninsula."

Councilmember Shahid said, "I agree with you."

Councilmember Waring said, "Something has to be done to effectuate that. Right now, that's not in place with what we're looking at right here."

Councilmember Shahid said, "That's my concern about that, and I'm with you on that."

Councilmember Waring said, "Well, I'm sorry I interrupted you if you were getting to that point."

There was laughter in the Chamber.

Councilmember Shahid said, "I think this is what is getting us off a little bit. No matter where we are, we have a standard right now. We're at a standard right now, and to rebuild or to renovate that property, we're going to have to go to that standard, and it's going to cost us whether or not you're insured properly or underinsured. It's going to be a problem for us. You're right about the folks West of the Ashley, getting a variance is going to be much more difficult, but there was a standard we have to raise anyhow, so we're talking about increasing the standard by one more foot. That's the problem with this whole thing."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I agree. I hope it's not piling on, but I think what we need to be aware of is the elevation that a house is situated at doesn't have anything to do with us. That's out of our control. So, really all we're talking about tonight is potentially increasing the replacement costs of a property owner and using the 2,000 square foot footprint on Mr. Julka's chart. It was \$890 to raise a house another foot. That's the only thing we're deciding here. We've already raised it one foot. We can't control the elevation that the house is mapped at by the FEMA Program. All we're talking about tonight is making new houses one foot higher and any house that's replaced one foot higher, then it would have to be, if it happened tonight. If a house had to be replaced tonight, they would be doing elevation, plus one foot, and all we're talking about is adding one more foot."

Councilmember Waring said, "That's if they're at FEMA +1. You're assuming they're already at FEMA +1."

Councilwoman Jackson said, "They are in our City."

Councilmember Waring said, "The existing houses?"

Councilwoman Jackson said, "No, I'm saying no matter what would happen to them tonight, they're obligated to raise their house to the FEMA zone base elevation. That's out of our control. So, all that's in our control is the freeboarding, and what we're talking about tonight is one more foot of freeboarding."

Mayor Tecklenburg said, "Can I come to you in just one minute?"

Councilmember Seekings said, "But can I just say something really briefly? Stephen, thank you, by the way. One of the things that's been impressive is how prepared you are tonight. You really know what you're talking about, so that gives us a lot of confidence, and you haven't been in that job for very long, so it's a lot to know, and there is a lot to think about. So, I'm sitting here thinking about this. This is not a zoning ordinance. This is a different ordinance, not a zoning ordinance. We have already learned from the Supreme Court of South Carolina we can treat people differently through zoning ordinances. This isn't a zoning ordinance, so the lawyer in me starts thinking about equal protection and all of that kind of stuff. I think that we need to look at, and there are lots of neighborhoods that are historic neighborhoods that aren't in the Historic District, but have a lot of history in them and a lot of it has to do with their architecture and what they look at. We need to look at, Mr. Mayor, giving people who aren't on the Peninsula, in the Old Historic District, the ability to get a variance. We have to do that. In new development, I'm with you. New development, get up to two feet, have at it. Don't do it with fill. We've got to figure that out, but when you think about Wespanee and that area, where it's really sort of a cool neighborhood because it's uniform and everything looks the same. That just makes it really charming. So, I think we have to think about the equal protection factor in this and making sure everyone is treated equally because natural disasters don't hit everybody equally, but these requirements don't either, and that's a little bit of an issue for me."

Mr. Julka said, "I was just going to respond really quickly to that point that just last night at the Board of Appeals under the Building Code meeting, we had a request for an elevation variance for a home in Byrnes Downs. They're partially, because of the shutdown, there has been kind of a paperwork shuffle because in order to grant that historic variance we need paperwork from the Federal Government. But, consideration is already being given to property use off the Peninsula."

Councilmember Seekings said, "We just need to build that into this."

Mayor Tecklenburg said, "Did they get the variance?"

Mr. Julka said, "I, obviously, was here last night, but I believe it was deferred from last night because they didn't have all of the paperwork."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "So, I'm assuming that there is probably a reason that we can't make this ordinance or, well, I guess effectively an ordinance applicable to new construction only?"

Mr. Julka said, "There are two reasons. The first reason is that the long-term goal is to protect as many citizens as we can from increasing flood hazards."

Councilmember White said, "But, that's internal. That's not a law. It's not a Federal mandate, and it's not FEMA. That's us saying this is the reason why."

Mr. Julka said, "It is. It is not a requirement. It is a recommendation from FEMA."

