

## CITY COUNCIL MEETING

Regular Meeting

February 22, 2022

The one hundred eighteenth meeting of the City Council of Charleston was held this date convening at 5:00 p.m. at City Hall and over video conference call (Zoom).

A notice of this meeting and an agenda were made available on the City's website February 17, 2022 and appeared in the Post and Courier on February 21, 2022.

### PRESENT (12)

The Honorable John J. Tecklenburg, Mayor

Councilmember Gregg	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Sakran	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Bowden	District 10
Councilmember Brady	District 5	Councilmember Appel	District 11
Councilmember Gregorie ( <i>absent</i> )	District 6	Councilmember Parker	District 12

Mayor Tecklenburg called the meeting to order at 5:00 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Now, if you would like to join us, Councilmember Waring is going to lead us with an invocation and a Pledge."

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

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

Mayor Tecklenburg said, "We have one presentation officially on the agenda. I'd like to recognize and call forward [Officer Kyle Skeels](#) and his team, his colleagues from the Police Department, if they would like to join us up here on the dais. I have a proclamation recognizing Officer Skeels."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Congratulations."

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "Please say a few words, if you want."

Officer Kyle Skeels said, "Just wanted to say thank you, guys. It's awesome to get this recognition, but at the end of the day, we sign up for this job. It's what we do. Again, it's awesome to be recognized, but I'm here just doing a job, just like everybody else around, and thank you, guys."

Councilmember Shahid said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I just want to recognize Councilmember Appel. When we heard about his heroics, he was really pushing that the recognition be afforded, which he truly deserves. This happened in my district. I didn't know about it until word broke out, so I just want to thank you. We all have another connection with Councilmember Bowden because it was one of his clients, who he saved. So, thank you. This just re-emphasizes what Chief Reynolds says all of the time, 'Training, training, training,' and obviously that worked. So, just thank you for your heroics, and your quick thinking, and applying the training that you were given. So, congratulations, well done."

Officer Skeels said, "Thank you."

Mayor Tecklenburg said, "Alright. Thank you, again. I forgot to mention, in the very unlikely event that we would need to evacuate the building, you have just a few options. These two doors out of this room and the one door out of the room to my right, the two stairways going down, and then just the one stairway going out the front. Please don't use the elevator in the event we have to evacuate for any reason. I wanted to share with Council, I hope this is the last meeting we have to use these microphones. We have our new microphones. Hopefully, they're going to arrive any day, so I will ask your forbearance again tonight. Remember to cut your microphone on, and you have to distance yourself just about right. You have to get close enough to where we can hear you, but if you get too close, it backfires, so you have to gauge that for each microphone. I did want to note, and we'll have a formal City resolution representing myself and Council this Thursday at the funeral of Liz Alston, who very sadly passed away this past weekend. She was a terrific citizen of our City. She had served as Chairperson of the Charleston County School Board. She spent countless volunteer hours on both our History Commission and our Tourism Commission, and she was feisty as she could be when she wanted to be. Right, Councilmember Mitchell? But, anyway, I wanted to note her passing. What a wonderful citizen Liz Alston was, and we'll recognize her further at her funeral on Thursday."

I did want to bring to Council's attention this little model vessel here that I received the other day, the City received, from the Admiral from the Bahrainian Navy. They are here for a year. It amazes me that they would stay the whole time, but they bought a retired vessel from the United States Navy, and it's being completely overhauled at Detyens Shipyards up in North Charleston. So, the Admiral and Captain and about 200 crew members from the Country of Bahrain are going to be living in Charleston for the next year with their families while the vessel is being renovated. I'm not sure why they have to do it that way, but more power to them, and they're renting some facilities on the North Charleston Naval Base. But, anyway, he was kind enough to give the City this gift, and I thought I would share that with you. So, next we have our [public hearings](#). We've got nine of those this evening, and I'm going to turn it over to Christopher Morgan to introduce our public hearing matters."

Christopher Morgan said, "Thank you, Mr. Mayor and members of Council. [E-1](#), which is a rezoning, these are addresses on Maybank Highway, 3351, 3357, 3363 Maybank Highway on

Johns Island. This is the Johns Island headquarters of the Berkeley Electric Cooperative. We'll show you the image here of the property. It's four different parcels. They were zoned GO because the type of facilities that Berkeley Electric had, from a utilities standpoint, worked under that GO zoning, but now the property is up for sale and they are working with a buyer who is interested in having different uses on the site, but utilizing some of the same buildings that are there and facilities. So, we have come up with the Business Park designation as an appropriate one given where this property is on Johns Island and in the context of Maybank Highway. Just a few other images to give you a sense of what's over here. Of course, there are residences to the rear of the property. It is in our new Comprehensive Plan as our Neighborhood Edge, which would be appropriate for that kind of Business Park use. This image shows the squared off location of the general area around the property. It's not in one of our three centers on Maybank Highway, but it still is an area where economic development would be welcomed, of course, and this would be a good new use for the property that is up for sale. We have some aerial images of it, as well, showing that a good bit of the property is currently, you know, a storage yard for vehicles and supplies and things like that, the way the Berkeley Electric Cooperative had it. Here is another image looking from the north, and then the image of Maybank Highway in front of the property, and looking the other way on Maybank Highway. It is the two-lane section of Maybank Highway, of course.

The applicant also provided an exhibit of how they would like to divide up the property. They are looking at using some of the existing office structures at the front for a daycare or preschool-type facility which, we all know, is greatly needed on Johns Island and the rear for storage facilities and things like that, for storage of items which could include boats and other items that folks on Johns Island have to store. All of this fits within the Business Park zoning. They've also had a good bit of networking with groups on Johns Island to come to agreement with mutual recommendations for this type of zoning. Our Planning Commission has reviewed it and recommended for approval."

Mayor Tecklenburg said, "Alright. Would anybody like to be heard on this matter? Please come forward. If you would state your name and address, and we'll allow a minute per comment. Yes, sir."

1. Anthony Bryant said according to the Complaint filed in the Administrative Offices of the United States Courts Criminal Division of the IRS under 28 USC 331 upon public comment in the South Carolina Senate on Congressional District matters and as a result of Village of Euclid v. Ambler Realty Company decided in 1928, changing of maps, he said the City would be doing redistricting and overall land use based upon procedures for Administrative Section 5 of the Voting Rights Act of 1965. He said it was about the aggregate aspect of it. He said Berkeley Cooperative should be dealing with using their property for affordable housing. All public entities and organizations should have been using their property to mitigate the serious housing crisis. He said the applicant had the right, under the Constitution, to property rights, and he didn't want to invade their property rights.

The Clerk said, "Time."

Mayor Tecklenburg said, "Thank you, sir. Anyone else who would like to be heard?"

No one asked to speak.

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

The Clerk said, "Mr. Mayor, Kyle Taylor did sign up online just to be available in case Council had any questions."

Mayor Tecklenburg said, "Okay."

The Clerk said, "I don't know if he's on or not, but he did sign up."

Mayor Tecklenburg said, "He is representing the applicant?"

The Clerk said, "Yes, sir."

Mayor Tecklenburg said, "Okay. Any questions, or can I entertain a motion to approve?"

Councilmember Brady said, "Move for approval."

Mayor Tecklenburg said, "Alright."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "And a second. Any discussion?"

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, "Yes, Mr. Mayor, thank you. I was hoping he might be able to, you know, from folks on Johns Island, there had been some interest in the City potentially using that property, and I was just hoping you could, for the record, clarify why the City wasn't interested in that particular property. I'm in favor of the rezoning, obviously, but the questions we got were why the City wasn't interested."

Mayor Tecklenburg said, "Well, we did investigate the use of the property. I think it was almost two years ago that I took our department heads out to the property, we inspected the buildings, we considered what City uses could be operated out of the facility. I think it was just mostly a logistical consideration that we felt that future facilities would be best located in West Ashley and near our Milford Street operations where we have some property, but also West Ashley. So, honestly, the feedback I got from our City leadership was they didn't feel like it would work for us. Yes, sir."

Councilmember Brady said, "And I was also just going to point out, you know, folks had asked for it to be considered as a rec center or a hurricane shelter or some things of that nature, but the City does have plans for parks expansion and other things on Johns Island. So, just because we're rezoning this property does not mean that those plans aren't in effect for other areas of the City on Johns Island."

Mayor Tecklenburg said, "Well, that's a good point and that came up in the discussion because, at the time, we were pursuing an addition of property to our Johns Island Park. We subsequently proceeded with that, with a Greenbelt application, and we added, what, about ten acres? And we felt that a future rec center more appropriately would be right next to our park, and that was a consideration at the time. Alright. Any other questions?"

No one else asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 3351, 3357 and 3363 Maybank Highway (Johns Island) (approximately 6.9 acres) (TMS #279-00-00-189, 184, 185 and 307) (Council District 5), be rezoned from General Office (GO) classification to Business Park (BP) classification. The property is owned by Hoyt+Berenyi, LLC.*

Mayor Tecklenburg said, "Number two."

Mr. Morgan said, "Number two is [E-2](#), and it is a rezoning at the intersection of Huger Street and Meeting Street. It is owned by the Charleston Housing Authority. You all may have heard a little bit about this one already, but this is where they are planning to work with a private developer for more affordable units on the site. There are some townhouses on the site that are going to be demolished and many more units built in their place. The site is, of course, at Meeting and Huger. It is surrounded, basically, on all sides by the MU zoning, the Mixed-Use/Workforce Housing zoning, so the request that the Housing Authority has, to go to the MU-1/Workforce Housing zoning, is very much in line with the surrounding area. It is also in line with what's in our Comprehensive Plan, which shows this as part of our Urban Core, and that's typically the areas that we do recommend for that MU zoning.

The property has the townhouses that I mentioned, as well as the historic Grant homes, which will continue to be housing and continue to be well-kept up and cared for. They front on Meeting Street, but they are going to use some of the parking area of those Grant homes, so that's why all three parcels here are part of the rezoning request. We have another aerial or two. Here we go. That is looking at it from the Huger Street side, and you see the Grant homes along Meeting Street, and it's the townhouses that are at the back with the brown roofs that would be demolished, and the new building would go in their place. We do have some images of the street here, and you all are probably very familiar with this site here. We've got new market rate housing across the street, the Meeting Street Lofts, and then the Element Apartments to the rear.

Then the applicant has also provided some exhibits from their recent BAR submittals just of what they are going to be putting there. The building would be, in this location, broken up into four segments, but with a unifying kind of covered area that has greenspace in it, and the parking would be behind the Grant homes, as I said earlier. This is a conceptual image of what the building would look like on the site. Just a view from Huger Street and, I believe, one more view from Huger Street, but that is what the applicant has given us. The Planning Commission agreed with this request and recommended for its approval."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on this matter? Yes, sir."

1. Anthony Bryant said Sandy Senn stated on the S-150 that she referred someone's speech to the South Carolina Law Enforcement Division. He said that person would then be qualified under H-362, which would then be the Hate Crime bill. He made public comment at the Housing Authority, and he was a proponent of the separation of church and state, and he didn't support that at all. His comments had been referred to people based upon that premise in the Housing Authority.

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

No one else asked to speak.

Mayor Tecklenburg said, "Hearing none, it comes to Council for second reading. Any discussion?"

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "For discussion, Mr. Mayor."

Councilmember Seekings said, "We need a motion. So moved."

Councilmember Shahid said, "Second."

Councilmember Mitchell said, "Well, I was going to move for the motion and speak, but that's alright. That's fine. That particular place, it's in the district I represent, which is 275 Huger Street. I lived there in 1983 when it was built, and they asked me to move there during that time. HUD asked me to move in there to try to keep it straight during the time when I was working. When I spoke with the Housing Authority when they started this plan, when the RAD Program came out, and they said it was going to just have to tear those buildings down because they want to expand that whole area where the parking is and behind it, and tear down the building that's on Meeting Street, I told them I wanted to make sure that they replaced those units back that they're going to tear down at 275 Huger Street. I think it's only 12 units. They said, 'Okay, we are replacing those back' because HUD told them they had to replace those units back. The rest of the units they're going to build are going to be a mixture, and when they showed me all of the plans I was satisfied with the plans that they're going to do, with the area that they're going to do it. I want to make sure that they have more affordable housing places in that particular area, and they promised me that's what they were going to do. So, I made sure I looked at all of the plans before this even came out from the Housing Authority that was under Don Cameron before, but the new director is following through with the same plan that they had previously. So, this is going to put more housing and more affordable housing in that particular area of Meeting Street and Huger Street, if you may. So, I think the total units are going to be, what 60-something units?"

Mayor Tecklenburg said, "Seventy-two, I believe."

Councilmember Mitchell said, "Seventy-two units total once they build out the whole area, so it's going to be a lot of affordable housing in that particular area, which we have lost in that area from previous years. So, it's going to be an advantage for people living in that particular area because everything else is going to be hotels around this, so we're trying to throw in some housing in that particular area."

Mayor Tecklenburg said, "Yes, sir. Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Mr. Mayor, and I wholeheartedly am going to support this rezoning, but I would just like to comment, and this is probably for Mr. Summerfield and Mr. Somerville together. I actually yesterday had lunch up in that corridor at Berkeley's, which is at the corner of Huger Street and Rutledge. When I was done, I walked back to East Bay Street, and the amount of activity in that corridor is mind-numbing. I mean, it's incredible between apartments and

commercial activity, affordable housing, hotels coming on the corners. It's almost impossible to traverse it."

