

CITY COUNCIL VIRTUAL MEETING

Regular Meeting

February 23, 2021

The one-hundred and fourteenth meeting of the City Council of Charleston was held this date convening at 6:08 p.m. over video conference call (Zoom).

A notice of this meeting and an agenda were made available on the City's website February 18, 2021 and appeared in the Post and Courier on February 22, 2021.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

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

Mayor Tecklenburg called the meeting to order at 6:08 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Thank you all very much. So, if you all would like to join us, Councilmember Mitchell will lead us in an invocation."

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

Mayor Tecklenburg said, "So, I also wanted to note the prayers that have gone out to those who have lost their lives to COVID-19 as our country passed just yesterday the half-million mark, 500,000. We are flying our flags at half-mast this week at the request of President Biden, and I noted just a couple of sentences of his remarks last night, as he prayed for those who have been lost. 'We have to resist becoming numb to the sorrow. We have to resist viewing each life as a statistic or a blurb on the news. We must do so to honor the dead, but equally important, to care for the living.' That kind of resonated with me because we've been tracking all of these numbers, and we couldn't believe when we got to 100,000 dead in our country, and now we're at 500,000, a half-million U.S. Citizens, and it's a lot more than numbers on a statistical count. It's real people's lives. So, anyway, please keep all of those impacted in your prayers, as well. Now, if you will join me, just over my shoulder to the right is our flag as we pledge allegiance to our flag."

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

Mayor Tecklenburg said, "Thank you very much. Next we have just one [proclamation](#) recognizing, the common name is Chronic Fatigue Syndrome, a/k/a Myalgic Encephalomyelitis, I

believe. It was requested by Councilwoman Delcioppo. Councilwoman, would you like to share a few remarks with us about this?"

Councilwoman Delcioppo said, "I would. Thank you. I'm honored tonight to introduce Dr. Robert Jacobs, who will share with us more about, let's see if I can get it right, Myalgic Encephalomyelitis, which is more commonly known as Chronic Fatigue Syndrome, which is not really an illness that we talk about very much. Unfortunately, with COVID we're hearing more and more about it. In fact, you may have even read an article in the Post and Courier yesterday about a young nurse suffering from long COVID, which includes symptoms that are highly suggestive of Chronic Fatigue Syndrome. It's much more than just being tired all of the time. This is a debilitating condition in which patients struggle to do even the simplest of things, like getting dressed in the morning, and you can imagine that the trickle down effects of that are immense. Sufferers often times cannot work or go to school and will experience depression and other mental health concerns, cardiovascular effects, sleep issues, joint pain and swelling, and a host of other health immune complications. Even more daunting is that Chronic Fatigue Syndrome is difficult to diagnose, and typically it comes after an infection of some sort. It tends to be more common in women. Many of whom were otherwise healthy before getting sick, and with COVID, this is just yet another reminder of how much we don't know about this virus and how much we don't know how we will react if we are infected or if a loved one is infected in the present or in its aftermath, and the toll, not only on those suffering, but our society is immeasurable. So, I'm pleased to have Dr. Jacobs here to share with us more."

Mayor Tecklenburg said, "Dr. Jacobs, welcome."

Dr. Robert Jacobs said, "Well, let me start by simply saying thank you, Mayor Tecklenburg, our Daniel Island Councilwoman Delcioppo, and all of the other Councilmembers for helping to raise awareness about, and you said it correctly, Myalgic Encephalomyelitis."

Mayor Tecklenburg said, "I gave it the truncated version."

Dr. Jacobs said, "That's right, you did. Also, the importance of understanding the long-term consequences of COVID and other viral diseases. Let me just add a comment that I don't have in my little scribbles before me, and that is Chronic Fatigue Syndrome has been viewed as disparaging by this population. Many of us are old enough to remember Yuppie Flu. That was a 1980's version of this, and there were other terms that have come along that have minimized the profound nature of the fatigue that these patients have. I know this personally because my wife has had Myalgic Encephalomyelitis for more than ten years, and that's one of the reasons that I'm here tonight, and I do some of the things that I do but, let me say, that the time is so right for this proclamation.

According to the National Academy of Medicine, Myalgic Encephalomyelitis or ME, and this is a quote, 'is a serious, chronic, and complex systemic disease that frequently and dramatically limits the activities of affected patients.' As Councilwoman Delcioppo said, a quarter of patients are housebound or bedridden, a half to three-quarters are unable to work and attend school, and patients often have this illness for years or their lifetime. According to the CDC, ME affects currently upwards of 2.5 million Americans, many of who have not been diagnosed. It is difficult to diagnose, but that problem probably reflects that it is not even an illness that is taught in the majority of medical schools. That's what has happened to an illness that for years was felt to be psychosomatic, emotional, but it is very clearly a biological illness. Now, incredibly important in the context of COVID is another comment made just a moment ago, and that is upwards of 75 percent of people who develop ME develop it in the wake of an acute illness, usually an acute viral infection. Now, let's turn to the COVID side. As many of you know, about a third of patients recovering from COVID infections develop chronic symptoms. That 30 percent is at nine months

after their illness. Some have organ damage caused by the virus itself. Others develop symptoms that, according to Dr. Anthony Fauci, are strikingly similar to those in people with ME. The article that Councilwoman Delcioppo referred to speaks to that very beautifully with a poor, young nurse in our area. Now, while most people fully recover from acute COVID infections, those who continue to experience symptoms on a long-term basis, have been given various names, Long COVID, Post-Acute COVID Syndrome, but it is now being well recognized by the medical community and the large number of people developing Long COVID has allowed for considerable research into the biology and potential treatment of this disease and other post-viral illnesses. So, we in the ME community are very hopeful that the knowledge gained through research on Long COVID will positively impact our understanding, treatment, and prevention of ME. So, thank you so much for this recognition tonight, incredibly important.”

Mayor Tecklenburg said, “Thank you, Dr. Jacobs, and I will send you the proclamation. I won't read it. You all covered really all of the information that's in it, but we do hereby proclaim that this May 2021 will be Chronic Fatigue Syndrome Awareness Month in the City of Charleston, and we appreciate your efforts, Dr. Jacobs, on tracking down this disease and doing something about it. Thank you very much.”

Dr. Jacobs said, “Thank you.”

Mayor Tecklenburg said, “Yes, sir.”

There was applause.

Mayor Tecklenburg said, “Alright. So, we're going to move right along to our [public hearings](#). We have five on the agenda. I think three and four we could take together because they're related to the same property. So, I'll call on Christopher Morgan to introduce these one at a time, and then we will see if anybody signed up to make public comment and then take up the matters. Christopher.”

Christopher Morgan said, “Thank you, Mayor and members of Council. This is on James Island in the Bel Air area of James Island. It's Lot 1A of Theresa Drive, Tax Map #424-10-00-081. It's about four-tenths of an acre. It's a request to rezone from Single- and Two-Family Residential (STR) to Diverse Residential (DR-1). It is in an area that has an incredible diversity of zoning types and housing types. This is the subject property right here. It backs up the James Island Expressway right here. Just to the north of Theresa Drive is Harbor View Road, which is what Theresa Drive comes off of, and Theresa Drive is a neighborhood that has Single-Family houses, duplexes, quadruplexes, and small apartments. It's a really diverse range of housing. Further to the southwest of the subject property because the subject property also involves this corner here. This is where other development would occur. On the subject property are Multi-Family apartments that open out to Folly Road, to the rear.

So, this property was rezoned a number of years ago, and now they are seeking to carry that zoning just a little bit further into the lot to accomplish a townhouse development on the site. Here it is in our Suburban and also Urban recommended zones in the current Century V Plan. It is cleared for development. That happened, I think, almost ten years ago, and you can see the buffer that's up against the James Island Connector and, then, the diversity of uses all around there. I'll show you some pictures of some of those. This is the site itself. This is across the street, a Single-Family house. This is another Single-Family house nearby. Then, you see the quadruplexes and duplexes that are to the east. So, we also have some images from the applicant. This is the subject property, and they have an easement that will provide for access into the property. The area to be rezoned is this portion of the property right here, and it would become DR-1, approximately four-tenths of an acre. The frontage along Theresa Drive would

remain STR, which means Single- and Two-Family Residential, as it's been for a long time. The Planning Commission recommended approval of this, as did staff, and it now comes to Council for your approval."

Mayor Tecklenburg said, "Madam Clerk, did anyone want to be heard on this matter?"

The Clerk said, "We have one person, and did you want to set a time limit, Mr. Mayor?"

Mayor Tecklenburg said, "Let's say 90 seconds, a minute-and-a-half."

The Clerk said, "Bill Eubanks, and Mr. Eubanks if you're on the line, if you could press *6."

1. Bill Eubanks said they had a unanimous vote from the Planning Commission. It was a rather simple rezoning, but they were looking at developing the property as a townhouse product so it was less density than would be allowed by Code. They were also looking at it being an elevated product, so they weren't talking about bringing in fill to accommodate it. It would be park-under units, which would also minimize the amount of impervious space. He asked Council to support the rezoning.

Mayor Tecklenburg said, "How many units would you plan to put on the property, may I ask?"

Mr. Eubanks said, "Yes, sir. Right now we're working with Allison Ramsey, architects out of Beaufort, on this project, and we're looking at it being somewhere in the neighborhood of 21 to 24 townhomes right now. So, far less than the density allowed by Code."

Mayor Tecklenburg said, "Okay, but this rezoning is for 4.4 acres. So, that area with that many units includes a bigger site, right? What's the total acreage?"

Mr. Eubanks said, "Well, yes. In the exhibits that Christopher showed you, there is that kind of weird, triangular shaped piece that is already zoned DR-1. So, this is that entire parcel, and it's recently been re-platted as one parcel. So, it's that entire area. Let me explain the reason that we're doing the shift in the DR-1 and the STR-1 is just a weirdness in the Code that in STR townhomes have to front a public right-of-way. So, those would front Theresa Drive, but back behind that, the townhomes would not have to front a right-of-way. They could just front parking courts and open space."

Mayor Tecklenburg said, "Alright. Thank you, sir. Does anyone else have a question, or Madam Clerk, was there anybody else that wanted to be heard?"

The Clerk said, "That was the only person who signed up to speak."

Councilmember Shealy said, "Move for approval."

Councilmember Griffin said, "I'll move for second."

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

No one else asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a portion of Lot 1A Theresa Dr (James Island) (approximately 0.40 acre) (TMS# 424-10-00-081) (Council District 6), be

rezoned from Single- and Two-Family Residential (STR) classification to Diverse Residential (DR-1) classification. The property is owned by Theresa Drive Development, LLC.

Mayor Tecklenburg said, "Thank you, sir. Mr. Morgan."

Mr. Morgan said, "The next item is rezoning [E-2](#). It's 1508 Evergreen Street in the Ardmore/Sherwood Forest area of West Ashley. It's two-tenths of an acre. It's TMS #350-07-00-054. It's a request to go from Single-Family (SR-2) to DR-1F. This is an area of the City that we are seeing some conversion of housing and lots that is getting a little bit denser, and we are seeing this is a neighborhood that has more affordable units going into it. This request would zone the property. The subject property is right here. It would zone it the same way the property to the rear and to the east is and also properties that are across the street are zoned that same way, and you can see some other DR-1Fs in the neighborhood. So, it's not unusual for this neighborhood to have a zoning like this. Here is where it is in the Century V Plan. It is in the area that is designated for suburban-type development. Here is an aerial view of the property, and you see some of the other houses nearby. You also see that there are some apartments right around the corner here and here, so a very diverse neighborhood, as well. Here is an aerial image, and there is the subject property at present. This is the street to the east, to the west, and then the street to the east, you can see the apartments at the end of the street here. The Planning Commission endorsed it with a 9 to 0 vote, and staff recommended approval, as well."

Mayor Tecklenburg said, "Thank you. Madam Clerk."

The Clerk said, "No one has signed up to speak on this matter."

Councilmember Griffin said, "I'll move for approval."

Councilmember Shealy said, "Second."

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

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I just have a question of Mr. Morgan. So, what would this allow? A duplex?"

Mr. Morgan said, "It would allow him to have another unit on the property, possibly a little bit more than that. DR-1F allows up to 19 units an acre. It depends on the setbacks, configurations, and things like that."

Councilmember Waring said, "Eighteen? Okay. We had no opposition."

Mr. Morgan said, "No, sir."

Councilmember Waring said, "I'm fine."

Mayor Tecklenburg said, "Is there any other question or comment?"

No one else asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Shealy, 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 1508 Evergreen St (West Ashley) (approximately 0.21 acre) (TMS# 350-07-00-054) (Council District 7), be rezoned from Single-Family Residential (SR-2) classification to Diverse Residential (DR-1F) classification. The property is owned by Justin Westbrook.

Mayor Tecklenburg said, "Now, without objection, let's take three and four together since they apply to the same properties."

Mr. Morgan said, "These are numbers [E-3 and E-4](#). It's a portion of 214 and 216 Spring Street in the Westside of the Peninsula, Tax Map #460-11-01-016. It's approximately a third of an acre. It would take the height on the property from Height District 5 to Height District 6, and you see the portion of the property that would go from Height District 5 to Height District 6 here outlined in black. The frontage along Spring Street, the bulk of the property, would go from Height District 5 to Height District 6. Just to orient you all, to the west is, I believe, that's the KFC/Taco Bell Restaurant here. There is a new assisted living facility under construction of this bend in the Crosstown right here. Then, you've got the Ashton Street area just to the rear that's part of the Westside. This was endorsed by our Planning Commission 9 to 0. Then, E-4 was also endorsed by the Planning Commission, and it is a small portion of the rear of the building. It was the 2.5-story classification and because you can only go the next step up in the Height District, it can only go to the Height District 3 and, therefore, the request for this small portion of the site is for the 3-story Height District and both of these are at 214 and 216 Spring Street."

The Clerk said, "No one has signed up to speak on this matter."

Councilmember Shahid said, "Move for approval."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

Councilmember Shahid said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "This is just a matter of personal indulgence, if you may. When my grandfather migrated from Lebanon in 1899, he applied for citizenship to be an American citizen. I was looking at his papers granting him that right, and the address that he listed as his residence was 216 Spring Street, which happens to be next door to the hotel. I think it was called the St. James Hotel, Councilmember Gregorie?"

Councilmember Gregorie said, "Yes."

Councilmember Shahid continued, "Which reflected that my grandfather was accepted into the African American community in that area, and this was considered the outskirts of the City next to which eventually became the World War I Bridge. So, when I saw this on the agenda, I just had a little personal reflection on it, and I just wanted to share that with Council. It's kind of odd that this came up on 216 Spring Street, which happened to be at one time the residence of my grandfather when he became an American citizen. So, thank you for that indulgence. I just wanted to share it with you all."

Mayor Tecklenburg said, "Yes, very interesting. I have one question. Christopher, is the Height District to the left and the right similar to what we're doing here where it says GB and 5?"

Mr. Morgan said, "That is a 5-story Height District to the east and a 5-story District to the west, Mayor. So, they would go up to 6 for just this property at the front. Yes, sir."

Mayor Tecklenburg said, "Okay. Terrific. Alright. Well, I just wanted to see if it was consistent. Are there any other questions or comments?"

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a portion of 214 & 216 Spring St (Peninsula) (approximately 0.33 acre) (TMS #460-11-01-017) (Council District 3), be rezoned from 5 Story Old City Height District classification to 6 Story Old City Height District classification. The property is owned by 214-216 Spring St Development, LLC.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a portion of 214 & 216 Spring St (Peninsula) (approximately 0.025 acre) (TMS #460-11-01-017) (Council District 3), be rezoned from 2.5 Story Old City Height District Classification to 3 Story Old City Height District classification. The property is owned by 214-216 Spring St Development, LLC.

Mayor Tecklenburg said, "That was for items three and four let the record show. [Number five.](#)"

Mr. Morgan said, "This is a recent annexation in West Ashley. It's at 1946 Boeing Avenue in Air Harbor Neighborhood, Tax Map #350-13-00-028. It's a quarter acre lot. It was R-4 in Charleston County. It would come into the City as SR-1, and staff and Planning Commission recommend approval."

The Clerk said, "No one has signed up to speak on this matter."

Councilmember Griffin said, "Move for approval."

Councilmember Shealy said, "Second."

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

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Shealy, 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 1946 Boeing Avenue (West Ashley) (approximately 0.25 acre) (TMS #350-13-00-028) (Council District 3), annexed into the City of Charleston January 26, 2021 (#2021-009), be zoned Single-Family Residential (SR-1) classification. The property is owned by James Fitzgerald and Amanda L Rhoden.

Mayor Tecklenburg said, "Thank you, Mr. Morgan. Next, we'll move right along to our [approval of City Council minutes](#). I think we've got January 26th and February 9th."

Councilmember Mitchell said, "Move for approval."

Mayor Tecklenburg said, "We've got a motion to approve. Do I hear a second?"

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Are there any additions or deletions?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Shahid, City Council voted unanimously to approve the minutes for the January 26, 2021 and February 9, 2021 City Council meetings.

Mayor Tecklenburg said, "So, Madam Clerk, we'll move right along to our [Citizens Participation Period](#). If you would bring us up-to-date on what comments we have."

The Clerk said, "Yes, sir. Actually, we have 25 people who have signed up to speak. Would you like to set a time limit?"

Mayor Tecklenburg said, "How many people have signed up?"

The Clerk said, "Twenty-five."

Mayor Tecklenburg said, "Twenty-five. I'd like to give more time, but I'm going to keep it to a minute each with that many and the time as it's progressed here this evening. One minute."

The Clerk said, "Alright. Our first speaker is Tony Daniel."

1. Tony Daniel requested assistance with a traffic situation at Country Club II by opening Frampton Road in accordance with the June 1976 Council directive. His father had a stroke, the roads were blocked by the school, and they couldn't get it unblocked. He noted that Councilmember Appel had been helping him, and in honor of Black History Month, he wanted to recognize MUSC nurse Marie Moultrie and her role in Charleston Civil Rights and the fact that his father took him to watch the march with Coretta Scott King leading the march.
2. Leslie Armstrong knew Council had been provided with the violent and threatening posts and comments on the Facebook pages of local white supremacy groups, including Flags Across the South, yet Council treated that group and its leader, Braxton Spivey, as if they were dealing with the Rotary Club. They should not negotiate with domestic terrorists. They should be shut down. Black people in the community were having their lives threatened. Cordial sit-downs and vague resolutions were not going to stop the criminal behavior. Council needed to get with their attorneys and law enforcement officials and figure out a way to get these terrorists out of the public square. If Council didn't care about hatred being spewed in the City parks or black lives being violently threatened, maybe Council cared about tourism dollars. Eyes were on Charleston. She hoped Council wanted the right things for the right reasons, but whatever reason motivated them, they should take a stand and start taking strong action against white supremacists. She said Council could start by finding a way to remove Harry Griffin.
3. Brandon Fish, Director of the Jewish Community Relations Council of Greater Charleston, said one of their biggest concerns as an organization in the community was hate, and because of that, they launched a Statewide coalition effort called Stamp Out Hate South Carolina to urge the passage of Hate Crime Law in South Carolina. They were becoming increasingly concerned with the recent gatherings of documented hate groups like the Proud Boys in the City and also the continued

regular gathering of a disturbing group at The Battery led by Braxton Spivey. The group's members had joked about lynching local black activists, erecting a statue to honor Dylann Roof, vandalizing the African American History Museum, among other threats. These were the hallmarks of the kind of behavior they were trying to identify and root out in the State. Mr. Spivey publicly posted the identity and home address of the wife and family of a local black community leader, which in the context of the aforementioned rhetoric, constituted a thinly veiled threat to accost a family in their home. Combatting hate started in their own backyard, and he asked Council to continue along that path and become more discerning in the consideration of permit applications going forward.

4. Megan Mills spoke to the Cooper River Bridge TIF allocation regarding stormwater, housing, and the Lowcountry Lowline. The current TIF allocation allowed for the opportunities for funding a wide range of projects that benefited the Eastside and the East Central area. They supported all of the projects proposed, and the City staff had created a great list of projects that would benefit flooding, affordable housing, and it included park space that was the Lowline. The Lowline would compliment over 400 affordable housing units in the area and was a piece of the puzzle when talking about stormwater management. Most importantly, it was the closest to shovel-ready that was on that list. They encouraged Council to select projects that let citizens see changes now. They were in constant communication with surrounding neighborhood associations and community leaders. In March, they were introducing a Community Advisory Committee that consisted of each of the seven surrounding neighbors and non-profit partners. They were working with the Racial Equity Tool Kit that was provided to build community trust, create a system for accountability, and to continue to work in COVID times to make sure everyone had a seat at the table.
5. Brian Hellman said he was not there for Citizens Participation, but in the event there were any questions regarding Petitions and Communications, number three.
6. Tony Giuliani said he was there with Brian Hellman for the same item.
7. Miguel Torres said he was a 22-year resident of Country Club II. The reason he was addressing Council was the safety concerns with Harbor View Elementary School and the blocking of access into his neighborhood, to his home, and not having a clear path for emergency response vehicles to get to his home twice a day. Harbor View had grown double in its size in the past ten years with the recent upgrade. One of the issues he had was about three weeks ago. He was in his backyard, and he saw two young children almost hit by a vehicle on Harbor View Road. The vehicle was probably going about 35 to 40 mph entering into the school zone. He said there were a lot of vehicles lined up on Burning Tree Road, something needed to be done, and a study needed to be taking care of. It needed to be addressed before someone was hurt.
8. Reverend Nelson Rivers called on Council to put white supremacy back into the resolution they took out and to criticize, condemn, and demand the resignation of City Councilmember Harry Griffin, who recently attacked a member of the black clergy, and who attacked anyone who dared criticize him with statements that threatened their position or their future. He had known the families of three black members on Council for many years. He asked them to stop the public silence on

racism and white supremacy expressed by Mr. Griffin. He reminded them that, unlike the white City Councilmembers, they didn't have the same time on Council. Their seats were paid for by blood, by the work of J. Arthur Brown and by the work of Septima Clark. Harry Griffin could have been elected in 1967. They could not. The truth of the matter was these seats were there for one particular purpose, to defend black people against racism, white supremacy, and white hatred. That was their role. He urged and encouraged them to speak truth to that power. Mr. Griffin should not be able to sit among them, and not be criticized by black folks who represented all people, particularly those that didn't have the voice to speak to his face. He said to stand up now.