Councilmember White said, "Okay. Not a requirement, a recommendation. Thank you."

Mr. Julka said, "Secondly, coming back to the CRS rating, this one item gets us more points than anything else that's possible at the moment in terms of achieving a higher CRS rating."

Councilmember White said, "Okay. So, I want to address your two responses in two ways. Number one, the response to the requirement or the guidelines or the recommendation by FEMA. We just talked about giving variances. If, all of a sudden, everybody gets a variance for the sake of not doing it when they replace, we haven't made any impact to existing structures, only new construction. So, that's sort of number one. But, the second thing is, is that the decrease in costs, and I've just asked Councilmember Shealy this as he's, obviously, in the business of insurance. We might benefit from a reduction in costs for flood insurance, but every insurance company who identifies that we're not FEMA +2, immediately upon renewal, they're going to know that, and they're going to immediately assess each and every person's home with additional costs for the expectation of the replacement being higher than what it is today. So, their premium is going up on that side for sure. So, whether or not we actually get a net/net cost savings, I would say I'm not an expert enough to know but I know, that there is going to be a variance. Every year my insurance policy renews. Every year my insurance company says, 'Oh, we think you need X amount of dollars more because the value of your house has gone up and the costs' and blah, blah, blah. This is going to come up for sure, guaranteed. If there is not a reason why we can't make it for new construction only, it seems to me that we probably should consider it because everything we've talked about from this point forward tonight, and actually, when we talked about it the first time, is all about replacement, not new construction. I don't think anybody argues about the new construction component. You can factor it into the purchase price, you understand what the cost is, you know going in. It's the replacement piece that everybody has got heartburn about."

Councilmember Waring said, "Or substantial renovations."

Councilmember White said, "Right. So, anyway, that's my thought."

Mr. Julka said, "Sure. Just a couple of more numbers that will add to kind of help paint the picture of how often we see a substantial damage or a substantial improvement since the beginning of 2015. So, including all of the major flooding events that we have seen in the last four years, as well as fires and any other source of damage, there have been a total of a dozen substantial damage or terminations made in the City of Charleston in the last four years."

Mayor Tecklenburg said, "A dozen in four years?"

Mr. Julka said, "In the entire Charleston County in the last four years, there have been a total of 50. It doesn't happen as often as people may think. It's harder to hit that 50 percent than people think."

Councilmember White said, "What was that number 27 years ago during Hugo?"

Mr. Julka said, "It did not exist then. The substantial damage was not defined by FEMA and there was no substantial damage requirement at the time of Hugo, so we don't have those numbers."

Councilmember Shahid said, "Call the question, Mr. Mayor."

Mayor Tecklenburg said, "Let's call the question."

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

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 increase the Freeboard Requirement from one foot to two feet, effective August 1, 2019.

The vote was not unanimous. Councilmembers Waring, Griffin, and Moody voted nay.

Mayor Tecklenburg said, "You want to have a roll call or the nays."

The Clerk said, "Well, I think it was two."

Councilmember Waring said, "It was three."

The Clerk said, "It was three. Okay. So, that would be Councilmembers Waring, Griffin, and Moody."

Councilmember Seekings said, "Under our rules, I am going to vote 'yes', but I would like to explain, and I would like you to come back before second reading and give us some answers to the new versus old construction and the soil. I think those are the two things, before we put this in place, I want to know about."

The Clerk said, "Councilmember Seekings, did you say you were voting 'no'?"

Councilmember Seekings said, "I voted 'yes'."

The Clerk said, "Okay. Alright. I didn't include you."

Mayor Tecklenburg said, "Alright. Is there any further business to come before this Council tonight?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I do have something, and it's going to be quick, but Ms. Wiese came to the microphone and talked about Sister Cities. It all sounded so good, but I think we inadvertently defunded her program through the Community Assistance Program. We funded it last year, and then we came back this year to zero. So, I want to throw it out and hopefully, not tonight, but hopefully we can work out some funding for Ms. Wiese and her program because the Sister Cities Program certainly seems to be something that's beneficial to Charleston. We are an international City, and certainly that dovetails together, so I would hope that we can get together and get the funding back."

Mayor Tecklenburg said, "Okay. We're adding a lot of Sister Cities. I know that. We'll bring that up at our next meeting."

Councilmember Waring said, "Alright. Thank you."

Mayor Tecklenburg said, "We stand adjourned. Thank you."

There being no further business, the meeting was adjourned at 9:34 p.m.

Vanessa Turner Maybank
Clerk of Council