Mayor Tecklenburg said, "Impossible to what?"

Councilmember Seekings said, "Traverse across it in any way other than a car, and even that's really difficult. So, I know that we had some conversations about this some years ago, about that corridor, what we could do about it in terms of reconfiguring it and making it safer for cars, bikes, pedestrians, and all of that, but we've got to do something with that corridor because if not, I mean, it's going to become impassable. It's also the main thoroughfare in and out of The Citadel. So, if you go there on any afternoon at 4:00 p.m., it's a nightmare. So, I just think as we develop and think about this, we've got to think about the infrastructure around it, we've got to get with the County, the DOT, whatever it takes to come up with some plans to make it more passable and more accessible and safer because it's none of the above currently."

Mayor Tecklenburg said, "To that point, apparently there has been a project on the books since before I became Mayor to improve the streetscape, at least from Meeting back to East Bay Street and, believe it or not, it's finally moving along. It's one of those projects that has some Federal funding, so the check-off list is crazy, but it's finally moving along. We can give you a further report, if you like, at a future meeting."

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mr. Mayor and Councilmember Seekings. We are working on the streetscape in that particular area. I had a meeting where the Refuge Church is right there and met with everyone in that particular area. We are working with them because they're going to need where the Refuge is to give up a little space in the front of their building to do the streetscape, to be able to have the bicycles and everything else, but the traffic is pretty bad around there. I'm going to tell you because they use that when they're going to Mt. Pleasant. They use that area when they're coming down Huger Street from King, and I see it every day because I live right by it. It is backed up every day, and they're turning to go to Mt. Pleasant, they're coming down Huger Street, so the traffic is pretty bad. So, I was telling them, I said, with the streetscape, how is this going to really help it at all? I don't know. I really don't know how it's going to help, but it's going to really give people the chance to be able to use the bicycles, which they wanted to do, the bicycles, walking, and with the traffic. I don't know how they're going to do the traffic part of it. I really don't."

Mayor Tecklenburg said, "It should make it safer and eventually I feel like, even though it's going in the other direction, the Lowline should help. Alright. Any other questions or comments?"

No one else asked to speak.

On a motion of Councilmember Seekings, one (1) bill (Item E-2) received second reading. It passed second reading on motion by Councilmember Shahid and third reading on motion of Councilmember Seekings. On further motion of Councilmember Brady, the rules were suspended, and the bill was immediately ratified as:

**2022-024 - AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF,**

SO THAT 265, 275, 277, 279 HUGER STREET, AND 581, 583, 585, 587, 589, 591 MEETING STREET (PENINSULA) (APPROXIMATELY 3.16 ACRE) (TMS #463-16-04-018, 054 AND 055) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) AND DIVERSE RESIDENTIAL (DR-2) CLASSIFICATIONS TO MIXED-USE/WORKFORCE HOUSING (MU-1/WH) CLASSIFICATION. THE PROPERTIES ARE OWNED BY CITY OF CHARLESTON HOUSING AUTHORITY.

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

Mr. Morgan said, "Yes, sir. This is an ordinance amendment. It would add two new sections to our Zoning Ordinance to provide for shared parking, and this is actually bringing us in line with our fellow municipalities, Mt. Pleasant and North Charleston. Also, Columbia has a section like this and other cities all over the Country. Essentially, this follows the Urban Land Institute's recommendations for the ways you can share a parking lot. So, if you've got a restaurant that's open in the evenings that needs its spaces in the evenings, but during the day you've got an office user that needs daytime spaces, there are ratios and ways those spaces can be shared, and it makes the most efficient use of a parking lot. We think it's a really good addition to our Zoning Ordinance and will help us facilitate good development and redevelopment around the City."

Mayor Tecklenburg said, "Thank you. Would anybody like to be heard on this matter? Yes, sir. Please come forward."

1. Anthony Bryant said this was why public transportation was essential. It was an essential service because it would be able to take cars off of the streets, and it wasn't the service that wasn't essential for a place that had become expensive. He said all of the restaurants accruing revenue and money needed to try to set aside some money for their employees and others to get to and from work throughout the whole region. He thought they needed to seriously consider making public transportation an essential service because the disparity in income was so great. He said if they didn't have disparity in income, then it wouldn't be essential and wouldn't be money making, but they were making money and nobody got any.

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

No one else asked to speak.

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

Mayor Tecklenburg recognized Councilmember Sakran.

Mayor Tecklenburg said, "Can I entertain a motion?"

Councilmember Seekings said, "So moved."

Councilmember Shealy said, "Second."

Councilmember Sakran said, "Mr. Morgan, so just to clarify for myself, if you're a restaurant owner, you've got a restaurant and you've got a shared parking lot, and in the

daytime there is a business that's an office space, does this ordinance change, make it more, give either entity more flexibility on minimum parking requirements? Is that what it does?"

Mr. Morgan said, "For redevelopments or new developments, it lets you have much more flexibility if you've got the different types of uses on a site that could share the spaces based on their hours of operation and peak/low demands, that kind of thing."

Councilmember Sakran said, "Thank you."

Mayor Tecklenburg said, "Any other questions or comments?"

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. I think this is another very welcome improvement to our Zoning Ordinance around the issue of parking. You know, last year we eliminated minimum parking requirements on a portion of King Street. So, between eliminating and sharing, I think we're moving in the right direction. I'd like to maybe see if we can get an update, perhaps at some point this year, on just sort of how things have been going from Calhoun to Broad on King Street with the Minimum Parking Requirement Ordinance because I've had some folks reach out about potential expansion of that, and I think that learning lessons as we go I think is an important part of that process, so I just wanted to keep that in mind as we continue to improve our City and not tie development to parking. Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "So, we can certainly get a specific report, but I can tell you it's worked because, as soon as we did, one of the first buildings to go was the old King Street Grille, which had a huge off-site parking requirement, so it's ready. It's time for us to have that conversation of expansion. I think our team over in the Planning Department is ready to have that conversation. I will just tell you from south of Calhoun, the anecdotal evidence is they're leasing up down there, so it's working."

Mayor Tecklenburg said, "Great."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I thought we were doing this already, quite frankly, and when I saw this on our agenda, I was just a little puzzled, I guess, as to why we needed an ordinance to allow this to happen. We've been doing this in practice. I know other establishments have done it. There's a turnover on parking spots for different establishments. So, this is just going to legalize what we've been practicing in the past? Is that, essentially, what we're doing here?"

Mr. Morgan said, "In the downtown, very often this does happen in practice. In Planned Unit Developments, this essentially has been happening, but this now brings it to our GB zoning districts around the City."

Councilmember Shahid said, "Alright. Let me just take it one more step. So, as we're developing the Sumar Street site, and we're moving with a public hearing coming up pretty soon on this, as a matter of fact, some of the areas or the buildings will be retail or restaurant or

office. Hopefully, we'll have a civic center of some sort for the City to use, so this is going to impact that type of use, as well?"

Mr. Morgan said, "Yes, sir."

Councilmember Shahid said, "That's what I thought. Good. Well done. Thank you."

Mayor Tecklenburg said, "It should help us at Sumar Street. Yes, sir."

Mayor Tecklenburg recognized Councilmember Bowden.

Councilmember Bowden said, "Mr. Morgan, you mentioned developments or redevelopments, or, I guess, new developments or redevelopments, so is there a process if you're an existing business you can apply for this, or would that just not be necessary I guess?"

Mr. Morgan said, "It would really, you know, if you've already got your certificate of occupancy for your business, this wouldn't really apply, but let's say you were expanding or a developer was adding more uses onto the site, that's where this would come into play."

Councilmember Bowden said, "Gotcha. Thank you."

Mayor Tecklenburg said, "Alright. Any other questions or comments?"

No one else asked to speak.

On a motion of Councilmember Seekings, one (1) bill (Item E-3) received second reading. It passed second reading on motion by Councilmember Shealy and third reading on motion of Councilmember Shealy. On further motion of Councilmember Mitchell, the rules were suspended, and the bill was immediately ratified as:

**2022-025 - AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CHANGING ARTICLE 3, PART 4 TO ADD TWO NEW SECTIONS PROVIDING FOR SHARED PARKING.**

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

Mr. Morgan said, "This is another ordinance amendment. This would allow in our Home Occupations certain allowed outdoor activities to be used as Home Occupations. Previously, we had not allowed outdoor activities, in particular, things like swimming lessons in a backyard swimming pool. So, it's something that we've heard from communities that they're in favor of, and I think we had a tremendous amount of support for some particular folks who give backyard lessons, and so the Planning Commission has reviewed it and felt comfortable with it and has recommended it to you all."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter?"

No one asked to speak.

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

Councilmember Shahid said, "So moved."

Councilmember Seekings said, "Second."

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

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "I just had a question. I believe when we talked about this last time, Mr. Morgan, there is a limit to the number of kids and that type of thing with the swimming pools. Is that correct?"

Mr. Morgan said, "Yes. Let me dig into the ordinance here. Two. Yes. People are reading faster than I am."

Councilmember Shealy said, "Alright. Thank you."

Mayor Tecklenburg said, "The limit was two?"

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg said, "Yes. Alright."

The Clerk said, "And, Mr. Mayor, we did receive 58 comments in support of the ordinance."

Mayor Tecklenburg said, "How many?"

The Clerk said, "Fifty-eight."

Mayor Tecklenburg said, "Fifty-eight comments in support."

Councilmember Seekings said, "That swimming crowd is organized."

There was laughter in the Chamber.

Mayor Tecklenburg said, "The swimming crowd is organized."

Councilmember Seekings said, "They are synchronized swimming."

Councilmember Shahid said, "And I would note, Mr. Mayor, a good number of those came out of my district, as well, so I've read those comments. Thank you for passing them on to us, Madam Clerk."

Mayor Tecklenburg said, "Alright. Any other questions or comments?"

No one else asked to speak.

On a motion of Councilmember Shahid, one (1) bill (Item E-4) received second reading. It passed second reading on motion by Councilmember Seekings and third reading on motion of Councilmember Seekings. On further motion of Councilmember Shealy, the rules were suspended, and the bill was immediately ratified as:

**2022-026 -** AN ORDINANCE TO AMEND ARTICLE 2 (LAND USE REGULATIONS), PART 4 (ACCESSORY USES) OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO CLARIFY CERTAIN ALLOWED OUTDOOR ACTIVITIES UNDER HOME OCCUPATIONS.

Mayor Tecklenburg said, "Number five."

Councilmember Seekings said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I move we take [five through nine](#) together for purposes of public hearing. They're all zonings recently annexed either Single-Family Resident or Rural Residential properties, so if we could just call them out so they can have a public hearing from there."

Councilmember Shahid said, "Second."

On a motion of Councilmember Seekings, seconded by Councilmember Shahid, City Council voted unanimously to take Items E-5 through E-9 together.

Mayor Tecklenburg said, "If you would present them all, and then I will give the public an opportunity to come forward on any item."

Mr. Morgan said, "Yes, sir. So, we've got 2221 S Dallerton Circle, which is in West Ashley. This is in an area that is in our Low Impact and Conserved area in our new plan based on elevation, but it is a lot that meets the SR-1 standards, so we are recommending for SR-1 in this location. There is an image of the property and the Planning Commission recommended for that.

E-6 is again on S Dallerton, and it is another one that we are recommending for SR-1. Again, it's in Low Impact and Conserved based on its elevation, and here is an image of it, very similar. The Planning Commission recommended for that 7 to 0.

Then, we've got this property also in West Ashley. The street name for that last one, I'm sorry, was 2216 S Dallerton Circle, and then this one is 1506 N Edgewater Drive. This one is a little bit of a larger lot. It also is in a lower elevation location, so we are recommending for an RR-1 on this one because they have the space to accommodate that. A good bit of this lot is actually marsh, but that would prevent further subdivision in the future that would be out of character with the elevation of the property. Here you see an image of the property, a fairly sizable lot there, and that was recommended by Planning Commission in favor, as well.

Then, we have a number of lots that are on Wedgepark. These names, they are 30, 32, and 34 Wedgepark, and 43 and 49 Lolandra, which is here. The properties that are on Wedgepark, we're recommending for SR-2. Then there are two properties on Lolandra in blue that we're recommending for SR-1. These are in our new plan as Neighborhood, although one of them is on the edge with a little bit lower elevation, but because of its lot size, again, we're recommending for the SR-1 on that one. The Planning Commission also reviewed these and recommended approval for these, as well."

Mayor Tecklenburg said, "I think you've got one more."

Mr. Morgan said, "Oh, yes, sorry. Then, this is 2319 Lazy River Drive in West Ashley, and this is a parcel that is much larger, as well. It is in a low elevation. Because it's a larger lot, we were able to recommend for RR-1 on that because they had the lot area for that. There you see the image of the property, and the Planning Commission did endorse that one, as well."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on the zoning of the following properties? Please come forward. 2221 and 2216 S Dallerton Circle; 1506 N Edgewater Drive; 30, 32, and 34 Wedgepark Road; 43 and 49 Lolandra Avenue; and 2319 Lazy River Drive. Any of those properties. Yes, sir."