9. Reverend Lawrence Branton, on behalf of the church community, said they were highly offended and insulted by the inflammatory remarks made by Councilmember Griffin. He also spoke on behalf of the Interdenominational Ministerial Alliance. Those remarks were uncalled for. They were an insult to their entire community, and they were rattled and disturbed about it. It equated to a modern day lynching of character, and that was unacceptable. They wanted Council to know that they were not quietly sitting by. They were enraged and angry, and something needed to be done. They were not pleased with Councilmember Griffin. He needed to step down and resign. He had the clergy and the community upset. He wanted to bring to the Council's attention that they were not pleased at all with what they heard, what they saw, and something needed to be done.
10. Greta Anderson hoped Council was listening and ready to use their voices on behalf of herself and all of those calling in favor of the Stop the Hate Campaign. Braxton Spivey, as well as members of Flags Across the South, had used their own words to prove the group was one of hate and division. A group of racism and white supremacy ideology. She understood screen shots from his Facebook page were e-mailed to Council. She asked what had to happen before the City recognized the terrorists for what they did and what they were. She asked if they had to go through with their threats of destruction to the Vesey statue or with the threats to sabotage the construction of the International African American Museum. She asked how many more counter-protesters' names and addresses had to be shared before these threats were taken seriously. The City of Charleston Police Department needed to stop issuing permits to Flags Across the South, stop allowing them to spread their hate, and the Coronavirus. She had watched Councilmember Griffin's video regarding Reverend Middleton, and she said he should be ashamed of himself as he kept digging his racist hole deeper and deeper. She said for Councilmember Griffin to do them all a favor and resign.
11. C.J. Westfall thanked Councilmember Griffin for his courage and leadership, despite the smears and misinformation being spread about him. If they ran a poll, he would be willing to bet Council's decision to raise taxes during a pandemic and during a time when small businesses were closing, was one of the most unpopular decisions made in Charleston in the last ten years. Councilmember Griffin's solution wasn't even considered, which was to sell some of the City's assets to make up for the shortfall. It was a creative and fiscally responsible policy suggestion, and instead they got a racial distraction. Unfortunately, big government policies like those that had been implemented had hurt minority communities because they were the ones most likely to be marginalized by the unintended consequences and outcomes, such as rents becoming more unaffordable as a

result of property taxes going up. It was an oxymoron to say they were for affordable housing and raising property taxes. He was going to go to the rally that Councilmember Griffin was supposed to go to, but he also didn't go because the neo-fascist Proud Boys were there, and they did not align with the philosophy of limited government conservatism. Councilmember Griffin's opponents compared him to Dylann Roof, KKK, Steve Bannon, and white nationalism all because he agreed to speak at a rally that was supposed to be about lowering the burden for all and lowering the tax burden for middle and poor class Americans that needed to start their own businesses, invest, and spend on their families.

12. Jason Jones said he was there to ensure they continue the Stop the Hate Campaign by asking Council to make sure they revisit the resolution. There had been three Council meetings, and it still had not come back to the agenda, which is what they wanted to see. He was also there to push forward with what Council heard from other members of the black community. He said Councilmember Griffin had to go. He said Councilmember Griffin's reasoning for attacking Kylon Middleton was unfounded, and his attacks fell under the ideal that was non-existent. They had done the trolling, done the data, done the research, and there was nothing there to see. His father would have used it against Kylon long ago when he lost the race. Councilmember Griffin's actions were childish. His movements had shown he was rooted in racism, and they demanded he step away. He said he went after Kylon because Kylon came after him. In truth, the black community came after Councilmember Griffin. They stood with the National Action Network, the NAACP, the United Front of Charleston, Black Lives Matter South Carolina, and various clergy of the black community. If he came for one of them, he came for them all.
13. Tom Bradford, Chair of the LowLine Board, said eight years ago, thousands of hours and four million dollars in private funds had been invested so far, but they were ready to do more. When they began, they saw a rails to trails project helping mobility. Then, they saw that it could knit back neighborhoods damaged by the construction of I-26. Today, they saw that it could bring people together. In their community outreach, they heard those voices. People wanted better places for kids, quality places for everyone to play, safe walking or biking, and jobs, but there was the history, as well. Andrea Hazel's watercolors let them see the homes torn down for I-26, but there was more history to find still ahead. One-third of the project dollars went to fix stormwater and flooding problems. Post-COVID, that was a shot in the arm for the City. LowLine construction jobs, but then even more construction jobs over time as the LowLine brought more businesses, more opportunity, and more tax revenue to help affordable housing and drainage. For this reason and to start making a meaningful difference, in equity and inclusion, they asked Council to act quickly and boldly.
14. Tracey Owens said Charleston had gotten a lot of national attention in the last two weeks. None of it was good, and every bit of it was true. Charleston had been included in two chapters on two different documentaries, "Amend" with Will Smith and "The Black Church" with Henry Louis Gates that was inspired by Clementa Pinckney from Mother Emanuel. For Braxton Spivey of Flags Across the South to suggest that they erect a statue of Dylann Roof next to the Denmark Vesey Statue was nothing but hate, and for someone to counter that, to add to that conversation on his page and say, 'he only got nine,' she said if that wasn't a definition of hate,

she didn't know what was. She said for Councilmember Harry Griffin to sit on Council and to attack another black leader in the County was disgusting. He needed to resign.

15. Rita Kazirskis asked Council to agree to establish White Point Gardens and The Battery as no protest zones. There was an ordinance that clearly stated that Council, 'upon finding that certain activity was improper, inconsistent, or not in the public interest by reason of the location or primary purpose of the park or the nature of the adjoining surrounding neighborhood, may designate such park or any portion, as well as the adjoining sidewalks and streets, as a passive park and ban such use or activities.' On July 5th, Allen Smith, Jr., a member of the group known as Flags of the South, broke a flagpole over a young man's back on tape. The young man who was attacked by this member of the Flags of the South did not require emergency medical services. She hoped there was no disagreement that breaking a flagpole over someone's back was reasonably likely to cause injury. City ordinances clearly stated that standards for issuance of permits include that conduct of the activity was not reasonably likely to cause injury to persons or property, to provoke disorderly conduct, or to create a disturbance. She asked Council to ensure these people did not continue to get permits. She asked Council to change it.
16. Myron Chinn spoke on behalf of Councilmember Griffin and personally knew Councilmember Griffin. He was African America. He said in reference to the guy who called in earlier and said, 'If you come after one, you come after all', that he thought independently, and he had an independent view. Councilmember Griffin and his family had done a significant amount to help black people find jobs in the community, homes in the community, and he thought Councilmember Griffin should remain on Council. He told Councilmember Griffin not to allow them to push him out and to stand his ground. If the people in his district wanted him out of the seat, then they would vote him out of the seat. That shouldn't be something that everybody called in and demanded a change of just because he may have said something that someone didn't like. A lot of the black churches had the tendency to align and do the buddy system, but didn't check their own neighborhoods. When talking about Black Lives Matter and death, whether it was a black person killing a black person or a white person killing, it's still death. He told Councilmember Griffin to stand his ground.
17. Cashion Drolet, Historic Charleston Foundation, said they were energized by the conversation in the Public Works and Utilities Committee. What started as a conversation about the Dutch Dialogues Charleston recommendation about level of fill in sensitive low lying areas of the City morphed into a conversation about a lot of Dutch Dialogues recommendations and a conversation about ongoing work in the Stormwater Manual and the Comprehensive Plan rewrite on implementing Dutch Dialogues recommendations. Some other ideas came out of that conversation with regard to avoiding scrape of organic top layer on new development sites, removing slab on-grade construction, and focusing development on better parts of sites through conservation zoning. She recommended adding elevation based zoning and avoiding putting people in flood prone risk areas. She thought all of these were exciting ideas complicit with the Dutch Dialogues, and she encouraged Council and the Public Works Committee to get to work on these.

18. Kristopher King, Preservation Society, shared their discouragement to see the 96 President Street settlement brought before Council, and they urged Council to deny it and instead support the ordinance. It was important to note that when the developer started the project it was done for four stories. They had already sought and received relief when they were awarded a fifth floor, and now they were challenging the ordinance because they couldn't have a sixth. The optics and the reality of the report led them to prevent every developer from taking this path. Despite all of the work to craft a new legally sound and more predictable ordinance, the City had continued to undermine that by allowing developers to spur its legal argument to pass muster time after time. It was inviting unpredictability and unfairness, and it was a costly way to do business. It also showed there were two sets of rules, one that residents and small guys abide by and the other that well-funded developers could exploit to strip mine value out of the community. Many were concerned by the big, new buildings changing Charleston, and the ordinance was designed to provide predictability for all parties but also drive for better outcomes. He asked Council to defend the ordinance and do not award the developer a second extra floor. It sent the wrong message to the community and the next applicant. They urged Council to consider the City motto. He also welcomed Mr. Summerfield, and he thought Councilmember Appel said it best, 'This is an important position at a critical time.' He said they looked forward to working together.
19. Pastor Thomas Dixon said on May 31st of last year a local white supremacist by the name of Tyler Bessinger issued an apology for the flagging that he said he started in 2015. Standing down on The Battery, he said those words. The protests at The Battery had gone on longer than the war between the states themselves. The people of Charleston had been more than gracious in their tolerance and understanding toward the weekly demonstrations. The Confederate Flag displays had undeniably brought more harm to the community than good. The pain, fear, anger, and uncertainty that such displays projected did not unite the community. He said they were words of the white supremacist who was the founder of the South Carolina Secessionist Party, who they ultimately put out of business last year. In his apology, Bessinger said he eventually learned that those who generally wished to preserve the culture, historical or not, and value of the Confederacy were greatly and irreversibly outnumbered by those who had far less honorable motives. He could have been talking about Braxton Spivey. It was his wife's name and their home address that Braxton Spivey pointed out and put in a racist group targeting him. He said Harry Griffin should resign.
20. Tom Finnigan, President of the Country Club II Homeowners Association, said he was calling about opening the right-of-ways Council heard about early. He said they all had to adapt to the growth of Charleston, in their neighborhood, specifically, and the growth of Harbor View Elementary School. He was contacted via e-mail about opening up the right-of-ways in their neighborhood. He spent a lot of time gathering information and talking to a lot of the residents in their neighborhood, and no one was in favor of opening up the right-of-ways. It was not what the neighborhood wanted or thought would address the issues. The neighborhood was constantly worried about the amount of traffic already coming through the neighborhood at all hours of the day, and re-opening Frampton and Fairway would not only alleviate the traffic, but would actually create additional

carpool lines and congestion on Frampton, Inverness, and Oakmont. Any opening of any right-of-way would increase traffic and speed as people tried to cut through to get around the stoplight at Harbor View and Folly. It would make it less safe for all of the young kids in their neighborhood on bikes and on foot, dog walkers, etcetera. At schools all over town, not just at Harbor View, people lined up to get their kids after school. Their suggestion was to follow the City's well-thought out option on Inverness to alleviate the traffic and post no parking signs in front of the driveway and have crossing guards. That would alleviate the problem and the wishes of few.

21. Mark Pergolese, District Manager for Carolina Waste, said his comments pertained to the re-bid of the waste collection services for Johns Island and West Ashley. The documents recently produced by the City demonstrated the City's evaluation of the cost category being arbitrary, capricious, and illustrative of the flawed nature of the process. Like the initial RFP, Carolina Waste proposed charging the lowest total cost over all of the vendors. The remaining four vendors including Trident Waste proposed to increase costs to the City's residents and taxpayers. Trident Waste was the third lowest bidder and proposed to charge \$10.75 per month per household. As a result, City residents and taxpayers would be paying approximately \$371,000 more per year and \$2.6 million more over the life of the contract. In addition to costs, the City arbitrarily and capriciously evaluated other categories, as well. Carolina Waste respectfully requested that the City refrain from moving ahead with the procurement until the City had fully responded to Carolina Waste's FOIA Request.
22. Thomas (inaudible) said he lived in District #4 and was having major issues with flooding and crime, specifically drugs and theft of property off of people's front porches because they were wearing COVID masks now. He was concerned about it, as it was a big issue. He reached out to Councilmember Mitchell several times, and he was unresponsive. He sent three e-mails to be specific. Their sewers were clogged up. There was severe poverty and displacement of minorities. One of his neighbors didn't even have electricity. He said to look at what century they were in. It was totally unacceptable. If he had to run himself, he would clean it up, and he already had. Poinsett Street was already all of his constituents. He said anybody could be replaced. He would like to vouch for a clear and transparent Code of Conduct that applied to all representatives. He thanked Councilmember Sakran for his hard work, not just in District #3, but in District #4. He said he had been pulling Councilmember Mitchell's weight. He asked for transparency and nobody's seat was secure, specifically one individual. He would like police patrols on his street.

The Clerk said, "I'm just going to back and try to cover some of the people that we missed. Robert Ford, Jennifer Thiem, and Marcus McDonald."

No one asked to speak.

The Clerk said, "Alright. Then, we did receive some comments, Mr. Mayor and Council. One person said that it was disheartening to rewrite the hate group statement and feels that Councilmember Griffin should be forced to resign. Eight people urge City Council to pass a Resolution condemning white supremacy, white nationalism, and Neo-Nazism. One person said it was disgusting that hate groups in Charleston have yet to be addressed--they should be banned,

denounced, and held accountable. One person said The Battery should be a no-protest zone. One person said they were a constituent of District #10 and supported Councilmember Griffin and said that the City should move on and handle more important City business. One person urged Council to approve the ordinance related to Sec. 2-29 in regards to the Code of Conduct and asked Councilmembers who opposed the previous draft to explain their reasoning. Three people said the City should stop issuing permits to hate groups like Flags Across the South. One person said Councilmember Griffin had been a huge help to the Community Resource Centers across the Lowcountry, and the community appreciated his efforts. Those were all of the comments that we received.”

Mayor Tecklenburg said, “Great. Well, thank you, Madam Clerk, appreciate all of that, and thank you for all who joined us tonight and for your comments and sharing that. I'm sorry about the truncated or shortened time this evening, but we got started a little late, and we only allow 30 minutes anyway for that period.

So, next, our [Petitions](#) and Communications. First up is the appointment of Robert Summerfield as our new Director of Planning, Preservation, and Sustainability. You are all going to enjoy working with Robert. He is very energetic. He worked his way up from scratch, so to speak, in the Las Vegas Planning Department and did every Planning job along the way and had to be a hard worker because he progressed all of the way to become the Director of Planning there. Interestingly, he did live here. When he was in middle school, his father took a job here after Hurricane Hugo and, I think, ever since then he drank the water here enough that it's where he wanted to come back and when he saw the opportunity to apply for our position, he jumped on it. He is very excited about working with us all here in Charleston. Can I entertain a motion to accept his appointment?”

Councilmember Shealy said, “So moved.”

Councilwoman Jackson said, “Second.”

Mayor Tecklenburg said, “Is there any discussion?”

Councilmember Seekings said, “Mr. Mayor.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Can I just make a quick point on this? While I'm in no doubt that we're about to hire one of the most qualified people in the country, this is as big a position as there is in the City when it comes to planning and preservation. I don't know about any of my other fellow Councilmembers, but I've never met or heard anything from Mr. Summerfield, and we're being asked to vote for him in the most important position. So, what I would just request is going forward, much like when Chief Curia was hired and Chief Reynolds was hired, we got to meet with them in advance and met with the community. It would be nice if we could meet these people in advance if we're going to be asked to vote on them. If they're just appointments that come from you, great, but we're about to vote on someone that I've never met. I'm sure he's qualified, I'm sure he's going to be great, but, again, it puts us all sort of in a tough spot.”

Mayor Tecklenburg said, “I hear you. I relied on staff. Mr. Summerfield met a number of our staff and interviewed with many of them, but I hear you. I did that for our Police and Fire Chief.”

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, “Do we have to vote on this, Mr. Mayor?”

Mayor Tecklenburg said, "Well, for him to take the job officially we'll have to accept him. Yes, sir. It's, I think, required in our ordinance that Department Heads be upon appointment by the Mayor be voted upon by City Council."

Councilmember Gregorie said, "Hey, Mr. Mayor, this is Dudley. I thought that that was just applicable to the Police Chief and the Fire Chief. I thought that you had the authority to hire accordingly others without Council's approval."

Councilmember Mitchell said, "You can."

Mayor Tecklenburg said, "It is with your consent."

Councilmember Griffin said, "Do we have someone from Legal here? Can they answer that?"

Mayor Tecklenburg said, "Susan Herdina, are you on the line?"

The Clerk said, "I don't know if Susan is on the line, but I know for Jacob Lindsey there was a vote on him when he was appointed."

Susan Herdina said, "Hi, this is Susan. I do not have the Code in front of me. We would have to pull that out, but I do not think the position requires approval, but if we could defer this for a few minutes and let me pull out the Code and take a look at it, then we could come back and re-visit it."

Mayor Tecklenburg said, "Sure."

Ms. Herdina said, "If Council is so inclined."

Mayor Tecklenburg said, "If it's the pleasure of Council, it's fine with me."

Councilmember Shahid said, "That's fine. We can defer it."

Mayor Tecklenburg said, "Alright. We'll come back to this in just a few minutes. Next up is our reappointments, in this case, two members of our Bicycle and Pedestrian Advisory Committee, Katie Zimmerman and Fatima Sakarya."

Councilmember Shahid said, "So moved."

Councilmember Brady said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Shahid, seconded by Councilmember Brady, City Council voted unanimously to approve the reappointments of Katie Zimmerman and Fatima Sakarya to the Bicycle and Pedestrian Advisory Committee.

Mayor Tecklenburg said, "Lastly, we had one more position that the individual we originally approved determined they didn't have the time. So, we're appointing Nick Murray who is in public relations, that's his business, to be on the Stormwater Drainage Authority."

Councilmember Mitchell said, "So moved."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Does he have any institutional knowledge of the basin? Does he live out there or anything like that?"

Mayor Tecklenburg said, "I'm going to call on Mr. Jerue. I believe he does."

Rick Jerue said, "Yes, we were told that he was working with the West Ashley Revitalization Commission on some of those issues, Councilmember."

Councilmember Griffin said, "I mean it would just be nice if we had somebody that lived out there but, I think, you're a good judge of character, Rick. So, we can go with your recommendation here."

Mayor Tecklenburg said, "Alright. Did I have a second on that one?"

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Alright. Is there any other discussion or questions?"

No one else asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Shahid, City Council voted unanimously to appoint Nick Murray to the Church Creek Stormwater Drainage Basin Authority.

Councilmember Seekings said, "Mr. Mayor and Susan."

Mayor Tecklenburg said, "Yes."

Councilmember Seekings said, "I have the Code. I pulled it up. It's Sec. 23-17. Actually, it's 23-18, and what it says is, 'The management, direction, and control of the Department of Planning, Preservation, and Sustainability shall be under the supervision of the Director of the Department of Planning, Preservation, and Sustainability who shall be appointed by the Mayor with the approval of City Council.'"

Mayor Tecklenburg said, "That's what I thought."

Councilmember Seekings said, "It does require a vote, and I'll just sort of reiterate, Mr. Mayor, if we have to vote on people, it would probably be good to meet them at least in some capacity."

Mayor Tecklenburg said, "I'll be happy to have Mr. Summerfield contact each of you. I apologize. I should have been more thoughtful in having done that. He was in Las Vegas, and I just didn't follow through and ask him to do that."

Councilmember Appel said, "We could have gone out to Vegas to meet him."

Mayor Tecklenburg said, "You could have gone out to Vegas to meet him. That's right."

Councilwoman Delcioppo said, "I mean you all don't know where I'm sitting right now. We could be anywhere, so it doesn't matter."

Councilwoman Jackson said, "There is no neon behind you, Councilwoman."