1. Anthony Bryant said he just filed a complaint to the Justice Department in terms of Administrative Procedures Sec. 5 of the Voting Rights Act regarding annexations, which he submitted to the U.S. District Court. He said Representative Clyburn's District had lost 85,000 people, 39,000 approved in the City of Charleston, and Berkeley County was redistricting under Euclid v. Ambler, 1928, which didn't even consider those issues in terms of race. There was no financial hardship in terms of an applicant being harmed in any kind of way in terms of any development, in terms of House Bill 408, the appropriations being made, the American Rescue Act money for water and sewer, flooding, and all of those issues in litigation going through the process and not considering race at all as a factor. He said land use policies were a dilution.

The Clerk said, "Time."

Mayor Tecklenburg said, "Thank you, sir. Would anyone else like to be heard on any of those properties?"

No one else asked to speak.

Mayor Tecklenburg said, "Hearing none, they come to Council altogether."

Councilmember Seekings said, "So moved."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Any discussion or questions?"

No one asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2221 S Dallerton Circle (West Ashley) (approximately 0.5 acre) (TMS #310-07-00-059) (Council District 11), annexed into the City of Charleston January 11, 2022 (#2022-007), be zoned Single-Family Residential (SR-1) classification. The property is owned by Zachary Carnevale.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2216 S Dallerton Circle (West Ashley) (approximately 0.26 acre) (TMS #310-07-00-044) (Council District 11), annexed into the*

*City of Charleston January 25, 2022 (#2022-012), be zoned Single-Family Residential (SR-1) classification. The property is owned by Danielle D Cerasi.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1506 N Edgewater Drive (West Ashley) (approximately 1.59 acres) (TMS #349-09-00-026) (Council District 11), annexed into the City of Charleston January 25, 2022 (#2022-013), be zoned Rural Residential (RR-1) classification. The property is owned by Ellison C and Jeanne R Livingston.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 30, 32 and 34 Wedgepark Road, 43 and 49 Lolandra Avenue (West Ashley) (approximately 0.99 acre) (TMS #418-13-00-254, 255, 256, 260 and 262) (Council District 3), annexed into the City of Charleston January 25, 2022 (#2022-014), be zoned Single-Family Residential, (SR-1) classification for Lolandra Avenue parcels and (SR-2) classification for Wedgepark Road parcels. The properties are owned by Glory Holdings, LLC.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2319 Lazy River Drive (West Ashley) (approximately 0.62 acre) (TMS #310-14-00-014) (Council District 11), annexed into the City of Charleston January 25, 2022 (#2022-015), be zoned Rural Residential (RR-1) classification. The property is owned by Carl E Seel, Sr and Jean B Seel.*

Mayor Tecklenburg said, "Thank you, Mr. Morgan. We appreciate it."

Councilmember Brady said, "Move for approval of the minutes."

Mayor Tecklenburg said, "Next up is our [minutes, January 25<sup>th</sup> and our Special Meeting from February 8<sup>th</sup>.](#)"

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any additions, deletions, comments?"

No one asked to speak.

On a motion of Councilmember Brady, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes of the January 25, 2022 Regular City Council meeting and the February 8, 2022 Special City Council meeting.

Mayor Tecklenburg said, "Next up is our [Citizens Participation Period](#). We have, Madam Clerk--"

The Clerk said, "Five people."

Mayor Tecklenburg said, "Five people signed up. Let's allow a couple of minutes each."

The Clerk said, "Anthony Bryant."

1. Anthony Bryant said for Senate Bill 150, the Senator stated that they could refer anyone's speech to the South Carolina Law Enforcement Division. He said all of the

documents supported that, and he would continue to speak because his speech began in the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendment, and nobody was going to take his free speech from him. He said he wanted to be able to read his whole statement in under a minute. He said according to a Complaint, Administrative Office of the United States Court, and Criminal Division in the IRS, Anthony G. Bryant 28 USC 331, upon public comment, South Carolina Senate on Congressional redistricting as a result of Village of the Euclid v. Ambler Realty Company, decided in 1928 by the Supreme Court of the United States, a zoning complaint would be filed in the City of Charleston based upon House Bill 448 related to the American Rescue Act appropriations, related to water and sewer, mitigation of stormwater and funding. Upon debate on Senate Bill 150 where the Senator that procured settlement on behalf of the City of Charleston referred a person's speech to the South Carolina Law Enforcement Division. Since 1989, 3,000 persons had been wrongly accused of crimes they did not commit, 100,000 in State and Federal prison wrongly accused, many African Americans that were poor and many from his City. He said the Department of Agriculture monies had been used in Title 1 schools for years to put African American males, by and large, in prison by default. He said it was a genocide, in his opinion, and the State had been genocidal on Black folks since 1895. He said his speech was his speech, and it wasn't hate speech.

The Clerk said, "Time. Mohammed Idris."

Mayor Tecklenburg said, "Thank you, sir."

Mohammed Idris asked if he could give his time to Anthony Bryant.

Mayor Tecklenburg said, "No, sir. We don't transfer."

2. Mohammed Idris said when they read the Bible, they found that fear would kill off all of the male children instead of the female ones, and that was the same thing Mr. Bryant said. He said Mr. Bryant said that the City of Charleston was one of the worst cities on the planet. He thanked former President Donald Trump for what he did on January 6<sup>th</sup> as he got more homeland terrorists locked up than all of the former administrations in the Country. He said former President Trump tricked them and said he was going to take over the Congress, and all of those lawyers and judges got locked up while President Trump went back to the White House. It looked like they never could have found the people who blew up places and killed innocent people because they always would be hiding. It wasn't local people, it was judges, lawyers, police officers, and all of them were killing people off in the name of right when they were actually doing wrong. He said they would go to those people looking for justice, and they were the ones who blew up different places. So he took this time in Black History Month, the African American History Month, to say that racism was dead. He said they suffered from jealousy, envy, greed, and pure ignorance.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Trenholm Walker."

3. Trenholm Walker said he was there for the Executive Session which dealt with the Johns Island MID. He was a lawyer that had sent a letter for his three clients, Beach Fenwick, Crown at Maybank, and Crown at Live Oak. He said it was a laudable goal, and everybody agreed that Johns Island needed infrastructure. It was blowing up, and it

didn't have the infrastructure to handle it, but what Council was doing with the MID was not the way to do it. He said a fundamental, essential requirement of a MID was that the people who paid for it got a special benefit. He said there were no projects identified, and there was no way they could say a road or a park would just benefit the people paying the bills. He said if it didn't confer a special benefit on the people paying it, then it was an unlawful tax. He said he was not making it up, and it was not an argument. He said the State Supreme Court emphatically upheld that rule in the summer. He submitted it would be wiser for Council to stop, take a look at it, and decide whether it was really the way they wanted to do it because, if they wanted the improvements, there were other ways to do it. It would not be good to spend three years in litigation. He said they did that with the tax cap the first time around with the County, they knew where that ended up, and they would be in the same place. He said it may be politically expedient to say the existing taxpayers and voters don't have to pay, but it was legally doomed. He said if there was a true desire to fix it, he would submit on behalf of his clients--"

The Clerk said, "Time."

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Nathan Gates."

4. Nathan Gates said he was a proud member of the Charleston Fire Department, and he was there to raise awareness about their starting pay of \$12.80 an hour. He said one more gentleman would be leaving at the end of the month, which brought their total vacancies up to 46. He said they did have another hiring class, but that would take approximately 28 weeks, and they would still have an additional 16 vacancies that probably wouldn't get filled until November. He said they were afforded 3.2% less than their non-sworn peers received in a raise, and they thought that having a low starting wage affected their ability to attract qualified candidates and keep them. He said they were eager to see the results of the pay study the Mayor ordered, and they hoped when he took that data point he also included cost of goods and cost of living, so hopefully they could bring everybody up to a livable wage and retain the members they paid to train.

Mayor Tecklenburg said, "Thank you very much. Yes, sir."

The Clerk said, "Marcus McDonald, and if you're online, if you could press \*6."

5. Marcus McDonald, lead organizer of Charleston Black Lives Matter, said he publicly apologized to Councilmember Appel for his insensitive social media post the prior week. He was committed to continue working with the Jewish Federation on the Stamp Out Hate Act and the Commission on Human Affairs and Racial Conciliation to come together to create a better Charleston for everyone. He expressed his disappointment to Council regarding the Commission as it showed there was a lot of work to do when Council effectively erased the recommendations made by over 40 community members, many of them who were professionals and high-level experts in their craft, and backed by hundreds of community groups and organizations. He said all of that was erased in favor of voices like Brett Barry and the American Heritage Act, who had no credentials in regard to their rich equity, but were given priority in regard to the negotiations and amendments passed. He said after totally ignoring their voice for

several months and even up to a year-and-a-half, Council further threatened to silence his voice during Black History Month. He urged Council to strongly re-think that political strategy and move forward in reconciliation and not retaliation. He said Happy Black History Month.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Then we did receive some comments online. One person said that Mr. McQueeney stated during the Traffic and Transportation meeting that barricades were temporary and that he asked if 45 years were also temporary, and ten people oppose the City's vaccine mandate for employees. Those are all of the comments we received."

Mayor Tecklenburg said, "Thank you. Did we miss anyone?"

No one else asked to speak.

Mayor Tecklenburg said, "That's the end of our Public Participation. Thanks for being a part of it. Next is our [Petitions and Communications](#). Tracy McKee is here to give us a brief update on the City's response to COVID-19."

Tracy McKee said, "Thank you, Mayor. I'm glad to see not everyone's leaving tonight. I really cleared the room a couple of weeks ago. So, the good news continues. The rolling 7-day average of new cases from testing continues to go down, 86% in Charleston County and 77% in Berkeley County over the past two weeks. Percent positive from testing is still a little high, 6.5% and 12% respectively. We're finally starting to see hospitalizations go down, so that's gone down 27% over the past week in the State of South Carolina. You all probably saw, on February 18<sup>th</sup>, DHEC announced a shift in their testing strategy, which is kind of favoring the at-home rapid antigen testing, and phasing of their testing strategy begins on March 1<sup>st</sup>. Because the at-home testing isn't reportable, DHEC will start to no longer report daily case counts beginning on March 15<sup>th</sup>. So, and as of this morning, there are four positive cases among employees, another seven waiting for test results, so good news on that front. We seem to be holding steady with employee cases. I'm happy to try to answer any questions anyone might have."

Mayor Tecklenburg recognized Councilmember Parker.

Councilmember Parker said, "Mrs. McKee, so you did state that February 18<sup>th</sup> DHEC shifted to at-home testing, correct?"

Ms. McKee said, "Yes."

Councilmember Parker said, "Okay. So, are all of these medical recommendations based upon the CDC, DHEC, or are there outside factors or data considered, like MUSC?"

Ms. McKee said, "From DHEC's?"

Councilmember Parker said, "Yes. Are you considering other factors, like from MUSC?"

Ms. McKee said, "I'm just reporting on what DHEC is doing. Yes."

Councilmember Parker said, "Okay. So, I think you just explained this, as well, but per the New York Times and other media outlets just this week, the CDC hasn't released much of

the data on vaccine efficacy, so how can City Council trust these medical recommendations if we don't have the data?"

Ms. McKee said, "I'm not sure what you are asking me."

Mayor Tecklenburg said, "Repeat the question, please."

Councilmember Parker said, "If they're going to lower the data, how does City Council and the Mayor, with the employee mandates and things like that, how are we going to utilize that data in pushing these mandates with our employees?"

Ms. McKee said, "I'm still unclear what you're asking me. I'm not sure what the question is."

Mayor Tecklenburg said, "At this point, could I just clarify that? We do have a policy in place, but I wouldn't describe it at all as pushing a policy on our employees. Basically, everybody is in compliance now. They either got vaccinated, or they have an exemption."

Ms. McKee said, "An accommodation, yes."

Councilmember Parker said, "Okay. What is the medical rationale for not recommending vaccinated employees wear a mask or get weekly testing while forcing the unvaccinated people to wear a mask and get weekly testing?"

Ms. McKee said, "Our HR folks worked closely with our medical partners to determine what the policy would be, and really HR would be able to talk a little more broadly about that."

Councilmember Parker said, "Okay, and who are the medical partners? I think that goes back to kind of my first question."

Ms. McKee said, "Yes, so our friends at MUSC and DHEC."

Councilmember Parker said, "Okay. Is wearing a mask considered an emergency measure, or is it your medical recommendation that mask mandates are a routine measure to prevent transmission?"

Ms. McKee said, "I'm not a medical professional."

Councilmember Parker said, "Okay. Do you see masks and this mandate with our City employees being a long-term solution?"

Ms. McKee said, "Again, I'm not a medical professional. We rely on our medical partners to provide us guidance on our policies."

Councilmember Parker said, "Okay."

Mayor Tecklenburg said, "If I may interject here, as well. The current City policy does not require you to wear a mask in a City building any longer. I also consult with medical professionals, I read what's being put out by the CDC, and still they recommend responsible use of masks if you're around other folks. But, anyway, given the numbers, what they are, we have dialed back our requirements. In fact, they're no longer required in City buildings. They are

recommended if you're unvaccinated, and the simple belief there is that those who are unvaccinated are either more likely to contract COVID or more likely to have serious symptoms from the disease."

Councilmember Parker said, "Okay, but the CDC also said that vaccinated individuals don't prevent transmission. So, again, we're still forcing unvaccinated employees to wear masks, but the CDC has come out and said that even vaccinated individuals can still, you know, it's still transmissible."

Mayor Tecklenburg said, "Correct, and if you follow their data, those who are unvaccinated are more likely to have serious symptoms from the disease and a higher incidence of death, as well. So, that's why we from the beginning thought, on recommendation of healthcare professionals, that being vaccinated was a good thing."

Councilmember Parker said, "Okay. Do you think that this mandate for our City employees is going to stick around or are you going to--"

Mayor Tecklenburg said, "We'll take it as it comes. We'll see what data comes forward."

Councilmember Parker said, "I mean, can I ask Council, do you feel that this should continue, our City employees? I mean, I've heard from numerous City employees that this is troublesome, the things, the stories. I spoke at the last meeting about, you know, the testing initiatives, things that they're being subjected to, their testing timelines. If they're an hour late reporting, they get in trouble. I just ask Council, as a body, do you think that this mandate for our City employees should continue?"

Mayor Tecklenburg said, "Well, if I may add one more little piece of data to the puzzle, even with our own testing, every week we continue to find folks that are testing positive, and it has gone down, but even last week we had positive tests. We were able to prevent exposure to other employees and our citizens, depending on who the employee was, by finding out that they were COVID positive, so we still think the testing protocol makes sense. We'll certainly consider it over time if we see that after a number of weeks and months that there are no positive cases showing up anymore, we'll certainly take that into account. I certainly open the floor if any Councilmembers want to weigh in."

Mayor Tecklenburg recognized Councilmember Sakran followed by Councilmember Waring.

Councilmember Sakran said, "Thank you, Mayor. I just want to say, we are now two years into this, roughly, and I will stand by what I said two years ago. I think the City has taken a measured, practical approach. When you look at other jurisdictions across this Country and many cities across this Country, we have taken the right approach in concert with Governor McMaster. Some will disagree with me. I think the State of South Carolina, as well as the City of Charleston, has done an awesome job, this Council, your leadership. I understand it's not popular, Councilmember Parker. I hear from people all of the time that disagree with my position. My position as a Councilmember is to represent all of my constituents, so I've got to weigh that. You're right. I personally don't think a vaccine mandate for employees is a good thing. That's my personal opinion, but again, as a Councilmember, I have to weigh all of those options and look to the Mayor and other Councilmembers for their opinions. So, I will say, the past two years, I think the City has done an awesome job. I know it's not been popular, politically popular, but our job is not to be politically popular all of the time. Sometimes we're

going to make decisions that folks don't particularly care for, but again, when you measure our results and what we've done compared to other cities and other jurisdictions across the Country, some have gone too far to the right, some have gone too far to the left, and I think we've been measured, and I'll stand by that today, as I stood by that two years ago."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Yes, this has been tough, Councilmember Parker, on really the whole City with no exact science on it, no exact policies on it, and I supported the Mayor. If you're going to make a mistake, I think you would be conservative in making that mistake when it comes to people's health. In this case, the City's health, employees' health, etc. I think we have to follow the science on it, but one thing you made mention of that I'm interested in because that's the first time I heard that, are we having any people getting in trouble because, if you don't mind phrasing that again, about people getting testing, coming in late, or something like that? I mean, hopefully, we can work with our employees. What is that policy when somebody gets tested and if they come in late? If that's what you were saying, I'd just like some more clarity on that. That's the first time I've heard that."

Mayor Tecklenburg said, "That's the first time, so please share."

Councilmember Parker said, "Yes, sure. Yes, I mean, multiple people have reached out. They are penalized. They're suspended, you know, maybe a shift, pay. It's sort of three strikes you're out. That's the policy, if I understand correctly. That's what's been reported to me."

Ms. McKee said, "I'm not aware of any of those scenarios. From my understanding, HR has been very agreeable and working with everybody. Testing has been kind of complicated, especially when Omicron was surging, so our HR department worked very well with those that had an accommodation to get tested."

Councilmember Parker said, "Yes, and the testing, they have specific sites, so you mentioned, you know, DHEC is shifting to these at home tests, but our employees are not allowed to use those at-home tests. They have to use a DHEC site or it has to be registered. It can't be the at-home test. They have two options, the DHEC testing site or another lab where it costs them \$50. They're also not allowed, they have to do it off duty."

Mayor Tecklenburg said, "I do believe there are a number of those DHEC sites that are available to use."

Councilmember Parker said, "Yes, and again, as Omicron surged, there were very long wait times, so I'm sure that that's where some of the, you know, you can understand, as a City employee, you're already understaffed, overworked, underpaid, and now you have to wait in line at a DHEC testing center during Omicron. It was hours."

Councilmember Waring said, "Do our people have to pay for the tests out of their pocket?"

Mayor Tecklenburg said, "What's that?"

Councilmember Waring said, "Do our people have to pay for the testing out of their pocket?"

Mayor Tecklenburg said, "They do. Yes, sir. It's not eligible under our health insurance policy if they don't get a vaccine, and I think it's the protocol from Blue Cross/Blue Shield. So, I would be happy to have HR come back to you and explain more fully where we are. We are evaluating it, as I mentioned just a few moments ago, because we are tracking the number of people who, they're required to get the test, but every week we're finding people that are positive."

Councilmember Waring said, "I understand."

Mayor Tecklenburg continued, "And sometimes, and I think now often, they're asymptomatic, so they take the test and they're not sick, so they don't know they're going back into the workforce and able to spread the virus. So, again, with that information, I still think it's a reasonable thing for us to continue to do and monitor, but I'll be happy to have Kay come to us or either come to a meeting of our HR Committee and more fully explain."

Councilmember Waring said, "You actually appointed me to the HR Committee. We haven't had a meeting yet, so."

There was laughter in the Chamber.

Mayor Tecklenburg said, "I think there is one coming up."

Councilmember Waring said, "So, it would be good to, I'll call to see whether we can have a meeting. I'm not the chair, but I'll call and, if we have a meeting, it would be good to have Kay come and report to Council on that and bring us up to speed."

Mayor Tecklenburg said, "Yes."

Councilmember Waring said, "Alright. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Councilmember Gregorie is the Chair of the Committee this year, so please request a meeting with him, or I will, don't worry."

Councilmember Parker said, "Okay. Just one other thing, I believe that, this might just be another question for HR, but this certainly seems, you know, our unvaccinated employees are being forced to wear masks. We know that the science doesn't, you can still spread it if you're masked, you can spread it if you're unmasked, but they're being sort of singled out. I've heard a lot of stories where they've been, quite frankly, discriminated against because of their choice. The choice that they made, their medical choice. I believe in freedom, liberties. They were also, their names were e-mailed out to their supervisors, everyone knows who they are, they're not vaccinated, and obviously, they have to wear a mask if they aren't. I just, I think it's a far reach, I think, for our City employees. We talk about our City employees a lot, how much we appreciate the work that they do. We're certainly understaffed. We have certainly lost a few people to these policies. I know I lost people in Recreation. that watched my boys grow up and because they were denied an exemption. So, this is real, it's happening, and I think what we can see nationally is these mandates, you know, it's time to stop the government restrictions and just allow personal responsibility to take over. Like you said, the science seems to be trending that

way, but we're not changing anything. We've taken the mandate off of the City buildings and things like that, but not for our City employees, so I just think we should."

Ms. McKee said, "Yes, I mean, we keep talking to our partners and, based off of the data that we're seeing, like the Mayor said, we're still getting positive results from those employees getting tested. So, it's not like we're not kind of revisiting it. We're definitely talking to them all of the time to make adjustments as we see they're needed."

Councilmember Parker said, "Again, I just want to point out that it's just the unvaccinated employees that you're forcing this on."

Mayor Tecklenburg said, "There is a distinction between unvaccinated, and the science, in fact, does indicate there is a difference in risk of passing the virus whether you're wearing a mask or not."

Councilmember Parker said, "And whether you're vaccinated or not."

Mayor Tecklenburg said, "Correct."

Councilmember Parker said, "Right."

Mayor Tecklenburg said, "Yes. Alright. Any other comments or questions?"

Mayor Tecklenburg recognized Councilmember Gregg.

Councilmember Gregg said, "How many employees have been vaccinated? How many haven't? Do you we have those numbers? Maybe next week or two weeks?"

Ms. McKee said, "I can't remember. It's a lot."

Mayor Tecklenburg said, "It was over 90% vaccinated."

Ms. McKee said, "It's over 90%."

Mayor Tecklenburg said, "We now have about 1,650 employees, so something less than I think about 150 maybe total."

Councilmember Gregg said, "Okay. Thank you."

Councilmember Parker said, "Mayor, I don't know the total number, but during the Omicron surge, the Fire Department had 64 members out sick at one time with the virus. Of these 64 members, only six were unvaccinated. Just one little stat there."

Mayor Tecklenburg said, "Alright. Thank you. So, next on the agenda is our [Council Communications](#). We have a request from Councilmember Seekings regarding virtual participation in meetings."

Councilmember Seekings said, "Thank you, Mr. Mayor, and I will be very brief. As you all are well aware, as we sit here tonight, this is our fourth meeting in two weeks, which I think is actually unprecedented, and you all are probably aware that we amended our Rules of Council at the beginning of this year. Over the course of time, we learned that we could participate

virtually effectively, and so when we amended our rules, we allow now everyone to participate at Committees virtually, and many of our Committees meet only virtually, and we talked about that today, Mr. Mayor. Meeting in person is great. The one thing we did do though was limit our ability as Councilmembers, absent health concerns, from participating at Council virtually. I can pick up the phone and call you all about this, but in talking to a few of you, and in thinking about this, and given sort of the technology and how effective it has been, and by the way, during the course of our Emergency Ordinance over the last two years, we did actually meet in person and allow people to participate virtually and some did from overseas, right? So, I mean, it allowed us and, I mean, good on you all.

So what I'm sort of asking you all, without taking a vote on it, whether or not you would be willing to consider allowing, now that we've got the technology, us on Council to, at least one or two times a year, without penalty or having to show that we're sick, participate virtually. Look, we all want to be around this table. I do. In the 12 years I've been here, I've missed one meeting, one. So, you know, we want to be here, but there are times, particularly in the last two weeks with those four meetings, two of which were unscheduled at the beginning of the year, we could not, under our new rules, participate virtually in them. So, I would love to see us amend to allow one or two times a year, without having to get a doctor's note, for us to participate virtually if we give advance warning, and there is a quorum here of people in person. So, I guess my question to you all is, not to be answered tonight, if you have heartburn with that I would never ask our staff to prepare something like that, but if you all think that's something you would be willing to consider, I think I would ask our Legal staff to put something on paper, bring it to you all for consideration and vote, but don't want to waste anybody's time. So, that's my pitch for tonight, and I would love to see a little brief amendment on that if we could do it."

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, "Yes, thank you, Mr. Mayor, and thank you, Councilmember Seekings, for bringing this up because this was one of the things we were going through the Emergency Ordinances that I was a big advocate for, as well. Because I also think that it opens up for folks, we've talked about wanting to get more diversities on Council and how do you get people when, you know, one of those things is that a lot of people have to travel for work, and we all do our best to get here. I know in a couple of weeks I have to be out of the area for work, but I'd love to be able to participate virtually because I can have that ability in the evening, but I can't make it back to Charleston for a 4:30 p.m. start time. I had proposed, just as Councilmember Seekings had, that as long as there is a physical presence of a quorum of members present and voting, and you would need to provide prior notice to the Mayor and the Clerk's office and any Chair of any committee that you would be meeting virtual for, as well, if there was something in person, that, you know, I think that's a reasonable accommodation. It's not 1821, it's not just the Peninsula, we're not farming the field during the day and coming back on our horses later on. This is 2022, so we should be able to utilize the technology effectively. Since we don't do proxy votes, and nor do I think we should, it's an appropriate way for Councilmembers to be involved even if they can't be physically present."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Yes, I agree with this discussion we're having here tonight. I remember Councilmember Lewis was very much opposed to this idea. This was before we had our Zoom capability. I think that there are going to be times and opportunities in which we are going to be called away, like Councilmember Brady has mentioned about or Councilmember Seekings has mentioned about. As long as we give advance notice of this, this may be a good

opportunity, and if we get maybe a one or two per calendar year pass I guess from being here physically. I will tell you that the meeting we had this afternoon with Real Estate was a breath of fresh air because when we're on these virtual meetings, we're not able to really interact with one another, and I think we're missing something. So, as soon as we get back to in-person committee meetings, the better. I know that's an inconvenience for a lot of folks. I have the luxury of being right here on Broad Street and can walk across the street. I understand that, but also I think it just makes a big difference that we're interacting with one another and communicating with one another on a different level in person. So, if we can get back to that level of Committee meetings, the sooner the better, as far as I'm concerned. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "There is nothing preventing us from starting to have in-person Committee meetings again. I think I'm going to ask the Committee Chairs to make that call if they want to try it and proceed as we did this afternoon. It's funny you mentioned Councilmember Lewis and, you know, pre-COVID, this whole discussion would have been blasphemous, right?"

There was laughter in the Chamber.

Mayor Tecklenburg said, "It would not even have been tolerated, but the world has changed a little bit, and things are more easily virtual, so some consideration, I think, should be given, particularly for meetings, special meetings, workshop meetings, that weren't on the calendar when we started the year. So, if it pleases Council, we'll come back with something for you with a rule change for consideration."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "No, I agree with that."