Mayor Tecklenburg said, "I'll be happy to have Mr. Summerfield contact you all. Staff members who interviewed him and myself were very impressed by his work ethic, his enthusiasm, and his desire to come here and be a part of our community. I was impressed by his heart, if I may say. As a young man, he has been a foster parent to a number of children over the last ten

years, and I thought that was very commendable. He certainly seems like a fine individual, and I think he would do a great job.”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “I was just going to recommend, Mayor, that certainly you get more out of meeting somebody if they are in a group. If you wanted to set up times for a Zoom call, and others want to join in at the same time, that has usually been efficient, not that we have a quorum, but if two or three of us want to meet and talk to him over a Zoom call at the same time, I would be amenable to that idea.”

Mayor Tecklenburg said, “Great. I'd be happy to do that.”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “Thanks. I would say that in the future we really should be able to vote on a person that we've had the privilege of meeting. Just to give my colleagues a little comfort, Las Vegas actually has one of the most robust historic preservation districts. They went to great lengths to preserve the original commercial district where the original casinos were founded in the late '40s early '50s. So, he does have a lot of experience about preservation, and I think it would be really fun for him to inculcate the preservation culture that we have here in Charleston.”

Mayor Tecklenburg said, “He did mention that in my interview with him. I realize it's a different part of history, but they consider it historic preservation there just the same. So, what is the pleasure of Council? Would you like for me to arrange some Zoom meetings, and we'll come back to this or are you all willing to--”

Councilmember Griffin said, “When were you wanting him to start, Mr. Mayor?”

Mayor Tecklenburg said, “Well, he's able to start on March 8th which would be, I guess, two weeks from yesterday.”

Mr. Jerue said, “And I think he is preparing to move here.”

Councilmember Griffin said, “I'll make a motion that we approve because he's got to get his life going, and really at this point, there are no other options.”

Councilwoman Jackson said, “I'll second.”

Mayor Tecklenburg said, “Well, and I appreciate that, Councilmembers. I apologize for not setting up interviews, and I must admit our Acting Director is taking a leave of absence, and we were kind of wanting to move this along. So, I would appreciate that. Thank you. Is there any further discussion?”

No one else asked to speak.

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted to appoint Robert Summerfield as the Director of Planning, Preservation and Sustainability.

The vote was not unanimous. Councilmembers Delcioppo and Seekings voted nay.

Councilmember Seekings said, “I'd just like to explain my vote which I think we're allowed to under the rules, Mr. Mayor. This has nothing to do with Mr. Summerfield whatsoever. I just think if we're going to be asked to vote on something, it's like being asked to vote on an ordinance we never read. So, I look forward to meeting with him and supporting him, but I think for now, I don't think I'm in a position to vote 'aye,' and so I vote 'nay.’”

Mayor Tecklenburg said, "I understand. Thank you."

Mayor Tecklenburg said, "Alright. Thank you. So, next up is a proposed settlement agreement regarding 96 President Street. I think Julia Copeland is going to present this. Julia."

Julia Copeland said, "Yes, sir. Thank you. Good evening Mayor and Council. This was an appeal out of the BAR-Large wherein the applicant applied for approval of a conceptual plan with a sixth story, and the conceptual plan was approved by the BAR, but with the absence of the sixth story. We mediated on February 2nd, and during this mediation, we did something a little different. Instead of having the lawyers dominate, we brought in all of our staff architects and also Jay White, who is the architect member of the BAR who also met with the architectural team for the appellant. After a robust discussion and mediation, we came up with the proposal that is before you today. This has been reviewed by everyone on staff and has gotten their sign-off. So, tonight we recommend approval of the settlement proposal of the conceptual plan and, just so you know, this does not mean that they're going to start breaking ground tomorrow. They still need to come back before the BAR with their preliminary plan, as well."

Councilmember Griffin said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Is there any discussion or questions?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Can you kindly review what the BAR approved?"

Ms. Copeland said, "Well, the BAR approved the plan that was presented but, based on the discussion, they didn't like the sixth story, so it's essentially the plan that you see before you. I think that actually in the packet that we sent to you guys, it shows the before and after, so you can see the changes that were made during the mediation."

Councilmember Waring said, "So, how many stories did the BAR approve?"

Ms. Copeland said, "The BAR technically, at this point, has approved five."

Mayor Tecklenburg said, "I think they had asked for a bonus floor and didn't get it. Isn't that correct, Julia?"

Ms. Copeland said, "That is correct. So, in order to get the sixth story, they have to prove that the design has architectural merit and context in relationship to the neighborhood, and that was denied."

Mayor Tecklenburg said, "But, in the mediation, those improvements that the BAR suggested were accepted by the applicant, correct?"

Ms. Copeland said, "Correct. There were seven points that the team from the City provided. Seven suggested changes to the building to get it up to that level of architectural merit and context, and the appellant agreed to all seven, and that's what you see before you in that packet."

Councilmember Gregorie said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Seekings.

Councilmember Gregorie said, "Yes, the project is in my district, and it's something at this point based upon the negotiations. I've not gotten any opposition from the neighborhood at all in that regard. I did have an opportunity to not be a part of the mediation, but to sit and listen to parts of it, and I thought that the outcome was quite favorable. It appeared as though all sides were in agreement that it is, in fact, a much product as a result of this and, I think, in terms of the height, the recess of the fifth floor was, I think, a very good change because it makes the building a little more adaptable to the surrounding area. It is definitely one that I support. This has been going on now for a couple of years. I remember when it was initially the neighborhood association that was provided an opportunity to review. So, this has been going on for a while, and based on the negotiations and the results, particularly to me how attractive the building is, and the kind of contribution architecturally that it will provide to the neighborhood is great. So, it is a project in my district that I do support."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just briefly, Ms. Copeland, I think I understand procedurally what happened. Following the denial by the BAR of the increased height, but before we got through mediation and entered a settlement, there were some changes made to some of the elevations in this building to the satisfaction of the BAR. Is that correct?"

Ms. Copeland said, "I would say yes. There were some good comments during that meeting prior to the vote and also at the beginning of the mediation. The first presentation the appellant brought in incorporated all of those comments that the BAR and members of the community provided during that meeting. Does that answer your question?"

Councilmember Seekings said, "It does. Thank you. I'm going to support this because of Councilmember Gregorie and his district has said that everyone does. I just think we've got to be careful. I think we've settled just about every single case that has appealed from that architectural merit going up to the BAR. I hope we're not sending out a message that that's just a way to circumvent this whole process. I just think we've got to be really careful about that."

Ms. Copeland said, "Understood, and may I just address that for a second before Councilmember Appel?"

Councilmember Seekings said, "That's up to the Mayor."

Ms. Copeland said, "I'm sorry. Well, we are going to be instituting training for all of the Boards beginning in March to assist them in handling these meetings and drafting appropriate motions so, hopefully, we can stop some of the appeals at this point."

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. I can't speak specifically to this matter, but I can just tell you from my own experience having appealed BAR, DRB, and other types of quasi-judicial bodies around the State, it really matters from the local government standpoint, and man, I'm about to give away some of my tips here, where the government puts together a very strong record, strong written order, that substantiates and justifies their decision. There are varying practices you see from around the State, but long story short, there are things that the BAR can do, frankly we can do, to provide the BAR with resources so that they're able to have more battle-proof orders that perhaps would fare a little bit better in some of these quasi-judicial appeals. So, I don't have any facts or specific input as to this matter, but just as a general

matter, I think there are some things we can do to make these decisions more enforceable, and I would be happy to talk about that off Zoom if there is a desire to do that.”

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “Thank you, Mr. Mayor. I really appreciate Councilmember Gregorie’s input because I’ve got to be frank. I was hesitant to vote against the BAR’s ruling, and I appreciate Ms. Copeland’s additional information, in particular, citing that member of the BAR, Mr. White, as I’m familiar with his professional acumen. For him to come in and actually work on part of this, hopefully this meaningful settlement, you know, if you all had stayed quiet, I would not support this, but I will today. Thank you. Thank you for the additional information.”

Mayor Tecklenburg said, “Yes, sir.”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “Thank you, Mayor. I do appreciate all of the work that has gone into getting to a mediation agreement for us to approve. I would like to be respectful of the Preservation Society. I do feel like we cannot continue to invalidate, however it gets there, the goals that we all have for our architectural control over our historic areas in the City. So, if we’re going to vote ‘yes’ on this, then I do feel like we need to go the extra mile and take the next steps, whatever they might be, that can provide that consistency that Councilmember Appel is referring to and really have the tools that prevent this kind of situation from occurring, and maybe that’s just like second guessing and looking in the rearview mirror. But, I do feel like we have an amazing group of citizens who follow each one of these phases to a much greater level of detail and carefulness and precedent than probably each one of us individually. So, I’m sorry that the Preservation Society sounds like it’s going to be disappointed and what will probably be a majority vote right now, but I do think that we should make a pledge to them and to ourselves that we’re going to improve the whole thing. Thanks.”

Mayor Tecklenburg said, “Well, I’ll just add a comment to start. This building is on the site of a historic gravel parking lot. It’s been vacant all of my adult life, that I recall, and it’s in front of, with all due respect to the folks that live in that condo development, it looks like a ‘50s or ‘60s motel. So, the building is going to cover up, so to speak, a building that’s not that attractive, and it’s across the street from a similar height parking garage. So, frankly, I view this to be a positive addition to the neighborhood, with the condition that they recess the top floor back. When you’re on the street or driving down the street, you really won’t even, from that perspective, you probably won’t even see the top floor. But, are there any other questions or comments?”

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Gregorie, City Council voted unanimously to approve a proposed settlement agreement between the City and 96 President St., LLC, arising out of Case No. 2020-CP-10-00044.

Mayor Tecklenburg said, “Thank you. So, at our last meeting we suggested that when we get to Public Works, rather than having Matt Fountain go through a long litany very quickly of a whole bunch of projects, to bring to you the opportunity to focus on one at a time with a little more detail. I don’t think he’s going to belabor it tonight, but next up is Matt Fountain to talk about our Low Battery Seawall project.”

Matt Fountain said, “Thank you, Mayor. So, this is a really exciting project for the Stormwater Department in the City, and this is one of the projects that you can actually see some

of the results from, at least, that we work on as a department. A lot of the stormwater work we do, obviously, is below ground, and it can be challenging to see. I'll try to keep this relatively brief, but it's something that's worth really spending some time on and kind of appreciating all that went into it. So, I do want to note, obviously, City of Charleston was the main project sponsor for the project, but JMT is our engineering lead for this work. Charleston Water System (CWS) has been an excellent partner on the project with a lot of utility we've done in coordination with work on the City project, and Gulfstream Construction has been a wonderful contractor working with us on basically reconstructing a historic seawall that has varied availability in plans and details of what may or may not have been put in place over a hundred years ago.

So, it's been a very successful project, mostly through the incredibly hard work of the project team and certainly spearheaded by Frank Newham with the City, who most of you know as the Project Manager since he sunk quite a bit of his life energy over the last few years into putting this together and seeing through the first phase. I just want to acknowledge that it's been a great resource for the City to have him on this.

So, just as a refresher, the top right is a kind of typical view of what the existent Low Battery looks like in the City. The bottom right being a view of the current Low Battery at the end of the project, and we'll talk about all of this in a little bit more detail. This is a quick background of the Low Battery, as we see it today. It was constructed from approximately 1909 to 1919. You can see the map on the bottom right. This was actually one of the major fill projects that created portions of the Peninsula. It was built as a development project. They backfilled, basically, behind the wall and created space for approximately 200 homes south of Tradd Street. It, obviously, over time has evolved into also being a major City amenity as a linear park feature that's incredibly popular with both tourism and the local community.

So, how did this project come about? We know how The Battery came about. How did this restoration work come about? Basically, you can see in the top right picture, and it's probably a little bit small, but the condition of the wall has been progressively failing from age. There are structural issues with the condition of the wall, and there is a concern that over time it's going to progressively fail its way into collapsing into the waterway there, which would, obviously, create some problems with the road access and eventually the homes behind it, as well. We've also had a series of acute failures, so some of that has really exacerbated the progressive failure with the recent hurricanes and tropical storm events. We've had a series of multi-\$100,000 repairs after hurricanes, that were partially funded by FEMA work, to come back and try to do repair work and restore aspects of that progressively failing wall structure. So, that's something we were aware of, and then there has been the acute failure side and the flooding situation, which you can see in these lower two right photos. One of these is Hurricane Matthew, and one is Irma, and you can basically see, as you get over top, and you get wave action coming through, you can have these very high storm surge events coming through. Really, The Battery is providing a reduced protection as we get sea level rise and we get intensifying storms.

So, this project really was an opportunity, at that point, to try to do what we've been pushing as a City, and you can almost see this as one of the first Dutch Dialogues projects before we actually had the Dutch Dialogues, of trying to leverage a project into providing many benefits at the same time. We're going to talk about how this project does many things for the City. It's not just a linear park, it's a lot more than that. So, Phase 1, upper left, you can see the groundbreaking which helps us time the start of this project as everyone is maskless in the photo. This was at the very end of 2019. We started aggressively into construction very early 2020. This is somewhat of a timeline of photos. The next photo in the timeline shows the demolition of the existing roadway and the existing walkway, and moving to the top of the page, you see the installation of a completely new foundation going in for the wall project, and we'll talk about that. Moving to the

bottom, and I'm grossly simplifying the year-long construction project here, you can see the removal of the old, sort of, superficial wall structure, and then in the top right is an aerial shot of what it looks like when you're constructing the wall in segments. We did have to work on this project in segments as we wanted to make sure we provided protection for the community through the hurricane season equivalent to what the wall would have provided, so that was a segmented project in that respect. On the left here again, you can see stormwater features and utility features. We're going to talk about that in a little more detail. Repair work to the exterior of the wall, once the new wall was installed, tying it back into the existing subsurface wall, re-paving of the streets, and then installation of the beautification elements, the streetscaping elements, and kind of creating the final product that you will see today if you visit The Battery. It's a really beautiful final result.

So, some highlights quickly. Again, this is a great partnership with CWS. We were able to say we're going to open up this whole roadway in an area that is extremely hard to normally do utility work so that you're basically having multiple millions of visitors come through it every year. So, CWS partnered with us in the project and we basically split costs to do restoration work with CWS paying to basically complete a re-do of their water and sewer infrastructure that runs through this area. You can see a picture there of them replacing some sewer lines. In addition to utility work, which is sort of a leveraged target of opportunity on this one, we also looked at drainage. We do continuously say this project is not technically a drainage project, and it's not. It's really a surge protection project and a tourism linear park project, but since we're in there working in the street, we said let's do everything we can to improve drainage in the area while we work. So, we did lay approximately 1,100 feet of new stormwater pipe. We added in a new outfall at Ashley that hadn't previously existed to help drain out that area of The Battery, and then we drastically upsized the Tradd outfall to provide more drainage capacity in that area.

If you go out there now during storm events, one thing that's been really exciting is that we've had these heavy rains the last week, steady rains at least, and The Battery has been completely dry in this area, which is a huge change from pre-project. So, in these pictures you see some of the stormwater features going in. It's also worth noting, we talked a lot about flooding, but we also added in some very large and high impact water quality devices as part of this project which treats the water coming from the northern portions of the neighborhood down through this project. It basically removes the sediment, removes the contaminant from any of that water, and then discharges it out into the waterway. Obviously, the project had a flood protection component, as well. That's sort of the most obvious part, I think, for those of us who are used to looking at stormwater for a long time. You can see on the bottom right, there is sort of a stair stepping of protections starting down at the roadway moving out slightly to the sidewalk, moving up a few more feet to the major pedestrian walkway, and then moving up a few more feet into the wall. What you don't see in that picture is that the foundation has also been designed to allow the wall to be extended vertically. So, as we experience more sea level rise, the wall is adaptable to basically increase the height of the wall over time and provide additional protection.

The linear park feature, it's a beautiful amenity for both the neighborhood and for the hospitality and tourism industry. So, we did add parklets into the project, as well. There are two within the first phase of the project. The one, obviously, at the bottom left is sort of over by the Coast Guard Station. That's a combination ADA ramp to come up into the project. It has planters, seating areas, and provides sort of, I think, what would be termed a sense of place. We're getting way out of my realm of comfort when we talk about the landscape architecture side of the project, but it is a gorgeous, sweeping turn on the wall in that location, and then the upper right sits over more at Ashley and is sort of a seating area or a resting area for a parklet space. It has some planters and other features associated with it.

We did also include traffic calming. So, there is a speed table now at Ashley where basically it's sort of like a speed hump that takes up the entire intersection that helps slow drivers for pedestrian crossings and controls both speed and provides more visibility. You can see they're kind of built out of a cobblestoned approach in keeping with the aesthetic of the area. We also worked on this accessibility. We mentioned the ADA access points on the project. We also widened out sidewalks, and you can see that in the upper right. We added more sidewalk space on both sides of the street, so it's actually on the north side of the street as well as on the Battery side of the street.

So, that was Phase 1. Phase 1 we have substantially completed. The only remaining item is for the light poles to go in in coordination with Dominion, and we have now shifted our traffic control over and have started work on Phase 2 of the project. So, this phase is also being built with Gulfstream Construction as the low bidder on this project. We've basically successfully installed our test piles at this point and done our testing. Everything is holding up well from a geo-technical standpoint, so it will move rapidly into aggressive production work over the coming months. I do have the website on here, as well. You can also get to it just by coming to the City stormwater page and going through the projects list. The website is updated regularly with information like what is here. This is the traffic control plan, which is also distributed through the neighborhood, and we do also include regularly monthly updates about how the project is going and interesting facts about what's working in the area for anyone who is interested in a project. With that, that's what I had if I can answer any questions."

Mayor Tecklenburg said, "Great. Are there any questions for Mr. Fountain?"

No one asked to speak.

Mayor Tecklenburg said, "Great work, team, Mr. Fountain, and Frank, and everyone, and our contractors, Gulfstream, and the other subs. We feel like they did a terrific job."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir. I was just going to say one of the things that came out of our Public Works Committee yesterday was that Ms. Wharton and her team are going to be meeting with the Budget Ad Hoc Committee coming up here and going through some of these projects price tag-wise and then, hopefully, we can get a workshop planned and do something similar. So, that will be a big help, too, since we know that the Low Battery Wall is going to be something that we're going to have to look at our funding options there, and it's going to be very important."

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

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Waring.

Councilmember Seekings said, "Yes, Mr. Mayor, I think that these presentations are great, and it is about the water, however, I just read a two-page article in the Post and Courier on all of the great things that we're doing with regard to affordable housing. In addition, I mean, there is a lot going on in our Transportation Department. In other words, what I'm saying is I think this focus is good, but I think it would be a great idea if we do something similar from our other sub-Committees and allowing those Directors to do updates, as well, because I think they also have a lot to say, and I'm not taking anything from Public Works. I'm just saying that it would be great if we can have similar kinds of updates and just as extensive from some of our other departments. Just a suggestion."

Mayor Tecklenburg said, "I stand ready to receive any recommendations."

Councilmember Gregorie said, "Thank you, Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor, and thank you, Councilmember Gregorie. I agree with you wholeheartedly. I'm very happy and proud that the Public Works Committee could provide a template to go behind and be improved upon. I agree with you on affordable housing and the wonderful article in Sunday's paper. I hope everybody saw it, and certainly Councilmember Seekings and Transportation can do something equally with all of those needs we have going on there, but I want to thank Mr. Fountain for his leadership and the way he recognized Mr. Frank Newham. Mr. Mayor, you and I went out there when all of the dirt was flying and saw the underpinnings of what was to come and the beautifying part that we have, and I want to thank this Council. Remember there was a rendition where that parking wasn't going to be there, and you've heard me say this before, I represent a district that doesn't go to the water. So, the people in our district really want to go and see parks that go up against the water. We have to visit somebody else's district. So, keeping that parking available, we talk about the tourists, but so many of our residents get to enjoy that. So, a wonderful park, and I look forward to Phase 2 and 3, and for this to get finished. So, thank you all who had this done for our City."

Mayor Tecklenburg said, "Yes, sir. Thank you. Well, thank you, again, Mr. Fountain. That was terrific, and next up is our update on the City's [COVID response](#). Shannon Scaff and his Incident Command Team have been doing a terrific job getting things together for our City to help with the vaccination efforts, and thank goodness our COVID case numbers are finally coming down along with the rest of the State and the rest of the Country. So, Shannon, do you want to start or Tracy?"

Shannon Scaff said, "Good evening, Mr. Mayor, and members of Council. Tracy, if you're ready to go, you can lead off."

Tracy McKee said, "Sure. I know that everyone's excited to hear what Shannon has to report, so I'll keep my comments very brief. So, a graph that you all are very familiar with now, but this is very good. Like the Mayor said, our numbers continue to drop. We've actually seen a 43 percent decrease over the past two weeks, which is really fantastic. This is a snapshot of our dashboard and our primary indicators that we're kind of using to drive how our Phase 3 reopening for City operations, and you can see really everything is green. We have one that is yellow, but it's very, very close to green and has been trending downward very nicely. We're still currently in Phase II at the moment. Hospitalizations, you can see that these are also on a decline now. Some of you may remember, the last time we met hospitalizations were still pretty steady. So, now we're finally starting to see those hospitalization numbers come down, as well, which is very good news.