Mayor Tecklenburg said, "Yes. Does that sound reasonable?"

Councilmember Seekings said, "Yes, and I'm not anti-being together. I think it's great, but as Councilmember Brady pointed out, there are just times we physically can't be here, and we shouldn't exclude people from having their voices heard. So, I mean, I'm with you all. I think we should get back together as often as we can, and in the rare instance that we can't be here, we should be able to participate because technology has shown that it works even from three, four, five, six, seven time zones away."

Mayor Tecklenburg said, "Alright. Thank you. Next up is a [discussion of the redistricting](#). Councilmember Shahid."

Councilmember Shahid said, "Thank you, Mr. Mayor. So, I joined the discussion we had with Tracy. Councilmember Waring, Councilmember Parker, and I were on that Zoom call, and I was a little concerned with the, I guess, lack of speed that we're moving with this. I know that the South Carolina General Assembly has passed their redistricting lines, and the Congressional district lines have gone through. County Council has gone through and re-drawn their lines. This is the end of February. They've had the same data that we've had. I was a little concerned with some of the proposed district lines that I saw because we pitted, I think, one or two of those alternatives of the Councilmembers that would run against one another. One of them had me going all the way over to Cainhoy and Daniel Island, and the logic of that was just well beyond my---. I understand we made a lot of progress since that meeting that we've

had. I wanted to make sure that we're still progressing on that path. I'm not going to push right now any idea of a Special Ad Hoc Committee, but I do want to make sure that we're moving in the right direction on this. Our citizens deserve to know who their representatives are. Councilmember Brady has brought up several times to me that he represents two-thirds of the City of Spartanburg, so people on Johns Island, people on Daniel Island need to know who their representatives are. They have been underrepresented long enough and, with the population shift that we're having out of West Ashley, it's going to pick up a bunch of new residents in the immediate future. I met with Taylor Bush yesterday, and Long Savannah is on the fast track. I just see how that's going to increase our population out in that area with Councilmember Shealy and Bowden and Brady, all of them having another explosion coming really soon. So, I just want to get this, the purpose of putting this on the agenda tonight was just to express a little frustration with where we were going with it. I understand we're making some progress, so let's see where we are in the next 30 to 60 days, and I may come back and renew this, or I may just let it die on the vine."

Mayor Tecklenburg said, "So, if I may just briefly add that our staff have been working on this. We very intentionally kind of waited until after the Special Election over in District #1 because we didn't want to confuse voters if they started seeing other maps being proposed of what your district looked like. We kind of wanted it just to stay in place until we got through that election, and I certainly appreciate the fact that the House and Senate and all already moving ahead of us, but they have elections this year, and we don't until next year, so we have a little comfort room there just by explanation."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mr. Mayor. I understand what most of the people are talking about, but we met, a couple of the Councilmembers in the Peninsula, and we've met and we are working tirelessly on this, and I think we are coming to some conclusion with redistricting. Normally, we would try to keep as many minority districts as we possibly can. That was one of the biggest issues that they were talking about, and we voted here on Council to do that, which is going to be very hard to do, very, very hard to do, but we have to do the best we can with it, so this is why we met, the four of us met who were on the Peninsula itself. I was in Daniel Island at one time, right from where I live on King Street and had to go to Daniel Island. I represented Daniel Island, Cainhoy, and the Peninsula back in the time when there weren't that many houses, but now they have grown so much over there. You know, the Justice Department moved me out of that area, but we don't have the Justice Department involved anymore, and that's when they moved me down to Mazyck/Wraggborough. But we are working on it, and I think we are coming close to some kind of conclusion I think, right, Councilmember Seekings? We're getting close. I think we are getting close to something pretty soon."

Councilmember Seekings said, "We spent three-and-a-half hours in the MEOC on a Friday afternoon, if that tells you anything, and we were still talking when it was all over."

Councilmember Mitchell said, "So, we are making some headway, and we have not crossed any other districts in anyone else's district. We have not, so we are not merging with somebody else's district, intruding on them, and running against them. No, we're not doing that. We're trying to stay away from those things, and Councilmember Seekings himself has taken some big hits if we go the way that we are going. I mean, there are some big challenges he is taking, so I applaud him on that. This is my third reapportionment, so I've been through it many times, and I've been through it even when my district was merged with another district, and that's when I bowed out of Council. District #3 was merged with another district, so we already

played with those two districts before, and I'm not going to let that happen again and go through it again like that. I don't think it's right, you know, so we sit around here, but you've got to remember that things happen. But, those two districts have already been through that before, merging together, and another Councilmember had to pull out right from District #3 and District #4, so it could happen to someone else too, you know. It happened before.

So, I'm just saying, we're going to do the best we can with it, and people are fighting us in the community, but they're looking for minority districts. They already went through this. I don't know, and we don't know what's going to happen with the different parties that we are talking about for the Coalition of Voters Participation and what they're going to say. We don't know what the NAACP is going to say. We don't know what's going to happen to the League of Women Voters, what they're going to say when the lines are drawn, so it's a lot of moving parts that are going to be in that, going through that once the lines have even been drawn out when we come to a consensus of the lines. So, it's a lot this year, it's a lot. The community has changed a lot. Thank you."

Mayor Tecklenburg recognized Councilmember Parker.

Councilmember Parker said, "Councilmember Mitchell, since you've been through this, somebody texted me and asked, a district being added, I know that was something that was sort of discussed at our meeting. Is that something you've ever seen before?"

Councilmember Mitchell said, "We looked at it and talked about that, but if you add one district, you have to add two. Because you have to have an odd one so the Mayor can be the odd person there because the Mayor is also a part of Council, so you're going to have to have 14, and he'd be the 15<sup>th</sup> person, so that's the way it has to be done."

Councilmember Parker said, "Understood."

Councilmember Mitchell said, "And then it's going to take a lot to do that with the financial part of it and everything else, so that's something we have to think about, and that's something the Mayor and the staff would have to talk about on that level."

Mayor Tecklenburg said, "Any other questions or comments?"

Councilmember Waring said, "I have a question."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "The difference though is on staff who have been doing a great job on this. Tracy and her team have been doing a great job on this. If you remember, we, as a Council, delayed that process until after the November elections, and then we ended up with the Special Election, and certainly we wanted to wait until after the Special Election, so we now know Councilmember Gregg can also participate in that process. So, in a sense, we kind of participated in moving it forward, and those other bodies didn't have to do that. So, anyway, I just wanted to point that out. Thanks."

Mayor Tecklenburg said, "Right. Well, we're working on it now. We have been working on it. Alright. So, next is our [Council Committee reports](#). First up is [Traffic and Transportation](#). Councilmember Brady."

Councilmember Brady said, “Yes, thank you, Mr. Mayor. So, the Committee on Traffic and Transportation met this afternoon virtually at 1:00 p.m. I’m going to take items a, b, and d and report on those, and then report on item c since it’s going to get first reading. So, on the Lowcountry Rapid Transit, we passed that at Ways and Means, but SCDOT will be taking over the design in coordination with the partners, and I thank everyone for giving that approval at Ways and Means. The next was an Intergovernmental Agreement with the Municipal Golf Course and Fleming Road with the County. That includes the Fleming Road sidewalk and the Municipal Golf Course crossing which, as someone who’s prayed that my golf cart doesn’t die when I cross Maybank Highway between 9 and 10, you know, it’s precarious, but that will be a HAWK signal and so, hopefully, that will bring some relief to the pedestrians. I think it will be a great access for the neighborhood being able to cross more safely, as well, so there’s kind of a win-win there. The match is set at \$71,000 for the Municipal Golf Course portion of that and \$100,000 for the Fleming Road sidewalk design and construction. On item d, which was an MOU for Berkeley County Seven Farms Road Pedestrian Crosswalk Improvement Project, that project is between Island Park Drive and River Landing Drive. The notice to proceed was issued on February 1<sup>st</sup>. There was a pre-construction meeting last week, and they are ready to proceed with installation, and I thank you for passing that at Ways and Means.

Item c, which I would ask, and I would so move, is the Pedicab Ordinance. As we know from discussion in the past, the current ordinance requires that a storage facility already be in place before the medallion is issued. That places an undue burden on some of the operators that are making a bid for those. So, the amendment language will make securing the space for storage, if you get the award, it would be contingent on receiving that space and securing that. So, we did have a discussion, it did get recommended out 3 to 2, but if there is any discussion on this as we go forward, the other Councilmembers can explain why they did not agree with it. So, I would move that we accept the Pedicab Ordinance Amendment.”

Mayor Tecklenburg said, “Do we have a second?”

Councilmember Gregg said, “Second.”

Mayor Tecklenburg said, “Any discussion?”

Councilmember Mitchell said, “Yes. What was the amendment to the Pedicab? Can someone tell me about it?”

Councilmember Seekings said, “So, the history of this is, as you recall, we have a limited number of medallions on the street for a limited number of pedicabs, and there is less during the day than there are at night. This is something that’s, over the course of 12 years, been born of when we didn’t have any pedicabs at all. The first T&T meeting that I actually went to was the day that we authorized pedicabs on the street of Charleston after the prior committee had banned them for life. So, we’ve come a long way, and the idea was to expand the number of pedicab medallions available under our current program from a total of 30 at the peak hours, and I see my Counsel look at me to make sure I say something right, and add six more for bidding. And we actually, under the current ordinance, put it out for bid and required that the bids come in and comply with the solicitation, which one of which was that you had a place to store your pedicabs on the Peninsula so that they were accessible, and we knew where you were storing them and where they would be. A solicitation went out. There were a number of people who bid on the ability to bid on the new six medallions. There were inspections made to see whether or not they had storage facilities in place before we actually put the bids out, and two of the people did not have storage facilities, so the bid was effectively thrown out.

My vote against this was the two failed bidders put on applications that they had storage facilities, and they didn't. So, I voted against this because I didn't think we should award someone in that instance. Now, is it a huge deal, is it the end of the earth and the world if we allow someone who's competitively bidding to get in business, small business on the Peninsula of Charleston, to fill in some of the blanks before they actually get on the street? It's not, and we can certainly do that, but I don't see that the two-week gap that we allow between the time that the medallions are awarded and ultimately issued really gives anybody that great an opportunity that they didn't already have to put the infrastructure in place, so that was sort of where we were going forward. Did I sort of state all of that correctly? Anyway, we need those six medallions on the streets, I believe, and the demand is out there, so I don't want to get in the way of that happening. I think we should go through the solicitation properly, but when people put things on solicitation bids, and they're not quite accurate, we send our staff out there to inspect and they find that out, that was a little bit of a problem for me. With this amendment change in the ordinance, it will put another level on our staff because they have to go through the solicitation, weed through the applications to make sure you're compliant, and then, after the medallions are awarded, go out sometime two weeks before they're actually physically given to someone and find out, again, whether or not you're compliant with the ordinance, which will require you to have storage facilities on the Peninsula for your pedicabs. So, that's a long explanation of a 'no' vote, and that was mine."

Councilmember Mitchell said, "Okay. I don't have big problems with the pedicab. My thing is that, even when they do these with the pedicabs coming forth, just tell them to obey the law. Obey the law in traffic because there have been too many times they've come in front of me, and I've almost run them over and have gotten those shocks sometimes, when they do things like that because I'm not here to hurt anyone. Just tell them to obey the laws because they're not obeying the law. Like I said, I live on King Street, so I'm up and down King. Tell them to obey the laws, and we need to put that in writing and tell them to obey the law. Things like the bicycles and stuff like this, too. They'll come on the right side, on the left side of you, the bicycles, and that causes problems too because you can hurt someone like that. The pedicabs, they'll be in the middle and you pull out, they pull out on you, you know. They want to be just like the cars on the street, traffic-wise, so tell them to obey the law. My head is kind of bad sometimes."

Councilmember Seekings said, "Amen."

Mayor Tecklenburg said, "That's another issue."

Councilmember Seekings said, "Yes, sir."

Mayor Tecklenburg said, "I would offer that it will probably be a wash on the staff time. We won't have to check beforehand whether they have facilities or not, so we'll assume they will get them if they are the successful bidder, so you only have to check those who are successful and not everybody, so maybe we'll save time on that. I mean, the bottom line is it reduces the barrier for someone who wants to get into a business that shouldn't have a real high barrier. If some small guy or woman wants to aspire to start a small business, they wouldn't have to rent a place not knowing whether they are going to be awarded the contract or the medallion or not. So, they only have to make that commitment when they know they have the opportunity to go into business. So, anyway, the time factor ought to wash out. I hope it's not that big of a deal."

Mayor Tecklenburg recognized Councilmember Bowden.

Councilmember Bowden said, "I ask this just because I genuinely have no idea, is two weeks long enough to rent storage space on the Peninsula?"

Councilmember Seekings said, "You never ask a question he doesn't know the answer to, so he can answer that himself."

Mayor Tecklenburg recognized Councilmember Parker.

Councilmember Parker said, "Yes, and I'm not sure if I need to explain my 'no' vote or not, but really it was just the additional burden on the staff and the two-week lag time. That was it, being very new to the pedicab industry, it was just explained to me that way, and I understood so just a minor detail, but that's why."

Mayor Tecklenburg said, "Understood."

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, "Yes, and I would just add clarification and like to call the question, but we have done, adding a contingent option, such as this, is not unusual. We've done that with garbage companies before. When a new company has come forward, we would make signing the contract contingent on getting equipment and getting it up and running, so this is something that's been normal, that we've been able to do before with much larger capital outlays that the company is required for than just securing the storage space. So, I just wanted to point that out, and I'd like to call the question."

Mayor Tecklenburg said, "So, the motion on the floor is basically to approve item c?"

Councilmember Brady said, "First reading."

Mayor Tecklenburg said, "First reading. Alright. Any further questions?"

No one else asked to speak.

On a motion of Councilmember Brady, seconded by Councilmember Gregg, City Council voted to approve Item C of the Committee on Traffic and Transportation Report as presented:

**c. Pedicab Ordinance Amendment**

First reading was given to the following bill:

*An ordinance amending Chapter 19, Article XVI, of the Code of the City of Charleston, Pedicabs, to amend the operating decal application process and the requirements for issuance of decals to the successful bidder.*

The vote was not unanimous. Councilmember Seekings voted nay on item c.

Mayor Tecklenburg said, "Back to Councilmember Brady."

Councilmember Brady said, "And that concludes my report."

There was laughter in the Chamber.

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Before we go to Public Works, I do have a request of T&T, if they could maybe bring some information, not now, maybe in two weeks, or push it out to me on these golf carts and where they're allowed to be used on the Peninsula. Believe it or not, living in West Ashley, I've gotten complaints from people on the Peninsula, in particular in the corridor that Councilmember Seekings spoke about, Meeting and Huger, and up in that corridor, people on golf carts as traffic is trying to get out of town to get to the Mt. Pleasant ramp and the like. You know, golf carts, so I don't want to talk about it now, but if we can, I don't know what the rules are on that, so maybe we can push that out."

Mayor Tecklenburg said, "We can request a report at T&T."

Councilmember Brady said, "I was going to say we can definitely get that on a forthcoming agenda."

Mayor Tecklenburg said, "Yes. I think you have the same issue as with the pedicabs, that some folks don't follow the rules."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "And just so you know, we can distribute it. The CPD actually just recently put out a really good one page sort of blast on what the rules are, so we'll get them out there and get it to you."

Mayor Tecklenburg said, "Yes. Great. Thank you."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Alright. Next up is our [Committee on Public Works](#). Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. You see on your agenda where we have a(i) and a(ii), the Low Battery. I don't want to speed through it, but it's magnanimous the way that project was envisioned years ago, and it's less than \$100,000 over from change order. I've never seen that before, but that's happening in our City right now and all involved need to be commended on that. That was moved and approved unanimously. I'm going to skip down to a(iii), Barberry Woods, Councilmember Brady, that passed unanimously, as well. The Executive Session was held, and no action was taken in Executive Session, so I move for adoption of the report."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Alright. Any questions?"

No one asked to speak.

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

---INSERT COMMITTEE ON PUBLIC WORKS AND UTILITIES REPORT---  
**a. Stormwater Management Department Update:**

- (i) Low Battery Seawall Project Phase 2 – Recommend Approval of Change Order #7 with Gulf Stream Construction Company, Inc., in the amount of \$73,258.51 for additional quantity of repairs to the veil wall and remaining vertical wall beyond the estimated quantity approved in the original contract. Approval of this change order will increase the construction contract from \$11,998,112.91 to \$12,071,371.42. Funds are available within the allocated budget for the project.
- (ii) Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to discuss proposed purchase of property.
- (iii) Barberry Woods Drainage Improvement Project – Recommend Approval of Fee Amendment #3 for \$714,353.00 with WK Dickson for design and permitting services to take the project from its current 30% plans to construction bidding as well as providing real estate services for property acquisition. The funding for this work is available within the existing project allocation from the Drainage Fund.

Mayor Tecklenburg said, “Next up is our [Committee on Ways and Means](#). Councilmember Seekings.”

Councilmember Mitchell said, “Move for approval.”

Councilmember Shealy said, “Second.”

Mayor Tecklenburg said, “Any discussion?”

Councilmember Waring said, “Mr. Mayor.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “I’d like to request that the item on Cunningham Avenue be separated out.”

Mayor Tecklenburg said, “Alright. We’ll approve the report from Ways and Means with the exception of Cunningham Avenue.”

Councilmember Brady said, “As a point of order, because there is a motion and a second on the floor, the motion would need to be amended to pull that out.”

Mayor Tecklenburg said, “Alright. Good point.”

Councilmember Waring said, “I ask that the motion be amended, so I can speak directly at Council on Cunningham Avenue. Thank you.”

Mayor Tecklenburg said, "Alright. Would the maker of the motion allow the amendment, or do we want to vote on the amendment separately?"

Councilmember Seekings said, "There was a motion for adoption of the report."

Councilmember Shahid said, "You made the motion."

Councilmember Seekings said, "I did not."

Mayor Tecklenburg said, "Who made the motion?"

The Clerk said, "Councilmember Mitchell made the motion."

Councilmember Mitchell said, "Oh, I did?"

The Clerk said, "Yes, sir."

There was laughter in the Chamber.

Councilmember Mitchell said, "I accept it this time."

There was laughter in the Chamber.

Councilmember Waring said, "Thank you, Councilmember Mitchell."

Mayor Tecklenburg said, "Alright. For the acceptance of the report with the exception of Cunningham Avenue."

On a motion of Councilmember Mitchell, seconded by Councilmember Shealy, City Council voted to adopt Items 3 – 19, 20(a) and 20(c) of the Committee on Ways and Means Report as presented:

---INSERT COMMITTEE ON WAYS AND MEANS REPORT---

(Bids and Purchases

(Budget and Finance Revenue Collections: An ordinance providing for the issuance and sale of a not exceeding \$14,600,000 Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2022, of the City of Charleston, South Carolina, and other matters relating thereto.

(Fire Department: Approval to submit after-the-fact the 2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant for \$4,526,172 for 15 firefighter positions over 3 years to staff a ladder company on Johns Island. Due to time constraints, this grant was submitted on February 3, 2022. There is no match required.

(Housing and Community Development: Request the Mayor and City Council approve \$126,618 in 2020 program year HOPWA funding for the rehabilitation of two (2) rental apartments located at 60 Nassau Street and owned by St. Luke Reformed Episcopal Church. The apartments will be dedicated to affordable rental housing for thirty (30) years. The partnership with Roper Hospital Inc., is twenty (20) years and will serve persons or households with HIV/Aids.

- (Police Department: Approval to submit an application for the FFY22 SCDPS SRO Grant for funding for two School Resource Officers in connection with Charleston County School District in the amount of \$186,756.60. The amount will cover salary and fringe benefits for the two officers. This is an annual renewal. This application is due on February 25, 2022. There is no match required for this grant. ***(Councilmember Sakran recused himself from voting on this item and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.)***
- (Stormwater Management: Approval of Low Battery Seawall Repairs – Phase II Change Order #7 with Gulf Stream Construction Company, Inc., in the amount of \$73,258.51 for additional repairs and concrete sheet pile repairs. Approval of Change Order #7 will increase the construction contract by \$73,258.51 (from \$11,998,112.91 to \$12,071,371.42). Funding sources for this project are: Hospitality Funds (\$17,077,901.53), Municipal Accommodations Tax Funds (\$15,651,479.68), and Charleston County Accommodations Tax Fees (\$400,000).
- (Stormwater Management: Approval of Barberrly Woods Improvement Fee Amendment #3 with W.K. Dickson & Co., Inc., in the amount of \$714,353 for design services from 30% completion to final design and permitting as well as real estate services and appraisals. Approval of Fee Amendment #3 will increase the professional services contract by \$714,353 (from \$719,895 to \$1,434,248). Funding for this project is the Drainage Fund.
- (Parks-Capital Projects: Approval to apply for a LWCF (Land & Water Conservation Fund) grant for public access improvements at the Fort Pemberton site in the amount of \$261,000. This is a Federal grant offered by the National Park Service and administered through SCPRT. This is a 50/50 grant. Applications are due 3/04/2022. Proposed improvements include a small parking area, accessible trails, improvements to existing docks, and historic interpretation. This application proposes to use an existing Greenbelt allocation for limited improvements on site as matching funds for the work. If selected, funds will be awarded in October 2022. Funding for the City Match of \$261,000 will come from the existing County Greenbelt allocation for limited improvements, awarded May 30, 2019.
- (Traffic and Transportation: Approval to authorize the Mayor to execute an Intergovernmental Agreement for the City of Charleston Municipal Golf Course Crossing and Fleming Road sidewalk.
- (Traffic and Transportation: Approval of a Resolution on behalf of the City of Charleston, to allow Berkeley Charleston Dorchester Council of Governments (BCDCOG), the South Carolina Department of Transportation (SCDOT), and Charleston County to perform construction and improvements on Hagood Avenue, Spring Street, Lockwood Drive, Bee Street, Courtenay Drive, Calhoun Street, Meeting Street, Meeting Street Road, and King Street extension to facilitate the Lowcountry Rapid Transit.
- (Traffic and Transportation: Approval to authorize the Mayor to execute a Memorandum of Agreement between Berkeley County and City of Charleston regarding crosswalk improvements on Seven Farms Drive.
- (Office of Cultural Affairs: Approval to apply for \$15,000 from Charleston County Local Accommodations Tax Funding, to support the 2022 MOJA Arts Festival. The project period is 9/15/2022-11/15/2022. There is no City match required.
- (Office of Cultural Affairs: Approval to apply for \$10,000 from Charleston County Local Accommodations Tax Funding, to support the 2022 Free Verse Poetry Festival. The project period is 10/15/2022 – 11/15/2022. There is no City match required.
- (Office of Cultural Affairs: Approval to apply for \$10,000 from Charleston County Local Accommodations Tax Funding, to support the 2022 Holiday Magic in Historic

Charleston. The project period is 12/1/2022 – 12/31/2022. There is no City match required.

(Office of Cultural Affairs: Approval to apply for \$15,000 from Charleston County Local Accommodation Tax Funding, to support the 2023 Piccolo Spoleto Festival. The project period is 5/26/2023 – 6/19/2023. There is no City match required.

(Office of Cultural Affairs: Approval to apply for \$17,000 from South Arts to support dance programming for the 2022 MOJA Arts Festival. The project period is March through October 2022. A 2:1 City match is required. Funding is already secured from private donation.

(Office of Cultural Affairs: Approval to apply for \$6,000 from South Carolina PRT's Tourism Advertising Grant Program, to support the 2022 MOJA Arts Festival. A 2:1 City match is required. Matching funds will come from corporate sponsorship and private donation.

(An ordinance to authorize the Mayor to execute on behalf of the City a lease between the City of Charleston and Marina Variety Store. The property is owned by the City of Charleston. (9 Lockwood Dr.) (TMS No. 460-14-00-016).

(Please consider the following annexation:

-- 1939 Piper Drive (0.25 acre) (TMS# 350-09-00-067), West Ashley, (District 5). The property is owned by Susan J. Vigen.

First reading was given to the following resolution and bills:

*Resolution on behalf of the City of Charleston, to allow Berkeley Charleston Dorchester Council of Governments (BCDCOG), the South Carolina Department of Transportation (SCDOT), and Charleston County to perform construction and improvements on Hagood Avenue, Spring Street, Lockwood Drive, Bee Street, Courtenay Drive, Calhoun Street, Meeting Street, Meeting Street Road, and King Street extension to facilitate the Lowcountry Rapid Transit.*

*An ordinance providing for the issuance and sale of a not exceeding \$14,600,000 Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2022, of the City of Charleston, South Carolina, and other matters relating thereto.*

*An ordinance authorizing the Mayor to execute on behalf of the City a lease between City of Charleston and Marina Variety Store.*

*An ordinance to provide for the annexation of property known as 1939 Piper Drive (0.25 acre) (TMS# 350-09-00-067), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Susan J Vigen.*

Councilmember Sakran recused himself from voting on Item #7 of the report and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.

Mayor Tecklenburg said, "Now we'll take up the one matter of the approval of Cunningham Avenue contract. Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. Those who are not part of the Real Estate Committee really did miss out on a robust conversation. This is a parcel of land that the City, in December, closed on an adjacent property that's ten times larger for \$1,425,000. That property, at the time, had four houses on it, dilapidated albeit, and that price was predicated on

four houses, plus that land. This building, 11 Cunnington, was sold June 25, 2019 for \$650,000. In less than three years, if we were to sign this, we've contracted to buy this building for \$1.3 million, which would be a valuation of over 100% of value in less than a three-year period. These dollars that we have for affordable housing and for, frankly, people who need a second chance or need a leg up, are precious dollars. We would be paying almost \$400 a square foot for property that we still have to renovate for the needs that we have.

When I looked at the appraised value, the appraised value had four comparables in it. One was the ILA Hall, three of them fronted on either Meeting Street or Morrison Drive, which is certainly a much more premium location than a location that's surrounded with three sides by graveyards. I don't know if you rode up there and took a look at it, but I think you should go up and take a look at it if you didn't. My motion was to simply defer this, so we can try to negotiate a better price. I even further said what's the rush? And, in my opinion, it was rushed through. I don't know that we have another site in the City of Charleston that's surrounded on three sides by graveyards that's priced at or sold at \$1.3 million. In all of the experience of this appraisal, our comparable wasn't used, which shares a property line. They couldn't say the comparable was old. We just closed on it in December 2021. One of the comparables used in that appraisal goes back to 2019. So, we actually bought the property next door, share a property line, and the appraiser said we're not going to use that comparable. Just the mathematics of it, if he were to use that comparable, it would lower the value of the building, so you go far away and get appraisals, get comparables, elsewhere.