Our phase status, like I said, all of our indicators are going down and really have been trending downwards for about three to four weeks depending on the indicator. If these trends continue, we plan to loosen the faucet a little bit on Monday, March the 1st and move back to Phase 3. I think the most significant changes with moving back to Phase 3 is that City offices will be open to the public, so they will be open during regular business hours. We still, obviously, highly encourage appointments and mask wearing and all of those things that will still be in play, but we'll also start to consider special events. So, we've been receiving those applications, but haven't been approving anything for the timeframe that we knew we would be in Phase 2, so now we'll start reviewing those things to see what events might be able to go on safely. So, this is also encouraging. We all know the weather has hindered the distribution a little bit, but our distribution, according to the CDC, has been going up the last couple of weeks, so that is very encouraging to

see. Just some stats from DHEC on vaccinations, you can see the total doses administered here, as well as the number of people vaccinated, so we're approaching 11 percent of the South Carolina population. Then, just some statistics, I know that you all are really interested in some of the demographics around who's been vaccinated. We only are really getting those at the State level on a regular basis, and that is through the DHEC Dashboard, their Vaccination Dashboard, but you can see here we've broken it down by race and compared it to what the State population is, as well as ethnicity and gender. All of that can be viewed on the DHEC website. With that, I'm happy to answer any questions, and I think what Shannon is going to report on is going to be of great interest to everyone, but I'm happy to take any questions."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir. Mr. Mayor, as we move back into Phase 3, pending everything goes well this week and the numbers stay down, one Committee meeting that I had was the Golf Commission, and a lot of the members on there are some people that have been on the Commission for quite a long time and are a little bit more in the elderly arena. Once we get into Phase 3, is it alright if we meet in person or meet like outside? Can you remind me, Tracy, what Phase 3 entails because I know we tried to do a meeting over Zoom, and it just was not very successful, and we've only been able to meet one time since December of 2019. So, I was hoping maybe we could look at that once we got back into Phase 3. So, will this phase entail us being able to do anything in person?"

Ms. McKee said, "So, what we have outlined in Phase 3 is strongly encouraging the social distancing, and we have occupancy levels in certain conference rooms throughout the City. So, if you're going to be meeting in a conference room, obviously, that occupancy, you need to adhere to that occupancy limit, and of course, wear masks. Outside is probably a little bit different. It's a little safer. I would definitely defer to our Safety Team to kind of help you make some decisions about how that might look, and I know Rick Markiewicz would be more than happy to help you with that."

Councilmember Griffin said, "I'll send an e-mail then, and I'll copy Laurie, Marshall, and everybody. If we stay into Phase 3, as we get closer to our next meeting, maybe we can figure something out, maybe outside or something."

Ms. McKee said, "Sure."

Councilmember Griffin said, "Thank you so much."

Mayor Tecklenburg said, "That would be safer. Are there any other questions for Tracy?"

No one else asked to speak.

Mayor Tecklenburg said, "Alright. Shannon."

Mr. Scaff said, "Yes, sir. Good evening, everyone. So, a lot of great work being done from week to week. Last week was pretty interesting in that we had a three-day schedule that with the severe weather that hit a large portion of the Country, it stalled out two days' worth of vaccines, but never fear, we're going to pick up on those tomorrow and Thursday, so great news there. Harris Teeter used the Gaillard Center to host a vaccination clinic last week. This resulted in over 500 people receiving their first vaccine. This week they will be administering approximately 1,200 vaccines over two days. That would be the Pfizer first dose. The clinic will be operating tomorrow from 10:00 a.m. to 6:00 p.m. and Thursday from 12:00 p.m. to 4:00 p.m. They will hold another clinic to administer second doses around mid-March. We're moving forward with our partnership

with MUSC to turn 180 Lockwood, the old DMV location, into a vaccination clinic. We're just waiting on MUSC to decide a tentative opening date, and they're, as is a lot of the Country, having a hard time coming up with the vaccines right now. So, as soon as they're able to get their hands on that, they'll have a date to us. I've reached out to Mayor's Clergy Council, leveraging Mr. Whack for that today. We sent an e-mail out to 96 recipients from the Clergy Council to discuss their availability of their places of worship to serve as vaccination sites, the Greater St. Luke AME Church being one of those today. We're also reaching out to Fetter to see what they have in terms of resources. We'll bring those folks together and, hopefully, have some additional vaccination sites going forward. The Recreation Department will be assisting citizens that qualify under Phase 1A. We're scheduling Dose 1 and Dose 2 of the vaccine through the MUSC health websites. We had planned to go live with that yesterday, but due to the shortfall in vaccines that I just mentioned with MUSC, they're not scheduling appointments right now. Once appointments resume, we will work with City of Charleston PIO to send out a press release for that. The seven recreational facilities were carefully chosen because of their proximity to public housing and would allow for social distancing and safe use of computers and the internet. So, you can see there is a number of different efforts that are happening. I'll mention this, as well. I had a conversation with some folks in Charleston County recently, and they're working on a number of unincorporated areas to include Johns Island, too. So, a lot going on in terms of vaccines, but it's a little bit of the same story. We wish they were coming up a lot faster than they are, but we're doing the best we can with what we have. I'm happy to take any of your questions."

Mayor Tecklenburg said, "Thank you, Shannon, and I really appreciate the effort of the Recreation Department training our staff at various locations. Park/Houses will be able to help folks who don't have computers or are not computer savvy to be able to make their appointments, assist folks in making their appointments. So, it really is a team effort here that we will be able to have places for our citizens to get vaccinated, and if they need assistance making the appointments, we'll be able to help them as well. Are there any questions or comments?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Yes, sir. Mr. Scaff, can you tell me if there are any sites, for example, on Johns Island for some of the people. Of course, Johns Island isn't as rural as it once was, but some people out in the rural areas. For example, Sea Island Comprehensive Center has a medical clinic out there. I just wondered if that's being used for a site possibly where people can go get the vaccine."

Mr. Scaff said, "Sure. We can look at those. I don't have specifics. I know the County is working on something in Johns Island right now. I don't have that, but I can certainly give it to you tomorrow morning."

Councilmember Waring said, "That would be great if you could e-mail that out to me and Council."

Mr. Scaff said, "No problem."

Councilmember Waring said, "Thank you so much."

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

No one else asked to speak.

Mayor Tecklenburg said, "Well, thank you all. A great report, and keep up the good work. Next is our [Council Communications](#), first up is a discussion regarding a proposal of having a Unified Development Ordinance. Councilmember Brady."

Councilmember Brady said, “Yes. Thank you, Mr. Mayor, and I appreciate you including that on the agenda. I think at one of the public hearings, Mr. Eubanks pointed out that when you look at some zoning, as an example, the townhouses are required to face a public right-of-way in one instance and then on other ones can face a private driveway. So, there are multiple incidences like that both in zoning and in some of our development ordinances that probably deserve a new look, and I think, as we are going through the Comprehensive Plan process, once that’s completed, we’re going to need to take a hard look at zoning changes that are going to be required. It got me thinking that one of the things that we talk about often when we pass ordinances that are related to development, planning, and zoning is that we always say, ‘Well, we could always go back and revise them, should we so choose’, and with the Comprehensive Plan and knowing, in this kind of era with the Dutch Dialogues and taking water into consideration, it seemed like a good time to bring this up.

Then, with the new Planning Director, who is coming from a large metropolitan area as well, and he would be a fresh set of eyes, I think it’s a good time once the Comprehensive Plan’s in place, and we really start these discussions, that we look at forming a Unified Development Ordinance Task Force. For those that don’t know, the idea behind the Unified Development Ordinance is that, instead of everything relating to development being scattered across the City Code, it would get consolidated into one ordinance, and that does a couple of things. One, it allows us to revisit them before we pass the UDO, but it also gives those folks that are looking to develop in the City one central location within the Code to go for those.

I will say, I grew up in Asheville, North Carolina, and Asheville passed a UDO back in the mid-90s, and it included things, like I’m sure you all have been hearing the refrain from folks that the developers need to pay their fair share for infrastructure, and one of the things that was included in the Unified Development Ordinance in Asheville was that developers had to put sidewalks in if they were in the City for their properties. So, it looked kind of weird, originally, that you would have sidewalks to nowhere in front of these properties that were either new or were substantially redeveloped, but over time it created connectivity in the City. So, there’s things like that within our Code that I think deserve that look, and I think this process would be one, we may need to hire a consultant that specializes in this, but one of the things we want to get rid of within the development ordinances in our Codes that are related to it is the vagueness that goes along with it because there is definitely a cadre industry that’s developed of specializing in everything that’s open to interpretation in those. So, I just wanted to kind of prime it for this is something we should definitely look at. We don’t have to tackle anything tonight or refer it to Committee, but I wanted to kind of get it out there that the timing is right for this, and it’s something that the taxpayers deserve, as well.”

Mayor Tecklenburg said, “Those are great comments and suggestions. Would anyone like to respond or add?”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “Yes, I’m intrigued by this idea and concept, and perhaps if we had some model ordinances to look at in advance, you mentioned Asheville passing something like this. So, Councilmember Brady, if you’ve got something we could look at and sort of circulate.”

Councilmember Brady said, “I’d be happy to get Asheville’s, and also it should be noted that some smaller municipalities here in the local area also have them. The Town of Ravenel, being an example, has a Unified Development Ordinance, as well.”

Councilmember Shahid said, "Thanks for bringing it to our attention."

Mayor Tecklenburg recognized Councilmember Appel followed by Councilwoman Jackson.

Councilmember Appel said, "Thank you, Mr. Mayor, and thank you, Councilmember Brady, for bringing up this issue. I think it's an important one. The Town of Rockville, believe it or not, has an UDO. So, jurisdictions big and small and everything in between do it. Right out of law school I worked with a firm that did a lot of land use and zoning consultation around the Country, and one of the things we did was work with jurisdictions around the Country on putting together things like UDOs. So, it's definitely something that has some precedent out there, but one thing I would say though is that we already sort of have a Consolidated Development Ordinance. In our City Zoning Code, you have zoning and land use regulations and then also subdivision regulations, as well. So, we're already like almost there, but I think it could use some benefits, and you see this up close and personal at BZAs. Our Zoning Ordinance currently is a really pretty sophisticated and impressive thing. It's just a product of decades and decades of sort of layering on and responding to issues as they come up over time, and it does produce some sort of internal inconsistencies and some challenging issues that we confront.

One thing that I would say is, and just as a thing to keep in mind as we continue this discussion, is I think it took almost two years for the City of Charleston to put together a short term rental ordinance, same with the Accommodations rewrite. We have a lot of stakeholders in this community that like to make sure that things are done in a right way, and when you talk about rewriting a Zoning Ordinance from the ground up, absolutely it's something we need to do, we probably need to bring in a consultant. I'm not sure what the going rates are these days, but I mean, we could be talking about half-a-million dollars. I mean, that's the level of expenditure we're talking about here, and I certainly think this is something worth aspiring to. I think the Comp Plan provides an opportunity for us to look at some of these things, but anything with the word 'zoning' and 'reform' together in the same sentence, I'm interested. So, great idea, and let's keep the discussion going."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Griffin.

Councilwoman Jackson said, "Thank you, Mr. Mayor, and, yes, thank you, Councilmember Brady, for putting this on our radar. I would volunteer to help you research some good examples of what we might be considering, and I agree with Councilmember Appel that we do have good basics for getting started, so we're not starting from nothing. So, we really just need to have something that's a lot more holistic, a lot more of a roadmap, a lot more of painting the picture to future landowners, developers, and newcomers to the region and what we want. We're always talking about what we don't want any longer. We don't want sprawl, but we don't really talk a lot about how we get what we want. I do think that we're going to see a lot of encouraging data and analysis when we get the Comp Plan, especially with the two special sections of consulting that went into water management and housing attainability that are the goals of keeping our region protected and growing in ways that we all want to be part of. So, I do think this is an opportunistic time. We can do both. We can have something that we put together holistically while we're still using our Zoning Code and making it the tool that we'll be proud of at the same time. So, thanks a lot."

Mayor Tecklenburg said, "Great."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir. I just wanted to also thank Councilmember Brady and just say hey, look, before we spend any money, the first thing we can do is look at the Town of Summerville. They adopted a Unified Development Ordinance in October of 2019, and they just repealed it just this month. So, they aren't shying away from trying to find a replacement, but they figured out very quickly that there were a lot of things that needed to be changed. So, we can kind of look to them a little bit and see what they did right and see what they did wrong, and then you stated it perfectly that we've got a new Planning Director coming in. We need to see what kind of experience he has with something like this in the Las Vegas region, so I think we're headed in the right direction. We've got a lot of things going on around us. We've got a new Planning Director. This is a good time to look at some of these things, and I appreciate you, Councilmember Brady, for bringing it up."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you. I just wanted to sign-on and say, 'Me too.' I think it's a great idea, Councilmember Brady. I won't belabor the point, but I look forward to working with you on this one. That's a great idea."

Mayor Tecklenburg said, "So, does it sound like a plan that would just get through our Comp Plan and then start this, so we get past that major hurdle and maybe some of the final input that you could give to the Comp Plan would be a suggestion to develop a UDO?"

Councilmember Brady said, "Yes, I think that's correct, and that's what I was trying to drive at. Kind of the first gate is to get past the Comp Plan, and then it kind of opens up the opportunity as we're going to look at potential zoning changes and what not, to expand the scope there. So, I think that's correct."

Mayor Tecklenburg said, "Great. Terrific. Are there any further comments or discussion?"

No one else asked to speak.

Mayor Tecklenburg continued, "If not, we'll head in that direction. Thank you, Councilmember Brady, for bringing that up. Next up is a discussion regarding designation of [Cooper River TIF funds](#), as it relates to various projects. Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. The discussion I wanted to lead actually stems from the Community Development meeting that we had a couple of weeks ago. Staff did, and I understand it was done for information only, but it gave me an indicator that I don't think there's some congruency between staff and maybe many on Council. I don't know what matrix they came up with, but FYI who were not on that call, they came up with a matrix that basically, from a funding standpoint, leapfrogged funding for the LowLine in front of drainage and affordable housing. So, I thought the significance of funding drainage from one end of this City to the other was very important that monies that come out of TIF programs or TIF funds, in particular that aren't used towards drainage, in particular on projects that are, I think it's the Cooper, I can't think of the name of it, but the basin over there on the east side of Charleston."

Councilwoman Jackson said, "Jackson."

Councilmember Waring said, "Thank you so much. Cooper/Jackson Basin, which some have estimated to be greater than \$20 million. It's going to take an effort of putting money aside, very much like we did to The Battery. This is my 10th year, and I have never been on this Council and not voted, and it's been unanimous, to put money aside for what is now the Low Battery that we just wonderfully enjoyed the opening of the first part. So, I can understand our staff getting with the excitement of the Lowline, but when we have limited drainage funds that can be spent all over the City, as we all know, TIF funds have to be spent in the geographical area in which they are raised. So, when we take monies that can go towards drainage or TIF money and do something other than drainage, that means that's less money in the overall Stormwater Drainage Fund for the remainder of the City, in particular, areas west of the Peninsula, West Ashley, James Island, and Johns Island. Now, in earlier years before sea level rise was the subject that it is today, we did a lot of pretty things with TIF dollars, a lot of pretty things. I mean we took up concrete sidewalks and put down granite, stone, and bluestone sidewalks, ornamental lightings, but the hard work today is going to be under the ground, and it's much more expensive than doing vertical things.

So, when I saw that, Mr. Mayor, frankly, I was a little bit dejected when I saw that. I support the LowLine, but my understanding is we have about \$12 million or so, give or take a buck or so, in that TIF Fund, and within a one- to three-year period on that estimate it was estimated that we would put \$16.7 million out of that TIF into the LowLine. Now, that's not going to leave a lot of money for drainage over to that drainage basin over there, the Cooper/Jackson Drainage Basin. As a matter of fact, right now, we've only set aside oh, man, it's embarrassing the money that we've set aside in that basin. So, when we begin to fast forward surface beauty over drainage, then we're doing the same thing that we've done to this City 20, 25 years ago, which means when it comes to, and we know right now all of the drainage projects that we have from one end of the City to the other, we don't have enough money. It took me several years on this Council to realize the difference in TIF funding and General Funding and Stormwater Revenue. Well, this Council, there are a lot of new people on it, but they have gotten up to speed real quick.

So, if we took, for example, \$7 million that could go towards drainage in the geographical area, we are seeing the effect. When the STIB came up with that \$22.5 million for the Septima Clark Spring/Fishburne Drainage Project, with monies right now, that's enabled us to go into South Windermere for the second outfall, we would not be able to do that if we didn't get that drainage. By the mere refinancing of a bond for \$5 million that, hopefully through restructuring of that lower interest rate, will enable another \$5 million to come to the Central Park with Wambaw Basin, Councilmembers Gregorie and Jackson. We are scraping for dollars that we could find other ways to fund the LowLine, and it's not popular for me to get on this today to bring this up. I've already got a barrage of calls just by the mere fact that I've listed this, but TIF districts have a limited life. They expire and the school district has pretty much shown that they don't have an appetite for extending, for that matter, meeting and participating in TIF funding going forward.

So, the ones that we have today, we better get the bang for the buck out of them because I don't know that there's going to be a second chance at that. Now, the people that live in the public housing over there in Councilmember Mitchell's District, that flood at times up literally to their shins, they don't have the campaign, they don't have the influence of Friends of the LowLine. It depends on two or three or a handful of people on this Council. That's what it comes down to when they say we represent their voice. So, what I wanted to do, not tonight, but put on the agenda a priority vote on spending in TIF Funds. A priority, so our staff will know when they go through whatever matrix that they come up with on a spending plan to realize that the Mayor and Council have said, to me, I think affordable housing and then drainage, and in this case the

LowLine, but you can flip it either way. The only reason I put affordable housing first is because people need a place to live every day. In the case of flooding, fortunately, we don't flood 365 days a year. So, I would say affordable housing A1 and flooding 1A, but you can flip that one way or the other, but in no matrix would I put the spending of TIF funds in a large way on the LowLine, in front of those two major objections that we have in the City. So, it was just for discussion. I would like to put it on the agenda at the next meeting, so we can have an up or down vote on that type of priority, but I do not want to make the mistake, as a Councilman or as a City, where we spend TIF dollars in a majority way on vertical beautification when, frankly, the flooding continues and drainage is still the objective that we have today. Thank you for allowing me to put this on the agenda, and I throw the discussion open, but my motion is actually to vote, two weeks from now, to be on the agenda. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "I thought that your request was to put it on for discussion tonight."

Councilmember Waring said, "That's right, just for discussion, but I mean, I don't want an up and down vote because we need to think about it."

Mayor Tecklenburg said, "And just following protocol, we have had to have it bringing more specific proposals for setting these priorities at our Community Development Committee and then bringing it to the whole Council, and if you feel like that's appropriate, we could continue as we've been doing in the past."

Councilmember Waring said, "Well, I'll take your point, I would agree with you on that, Mr. Mayor, but I would say, in that case, we need to have a joint meeting with Community Development and Public Works because the specifics of all of the major projects in Public Works, frankly, really are not discussed extensively in Community Development. So, when it comes to spending money for drainage, then we can have maybe some kind of joint meeting. So, I would agree with flowing through the Committee process and back up to Council, but that priority on spending dollars, I think, as a Mayor and Council, we should actually step forward and say it, 'How are we going to spend these dollars? Thank you, sir.'"

Mayor Tecklenburg said, "Absolutely. No question about that."

Mayor Tecklenburg recognized Councilmember Appel followed by Councilwoman Jackson.

Councilmember Appel said, "Thank you, Mr. Mayor. Councilmember Waring, I completely agree with you that this stormwater funding issue is very important because, when it relates to our districts, these TIFs have an impact, and I think that's an important discussion to have. I think that we have such a great opportunity with this Cooper River TIF, and I don't necessarily think it has to be this sort of like prioritized ranking. Fortunately, we can be in a position to do a lot of things at the same time, I would just sort of put a flag and a thing we've got to keep in mind here is TIFs have to grow to work. You need the increment, right, to have the sort of money to play with over a long period of time, and so it's very important to have a catalyst for a TIF so that property values continue to appreciate and get more development in the TIFs, which then gives you more money for affordable housing, stormwater, and all kinds of other things that can be used under a TIF. It's an investment. You've got to invest in a TIF. There are plenty of examples of failed TIFs around this region. I mean Noisette at the Navy Base was going to be a TIF, but the increment never came, so it didn't work, and what's so great about the Lowline, which provides so much opportunity for us and it's so exciting, is that the LowLine can be the catalyst that helps

this TIF really take off. It could be the rocket fuel for the TIF and, in fact, I think due to the mere fact that the LowLine is even on a concept plan on somebody's wall right now really is very early on in the stages from a planning perspective, although they are shovel ready with the first beginning phases. That's actually caused private dollars to come in, scoop up these properties, true up the value for property tax purposes under our State property tax laws, and that's what's providing us with the increment, and that's just with the LowLine to date. Imagine once things start getting built. I just think that it's important for us to keep in mind we need that catalyst for the TIF, but at the same time, of course, we've got to make sure that these other issues are funded, stormwater, affordable housing, and that we do it in an equitable way through the lens of the very important work we're doing through the Commission, frankly, because we need to make sure that everybody is invested in this and everybody feels like they're a sufficient buy-in.