You know, I learned this up at Carolina, this is an adage that says 'Liars figure, and figures are liars.' What that means is, I didn't understand it, but after I got out of Carolina, I did. You can make numbers tell the story you want. You literally can make the numbers tell the story you want, and the story you want is the \$1.35 million value. That's what's being done here. Now, in the Committee meeting, Mr. Mayor, with all due respect, I pointed out that you have a conflict of interest. You said you didn't. You cannot be the arbiter of whether you have a conflict of interest. You can't."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "And the reason we have these conflict of interest rules is because, if you have a conflict and you debate the issue, you can cloud and influence the issue, and as I said, it was a robust discussion on it. When I looked at the contract, the contract says we're going to buy this from COZ, LLC and with a quick check of the Secretary of State, the registered agent of COZ, LLC is Mr. Robert Clement, of which your son is in partner with. Now, you may not have known that, and I'm taking the high road and saying you didn't know it, but now that you know it, it is indeed a conflict, Mr. Mayor. When we debate these issues on behalf of others, because we are trustees of the public money, it has to be an above-board conversation. Now, if we have family members in business with people who are selling property to the City, I can't participate in that. As a matter of fact, not only I can't participate in that discussion, I have to walk out of the room while all of you all debate it and, hopefully, as I pray for the best of your intellect, in particular for those who are less than, springs forth for the betterment of the City.

I am asking, again, that we defer this purchase in an attempt to get a better price because at this price, I think we ought to leave it on the tax rolls. \$1.3 million, that's surrounded on three sides by graveyards, let's let them pay their property taxes. If somebody else wants that building, let's let them have it. We need to take the \$1.3 million and put it towards the primary objective, towards building a new structure that's designed for the purposes we need it

for, as opposed to taking a building that was upfitted, frankly, for the real estate company. At today's meeting, I'm sure you along with I, have a nice color drawing that was put on our desks. That's the first time I saw this, showing where the showers and the bathrooms and warming areas would be, which I'm in favor of that. I'm in favor of taking \$1.3 million and building that new building on property we have already purchased. We can do better by those people is what I'm saying. We can do better by the homeless out there that's trying to get a leg up.

We do not need to overpay on properties, frankly, that are not designed for the express purposes. So, for those reasons, I just don't see how it hurts the City to try and negotiate a better price. So, through the City Real Estate Committee meeting, it went through on a divided vote. I don't think a lot of information was provided to some of the members. You voted on it, Mr. Mayor. I'm going to ask, respectfully, we can get our Legal Counsel to come to the microphone, but I think that's a clear conflict of interest. Again, like I said, I didn't know it until a quick check of the Secretary of State showed who the register of that LLC is that is now trying to buy this property, but I look forward to trying to talk to the principals of that corporation in an attempt to lower the price. If they can't, then I think we need to apply those dollars much, much better on behalf of those people that we're trying to help. Thank you."

Mayor Tecklenburg said, "Well, thank you, and I would, respectfully, ask Council, now that this matter has come up in such detail, that we ask Ms. Geona Johnson to come forward and make a presentation as she did at the Real Estate Committee. I would like for Council to be aware of the decision that was made at that meeting this afternoon, so I want you to have all of the information."

Councilmember Waring said, "Mr. Mayor, I ask for a point of order, though. I think the piece about the conflict of interest needs to be determined."

Mayor Tecklenburg said, "It will be. It most certainly will be, but all of the facts about this matter need to be brought forward at least--"

Councilmember Waring said, "If you have a conflict, the Mayor Pro Tem--"

Mayor Tecklenburg said, "You are out of order. I'll be glad to--"

Mayor Tecklenburg called Councilmember Waring out of order.

Councilmember Waring said, "I am not out of order."

Mayor Tecklenburg said, "You are out of order."

Councilmember Waring said, "I am not out of order."

Mayor Tecklenburg said, "I am calling Geona Johnson to the stand."

Councilmember Waring said, "If you have a conflict, Mr. Mayor--"

Mayor Tecklenburg said, "I'm calling you out of order, Councilmember."

Councilmember Waring said, "I am not out of order. I am asking for a point of order. If you have a conflict, let's root for the point and the Mayor Pro Tem should preside, not you."

Mayor Tecklenburg said, "We'll be glad to address that point, Councilmember. I will be glad to do that."

Councilmember Waring said, "That's what the point of order is for, for it to be addressed."

Mayor Tecklenburg said, "Okay."

Councilmember Waring said, "If you have a conflict, the Mayor Pro Tem would have to preside."

Mayor Tecklenburg said, "First of all, you brought up the issue. We separated out the item, correct?"

Councilmember Waring said, "I did. You did. We did."

Mayor Tecklenburg said, "So, you're asking Council to consider that matter separately right here at City Council, correct?"

Councilmember Waring said, "I also requested the point of order on your conflict."

Mayor Tecklenburg said, "Okay."

Councilmember Seekings said, "Can I make a point of order? This is also a report out of the Committee that I chaired today. So, I just want to make sure we go through this properly, and I think when it was separated out, and the Committee Report coming out from Ways and Means, there has now been a motion to defer put on the floor that I think needs to be addressed before there is any presentation. That needs to be heard before we go any further, and I see my Legal Counsel in stereo nodding 'yes,' so I think that motion needs to get a second, and then be voted on, and then we can go from there."

Councilmember Parker said, "Second."

Mayor Tecklenburg said, "I'm sorry. What motion is that, please?"

Councilmember Seekings said, "There was a motion put out by Councilmember Waring to defer this matter."

Mayor Tecklenburg said, "Right."

Councilmember Seekings said, "And that, I believe, tell me if my microphone goes out, are you turning me off on purpose? I think that takes precedence, and that needs to be heard before we have any presentations, and I think it's been--"

Councilmember Parker said, "Second."

Councilmember Seekings said, "And it's been seconded."

Mayor Tecklenburg said, "We have a motion on the floor to defer. Does the matter to answer the question about my conflict of interest take precedence over that? Could I ask Counsel to opine on that question, please?"

Wilbur Johnson said, "There is a current motion on the floor to defer. I think that motion takes precedence. The motion to defer should be heard first."

Mayor Tecklenburg said, "Okay. Thank you. So, respectfully, you presented a lot of information, part of the information that I think our Councilmembers need to hear, the other part of the information about this proposal, before they even make a decision about deferral. So, I would, respectfully, ask that they be given all of the facts about this matter before voting on a matter to defer and I would, respectfully, call on Ms. Johnson to come back up and make a presentation about this matter that came before Real Estate earlier this afternoon. Ms. Johnson."

Councilmember Seekings said, "Can I speak to that? I think, Mr. Mayor, we're not voting on the substance of this. We're simply voting on the matter to defer so we can take it up later. Am I right about that? And I think we need to vote on that."

Mayor Tecklenburg said, "Well, I'm happy to do that, and if you would like for me just to explain my personal reasons why I don't believe we should defer, I'll be happy to do that, but, honestly, it includes a lot of information that was presented earlier this afternoon."

Mayor Tecklenburg recognized Councilmember Bowden.

Councilmember Bowden said, "Thank you. Since it seems to me as if, clearly, there were a lot of things that I'm not privy to, but I need more information to decide whether this is worth deferring. So, just kind of as a matter of courtesy, can we sort of take that away, get more information. You know, if I'm trying a case, and I want to point to somebody else as having done it, I need evidence of that, more than just a bare suspicion, which is kind of what I'm hearing right now. So, I sort of wish the leg work would have been done before this to flesh this out a little bit, but I'd like to hear it all now since this has all been brought up."

Councilmember Seekings said, "I think that's well and good, but I have one other question because I don't think it got reported out, and it might be my failing as Chairman of Ways and Means, when we took the Real Estate report from Councilmember Appel, I don't think it was reported what the vote out of Real Estate was on this matter to defer. So, if we can at least get that in the record and report to Council what that vote was because I don't think that was reported out. Am I right about that?"

Councilmember Appel said, "It may have been omitted, but to the best of my recollection, I think the motion to defer during the Committee meeting was 3 to 2, opposed to deferring, and then the vote subsequently to bring it out of Committee was 4 to 1."

Councilmember Seekings said, "Okay."

Mayor Tecklenburg said, "Right. So, the matter before you to consider, whether to defer or not, is to approve a contract to purchase a piece of property at 11 Cunnington Avenue. It's an office building. The building is almost as big as the parcel itself. I think the finished space is somewhat over 3,100sf. of finished office space. The property was purchased, as Councilmember Waring noted, a few years ago for \$650,000, but there was substantial renovation to convert it into an office space. It was not primarily an office space at the time the property was purchased, so a major renovation occurred. That's pertinent because this building can be utilized for the purposes we need it for, for moving the Navigation Center to this location, and to be able to do it in a timely manner. We currently have enjoyed a wonderful lease of the

property down at 529 Meeting Street, but our lease is month-to-month, and the owner would like to redevelop the property. He hadn't given us notice to leave yet, but we know his intentions are to redevelop the property. We've asked him over the years whether he would sell it to us, but he prefers to redevelop it. So, we need an office component for what we do at 529, and that's what we could buy now and, basically, at a moment's notice, so to speak, if he were to move us out of the property, we'd have a place to relocate, and we'd like to go ahead and do that.

So, I mean, I get the point that you're questioning the value of the appraisal. I'm not an appraiser. I believe the gentleman who did the appraisal to be of high integrity and that he gave us his honest opinion on the appraisal. In fact, Ms. Johnson confirmed that today, that he stands by his appraisal, that the property is worth \$1.3 million. I pointed out earlier today that, without the appraisal in hand, in fact, the property owners had requested that we give them more money than \$1.3 million.

When we got the appraisal done, we, in fact, got them to agree to the appraised price, so some negotiation already occurred. Yes, the property is right next to property that we own which is, I think, not just convenient, but very beneficial to the City that we can accomplish what we want to with the Hope Center. We now, we'll call it the Hope Center rather than the Navigation Center, and try to preserve as much of the property for affordable housing development as possible.

Regarding the ownership of the property, Councilmember Waring, you're right, it belongs to an LLC. Very often, as you know, when people, partners, buy a piece of property, they'll often put it in the name of a legal entity, an LLC. Mr. Clement is one of the owners of that LLC, I understand, along with Mr. Coleman, Stuart Coleman. I know them both. I'm not related to either one of them. My son, Joseph, is a partner in the real estate firm CC&T. They are a tenant of the LLC. So, when the property sells, my son gets no benefit or proceeds from the sale of the property, only the LLC will, which includes Mr. Clement and Mr. Coleman. So, I mentioned that this afternoon, that the real impact on my son would be the inconvenience of having to move his office when they find other quarters somewhere else, but I am not related to the owners. My son is not an owner of the property. I get no economic interest from the sale of the property. My son gets no economic interest from the sale of the property.

Regarding on making a decision about any vote that comes before us, my colleagues, you know if you some have some interest in any matter that comes before the Council. So you've got to be first in line to make that decision. 'Gee, do I have an economic interest in this matter or not?' So, Councilmember Waring, yes, it's absolutely up to all of us individuals to make those determinations. Now, if you don't agree with me, if you have knowledge otherwise, you're certainly free to make a complaint to the State Ethics Commission and say, 'Well, gee—.'

Councilmember Waring said, "[Inaudible.]"

Mayor Tecklenburg said, "I have the floor right now, you can make a complaint, but it's certainly within my right, given the knowledge that's in my head about whether I've got a personal interest in any matter that comes before us or not, to make that decision.

So, you know, this is a convenient property, it meets the appraisal. You know, we're talking a little bit of apples and oranges if you're comparing the value of a building versus the land value, like the property next door. We're buying this property, if approved by Council and after our due diligence, for the office use and not for the land. In fact, as I mentioned, we're going to save any real estate that we can for affordable housing in the future. I did look at the

appraisal just now, Councilmember, and there were four comps. I did not see the ILA Hall as being one of the four comps. I see 716 Meeting Street, 1149 Morrison Drive, which is nearby, but is a two-story brick building, the property on North Hanover Street, and 1114 Morrison Drive. So, I would respectfully ask Council to deny the deferral, and let's vote on this matter tonight as was contemplated at length this afternoon at Committee meeting and, as noted, was decided, after hearing all of the observations and facts about the matter, that the Committee approved the matter 4 to 1."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg said, "Would anybody else like to be heard, and then I'll come back to Councilmember Waring?"

Mayor Tecklenburg recognized Councilmember Parker.

Councilmember Parker said, "Yes, I mean, my issue is just the conflict of interest. Not even the, you know, you're not, there's no financial incentive, it's just a conflict of interest. Why wouldn't it have been disclosed, even if there's no economic, you're not receiving anything or your son isn't? Councilmember Appel, I've noticed there have been situations where you have recused yourself from some situations. Is that because you didn't have an economic interest, or just it was you knew somebody or didn't know them. I'm sorry to put you on the spot. I just--"

Councilmember Appel said, "It's okay. I'm sorry. I'm just a little sleep deprived with what I've been doing at the house, but there's a variety of reasons why I've recused myself over the years. Sometimes I have clients that I represent, say in Mt. Pleasant, that are doing business in the City of Charleston. I can't vote on, you know, situations where they're trying to get a piece of property rezoned. Other times I've had situations where I've had family interest. For example, Morris Sokol properties came before us to be rezoned. I can't vote on that, even though I promise you I am not seeing any dollars and cents from that. I wish I was. Sorry, mom, if you're watching, but at any rate, there is a variety of different reasons, but I do think the Mayor is right. I mean, I do think that, under my understanding of South Carolina's Ethics Act, it's the responsibility of each of us to identify those situations when there is a conflict and be able to raise your hand and pull the cord. But at the same token, as the Mayor pointed out, there are avenues for folks to take independent action if they believe that certain things are not being handled correctly, but, you know, it's-- I hope that answered your question."

Councilmember Parker said, "It does, and sorry, again. Sorry to jump in front of you, but it's just the conflict of interest. Clearly, there is something there that, you know, without Councilmember Waring bringing that to my attention, I would not have known that otherwise. So, I think that is why I seconded your motion to defer because I think there needs to be a discussion."

Mayor Tecklenburg said, "Alright. Any other comments or questions?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "So, we did have a very robust discussion about this issue at our Real Estate Committee meeting. I'm still wrestling with the sticker shock of this property. As I mentioned at the Real Estate Committee meeting, at the invitation, suggestion, of Councilmember Waring, I drove out to this property. This is an old, for lack of a better way of saying it, more of an industrial area of the northern part of the City's boundaries. There was a

Volvo repair shop out there. I think the original building, as you mentioned, Mayor, earlier, its use, I think, was a crematorium at one point. I think that's why it was renovated to an office space. Right behind this building is the original Greek cemetery, so you cannot expand anything to the rear part of this building. It's on a corner. Our property, the City's property, will be on the left hand side, and across the street are the other cemeteries out there in this general area.

I'm having, honestly, a rough time getting my hands around a building that's 3,000sf, a story-and-a-half worth, in this location, \$1.3 million. I mean, it just, it doesn't make sense. I read the appraisal twice. I went over it twice. I looked at the comparables. We did the math that Councilmember Waring went over, as well. It's \$400 a square foot, if you break it down in that category. The money that we have for affordable housing is limited, it's precious, we are stewards of the public funds. I've talked to Geona about this. She made her presentation before us. It would be extremely convenient for this property to be owned by the City to do the things that they need to do. They're getting kind of pushed out of their current location. I get all of that, but I think perhaps the better part of valor on this is to defer it. Let's re-group on it a little bit and take another look at it. I know that the contract that we would sign gives us a due diligence period, but perhaps maybe we should just look at this in a different prism than what we're looking at it right now. Let's defer it. Let's come back to it in a couple of weeks. Let's see if we can make any other progress on it. If there's something with that appraisal that makes us uncomfortable, and I'm feeling uncomfortable with the value of it, quite frankly, that will give us an opportunity to do that. So, I will support the motion to defer for next meeting."

Mayor Tecklenburg recognized Councilmember Gregg followed by Councilmember Sakran.

Councilmember Gregg said, "I just want a point of information and to make sure I'm understanding the contract right. So, we have 60 days after the execution of this document, due diligence, and then 60 days after that for closing, but assuming that we approve this motion tonight, this sale would go through, and this is not going to come back to Council for approval again, correct?"

Mayor Tecklenburg said, "It wouldn't necessarily have to. Certainly during the due diligence we might uncover information that we'd bring back to Council and recommend not proceeding and let you all know."

Councilmember Gregg said, "But that ship has sailed once we execute the document?"

Mayor Tecklenburg said, "Yes, sir."

Councilmember Gregg said, "Alright. Thank you."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. I think I would vote to support the deferral. I think part of that discussion we had earlier that Geona mentioned was that the timing of this is we're in need of making a transition for current staff, current facilities. Why can't we agree to defer it and then order two additional appraisals and get back to this at the next Council meeting and make sure those appraisals come in? As someone that lives in that area, I don't think that initial appraisal is going to be out of whack. I know it's sticker shock, but the values of that area have gone up significantly in, at least, the past year. So, two additional appraisals will

give us something to compare, apples to apples. I would support the deferral, but I want to make sure we get that back on our next agenda with those two additional appraisals in hand.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Thank you. Just a matter of procedure to make sure we’re all clear where we are and what the deferral is. Councilmember Waring made the motion to defer. It came out of the Ways and Means Committee Report from a Real Estate Committee Report. So, if it gets deferred, what I would ask Councilmember Waring is either clarify or accept that, if it comes back, it comes back to a body of the whole, being Ways and Means, as opposed to Real Estate, so Councilmember Bowden and others of us who are not on that committee can engage in this debate. With all due respect, Councilmember Sakran, I don’t think, unless Councilmember Waring accepts an amendment to having two appraisals before it comes back to us, that that’s going to happen, but we can make it happen in no short order because we can get this back on Ways and Means and Councilmember Gregorie will be back, so he can deal with it. We can get it back in two weeks. So, I’m right about the procedure on that? Am I not?”

Mr. Johnson said, “Yes.”

Councilmember Seekings said, “Okay. So, I don’t know, Councilmember, if you want to amend your motion to defer.”

Councilmember Waring said, “Listen, I’ll amend it, Councilmember, because I want to get more accurate information so we can make a good decision on behalf of, again, the citizens that we’re trying to help. So, yes, I’m fine with that.”

Mayor Tecklenburg said, “Alright.”

Geona Johnson said, “May I ask for just one appraisal instead of two? They are \$2,700.”

Councilmember Shahid said, “One would be sufficient.”

Councilmember Seekings said, “And we’ll hear all of that at Ways and Means.”

Mayor Tecklenburg said, “They don’t happen in two weeks normally.”

Ms. Johnson said, “They don’t happen in two weeks. It will easily be four to six weeks.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “Again, I’m getting back to the conflict. You eloquently explained your son’s role, but you omitted that your son’s partners would profit from this. He’s not making a profit, you’re not making a profit, but your son’s partners are making a profit. You say he’s a tenant in the building, but he’s in partnership with, at least, Mr. Clement. I don’t know about the other gentleman. So, you don’t think it’s a conflict, but I think we need a ruling on that, and you invited that, if this is the case. I don’t think we should do business in a gray area. We’re going to have an Executive Session tonight on a situation with the law school that had gray areas all over it, and we’re in court on that right now. So, I think we need, and I’d like to get an opinion from our Counsel. The Mayor doesn’t think he has a conflict. I think he has a conflict. It’s a matter of opinion, but his son’s partner will profit or benefit as a result of this contract if it goes through. That should be disclosed to all of Council.”

Mr. Johnson said, "I don't believe that, the conflict of interest laws and the State Ethics laws are, if I recall correctly, pre-supposed that a conflict arises when the person who is voting or participating in the vote is him or herself to receive some sort of benefit from the outcome. Then there is a list, under the State Ethics laws, of other people besides that person, him or herself, who may be receiving a benefit as a result of the vote, mother, father, sister, or a whole host of other folks that will have a benefit conferred upon them if the vote to do the transaction goes through. As I understand it, in this case, what we have is the Mayor's son being in partnership with someone who is an owner of an LLC, but the partnership itself will not have a benefit conferred upon it by virtue of the vote, but the LLC will have a benefit conferred upon it. Under what I believe to be a fairly reasonable reading of the State Ethics laws, it does not seem to me that that would be necessarily, or that would be a conflict of interest. If, in fact, the Mayor's son is simply in partnership with someone who, him or herself, would be receiving a benefit as a result of whatever the Council is voting on."

Mayor Tecklenburg said, "Thank you, sir."

Councilmember Waring said, "I'll write the Commission."

Mr. Johnson said, "That is an option to ask for an opinion from the ethics officer or someone at the State Ethics Commission as to whether or not that would be declared a conflict, those circumstances."

Councilmember Waring said, "Thanks, Mr. Johnson. I call for the question."

Councilmember Seekings said, "On the motion to defer."

Mayor Tecklenburg recognized Councilmember Bowden.

Councilmember Bowden said, "I just want to clarify what the motion is. It's gone through a couple of iterations."

Councilmember Seekings said, "The motion is to defer this matter and then send it back to Ways and Means at our next Ways and Means meeting."

Councilmember Bowden said, "Is it for the purpose of an appraisal, or is it for this airing of grievances that we're talking about?"

Councilmember Waring said, "No, the purpose initially, in Real Estate and now here, to negotiate a better price. The price is just too high. That's what it was about. We weren't even going to attempt to negotiate a better price, so that's why I asked for this deferral, Council."

Mayor Tecklenburg said, "Alright."

On a motion of Councilmember Waring, seconded by Councilmember Parker, City Council voted to defer Item 20(b) from the Committee on Ways and Means report to receive an additional appraisal.

*Request the Mayor to execute the necessary documents for the purchase of 11 Cunnington Avenue, a 0.08-acre property, which includes a recently renovated building of 3,316 total square feet, located in the Neck Area of the City, for \$1,300,000 subject to*

*the conditions outlined in the attached Agreement of Purchase and Sale. (TMS No, 464-14-00-118) (11 Cunnington Avenue, Charleston, SC 29405). (DEFERRED)*

The vote was not unanimous. Mayor Tecklenburg voted against the deferral.

Mayor Tecklenburg said, "Alright. The ayes have it."

Councilmember Seekings said, "That concludes the report of the Ways and Means Committee."

Mayor Tecklenburg said, "Great."

Councilmember Brady said, "I would move to take 1 through 5 together for [bills up for second reading.](#)"

Mayor Tecklenburg said, "Alright. We've got second reading of L-1 through 5. Do we have a second?"

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

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

**2022-027 -** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A UTILITY EASEMENT, APPROVED AS TO FORM BY THE OFFICE OF CORPORATION COUNSEL, TO DOMINION ENERGY SOUTH CAROLINA, INC., ENCUMBERING A PORTION OF THE CITY'S REAL PROPERTY DESIGNATED AS CHARLESTON COUNTY TMS NO. 459-05-04-116, WITHIN THE RIGHT-OF-WAY SHOWN ON DRAWING D-84107, TO PERMIT INSTALLATION OF DUCT BANK TO TRANSFER ELECTRICITY TO MULTIPLE AFFORDABLE HOUSING PROJECTS, INCLUDING JAMES LEWIS, JR. EASTSIDE APARTMENTS.

**2022-028 -** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A UTILITY EASEMENT, APPROVED AS TO FORM BY THE OFFICE OF CORPORATION COUNSEL, TO DOMINION ENERGY SOUTH CAROLINA, INC., ENCUMBERING A PORTION OF THE CITY'S REAL PROPERTY DESIGNATED AS CHARLESTON COUNTY TMS NO. 459-05-03-005, WITHIN THE RIGHT-OF-WAY SHOWN ON DRAWING D-84107, TO PERMIT INSTALLATION OF DUCT BANK TO TRANSFER ELECTRICITY TO MULTIPLE AFFORDABLE HOUSING PROJECTS, INCLUDING JAMES LEWIS, JR. EASTSIDE APARTMENTS.

**2022-029 -** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY OF CHARLESTON ("CITY") THAT CERTAIN OPTION TO LEASE AND

ACQUIRE REAL PROPERTY TO RHG HOUSING DEVELOPMENT, LLC (“DEVELOPER”) THE CITY’S REAL PROPERTY, CONTAINING 12.647 ACRES, MORE OR LESS, AND DESIGNATED AS CHARLESTON COUNTY TMS NO. 346-00-00-004, UNDER WHICH THE DEVELOPER WILL DEVELOP A MINIMUM OF 90 AFFORDABLE RESIDENTIAL RENTAL UNITS AND 28 AFFORDABLE FOR SALE UNITS.

- 2022-030 -** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2131 CLAYTON DRIVE (0.25 ACRE) (TMS# 310-12-00-018), 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 DAVID WILLIAM OGDEN AND ERIN HOPE LEACH-OGDEN.
- 2022-031 -** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES KNOWN AS 1517 AND 1521 WAPPOO DRIVE (0.54 ACRE) (TMS# 351-12-00-115 AND 207), 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 9. THE PROPERTIES ARE OWNED BY LITTLE DUDES LLC AND THE DUDE INVESTS LLC.

Mayor Tecklenburg said, “Next, we have [bills up for first reading](#) that are deferred, and then under our [Executive Session](#), in fact, we are deferring the discussion about the Charleston School of Law this evening. We’re not talking about that. Apparently, our outside attorney decided they didn’t have enough information to report at this time, or maybe one of the attorneys wasn’t even available, so we’ll come back to you on that one, and we have an item to go into Executive Session to discuss the Johns Island Municipal Improvement District.”

Councilmember Waring said, “So moved.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg said, “Alright. Any further discussion?”

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to go into Executive Session at 7:11 p.m.

On a motion of Councilmember Mitchell, seconded by Councilmember Brady, City Council voted unanimously to come out of Executive Session at 8:04 p.m.

Mayor Tecklenburg said, “Let the record show there was no action taken while we were in Executive Session. The next regular meeting will be on Tuesday, March 8<sup>th</sup>. I think we’re right here in City Council Chambers. Any other business to come before us?”

Councilmember Brady said, “Move to adjourn.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg said, “Hearing none, we stand adjourned.”

There being no further business, the meeting was adjourned at 8:04 p.m.

Jennifer B. Cook  
Clerk of Council