The last thing I'll say, again, this is just food for thought, and we can continue to talk about it more, is I found it real interesting when, I'm forgetting if this was when I was on Council or when I was right about to come on Council, where the developer at the Citadel Mall TIF wanted to have an agreement put in place to sort of better structure where the TIF monies went. I wonder if there is something, perhaps, that we can work on along those lines so that, from the beginning, the community can know what the rules of the road are going to be with respect to the TIF. We have a clear understanding going in, all members of the community, all different stakeholders, here's how we're going to address affordable housing, here's how we're going to address stormwater, here's how we're going to continue to help the LowLine continue to move forward. I think what that does is it provides everybody with a measure of certainty, a measure of confidence, a measure of trust that we're going to really need as we move forward because we want to have everybody invested in this because it's a win-win for everybody, but a very important discussion to have and a real exciting opportunity in the future."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. Yes, Councilmember Waring, I appreciate that you've given all of us who aren't on the Community Development Committee the opportunity to think more strategically about all of these ongoing topics and how we're going to go from A to Z on everything that we prioritize. Councilmember Appel basically made my arguments in terms of why we should continue to look at the LowLine as an economic engine. It is a catalyst, and I'm hoping that maybe you will return some of those calls if they're coming from Friends of the LowLine to help you appreciate a little more, structurally, the value of the LowLine as some of the ingredients that you're prioritizing in the TIF district. They said in their two minutes tonight, Tom Bradford and Megan Mills, each addressed us during Citizen Participation, and I think it was Tom who said a third of the money that they're projecting right now was going to go for stormwater, and they're going to jumpstart housing. I think Megan said 400 units of housing. So, we really do need to evaluate the LowLine as its own more holistic enterprise that will give us more money. It will be creating the tax base that we all know. Obviously, we use TIFs for the things that we don't have the money to pay for out of the General Fund or the Stormwater or our other sources of revenue from Accommodations and Tourism but, basically, when you put a dollar into drainage from a TIF, that dollar is sunk. No pun intended, and when you put it into something that is more of an economic enterprise, like the LowLine can and should be, and that's certainly the vision of any of the Friends that I have encountered over the last two or three years, then it's a growth potential. So, it's an exponential opportunity to see that money reinvested for all of the reasons.

At the invitation and a suggestion of many of us on the Commission, the Friends came back to the Housing and Mobility Subcommittee of the Commission this past week and gave a presentation that was dedicated to how they're going to put equity forward in everything that they

do. Racial equity is going to be premier in how they prioritize their work effort, and from what I understand, the Committee members, they had a really good, engaged discussion. It's an open-ended topic, but they are going to use the racial equity tool kit that we're recommending for all of our next step action steps that come out of the Commission work. So, I really feel like they've got the message about what's important to all of us, and they have developed a game plan that I think we should at least give them a chance to get started and see how it goes. I don't think we can lose."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. I'm not going to belabor Councilmember Appel and Councilwoman Jackson's point. I agree with them wholeheartedly. The one thing that I've been encouraged with them has been their opportunity to reach out to us and really ask us what we're thinking about with that concept, and to Councilwoman Jackson's point around equity and access to the LowLine, to me, is not just an expense, it's an investment. With an investment, you get a return, and it's a force multiplier. I think, as a City, we're at a critical point where we have to start looking at these types of projects, such as Laurel Island, and we've said before cities would be jumping over backwards to have projects like this come to their table. So, I just think that they've said what they meant so far in meeting with us, and I'm really encouraged by the fact that they've reached out to the community. They are trying to put their money where their mouth is, in terms of focusing on equity, and they are trying to reach out to the neighborhoods to have representation on their boards. So, I think it's respectful to give them benefit of the doubt, and I respect Councilmember Waring's opinion on this. One thing when they did present at Public Works and our City staff did come back with those recommendations, I was a little taken aback by the criteria and the scoring of those. It would be nice to know how those projects were scored. But, at the end of the day, I look at this not just as an expense, but really as an investment and a force multiplier. To Councilmember Appel's point, the increment is really the question here. As this gets built out, this abuts right up to my district, as this gets built out, and as investments come in, isn't that the point of the TIF? Isn't that the point of creating a change in our community? So, I just wanted to say I appreciate Councilwoman Jackson and Councilmember Appel's points, and I think we can't just look at this as an expenditure on drainage. This is one TIF. We have other resources that can go towards those drainage projects, but for this, in this particular neighborhood, I do think it's a force multiplier. Thank you."

Mayor Tecklenburg said, "So, if I may make a couple of comments, and we may have other resources we can give to a project such as LowLine, as well. But, thank you, Councilmember Waring. It is clearly Council's prerogative to set the priorities on how we spend money. Now, we, together, have a wonderful problem here, and that is thanks to a former Council. Some years ago, per State law, we set up this district, and it's successful already, and it can be more successful. We've already issued a \$12 million bond a couple of years ago that we've been spending on infrastructure projects. Our Finance Department tells us this year we will be able to issue another \$12 million, and the projections for the life of this TIF well exceeds \$60 million, that we'll be able to invest in our City on all kinds of projects. If you take just the first \$12 million that we issued two years ago, we can chew gum and walk and rub our tummy and pat our head at the same time. We allocated about 25 percent of those funds for drainage, about 25 percent of those funds for affordable housing, about 25 percent of those funds for mobility improvements, and about 25 percent of those funds for park improvements. So, I would suggest to you that over the lifetime of the TIF, we have an incredible opportunity for all kinds of great infrastructure improvements, and as we go to the next meeting or two of Community Development, and if you want to include the other Council as a whole or the Public Works Committee as well, that's all fine with me. I mean, we as a whole will make any decisions regarding funding, ultimately, but we just have great

opportunities here to take care of some of these infrastructure improvements for that district, and I look forward to working it out. Yes, we might end up doing some for the LowLine out of the TIF, and then when our Hospitality funds get going again be able to draw from some other sources and likewise on some of these other projects, as well. But, let's be creative, let's figure out how we can set the priorities, and do as many of these improvements as we can."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor, and I may be getting a little punchy at these hours, it's getting a little late, and I appreciate Councilmember Waring bringing this to our attention and for discussion. But, someone just clarify for me, when we create these TIF districts, I know we define the geographical area of the district, that's a given, but don't we also define the purposes for this interception of this money. Aren't we somehow restricted in what the money can be used for at the inception of the district?"

Mayor Tecklenburg said, "Yes, sir. It's set forth in the ordinance, and generally speaking, it's for infrastructure improvements that we approve. Chip, I don't think, and it lists things like affordable housing, drainage, and other parks improvements. Chip, help me out here if there is something I'm missing."

Chip McQueeney said, "I was going to say, yes, there are limits, Councilmember Shahid. Any more specific than that, I would typically ask Charlton just because I kind of know it, but I don't do this on a regular basis, so I'm not as familiar with it. But you do spell out the projects as part of the setting up the TIF District, and it can be projects that serve the district whether located in or outside of the district, as long as they serve the project. One exception, I think, affordable housing can be offsite, and it doesn't need to be directly tied to the TIF District. I think it has to be within certain parameters, but it doesn't have to be within the TIF District."

Councilmember Shahid said, "That's answers my question. I thought there was some kind of restrictions we had in using that money so we just have to make sure that we stay in bounds I guess."

Mayor Tecklenburg said, "It's in the ordinance. So, for example, when we did the West Ashley TIF District along Bees Ferry Road, we specified that it was just for drainage improvements and not for anything else, but the way I understand it, this Cooper River Bridge is more broad and, basically, any infrastructure improvements I think would be allowed."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, the Eastside TIF, when we first voted on the Eastside TIF, it was strictly for the Eastside and strictly for housing. We went back, and we revised it, and we added the infrastructure and drainage to it, but in the beginning it was only for housing and infrastructure. We knew that we needed money for drainage, and we needed money for infrastructure, so that's when we went back and added that to it. That's how the drainage and infrastructure got into it because we went back and voted on Council and asked Charlton to be there and asked him if we could have done it, so that's how there were improvements in that. So, that's why everybody fights so much for the housing pieces and the drainage pieces because those were the two things that were the driving factors at the time because of the Eastside TIF. That's how we included Huger Street. Remember, Mr. Mayor, we included Huger Street into it for the drainage part of it to use part of that money for Huger Street for the drainage, and that's how drainage got into it, through the TIF."

Mayor Tecklenburg said, "That's correct. Technically, King and Huger streams out of, it's not properly in the district, it's adjacent to it. But, anyway, we'll come back with a more specific proposal for us to discuss and set our priorities."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor, and I appreciate all of the input from our Councilmembers, in particular our new Councilmembers. It shows you how effective the lobbying effort has been, and we get that. When we talk about, in particular Cooper/Jackson Drainage Basin and who lives over there, you get the 'yeah, but.' Mr. Mayor, only six of us were on the Council when the opportunity to buy the LowLine came upon us, and you remember that the number that brought forth to us was \$12.5 million. The LowLine was going to cost \$12.5 million, and we were going to pay half and they were going to pay half. Long story short, we resoundingly rejected that price as a Council, and we ended up paying \$2.4 million or \$2.7 million for the LowLine. Now, that's a fact. The accountability when it comes to the LowLine, here we are poised potentially to spend almost \$17 million, and we haven't saved one bit. We can't spend \$16.7 million without going through a bid process. So, the transparency of handing over that kind of money to, in effect, taxpayers' dollars by the way, without accountability and transparency, I don't even see how we get to those numbers. So, from that standpoint, from accountability and transparency, do we have the LowLine bidding out our drainage projects? They're going to tell us that \$7 million in that total is for drainage, or do we tell them how much in it is for drainage? Somehow this is, it's not supposed to work that way in this City.

As far as returning the calls, Councilwoman Jackson, those calls came in today, and you know what kind of day we've had. I didn't get those calls yesterday or last week, and I will return those calls. Let me say this, I support the LowLine. I really do support the LowLine, and it is an economic engine, Councilmember Sakran. That's why the Commercial Districts that border need to step up. Mr. Mayor, if I get the terminology wrong, please correct me, but when you were an economic developer with the City of Charleston under Mayor Riley, when King Street was not the King Street that it is today, there was an economic plan put in for the landowners, the Commercial landowners that border King Street, when you go down King Street today, Councilmember Appel, and as a matter of fact, your family member probably paid for some of that in front of Morris Sokol. The granite, curbs, and gutters, and the bluestone, and the ornamental lighting, and the fixing of the façade were tax credits that the City and the economic development at the time helped to create. Something similar can be done. That's not the only source, but we haven't even tried to see if something like that could be done with the LowLine that would give additional funding to help kick-start the economic engine, and honestly, with \$12 million being inside the TIF today, this TIF is already growing. If you don't believe it, just ride down there and look at all of the apartment buildings and look at the Greystar building down there, and look at Courier Square and everything that's building up down there. It is not vacant property. The LowLine may be vacant, but it's bordering a booming real estate economy down there today.

So, that transparency piece, as a matter of fact, the \$60 million, I saw that too, Mr. Mayor, and it is impressive, but the change order for price increases on Septima Clark, Spring/Fishburne was in excess of \$45 million. That was one drainage project, and that was just a change order. That was a price increase because of drainage going up at that time. My point is we're going to spend initially, and I think this is going to change, but I brought it up to get everybody's attention. We're going to spend, right as staff has recommended to us by way of information, potentially, I don't know what the better part of \$17 million of the \$60 million, and we haven't sent one bid. The affordable housing on there has a time span of five to eight years acquisition, and I think we have

\$5 million. What is \$5 million going to buy five to eight years from now by way of land acquisition within the footprint of this successful TIF? That's something that should be sooner rather than later, not delayed down the line. We just got through, and we all know about one acre of land not far from here that's at \$12.8 million. For one acre of land that's not far from here. So, I agree we can revisit this, we can have joint efforts, but keep in mind those same people that walk around in the floods down there up to their shins in water and don't have that lobbying effort that all of us had exposure to with the LowLine. I commend them with that because I wouldn't have been voting in favor of the LowLine five years ago, three years ago. I would vote in favor of the LowLine today, but the spending priority and the accountability and transparency, when we spend these dollars towards the LowLine, we have to be involved with that bid process. We cannot give it over without accountability, and right now it's kind of what we're doing. That's the way it's teed up right now. So, I think we look at other economic aspects who are going to benefit. Those Commercial properties that abut the LowLine when the City puts its improvements in there, they're going to experience exponential growth and you know what, they need to invest in the early part of that. So, my point is we had a hearty discussion on it, and I appreciate everybody doing that. I look forward to the extended discussions, but transparency and accountability when we spend the taxpayers' dollars. We have to have a bid process. I have yet to see that explained, at least to me. Maybe it's been explained to you all, but it hasn't been explained to me. Thank you."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yeah, the only thing I wanted to say is I'm in agreement in terms of the need for transparency. I think all of us are. As for getting additional dollars, I think that is a part of what they're doing, in terms of existing businesses along the LowLine, to solicit their input and their resources. I think that's a part of their private fundraising side that the LowLine is currently involved in. I agree that it's not something that we should just willy-nilly give people money and that's it. I'm in total agreement with that. But, in terms of the kinds of efforts that they are making and, again, this goes back to Councilman Waring's point, if they are raising money, where is that money coming from? I think that those are all the kinds of transparency issues, I think, that Councilman Waring is referring to."

Mayor Tecklenburg said, "Alright. Well, needless to say, more to come on this. Unless anyone else would like to be heard, I'd like to move onto our next item on the agenda, which is a [discussion](#) of outside counsel for the Charleston School of Law. Again, a request by Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. Actually, we got great leadership from our legal staff, Ms. Herdina and her team. So, I'm satisfied with the information we've been presented with and ready to go forward with recommendations from our legal staff. If it's okay with you and Council, I'd like to withdraw this discussion, so we can move on with the agenda."

Mayor Tecklenburg said, "Any objection? Alright. So, next is our Council Committee Reports. First up, Committee on [Traffic](#) and Transportation."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Gregorie said, "Move for approval."

Councilmember Seekings said, "I heard a motion. I'll keep talking until there's a second."

Councilmember Mitchell said, "Second."

Councilmember Seekings said, "There we go. I'll shut up if there's a full on vote. Let me just tell you really quickly, earlier tonight on Ways and Means we approved a financial agreement with the County for the improvements at Folly and Formosa which was \$150,000. I just want to make sure you knew that. That's in Councilmember Appel's district. We did get a report from the County, Josh Johnson came to our meeting, about Hwy. 61 Traffic Response System Activation, which is an ongoing endeavor. If you all have any questions about that specifically, Mr. Benjamin can answer them for you and to you because he's been working directly with the County. We also need approval of 1a, which is one limo application. Unless there's any questions specifically of me, any member of the Committee or Mr. Benjamin, I would hand over the floor to you."

Mayor Tecklenburg said, "Alright. We have a motion to accept those items from the Committee on Traffic and Transportation. Any further questions or discussion?"

No one asked to speak.

On the motion of Councilmember Gregorie, seconded by Councilmember Mitchell, City Council voted unanimously to approve Item 'a' of the Committee on Traffic and Transportation Report as presented:

- a. Application for Original Certificate of Public Convenience and Necessity for Approval
- Red Carpet Limousine Services, LLC (Limo)

Mayor Tecklenburg said, "Next up is our Committee on [Public Works](#) and Utilities."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Alright. Thank you, Mr. Mayor. You'll see on your agenda under Item a, 'Request for a Resolution to set a public hearing to close and abandon a portion of Floyd Drive'. It was passed unanimously, and I so move."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Alright. Any discussion on that item to have a public hearing regarding closing Floyd Drive?"

No one asked to speak.

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

Councilmember Waring said, "The next information, I'm going to go to Mr. Fountain. We have very good presentations. As a matter of fact, Ms. Cashion Drolet, I'm thankful she was on that meeting, she commented during public comment on some of the great ideas that came forward. If Council would allow, I'd like to go to Mr. Fountain for him to address three things that we spoke of. Mr. Fountain, I'll let you decide what's going to be first, second, and third."

Mr. Fountain said, "Thank you. Councilmember Waring, we had mentioned potentially discussing the updates on the drainage fund allocation initially."

Councilmember Waring said, "That's right."

Mr. Fountain said, "I think Ms. Wharton was going to briefly run through her [presentation](#) if that's desired, or we can just jump to the summary slide."

Councilmember Waring said, "Is Ms. Wharton on?"

Ms. Wharton said, "I'm here. You want me to go through this presentation really quick?"

Councilmember Waring said, "Yes, ma'am."

Ms. Wharton said, "Okay. Hold on one second."

Mayor Tecklenburg said, "I know the night is long, but this is really good stuff."

Ms. Wharton said, "Everybody can see my screen and hear me?"

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

Ms. Wharton said, "Okay. So, I will go fast for everyone, Mayor, if that's okay. So, we have the current project allocations for the drainage fund. These are all the currently funded projects allocated within the drainage fund right now. The first one is Forest Acres. The total project budget for this project was \$18.5 million. We spent a lot of that, so we have an estimated \$5.5 million remaining over the next three years. Those are all the funding sources. That's how this project was funded. Any questions? Local Option Permit Income is actually mini bottle, just so you know what that is. The next one is Market Street. I have both the drainage project and the streetscape. \$17.5 million, but those are the funding sources and most of this is funded by the bond. It's projected to start in 2023. Because they're kind of combined together, we had the streetscape project as well, just to show that there is a funding shortage there of almost \$4.3 million that we will have to address before the project starts. But, that is not drainage fund at all. That is a little bit of Waterfront TIF and tourism funds. No drainage funds will go to the streetscape portion. Septima Clark, as you can see, we talked about this yesterday, there's no drainage funds involved with Septima Clark anymore. It's all Infrastructure Bank and King Street Gateway TIF. Phase 5 is estimated at \$37 million at this present time. You can stop me if you have questions.

Next is the Church Creek NFWF Renaturalization, Habitat Restoration and Flood Protection Project. It's almost \$4 million. \$2.48 million is drainage and the rest is NFWF Grant. Barberry Woods is a \$7 million project, and it is funded entirely by the drainage fund. We are hopeful to get NFWF Grant money, but we don't know that just yet. Then, the Johns Island Restoration Plan. This is just the Masterplan Services. It does not include any part of the project right now, so that's why the cost is so low. It's half and half drainage fund and NFWF. FEMA Buyouts, we have just a little bit left from our prior FEMA buyout grants that we will expend this year. That's just the match for those buyouts. Windermere is \$4.5 million entirely by the drainage fund. Huger Street is \$12 million. \$8.5 million of that is drainage. We have a little bit of grant and Cooper River Bridge TIF, CWS Reimbursement, and just a little bit from Stormwater Small Projects funds. Concord Street Pump Station is \$6 million, and that is entirely funded by the drainage fund. Cooper/Jackson Drainage Improvements is \$3.8 million. \$1 million drainage and the rest is Cooper River Bridge TIF funding. These project costs are still being evaluated, so this

is not the final cost, just to let you know that. Limehouse Brick Arch Drainage Project is \$1.875 million, and that is funded by the Stormwater Bond. That's the 2012 Stormwater Bond. Then, this is just a summary of all the currently funded projects put together, and you'll see it's \$188.7 million in total. Any questions? So, then I just did a summary by funding source so you could kind of see where all the funds are coming from. Any questions? The majority of the grant funds is the STIB money for the Septima Clark project.

Then, our projections for the next five years, not final at all, just to let you know this right now. You can see for the next five years what our fund balance is, what portion of that is restricted. It's kind of like what we do for the General Fund. We have our restricted or unassigned or assigned because they're restricted to projects or grants or something like that. We are trying currently to come up with a reserve policy goal like we have for our other funds, the Enterprise Fund, the General Fund and our Tourism Funds. We plan to come back to everyone with that policy goal to discuss. So, you can see, taking out the reserve that we have in this restricted fund balance, the additional fund balance by year is \$9 million for 2021, \$7.3 million for 2022, which is this bottom part that says 'additional dollars available to spend by fiscal year'. That is what we estimate we would have in additional funding each year to allocate towards new projects. Does that make sense?"

Mayor Tecklenburg said, "Any questions for Amy on this one?"

No one asked to speak.

Mayor Tecklenburg said, "Basically, I believe what she's saying in a nutshell is, in addition to all those projects that you saw on the prior page totaling \$188 million, over the next five years we're currently projecting, if you don't add any other projects, you'd have an additional \$25 million that we could invest in new projects."

Ms. Wharton said, "And that's if we didn't spend any of those funds each year. Each year it's a little bit different. \$25 million would be what we would have at the end of 2025 should we not spend any additional funds."

Mayor Tecklenburg said, "That's right. After five years. That's what I meant."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Ms. Wharton. I'm glad to have seen this twice so I can soak in a little more each time. Thanks for sending it to us. You added the line about the reserve policy goal amount, and it just occurred to me, I know you were talking about it yesterday, but it just occurred to me, do we have a reserve policy goal for drainage right now?"

Ms. Wharton said, "We don't. That's what we're trying to come up with. It's a little tricky with Capital Projects funds. There's good guidance. General Fund, we have a clear goal. Same with Tourism and even our Enterprise Funds, which is basically a working capital sort of goal that you look at. For drainage and capital project funds, there isn't really a good guideline for that, so we're trying to come up with what would make sense. Considering the revenues we have every year, should we have a downfall in revenues from a recession or something like that, to ensure we're reserving some of that. Also, the capital projects we have going forward, to make sure that we have a good reserve there should we have a project that goes way over budget. But, we also have contingencies in all of those projects, so it's just a combination that we have to think about

and what would make the most sense, where we're not reserving too much, and we're not reserving too little. Does that answer your question?"

Councilwoman Jackson said, "I'm glad to know that we still have the opportunity to sort of think about it strategically knowing all the, well, I guess we know that we have unknowns, so I really like the fact that we do have some reserve."

Mayor Tecklenburg said, "Absolutely."

Ms. Wharton said, "We'll bring you something. When we can kind of wrap our heads around it a little bit more, we'll bring to you what we think is a good policy goal for this. Any other questions?"

Councilmember Waring said, "Thank you, Ms. Wharton. This is wonderful information for all to see. Thank you so much for your work on this."

Mayor Tecklenburg said, "If she may show us that slide regarding the Low Battery Seawall, we talked about it earlier, but I did want everyone to be aware of what we need to plan on for the next few years for that, as well."

Ms. Wharton said, "Did you want to go over the unfunded projects at all, Mayor?"

Mayor Tecklenburg said, "Sure. Just show them that list, if you would."

Ms. Wharton said, "These are unfunded projects that we actually have some costs assigned to. The Ehrhardt Street Tunnel, the two different phases of Dupont/Wappoo, Central Park Wambaw, and the Broad and Lockwood Wall. We've applied for the CDBG-R Grant for the Ehrhardt Street Tunnel. That's the amount we've applied for, and we're hoping that we'll receive those funds. I think we'll know in the Spring. Matt, tell me if I'm wrong about that, or maybe the Fall."

Mr. Fountain said, "Summer is probably the most realistic. They'll be meeting in the spring mostly to make decisions, and will probably have some more information by the summer."

Ms. Wharton said, "These are other projects that we talked about, or I guess have been mentioned, as well. There's a lot there, so I won't read every single one, but you can look at those."

Mayor Tecklenburg said, "I made the point yesterday, you all, that we'll look for every available grant and ultimate funding source as may fit any of these potential projects going forward, including TIF funding, if it's in the right area."

Ms. Wharton said, "This is what we were talking about. We're going to work with a financial advisor. We had met with them before, but they have a financial model that we go through, and we change scenarios and things like that, looking at stormwater fees and drainage millage and things like that and kind of go through it, add projects and take projects away, and then look at it for potential bonding and when we might need that bonding. So, we'll be doing that probably in April. We talked about having a combined meeting with Budget Ad-Hoc and Public Works."

The Low Battery Seawall, right now, these are the funding sources that we have. It's all mostly tourism funds for that, which we've been putting away for years now. We were able to

keep the \$5 million in funding in 2020. We don't have the full \$5 million in 2021, just because of the projected revenue decreases that we have. But, if we were to do better, we could allocate more in 2021. So, we'll have probably, we'll put the normal amount that we put away every year, we probably have a \$20 million funding shortfall by the time we would need to fund those other phases of the project, so we just need to find and discuss a different funding source, which could be a revenue bond, to handle that."

Mayor Tecklenburg said, "Any questions on any of these recent slides?"

No one asked to speak.

Mayor Tecklenburg said, "Alright, I think that was the last one, Amy. Thank you for pulling all that together. I think it really helps to compile all those projects, see the numbers, see that we can actually make them happen. \$188 million worth of projects underway now. We have plenty more on the drawing board that we need to fund, as well. So, lots of work to come before us. Back to you, Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. Mr. Fountain, can you touch on either the discussion on the Chapter 27 Stormwater Management or the priority that you'd like on the second item to be discussed?"

Mr. Fountain said, "Sure. Yes, absolutely, Councilman. So, I think, looking at the agenda, I'm going to slightly adjust the order for organizational purposes. We just discussed the drainage fund. The item after that was the Small Project Allocations. This item, we decided to hold off on for discussion until the next meeting. We had a pretty extensive duration meeting at this point, but I will be sending out a memo to all the Councilmembers with the current small project requests that we are aware of as a department to make sure that we're not missing anything that's been communicated to us over the year that we've either heard from Councilmembers, that we've developed internally, basically get that discussion going on 'here are our options for the million dollars of annual funding allocations for those small targeted projects'. We did have a little bit of discussion talking about that these are generally projects that are less than \$250,000, so we're able to accomplish a number of projects each year. The other two items, Item i and ii, were the discussion of the fill ordinance and the Stormwater Design Standards Manual."

Councilmember Waring said, "Mr. Fountain, if you could touch on the ordinance on [Chapter 27](#). We had a very good discussion on the ordinance that Councilman Griffin wrote, and it was a very fruitful discussion amongst members of Public Works. Mr. Fountain, you had a wonderful way of summarizing, I think, what you saw as being four major points."

Mr. Fountain said, "Yes. So, we did discuss the ordinance in great detail, and I think there were a lot of good suggestions made. Again, I think as we went through the discussions there was sort of a clear desire to see recommendations to further limit the negative consequences of fill that we're seeing, especially in Johns Island and Church Creek, which are kind of these origin points. But, it was brought up in the meeting that there may be other areas this would apply. Certainly James Island was mentioned, some of outer West Ashley other than Church Creek. So, the points we looked at were basically trying to find sort of short-term approaches from an ordinance standpoint that we could bring in and enforce or propose for Council to consider for enforcement to address these issues. We did kind of break out into a number of different options, Councilmember Waring, and one of them was a proposal to look at potentially setting up an ordinance to restrict the use of slab-on-grade foundation material within the flood plain because I think that's one area we've seen almost an incentive to fill or provide additional fill in these areas

for development. So, that's something that I think we could certainly consider and put together a recommendation for that. We talked about looking at the impacts of fill in the areas under six feet in elevation, which are sort of these regularly flooded areas that frequently act for stormwater storage and conveyance. That's something that combines well with the Johns Island Restoration Plan that the City is currently performing, which we've kind of touched on in Ms. Wharton's presentation and project updates where, basically, we have a National Fish and Wildlife Foundation Grant. We're working with components of the Dutch Dialogues Team. The Water Institute of the Gulf is also working on a comp plan with the Planning and Zoning Department to basically develop a more accurate map of where floodways and storage ways are on Johns Island, both natural systems or non-natural systems and modified systems, and basically identify those for preservation and characterization of impact. So, I think there's a way to incorporate those things together to try to focus on eliminating the impacts within that under six foot zone in those flood and storage areas especially, where there's really excessive sensitivity to impact, potentially, on surrounding properties.

We also talked about, sort of along those same lines, in the six to ten foot elevation range, trying to find a way to preserve, not just to eliminate fill, but to almost go more Dutch Dialogues than just the elimination of fill and find a way to preserve existing forest canopy, existing ground cover, and limit the impacts on the most sensitive portions of those sites. That's something that I think, again, we'd have a good synergy there, especially on Johns Island with the work that the comp plan is doing, and kind of the water plan research, and the work that the Stormwater Department is doing on the Johns Island Restoration Plan to try to develop an approach, whether it's a zoning approach or what the right approach is to limit that impact, whether it's clustering or some other type of conservation ordinance. Then, lastly, we mentioned, this one ties into the Stormwater Design Standards Manual, we did put a large focus on restricting and eliminating the negative impacts of fill in the new Stormwater Design Standards Manual, but it does not have much in the way of requirement on sites that are less than half an acre or on individual single-family homes that are constructed. So, that was something we also said that may be an opportunity to put more emphasis into the Stormwater Design Standards Manual which, we'll talk about in a second, is also due to come back to Council for consideration, that adding some level of requirement on those types of properties, as well. It was originally something that wasn't addressed in great detail. These are obviously lower cost development sites, generally lower levels of engineering that are put into those sites, and then there's always a trade-off of how much you drive up the cost of doing individual single-family home construction and small commercial sites versus the protection that that engineering provides. I think, especially in some of these sensitive zones, we're seeing more and more that these are still continuing to be problems where many other things have been address in the new manual. So, that's another area we discussed. I think Councilman Griffin was very firm in his advocacy for making sure this doesn't sort of get tabled and not seen again. So, we talked about potentially having bi-monthly updates to try to say, 'here's where we are on these ordinances, and here's where we are on these processes', so there's a clear continuity in the work that the staff is doing to prepare items for Council consideration. I'm going to pause for questions at this point because it was a long and thorough discussion. I tried to summarize it, but I certainly didn't capture everything that we talked about."

Councilmember Waring said, "Councilman Griffin, it was your item on the agenda. Do you want to--?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "It's obvious that there's a lot more work that needs to be done. We had a robust discussion at Public Works. Mr. Fountain and his staff are doing an

amazing job of balancing priorities all over this City. Church Creek is just one of many but, obviously, it's a big priority. I appreciate the support of all of you on Council to continue to make it a big priority. One thing that I promised my district was that we would find ways to alleviate flooding and find ways not to build in compromised areas, especially areas where Mother Nature needs to remain wet and not be filled in. I think that we're moving in the right direction. I really appreciate the robust discussion we had yesterday, and I would love it if we could keep this something that we could talk about every other month or so in Public Works, just to see where we're going and how we're going to tie in all of our amazing studies that we've done, as well as the comp plan, the drainage plans, and all of our Stormwater Design Manuals and everything. There are so many different moving parts. Plan West Ashley, I mean you could name projects and things all night long, but we've got to find a way to make all of these things work together, and I know that our Public Works Committee and all of the members of City Council and you, Mr. Mayor, and our wonderful staff will find a way to make all of these studies work well together. So, I look forward to that."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Okay. Mr. Fountain, is that it?"

Mr. Fountain said, "Just very briefly, Councilmember Waring, the only other item was the [Stormwater](#) Manual, which I briefly touched on, that we had discussed a process. When that Manual, just as a refresher, was first passed by Council, it went into effect July 1st last year, as it was passed, Council asked us to basically take it for a test-drive and sort of report back on what were the strengths and what were things that could still be improved in the manual, because there were some significant changes that were made. So, we talked in the committee about, again, I'll send out another memo about this to Council, as well, but to gather any input other than what we've already received from Councilmembers over the last six months or so. Basically, take that information, reconvene the Stakeholder Task Force that we used to draft the manual in the first place, which is a really diverse group of members that represent a kind of whole range of the different components of the industry, everything from developers, Councilmembers, attorneys, conservation groups, other regulatory bodies. But, it was really a good working group. Take those items back, kind of talk about them with the Taskforce, as well as some ideas that the staff has, hear from the Taskforce itself, as well, to see if they have recommendations and then bring back a report on that information to the Committee. I don't think we're going to get, again, a firm single recommendation from the Task Force. It's a very diverse group of stakeholders, but talking about the pluses and minuses they're seeing from the different points of view, I think, will have a lot of benefit. Then, we can make recommendations based on that information at the Public Works and Utilities Committee if revisions are needed or recommended to the manual for Council consideration and updates to that ordinance."

Councilmember Waring said, "Thank you, Mr. Fountain. With that, we just had a good discussion on the update of proposed revisions of the Underground District Ordinance. So, that's going to be coming in the future to Council for a vote. Councilmember Shealy."

Councilmember Shealy said, "Councilmember Waring, thank you. I just want to be clear, we are not voting on this ordinance tonight for the fill for Church Creek. Is that correct?"

Councilmember Waring said, "We are not. It was discussion, to be continued."

Councilmember Shealy said, "Okay, thank you."

Councilmember Waring said, "Thank you. That's the extent of the report, Mr. Mayor."

Mayor Tecklenburg said, "Any additional questions or discussion on any of those matters?"

No one asked to speak.

Mayor Tecklenburg said, "That's right. On the ordinance, we agreed to continue our discussion, as it was evident there are many different ways we're going to be addressing the issue that Councilmember Griffin brought up of fill and build, as Mr. Fountain just described. I think we'll do more than coming back every other month. We'll be having things from those four different action items from time to time often going forward."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I know that we're sort of closing up all of these really meaningful topics for stormwater. I'm not on the Public Works Committee, but I am a groupie, so I watch. I just want to be on the record that, even though we knew ahead of time that this ordinance was going to need some changing and some adjusting and maybe some work to make sure that it wasn't creating inconsistency or conflicts in other parts of our land use code or the stormwater manual itself. If we were going to vote for a first reading tonight, I came prepared to vote, as long as Councilmember Griffin would agree to amend the document to include, what I've long considered to be, the twin sister territory of Johns Island, especially on the Burden Creek/River Road area as it touches the Stono. The lower part of James Island is equally at risk and in need of protective development measures. So, I came prepared to vote 'yes' to start a first reading process. I appreciate that we're not going to be doing that, and I thank Councilmember Griffin for being gracious to give way to all the further considerations that were beginning to be discussed at Public Works yesterday. But, I think we need to keep the pedal to the metal. I think we're all going to be very impressed once we see the results of the water study that was done as a companion to the Comp Plan that blends right in with the Dutch Dialogues, obviously. I think we need to take that responsibility and run with it. Thank you."

Mayor Tecklenburg said, "Thank you. Alright. Madam Clerk, do we need to just take an action on this Committee report, or did we vote on the things that required voting?"

The Clerk said, "I don't believe so. I think we already voted on the Resolution, and that was the only item that required a vote. Everything else was just sent for information."

Mayor Tecklenburg said, "Great. God bless. Thank you. So, next up will be our Committee on Public Safety."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor, members of Council, Madam Clerk. The [Public Safety Committee](#) met at 1:30 this afternoon. We received from the Charleston Police Department the final report on the After Action Report following the May 30th and 31st riots of 2020. I can just go through this real quickly to give you the highlights of this, and if you want more details, we can provide that to you. I'll tell you this, the Committee received a preliminary report on October 8th of last year and then again on October 28th of last year. We asked the Police Department to

come back with some additional information, in particular to engage in the community as to damages and their experience with having to go through this riot, particularly on the night of May 30th. We received an update on the number of arrests, disposition of those arrests. From the May 30th event, there were 35 arrests made on 104 different warrants, and on the May 31st date, there were 46 arrests based on 52 charges.

The other information we got was on the damage assessment. There were 136 visual surveys of properties along upper King Street, lower King Street, Market, Queen Street, Meeting Street, and west of King Street. The majority of the damage that those establishments suffered were restaurants, bars, convenience stores, hotels, galleries, tobacco shops, shattered glass, broken windows, graffiti, and fire. We received an update and report about the fire damage. There were 22 fires, and 20 of those were confirmed as being intentionally set. Two were of unknown origin. There were 13 building fires, and the rest were a variety, vehicles, dumpsters, and miscellaneous. Based on the fire damage, the property damage was estimated at \$2.2 million, content was around just under \$1 million. The estimate of the property saved or protected was over \$24 million, in contents over \$3 million. In the police incident report, there was a total of 104 incident reports of property damage, including burglary, vandalism, arson, beating motor vehicles, and ATM machines.

Since the report was issued, and I know I'm going through this pretty fast, so you all tell me to slow down if I'm going too fast for you all, but since the May 30th riot, from July 9th to the end of the year, there were a total of 89 parade permits issued. We received responses from 28 individuals who contributed and provided some specific comments as to their experience dealing with this. Some of them are very moving, if you read them in the report, folks who were in restaurants or bars who were in great fear of their life and safety. I will tell you that the report, while it is in its final stage, is a breathing document. The police have made certain adjustments that they needed to address, it is something that they will learn from and move forward with. That is a quick, reader's digest version of all of that. Ms. Mulloy is on the line. Chief Reynolds is on the line.

The one thing I do want to emphasize, that came out very clear with all of this, was the high level of cooperation between the Police Department and the Fire Department. The way that it should be and the way that it should always be, as how they are working together. These men and women, their lives and safety were on the line in protecting our community and putting out these fires. Also a high level of cooperation with other law enforcement agencies out there. There is a lot of work that has been done, and I think the Chief will agree with me, that will continue to be done in developing relationships with our stakeholders, our citizens, our business owners, our property owners, and our visitors to the community. That is a snippet of an 84 page report that I think I just handled in about 3.5 minutes. So, Chief and Heather, you all are on the line, you all have been sitting around very patiently, listening to this. I want to congratulate them on a job well done and the 3 Captains who were a part of this, thank them very much for their role. I'm available for questions, and the Chief is available for questions, and I think Chief Curia is also online, as well. So, the three of them are here if we have any specific questions for them."

Mayor Tecklenburg said, "Thank you. Any questions or comments from Council? We will, of course, forward you the report, if we haven't yet. And I do think that the motion from the Committee, Councilmember Shahid, was to recommend the acceptance of the final report."

Councilmember Shahid said, "That's correct, Mr. Mayor."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any further discussion? Questions?"

No one asked to speak.

On a motion of Councilmember Shahid, seconded by Councilmember Mitchell, City Council voted unanimously to accept the Committee on Public Safety's After Action Report.

Mayor Tecklenburg said, "Thank you, Chief Reynolds and Heather and Chief Curia for your work on this final report, which was said, not only talks about the events of last May, but also the lessons learned and the improvements going forward and command control communications and the other areas that they identified in the report, so thank you very much. Next up is our Committee on [Ways and Means](#)."

Councilmember Gregorie said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any discussion? I do want to confirm that it does include the amended agenda of the inclusion of the lease with MUSC for our COVID vaccination spot there at 180 Lockwood. Any questions?"

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

(Bids and Purchases

(Parks-Capital Projects: Approval of International African American Museum Professional Services Contract Fee Amendment #8 with Moody Nolan, Inc. in the amount of \$212,340 for additional design services requested by the IAAM that affect the base building design and exhibitory changes. Funding for this item will be coming from the IAAM. Approval of Fee Amendment #8 will increase the professional services contract by \$212,340 (from \$11,237,677 to \$11,450,017). Funding sources for this project are: Accommodations Tax (\$13,200,000), Charleston County Accommodations Tax (\$12,500,000), State Funding (\$14,000,000), IAAM Contributions (\$53,000,000).

(Parks-Capital Projects: Approval of International African American Museum GMP Change Order #7 with Turner Construction Company in the amount of \$103,721 for the Exhibitory Track Light Fixture Reconciliation. The track head lighting was removed from the GMP during value engineering and the IAAM has requested they be added back into the GMP. This will be funded from the Master Project Contingency. Approval of Change Order #7 will increase the Guarantee Maximum Price (GMP) Contract by \$103,721 (from \$58,892,872 to \$59,225,743). Funding sources for this project are: Accommodations Tax (\$13,200,000), Charleston County Accommodations Tax (\$12,500,000), State Funding (\$14,000,000), IAAM Contributions (\$53,000,000).

(Parks-Capital Projects: Approval of International African American Museum GMP Change Order #8 with Turner Construction Company in the amount of \$247,815 for the cost of installing new electrical conduit and conductors from the new transformer to the Concord St. Pump Station. This will be funded from Master Project Contingency. Approval to Change Order #8 will increase the Guarantee Maximum Price (GMP) Contract by \$247,815 (from \$59,225,743 to \$59,473,558). Funding sources for this project are: Accommodations Tax (\$13,200,000), Charleston County Accommodations Tax (\$12,500,000), State Funding (\$14,000,000), IAAM Contributions (\$53,000,000).

- (Traffic and Transportation: Approval of a Financial Participation Agreement between the South Carolina Department of Transportation (SCDOT) and the City of Charleston for the intersection project/systems upgrade at SC 171 (Folly Road) and S-931 (Yeamans Road) and Formosa Drive in the amount of \$150,681.
- (Request approval for the Mayor to execute the attached Easement between the City of Charleston and Dominion Energy South Carolina, Inc., whereby the City grants to Dominion a right of way as shown on the attached drawing in order to relocate overhead electric lines to underground lines. The property is owned by the City of Charleston. [Stoney Field (Fishburne St. and Hagood Ave.) TMS: 460-00-00-007] (Ordinance)
- (An ordinance authorizing the Mayor to execute on behalf of the City a Quit Claim Deed and any other necessary documents, approved as to form by the Office of Corporation Counsel, to Quit Claim a portion of Floyd Drive, as shown on the attached survey to the record owner(s) of Charleston County TMS # 301-00-00-795, subject to any and all easements and utilities and further subject to the conditions set forth herein.
- (Consideration of Memorandum of Understanding and Limited License Agreement between Medical University Hospital Authority and City of Charleston for use of a portion of 180 Lockwood Drive building to accommodate a COVID-19 vaccination site (To be sent under separate cover by the Legal Department) (Executive Session in accordance with Section 30-4-70(a)(2) to receive legal advice regarding the Charleston School of Law transaction. (Discussion will be deferred to the Ways and Means Committee.) (Legal Department: Executive Session in accordance with Section 30-4-70(a)(2) to receive legal advice regarding the Charleston School of Law transaction.

First reading was given to the following bills:

An ordinance authorizing the Mayor to execute on behalf of the City an Electrical 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. 460-00-00-007, within the right of way shown on drawing C-83916, to permit installation of transformer, related undergrounding and maintenance upon such property.

An ordinance authorizing the Mayor to execute on behalf of the City a Quit Claim Deed and any other necessary documents, approved as to form by the Office of Corporation Counsel, to Quit Claim a portion of Floyd Drive, as shown on the attached survey to the record owner(s) of Charleston County TMS # 301-00-00-795, subject to any and all easements and utilities and further subject to the conditions set forth herein.

Mayor Tecklenburg said, "Next is our bills for [second reading](#)."

Councilmember Mitchell said, "Move for approval. 1-5, with number 5 being amended."

Mayor Tecklenburg said, "Correct. We have Items 1-5, with 5 as amended. Do we have a second?"

Councilmember Shahid said, "I second."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Sorry to interrupt. I have to recuse myself from Item number 3 involving LowLine Housing LLP Inc. due to a conflict. I just want to note that on the record."

Mayor Tecklenburg said, "Thank you."

Councilmember Appel said, "Sorry to slow that down."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Just as I did last time, I'm going to vote 'no' for number 5, but I'll vote 'yes' for the others."

Mayor Tecklenburg said, "Alright. Thank you. Any other questions? Comments?"

No one asked to speak.

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

- 2021-019 -** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2181 WAPPOO HALL ROAD (0.37 ACRE) (TMS# 343-01-00-032), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11. THE PROPERTY IS OWNED BY HURLEY LIVING TRUST. (RECEIVED FIRST READING ON JANUARY 26, 2021)
- 2021-020 -** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY OF CHARLESTON ("CITY") THAT CERTAIN GOVERNMENTAL REAL ESTATE LEASE TO MEDICAL UNIVERSITY OF SOUTH CAROLINA ("TENANT"), FOR 1,143 PARKING SPACES AND A COVERED BUS SHELTER LOCATED AT THE SOUTHWEST CORNER OF FISHBURNE STREET AND HAGOOD AVENUE, KNOWN AS THE FISHBURNE BALLPARK PARKING LOT.
- 2021-021 -** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY OF CHARLESTON ("CITY") THAT CERTAIN OPTION TO LEASE TO LOWLINE HOUSING, LP, INC. ("TENANT") THE CITY'S REAL PROPERTY, CONTAINING 0.708 ACRES, MORE OR LESS, AND DESIGNATED AS CHARLESTON COUNTY TMS NO. 460-04-04-118, UNDER WHICH THE TENANT WILL DEVELOP A MINIMUM OF 55 AFFORDABLE RESIDENTIAL RENTAL UNITS.
- 2021-022 -** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2182 PARKWAY DRIVE (0.20 ACRE) (TMS# 343-01-00-144), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11. THE PROPERTY IS OWNED BY PETER DEEN AND LEIGH MENDELSON WHEY.
- 2021-023 -** AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, BOARDS AND COMMISSIONS TO CREATE A NEW DIVISION TWELVE (12) TO BE TITLED AS "CITY OF CHARLESTON'S ARMY CORPS OF ENGINEERS 3X3 FLOOD

PROTECTION STUDY CITIZEN AND BUSINESS ADVISORY COMMITTEE”
AND KNOWN AS THE ARMY CORPS 3X3 ADVISORY COMMITTEE. (AS
AMENDED)

The vote was not unanimous. Councilmember Griffin voted nay on Item L-5. Councilmember Appel recused himself from Item L-3 and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.

Mayor Tecklenburg said, “So, finally we have a bill up for [first reading](#) that was a result of the small Ad Hoc Committee that discussed bringing forward a code of conduct for Council. Councilmembers Appel and Delcioppo, whoever wants to take the lead on this.”

Councilwoman Delcioppo said, “I think I was given that great honor. So, the Code of Conduct Ad Hoc Committee, we met on Wednesday, February 17th, and I want to thank my co-chair, Councilmember Appel, and our fellow Committee members, including the Mayor, Councilmember Seekings, and Councilmember Shealy. Working through this, and with the help of Chip McQueeney, we feel tying our oath of office to a code of conduct provides more seamless integration and consistency, so that what we agree to that when we step into office, we agree to that throughout our duration in office. We’re all playing by the same rules and us elected to office, as well as the public, have one clear piece of communication with which to refer. This also provides us a direct path to handle situations that might arise deemed to be in violation of our oath of office. We felt it also eliminated the potential for what we most feared, which was elected officers kind of having it out for each other and bringing forth any violation they could muster, even something as benign as being a minute late for a meeting or speaking to a staff member as opposed to a department head and thus us having to trigger lengthy and time-consuming processes, potentially calling witnesses, etc. So, I think, and all of us agree, that it’s important to note that while certain speech and affiliations may be found in violation of our oath, we need to keep in mind to hold equally, if not more so, when an elected officer violates the law and is found to have done such. We believe that with this code of conduct, integrating our oath of office, we create a more level playing field and a process in which to investigate all matters which threaten the sanctity of our office. With that, I will entertain a motion to approve the code of conduct.”

Councilmember Gregorie said, “Question.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg said, “Was that a motion?”

Councilmember Gregorie said, “I said, ‘Question.’”

Mayor Tecklenburg said, “Yes, sir. I was just seeing if we were going to get it on the floor for discussion. Is there a motion to approve?”

Councilmember Shahid said, “Yes.”

Mayor Tecklenburg said, “And a second?”

Councilmember Appel said, “I’ll second.”

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I read it, and it raised some questions in my mind. It takes three Councilmembers, right, in order to determine whether or not someone intentionally did something. Because I think that's the terminology. I just don't see how three Councilmembers can determine someone's intent. The second part of it is I don't see anything that says 'shall' in here at all. Everything is 'may.' And finally, I'm not sure whether or not I think we already have those authorities under current ordinance. If you go to the same division, and you read through section 2-20, which is grounds for forfeiture of office, are we suggesting that the code of conduct is any different? And if so, how? Under current rules of Council--"

Mayor Tecklenburg said, "Could we pause you there and answer what you've got on the table so far? And if I may, Councilwoman Delcioppo, call on Chip McQueeney to respond to those questions."

Mr. McQueeney said, "I think the three Councilmember requirement would be required if the Mayor or Mayor Pro Tempore, if there's a violation and somebody raises it, honestly, it's a variation of Robert's Rules, but if somebody raises it, it first would be referred to the Mayor, or the Mayor Pro Tem if it is the Mayor, for the internal conversation, or the Mayor or Mayor Pro Tem could recommend appointing a committee to investigate or sanction him or herself. The second level, if you wanted it to go to full Council, was to have three Councilmembers almost like sign off on the bill to raise the issue to Council, in which case City Council would then take action and would do what it is supposed to accordingly. Section 2-20 is really a forfeiture provision. This is just censure. I did not include forfeiture as a penalty in this. I think, the big issue for me was something less than forfeiture, I guess."

Councilmember Gregorie said, "Chip, let me raise a question. We already have the authority to do that as a Council. My concern is we're giving up our authority to the Mayor or Mayor Pro Tem to make a decision that we already have the authority as Councilmembers to do, with or without going to the Mayor or the Mayor Pro Tem. We already have the authority to vote no confidence, if we wanted to. All power lies in Council, and where I get a little confused with this code of conduct is three people can determine my intent. How could they? Based on what?"

Mr. McQueeney said, "Evidence of intent. I do that all the time."

Councilmember Gregorie said, "How could my fellow Councilmembers determine intent? Because that is the test. That is one of the tests in this code of conduct."

Mayor Tecklenburg said, "Pardon me, Councilmember, but the version that I have just simply reads that no action is taken by the Mayor, Mayor Pro Tem. Three Councilmembers may raise the issue to Council in a public meeting. That doesn't offer any judgement."

Councilmember Gregorie said, "But I thought that the three can go to you, right? And you can make a recommendation. That's an option, or they can go to the fully body. Am I correct with the issue?"

Mr. McQueeney said, "Any one Councilmember could raise, so under Robert's Rules now, for something that takes place in Council, not for something that takes place outside of Council, any Councilmember could raise a point of order, and the Mayor would rule on the point of order. If the Mayor had a conflict or wasn't there, the Mayor Pro Tem, or whoever the presiding officer would be for the Committees, would rule on the point of order with an appeal available to full Council. In order to censure or address something that somebody does outside of Council chambers, you basically have to have a trial style hearing, which is set forth in the forfeiture

ordinance. It's the same thing. You have to bring witnesses in if it's not based on Council's personal knowledge. You have to deal with it by basically affording a trial. This ordinance would change the Robert's Rules process in a couple of ways, the first being that any single member could raise it as an issue, in which case it would be referred to the Mayor or Mayor Pro Tem. It is certainly not my intent, and I'm happy to redraft it in any which way to cut out City Council doing whatever they want to do. I think, during the Committee discussion, it was suggested that we have some additional amount, not just one Councilmember to sort of raise the issue of censor or loss of seniority type hearing. And I think Councilwoman Delcioppo explained it best, that you can see how that could turn into a situation where there would be a lot of time spent on those types of hearings at the request of a single Councilmember. And then the super majority vote thing was the same thing. It was not originally written that way but I think the Committee, during its discussion, thought that we don't want just seven members who have got it out for one member to be able to censure or remove that member from a Committee. That was the entire thinking behind what is before you now."

Councilmember Gregorie said, "Okay, so internally, just bear with me, we're really talking Robert's Rules of Order? Basically. But what about outside? If something happens outside of Council? Does this apply to that at all?"

Mr. McQueeney said, "Yes, sir, it would."

Councilmember Gregorie said, "So two or three Councilmembers can determine someone's intent for an action that they took outside of Council?"

Mr. McQueeney said, "No. They would be accusing or raising the issue, in which case it would trigger a hearing before the full Council to determine intent. So full Council, by $\frac{3}{4}$ vote, present and voting, not all Councilmembers, I know we had that issue a couple years ago, but $\frac{3}{4}$ of all members present and voting would have to find that there was an intent there in order to trigger the penalty and to apply the penalty."

Councilmember Gregorie said, "And none of that is covered under decorum?"

Mr. McQueeney said, "There are specific things that are covered by decorum, but not the oath, specifically. You know, I wrote, and I'm sure several of you looked at it, I wrote like a 5 page ordinance that listed specific things. My recollection is that, I don't know if it was the Committee or who it was, but there was concern that if we were naming so many things you were going to have to look for a specific accusation versus something more general, not too general, but more general, like the oath of office. I think the question was what language to use in finding a general standard, and we went to the oath of office, which the first half is prescribed by the Constitution, the second half is subscribed by State statute, so that's taken care of."

Councilmember Gregorie said, "So we'll be able to determine if someone is not carrying out their oath of office?"

Mr. McQueeney said, "Yes, sir. Well, that would be up to Council. Yes, sir. I mean, if nobody raised it, nobody raised it, but this would be the process if somebody raised it."

Councilmember Gregorie said, "There have been things that have happened in the past that I think has broken a person's oath of office. But, okay, I'll leave this. It's time for other people to speak."

Mr. McQueeney said, "I don't have any comments on that, Councilmember."

Councilwoman Delcioppo said, "Just to piggyback on what Councilmember Gregorie just left us with, that's exactly what we're doing here. We're trying to give ourselves a process by which to carry through, you know, if we believe a violation has occurred, a violation of the oath of office has occurred, this gives us a process to carry through to find if a violation did occur. We didn't have a process before, so things might happen and just kind of got tossed aside, whereas this gives us a more defined way in which to handle occurrences. That's our goal. Now we may need, you all may find we need to tweak the language some in order to make that happen better, but I think that's our intention here, to make something that's even across the board, that everyone is held accountable to."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I just want to ask a quick question. Chip, you know we are governed under Home Rule. Under Home Rule, have they checked to see exactly what's under Home Rule about what could be done in so far as this is concerned? Because being elected officials is no different than being appointed to office. Because Home Rule is already set that we fall under."

Mr. McQueeney said, "Yes, sir, and I wrote in the ordinance a section that basically says this doesn't trump any other state ethical laws. There are some local ordinances that might apply in certain situations, and there is certainly the forfeiture of office statute that may apply in some circumstances. I think Robert's Rules has some substantive provisions, but Robert's Rules, the process really presupposes that the bylaws of the organization set the standards that would be violated before that process is triggered. So, the code of conduct, the violation of the oath itself, is important in that Robert's Rules really wouldn't serve that purpose in and of itself. I answered like three questions at the same time."

Councilmember Mitchell said, "Right. I'm confused, I'm telling you."

Councilmember Gregorie said, "Very confused."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Mr. Mayor. Thank you, writing task force, and Mr. McQueeney. I would like to know, was there any discussion, or how do we determine and define when representing the City in agreeing that we're going to follow our oath of office?"

Mr. McQueeney said, "Yeah. There are specific standards in other cities' sort of code of conduct itself about delineating when you're representing the City and when you're not. You almost have to have permission to represent the City, but again, I think the process is set up so that those are findings that have to be made by City Council. That evidence has to be one person can accuse, but to get it to a hearing, three people can accuse, and then it's up to full City Council to hold the trial and to actually make those findings based on the evidence submitted during that trial, which is like what you have during a forfeiture hearing. That contemplates a trial style hearing, and that's just a due process pretty much."

Councilwoman Jackson said, "On the basis of what you just said, Mr. McQueeney, there's a very narrow definition then of when we're representing the City, that this whole procedure would apply to? I'm not really getting..."

Mr. McQueeney said, "I think it depends on the circumstances really. You know, there's an argument that a City Councilmember, I mean, I rarely see a City Councilmember appear and not be appearing as a City Councilmember. I don't want to say that's always the case because there are certainly other organizations that you belong to, but it's really about making that representation and that you're appearing in that capacity. As a representative not just of the City, but as a Councilmember, wearing your Councilmember hat. That's just hard to deal with in any situation when you're talking about scope, which hat you're wearing, what I call it when you're acting."

Councilwoman Jackson said, "Well, would that apply, and I'm not trying to get you on the hot seat or anything, but would you say, overall, that that would apply to our use of social media when we're representing ourselves as Councilmembers on our Facebook page or some other social media production, that if it's known that we're writing as a Councilmember, would that be an example of we're still representing the City?"

Mr. McQueeney said, "This is sort of a lawyer going, my problem is I would want to get into the facts. What are the circumstances? You set it up, you're writing it, is it Councilmember so and so, or is it just so and so? The fact that you are a Councilmember doesn't necessarily mean that you're representing the City, but there are certain things that people do where they're clearly doing it as a Councilmember, and there are other situations where they're not. I just think that's going to turn on the circumstances of each individual case."

Councilmember Waring said, "I disagree with the ordinance, and let me tell you why. It's definitely anti-minority. It doesn't matter if you're the only Jewish member on this Committee or the African-American. I said 'Committee,' I apologize, 'Council.' There was a time when this Council was 50-50, at 50% African-American and 50% majority. The demographics moving as it is in the City, I don't know with the districts being redrawn, we may end up with 2, maybe 1 African-American on this very Council that you all serve on come next January. I hope that's not the case, but it could be the case. So when you get a Councilmember, I'll use myself as an example, that pushes against the norm, just as I did with the LowLine thing, that's not a popular thing to do. When you take something that's popular and push against it and ask for accountability among a group of people who certainly see themselves as accountable, maybe not in the light that we look at it from transparency, spending, and tax payer dollars, but there are those people, and I know there are, in the sense of the process we have to go through, the bid process, the checks and balances that we take for granted to be the process. I think when you have public servants, certainly you don't do this for the money, you do it because it's a high calling, and you want to give back to your community."

There are a number of times, and I'm going to use some past things. I'm going to use the Mayor as an example and Councilmember Griffin and Councilmember Brady, and I'll tie it back in and show you how positive things can be. When the issue came up with the Probate Court and with Mayor Tecklenburg and the lady he was trying to help as a family person with her finances, errors were made. The judge actually removed him. There wasn't one discussion on Council about that. There was no motion brought to Council on that. The Mayor put out information, explained himself, and yes, he was removed, stepped down, whatever combination. We could have put a motion on the floor of no confidence. As a matter of fact, I'm going to tell you the quality of the people on Council. We had two people on Council that actually ran against the Mayor. Did they use that as fodder at a City Council meeting? They came to City Council meetings to do the people's business. They didn't put a motion on the floor to try to embarrass the Mayor. You'd be surprised how many of us have talked to people, particularly in the African-American community

and given additional explanation that the Mayor doesn't even know about when we stood up for him, in that regard. My wife's best friend in life is the godchild that Mayor Tecklenburg had on his radio commercial. We did not demean the Mayor at Council.

Councilmember Griffin made a mistake. He's apologized for it. He's certainly paying for it every meeting at Citizens' Participation, where members of the public come to admonish him. He apologized to his district. He apologized to all of us. And, yeah, this will lead us to knee-jerk government because I would believe if we had something like this in December, we probably would have had three people go to the Mayor and already had a Committee set up and would have had that tough conversation instead of doing the people's business. That's what we get elected to do, to do the people's business, not get in arguments and ugly conversations with one another. Councilmember Brady made an error. He owned up to it as a man. He owned up to it in the community. He apologized. He didn't stretch it out two years and go to court at 4:30 on Friday when nobody was paying attention. This is the first time he's hearing this. I respect the intentional fortitude that he stood up and said, 'I was wrong, and I'm going to take corrective action.' And he's doing that. He's apologized to his people. It wasn't necessary for him to apologize to us. He comes here, and he does his work on behalf of his people. We didn't besmirch him.

This is going to lead to, instead of decorum, listen, we have harsh debates on the pros and cons of the issues, and that's fair. The way that this is going to be done, this is going to be used to smear somebody, eventually, and used as campaign fodder in a campaign. Campaign times will come. We don't need to extend the political campaign to the public square of City Council. One of the best things of citizen representation is local government. You cannot go to Washington D.C. to get your ditch cleaned. You can't go to the U.S. Senate to get your trash can. I think this is a knee-jerk reaction. If we break the law, the government steps in. State law takes care of that, so we don't need to take care of it. And if we haven't broken the law, and we broke the faith with the public, if you look at the organization of the charter of the City, it says citizens, City Council, and the Mayor. This is the reason why it's that way. We're responsible to all the citizens. They put us here. The reason Council comes next is because it takes a quorum to conduct the City business. And then the Mayor's Chief Executive Officer and anyone else who answers to him goes through that flow chart. We're getting away from that. We're really getting away from that. We could have had a vote to admonish, to denounce, to whatever we want, to the Mayor or to Councilmember Griffin or to Councilmember Brady, but you know what? At the end of the day, we all, none of us on these seats, these seats belong to the people, and we get a performance review every four years. The Mayor came and explained himself, painful as it was, and you know what? The people gave him another opportunity to serve as Mayor. They didn't come back and say, 'We need to have a referendum. We need to have a code of conduct.' They didn't do that. And, you know, we didn't do that.

We've been a City for 350 years through the Middle Passage, slavery, Jim Crow, and the Civil Rights movement, and here we are today, and we didn't have that code of conduct. We operate by Robert's Rules of Order, Councilmember Mitchell mentioned Home Rule, and certainly, State Law. I think we've done quite fine for those 350 years. I just think this is going to be used as campaign fodder. I think we ought to be better than that. Councilmember Shahid, you've heard me say that, and sometimes we kind of played tennis back and forth. We're the #1 City in the State of South Carolina for a reason because we've had continuity, from one form or another, for 350 years. We're leading right now with the creation of affordable housing because of that continuity. And as far as white supremacy, and I know there are others listening out there who will certainly bombard me on that, when it comes to affordable housing and that almost \$200 million that we didn't talk about right away, that was above the fold in the Sunday paper, showing all those nice developments. It wasn't a dissention on that, it was unanimous. These drainage projects have been unanimous. When it comes to doing the work for the people, we've done

things primarily in unanimous ways. There are exceptions here and there, but when people show intentional fortitude, own up to the mistake, learn from the mistake, and move forward. Again, I used the Mayor, I used Councilmember Griffin, I used Councilmember Brady for his intentional fortitude. I've certainly made mistakes, and I will make mistakes in the future. I certainly hope the people who serve, who have been given the privilege to serve, who take the higher-lever, who take the broad aspect of it, and not take knee-jerk reaction, we pray at every meeting."

Mayor Tecklenburg said, "Thank you, Councilmember Waring. Appreciate your comments."

Councilmember Waring said, "Listen, Mayor, it may pass, but I'm not voting for it. I think it's the wrong solution."

Mayor Tecklenburg said, "Understood."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor, Council, and Madam Clerk. Many years ago, one of my dear father's friends, who has gone to heaven, came up to my father and said, 'You know what, Albert? Catholics cheat.' My father got very upset with that comment. He said, 'You Catholics have got this thing called a confession that you get to go in, see a priest, and come out clean.' And that's true. A lot of religions have something similar to that, that we make mistakes, and we can be absolved of those mistakes by asking for forgiveness. And it's a beautiful sacrament that we practicing Catholics have available to us. Unfortunately, the code of civility in this Country, in this State, and in our community has eroded. I've been a practicing lawyer almost 40 years, and I can tell you that the institutions of our judicial branch encourage, promote, and police ourselves to ensure that we act in a way that is civil. Whenever I appear in front of the Fourth Circuit Court of Appeals in Richmond, Virginia, and you present yourself in oral argument, the judges of the Court of Appeals often come down off their bench and shake our hands. They come down off of their perch to tell us folks who are presenting in front of them in a heated debate to shake our hands. That's done with a purpose, to remind ourselves that in spite of our heated arguments and our heated debate, and while we take polarizing positions, that at the end of the day, we are a civilized society. Unfortunately, that has eroded. And I'm not trying to single out any particular act or individual or anything of that nature. It is a national problem. It is a local problem.

Our citizens, as Councilmember Waring has accurately pointed out, we have a performance review every four years. But once I take the oath of office, I am never not a member of City Council until my term of office expires. I am a member of City Council 24 hours a day, 7 days a week. I have to now govern myself, I have to now police myself, I need to now act in a certain way that represents the City of Charleston and my constituents and my community 24 hours a day, 7 days a week. I am never off that clock. Police officers and fire fighters are never off that clock. Members of our staff are really never off that clock either. When we act in a way that can be construed as inappropriate, we are always representing the City. Always. And if you act outside of that boundary, then we are called to be accountable for that. We are civic leaders. We are community leaders. And our constituents, our community, demands that we act in a certain way, and when we go outside of that, they demand that we try to police ourselves and correct that action. I don't want this code of conduct to be used as a sword. I want it to be used as a shield for us to be able to understand that we have a higher calling and a higher responsibility to conduct ourselves in a particular manner. And if we can't do that, then we have forfeited our trust among our community and our trust among our colleagues. We have every right among ourselves to disagree on issues, and we do that, quite frankly, and I think we do that quite well. But we don't have to be disagreeable in the process of doing that, and this code of conduct

provides a very narrow perimeter, a very narrow border, a very narrow set to tell us that we have a certain responsibility. It's a reminder, quite frankly.

I wish we didn't have to do that because, as Councilmember Waring has pointed out, in the 350 year history of this community, we didn't have to have this before. But events have changed in this global world of ours because now the world has shrunk from digital communication and social media and everything else. It has shrunk, and because of that, things travel faster and more quickly and people can comment about one another in a way that we were not accustomed to 350 years ago. I'm sorry we have to debate this. I'm sorry we have to bring it up, but we do. It's, to me, not a haphazard reaction to something or particular sort of circumstances that have occurred. It is an accumulation of things that we need to be addressing. I think the ordinance should be tightened up a little bit. I think it can be clarified a little bit because I get somewhat confused, as Councilmember Gregorie has pointed out. But at the end of the day, I think we have to show the world that we are a light, we are a beacon, that we're going to hold ourselves accountable, and we're going to hold ourselves responsible to one another. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. And thank you, Councilmember Shahid, for those strong words. I think you stole a little bit of my thunder there. I want to first give a shout out to my co-chair, Councilwoman Delcioppo, for her hard work on this. And she had the best idea ever on this, which was to take an 8 page code of conduct ordinance, which was really well written and a great piece of legal work, Chip, don't get me wrong, but to condense that down to about 1.5 pages or so. By pegging the standard to our oath of office, I think, was just a masterstroke. So hats off, Councilwoman Delcioppo, for that. Guys, this is about personal responsibility and checks and balances and accountability, and I want to just say something here to put things into context.

The United States Congress has a censure mechanism, the South Carolina General Assembly has a censure mechanism, local governments throughout the State of South Carolina have exactly what we're talking about putting in place. I'm shocked that we don't have something like this in place currently. Lawyers, lawyers for crying out loud, have a code of professional conduct where we can receive reprimands and all other sorts of discipline if we do something wrong, and it's not just stuff that rises to the level of disbarment where you're thrown out of the profession. I mean, if you act up during a deposition or you send a real nasty email to another attorney, you can be censured or reprimanded by the State bar. Surely the City of Charleston can hold itself to a standard higher than lawyers and politicians in Washington D.C. and Columbia, for crying out loud.

We absolutely can help hold ourselves to a higher standard. In other words, what we're proposing right now is not some sort of thing that we're making up that has no precedent. We're the outliers right now. We need to have a code of conduct. As additional precedent, while some other folks were chatting, I briefly googled two words: 'Charleston' and 'censure.' Here's what popped up: Tom Rice, United States Congressman from District 7, censured by the South Carolina State Republican Party for his vote to impeach Donald Trump. Our political parties are censuring people. The General Assembly just censured Governor Sanford back in 2010. I'm just reading off the Google results here. The Republican Party in Charleston County censured Lindsey Graham back in 2014 for being too liberal. They were going to censure him in 2021 for apparently not doing enough. I thought he did a heck of a lot for Trump. They ended up backing off that. This is something that's done. It's a way for a body or an organization to police its ranks, to set a

standard, to hold people accountable. This is about personal responsibility. This is about holding people accountable. It's not something that's completely foreign.

But that all being said, this is not what we all were put here to do. This is not stormwater. This is not affordable housing. That's important stuff. However, it's unfortunate. I share the regret and lament the fact that we're having to do this. But guys, we all went through last year, and there's no need to dredge up instances and things of that nature. But I want to say something about the slippery slope argument because that's a serious concern about this idea that this is just going to create this mechanism that people are pulling on the lever every time there's some petty disagreement and things of that nature.

First of all, we've put mechanisms in place in this ordinance to prevent that from happening. So, for example, there's an enormously high standard to actually convict and actually formally take an action. That's a $\frac{3}{4}$ vote of Council. That's 9 Councilmembers. I'm not great at math, but it's by my count because I'm assuming the person that's the subject is not going to be allowed to vote. That's a very high standard. I'd be open to an idea where it takes more than 3 to bring it on the floor. I think maybe a 50% vote to do it. It's just another mechanism to make sure that this power is sparingly used for those rare circumstances that arise from time to time. So, I'm all for that.

To just briefly touch on some of the examples that Councilmember Waring raised, you know, if you have a situation where someone does something wrong and is contrite about it and does the right thing, there's no way this process is going to be initiated, right? I just don't see that happening. Frankly, I think that contrition in a situation, you know, every case is going to be different, would be sort of a mechanism to take us off of this precipice. Here's the other thing, two more things, and then I'll stop. I know it's getting real, real late, but this is important and a lot of our constituents are looking to see what we do here. It is not a consequence free proposition to start taking shots at people on Council or the Mayor. You know, I wasn't on Council in 2018, 2019, but I was reading the paper about all these different controversies and things like that. A lot of people who were stoking those fires and championing and rallying those troops aren't around. They're not on Council anymore. If you pick fights like that and you spend a whole lot of time and energy and air space doing that kind of stuff, you better be prepared for the consequences from the constituents. In other words, there's going to be a check on us from doing this from our folks. If we go on, you know, just witch hunts and silly stuff about business cards and all this kind of stuff, if we start playing those games, there will be ramifications for us. That's one thing. Also, let's not act like there aren't already these sort of pot shots and things that are happening all the time on Council. This at least provides a mechanism. In other words, if you really do feel like a line has been crossed, don't Facebook about it, don't do something else about it. Come forward with it if you think it's a genuine thing. In other words, this provides a channel for getting real for allegations of wrongdoing and things of that nature. In other words, it serves as sort of a disincentive for people just to pop off from the sidelines. If you want to come forward with something, this is an actual mechanism to do it and have to stand behind it and be held accountable for it.

But listen, this is not stuff that gets me worked up and excited about code of conduct. I mean, I wish we could spend all of our time on the important issues, but I think this is an important thing to have, it's within the norms, and it's well within our authority to do this. This isn't about silencing or canceling people. Anybody can do or say what they please. It's just that this provides a mechanism for taking action if lines are crossed, and not just crossed, but I think the way that this is set up, it would really have to be an extraordinary circumstance for this whole machinery to be put into motion. So, I think the process can be improved. I'm going to vote to give it first reading tonight, but welcome all feedback on ways we can make this a better process. Thanks."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. I'm very in awe of the eloquence of my colleagues in speaking about this. I totally agree with Councilmember Shahid that we are who we are as Councilmembers 24/7. And I have always thought about this as an honor code. I went to a public college that that was the first thing you did. Your first day in freshman orientation, you studied the honor code, you talked about it in a small group, and then signed your name. It really, and then there's a council of your peers for when you violate your honor code. I think that's a very logical, I mean, most schools of any note have such a code. So, that's the way I've approached this from day one, and I really think that we can give it first reading in its existing language. I would like us to think seriously about taking off in section A where it talks about how we are going to operate in accordance with our members' oath of office. I would like us to delete the words "when representing the City." It was hard for Mr. McQueeney, who has been thinking about this a lot over the last two months, to really explain how we would be defining that. I think that could be a stumbling stone, and I think if we agree with Councilmember Shahid's reasoning that we are in office 24/7 for the four years that we are privileged to have been elected by our constituents, that we should not have any problem eliminating those words. Thank you."

Councilmember Gregorie said, "Mr. Mayor, please don't dismiss me."

Mayor Tecklenburg said, "I'm sorry? Come again?"

Councilmember Gregorie said, "I said please don't dismiss me. I just would like to say that this is a very slippery slope, guys. We won't be here always. What prompted this? What prompted the need for the City of Charleston to do a code of conduct? What prompted this? Let's just be honest with each other. I mean, why all of a sudden are we coming up with a need for a code of conduct? What prompted it? Why now? What happened? I mean, if we're being serious and honest with each other, what prompted it? Are we trying to get this for a specific person? What are we doing?"

I see you shaking your head, Councilwoman Jackson, but the question needs to be raised and discussed. What prompted this after 350 years? What prompted this? I agree with everything with regard to our responsibility. I think we always represent the City. Even when we think we're not, we are. I just think this is a slippery slope because right now three of us can get together and make some allegations about someone and it gets out in the public, it's over for that person. I'm just saying, we have to be very careful. I'm not going to support this. This is a slippery slope, and I think it requires much more thought than has been placed in it. You can call the question, Mayor. I think we're getting ready to go down a slippery slope. All it takes is three."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I'll answer your question, Councilmember Gregorie, because I watched the meeting. I didn't participate, but I watched along. It's intended at me. There were several references to December 5th, a rally that I was invited to, that I put out a letter about, that I did not attend. We have several members of this Council that actually marched in rallies on May 30th, and nothing was said about that because it's a right to assemble. Now I chose not to attend, and then when we had our next Council meeting, I started off the meeting with an apology. In the meantime, I was removed from Committees, I was removed off non-profit boards, and the community, at large, has been harassing me in several ways since. But the fact of the matter is,

none of you elected me to office, and I elected none of you to office. We have a code of conduct that is already in place, and that is that if we break the law, the government can remove us. Otherwise, we are elected by the people. By the people. I am going to support this because I took an oath of office the first day I was in office, and my oath was that I was going to protect my district through and through. You know, I'm not perfect. Neither are any of you. But the only people that put me in my seat is my district, and they'll have every right to decide whether they want me to remain in it or not in November of this year. And I look forward to taking my oath of office again next January. So, I'll support it because it's the will of Council. I don't think we should go back and put me on trial because I know that's what you want to do, Councilwoman Jackson. You talked about it even in the ad hoc. You talked about how we needed a mechanism to remove me from office. But that's just not going to happen. The only person who can remove me from office is Governor McMaster. Otherwise, we can put me on trial, and that's fine. We can try to embarrass me, that's fine. You can remove me from Committees, that's fine. But at the end of the day, the people that elected me is District 10, and they're going to be the ones that decide whether I want to remain or not. Thank you."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I'm going to be very quick. Mr. Mayor, I have been here for a while on City Council, and I don't see any sense in this code of conduct really. Ever since I've been on Council, even under Mayor Riley, we have known that the Governor was there. We were under Home Rule. We governed ourselves with Home Rule. We took an oath, and if we're going to take an oath, then we should abide by the oath. To me, everyone should do that in so far as they are concerned. I don't need something on top of that telling me to do this or that on Council itself. We know that we represent the City. We are always representing the City. I'm out there all the time. If they caught me on the corner talking to a drug dealer, they might come up one day and say that I'm selling drugs, too, because I'm on the corner with the drug dealers. What I'm saying is that we had a code of conduct that we put in place when I was on Council a couple of years ago when my good friend Councilmember Mallard was there. So, I don't know what happened to that code of conduct, but that was a code of conduct in so far as to how you should act in Council chambers. That was in place, and we voted on that, and that was put in place when I was there. So, this code of conduct they're talking about now has just got me a little, I just can't put my hands and fingers around it now. It's got me torn in pieces right now with that, and I don't think I can support it the way it is right now. I can't support it the way it is right now because ever since I've been on Council, ever since '97, and I was on for one term, I got off, and I came back on Council in 2006, never had these things gone on before. We had a lot of problems, but never something like this to put a code of conduct to tell me how you should act when you know how you should act because of your oath, on the bible itself. If you believe, and I believe, that's the way I carry myself because I believe in what I did, so I don't have to have someone tell me anymore because I know that the government is there. I know Home Rule is there. I'm governed under Home Rule. So, I don't think I need to go anymore with now. That's how I feel about it right now."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilwoman Delcioppo.

Councilwoman Delcioppo said, "I don't want anyone to feel like, and this was certainly never my intention as I was leading this Committee meeting, obviously, that I'm going to tell people what they can and cannot say, but my intention was never that this was directed at anyone specifically or about any specific circumstance. I think the way that I look at it is we took an oath

of office, and hey, in every profession out there, the vast majority of people are in it for the right reasons, but you know what? Sometimes you're going to have somebody with bad intentions. You know, you see it in every profession. You see teachers who do bad things, you see lawyers who do bad things, you see priests who do bad things, and there are politicians who do bad things. So, yes, us sitting here, that means something when we took that oath. Being elected to this office is the highest privilege ever of my life. This is for that crazy circumstance, and as I said and as Councilmember Shahid said, this is not a weapon. I don't want to use this as a way, and if this needs to be rewritten, fine, bring some directive to us, and I'm open to that. I'm not married to how this is written. I know Chip isn't either. None of us are. We're open to improvements and things that make it better, and, hey, listen, if it's cut the whole thing, that's okay, too. It's all okay, but I think that in a 24 hour news cycle that we now live in and social media, and we're just constantly bombarded, and people have asked us for this. The reason we're doing this is because it was asked of us. It was asked of us by those people who elected us which was how this discussion first came about, to the best of my recollection. I could be remembering incorrectly. So, I hear all the concerns, and they're valid, and we can certainly work through this, or we can can the idea all together.

Either way, who do we have to explain that to? We have to explain that to the people who elected us. You know, there are going to be people out there who say, 'why the heck didn't you vote for this? Do you not think that she should be held up to a standard?' and then there are going to be other people who say, 'why did you vote for this? Are you trying to nitpick at each other?' Whatever you do, 50% of the population doesn't like you. So, I think, when I look at my intention, as I was coming to this to get us all on the same playing field. If there's unintended consequences from that, then let's work through those, and I'm more than happy to. I like tying it to the oath of office because it's something we all have done, we all said the exact same words, and the public knows it. Again, I'm trying to create a very level playing field. I don't want, personally, Councilmember Waring, I don't, as a minority, I mean, certainly more than 1/6th of the population is woman, to Councilwoman Jackson and myself. More than 25% of the population is African American, there's more than 1/12th of the population that's Jewish. I don't see where this targets minorities. If it does in some way, and if I'm missing it, my God, please tell me. I came to this with the purest of intentions and am wide open to whatever the will of the majority is, whatever that is. I wanted to say that because things are being thrown around, and it was not where I came to this with my heart and with my head. I just wanted to clarify that, and I don't know if that helps make anyone feel any better. It makes me feel better."

Mayor Tecklenburg said, "I am glad of that."

Councilmember Seekings said, "Mr. Mayor, can we call the question?"

Councilmember Waring said, "No. I'd like to have one more thing to say. I spoke once, and I'd like to speak again."

Mayor Tecklenburg said, "Let's keep it at a minimus please."

Councilmember Waring said, "I understand. I believe you, Councilwoman Delcioppo, that your heart was in the right place. I really do. But this will be the first time, with a collective voice, that 100% of the African Americans that are on the City Council aren't going to be heard, are going to be pushed through with a political vote. With all due respect, Councilmember Appel, you're right about the professional code of conduct with attorneys, CPAs, even for the insurance providers, but the examples you brought up, I'm going to say, like I do with Councilmember Shahid, you can do better. Tom Rice, that was a political decision. Lindsey Graham, that was a

political decision. And that's the piece, that political piece, to shame or embarrass or censure, is the ugly part. That's the ugly part, and that's what we're setting ourselves up for. I know your intent, too, Councilmember Appel. If you can make it better, and I believe you can, and Councilwoman Delcioppo, if you can make it better, why on earth would we give it first reading?"

Councilwoman Delcioppo said, "I did the best I thought I could."

Councilmember Waring said, "My point is, if you think you need to put better work into it, that's a political decision not to listen to the collective voice of the African Americans and do it anyway because you've got the votes. Because that's where we're headed, and that's the beginning of the shame of something that shouldn't be done if we can make it better. With that, I'll end it. But again, I think you'll find this will be the first time, Mr. Mayor, in your term as Mayor, it will be the first time in almost my 10 years on Council, Councilmembers Mitchell and Gregorie, you've been here longer than I, you can speak for yourself, where 100% of the African Americans would have voted differently on the subject, in particular, on something like this that's subjective. I appreciate the opportunity to speak a second time. Thank you."

Mayor Tecklenburg said, "Thank you. Let's call the question. Councilmember Griffin, what would you like to say?"

Councilmember Griffin said, "I would love an opportunity to say one more thing just because..."

Mayor Tecklenburg said, "Yes, sir, please."

Councilmember Griffin said, "Regardless of the intentions, and I do believe you had the best of intentions, Councilwoman Delcioppo, that the situation of December 5th was mentioned over and over again in your ad hoc, and all I can say is, it just seems like this is a witch hunt. Honestly, we talked about this back in December, about how we weren't going to make it retroactive, and yet all of that is not in there all of a sudden. I don't feel comfortable going to the Mayor or Councilwoman Jackson to voice my displeasure for something else. I don't feel comfortable around either one of them, to go to them in private and do that. Number one, I don't have that kind of relationship with either one of them, that I feel like they will take what I said and reiterate that verbatim and make a proper decision. So, I think there are some serious flaws in this process, and whether or not we intended for it to be political or not, the fact of the matter is, we all have freedom of speech. Councilwoman Jackson wants to go and look over my Facebook and see what I post on my Facebook because if she doesn't like what she sees, she wants to bring it up to tattletale on me to get me censured on Council. I mean, this is just ridiculous. We can't have this. I mean, it's a witch hunt, honestly, and I am so thankful that Councilmembers Mitchell, Waring, and Gregorie are so level minded on this. You know, Councilwoman Jackson, you said to me 'maybe you need to start thinking about what you put them through.' Well, I've talked to them throughout this whole process, time and time again, and I will do whatever it takes to earn their support. I'm focused on that, and I appreciate them being so level headed on this."

Councilmember Gregorie said, "Can you do a [roll call](#), Mayor, so that we're sure?"

Councilmember Shahid said, "Call the roll."

The Clerk said, "Councilwoman Delcioppo."

Councilwomen Delcioppo said, "Yes."

The Clerk said, "Councilmember Shealy."

Councilmember Shealy said, "Nay."

The Clerk said, "Councilmember Sakran."

Councilmember Sakran said, "Yes."

The Clerk said, "Councilmember Mitchell."

Councilmember Mitchell said, "Nay."

The Clerk said, "Councilmember Brady."

Councilmember Brady said, "Aye."

The Clerk said, "Councilmember Gregorie."

Councilmember Gregorie said, "Nay."

The Clerk said, "Councilmember Waring."

Councilmember Waring said, "Nay."

The Clerk said, "Councilmember Seekings."

Councilmember Seekings said, "Aye."

The Clerk said, "Councilmember Shahid."

Councilmember Shahid said, "Yes."

The Clerk said, "Councilmember Griffin."

Councilmember Griffin said, "I'm going to abstain because I don't want to give a yes or no vote just in case I'm going on trial here. I need to get prepared."

The Clerk said, "Councilmember Appel."

Councilmember Appel said, "Yes, but let's keep working on it."

The Clerk said, "Councilwoman Jackson."

Councilwoman Jackson said, "Yes."

The Clerk said, "Mayor Tecklenburg."

Mayor Tecklenburg said, "Yes."

The Clerk said, "Motion carries."

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

An ordinance to amend Division 1 of Article II (City Council) of Chapter 2 (Administration) of the Code of the City of Charleston by adding a new Sec. 2-29 (Code of Conduct), applicable to members of City Council.

The vote was not unanimous. Councilmembers Shealy, Mitchell, Gregorie, and Waring voted nay. Councilmember Griffin abstained.

Mayor Tecklenburg said, "The motion carries. We'll look forward to any amendments or suggestions you all have before we come back to Council. If you all would send any suggestions, I think to Councilmembers Delcioppo and Appel and Chip McQueeney, then we'll be happy to work on those. So, thanks for hanging in there, everyone. We've had a long night, but a good one, and a lot of great discussions. So, we'll see you in two weeks from tomorrow, if not sooner."

There being no further business, the meeting was adjourned at 10:27 p.m.

Jennifer B. Cook
Clerk of Council