

CITY COUNCIL VIRTUAL MEETING

Regular Meeting

March 9, 2021

The one-hundred and fifteenth meeting of the City Council of Charleston was held this date convening at 5:24 p.m. over video conference call (Zoom).

A notice of this meeting and an agenda were made available on the City's website March 4, 2021 and appeared in the Post and Courier on March 8, 2021.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember Delcioppo	District 1	Councilmember Waring	District 7
Councilmember Shealy <i>excused at 7:22 p.m.</i>	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 5:24 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "So, thank you, and now if you would like to join us, Councilmember Brady will lead us in an invocation."

Councilmember Brady said, "I'm happy to. I want to do a prayer tonight from Lord Jacob Astley, who was a Royalist Commander during the First English Civil War when the crown opposed parliament. It's from the 1642 Battle of Edgehill, and the prayer has become famous. My Mom actually had this framed in calligraphy in our house, and it always stuck with me for in kind of divided and trying times."

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

Mayor Tecklenburg said, "Thank you, Councilmember. Now if you would like to join me, you can see the American Flag to my right, for our Pledge of Allegiance to the flag."

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

Mayor Tecklenburg said, "Thank you very much. First up on our agenda is a presentation of our Holocaust Remembrance Proclamation. Now, I've got this proclamation, and it's to observe a week of remembrance in memory of the victims, survivors, rescuers, and liberators of the Holocaust. Rather than read this entire document, at this time, I would like to turn it over to Anita Zucker and Samantha Krantz. They would like to share some thoughts and memories of the importance of this observance not only in our City, but in the World. Anita."

Anita Zucker said, "Thank you, Mayor Tecklenburg and Honorable Councilmembers. It is a pleasure to be with you this evening, even though this is for a very sad moment, but very special in the life of my family. We appreciate you presenting us with a proclamation remembering the Holocaust. This is a proclamation from the City. For those of you that don't know me, I am Anita Zucker, and my parents were persecuted due to their religion. They were beaten, they were starved, they were forced to do labor, yet somehow they survived. They spent years hiding in the forest, and it's a miracle that I'm here with you today because somehow they survived, and I'm very lucky.

We, today, are remembering the six million and the liberators and those others who died during that time, but I would like you to know that I hope you will celebrate this memory in time, and I hope we won't ever have to deal with things like this again in our lives. But, we ask the Charleston community and the World to join us on April 11th at 4:00 p.m. for the Charleston Jewish Federation's 2021 Yom Hashoah Program. Yom Hashoah means Holocaust Memorial Day. It is a program to honor the victims who perished in the Holocaust. This year's theme is 'Why We Remember', and it will display the importance of generational remembrance. Of course, I remember because of my family, the Zucker Family, the Goldberg Family, the Mibab Family, the Popowski and the Kornblum Families who were lost during that time. We had quite a number of family members, and, again, that's why I remember. The event includes the reading of the names of people who perished during the Holocaust with family connections to Charleston, performances, and the keynote speaker is Herschel Greenblat, a Holocaust survivor born in the caves of the Ukraine. Herschel Greenblat survived the Holocaust because of the resourcefulness and the determination of his parents in evading the Nazis. As he states, 'It is because of my parents' unwaivering will that we were able to survive the horrors of the Holocaust', and Herschel's granddaughter works with us at the Charleston Jewish Federation. So, if you need to learn more, and you want to find out and join us that day, you can contact remember@jewishcharleston.org. Thank you so much for your commitment to Holocaust awareness and making sure we never forget the lessons of the Holocaust. I actually brought a candle along that I would like to light in memory of those and hope you will join me in thinking about the victims of that time in our lives and, Mayor, you have yours lit. Thank you. I'm going to light mine. Thank you so much for honoring us in this way. I do have my candle, and I can't make it show, but I'm trying."

Mayor Tecklenburg said, "I see David though in the background now."

Ms. Zucker said, "Yes, he just joined me. Thank you so much for honoring our community. We greatly appreciate it, and we do hope you will join us, and we will have people from all over the World. Again, we'll also be on Facebook Live. Thank you."

Mayor Tecklenburg said, "You're most welcome. Thank you for being with us. Samantha, would you like to add any remarks? Samantha Krantz who has been a wonderful leader at the College of Charleston and for our youth, particularly when it comes to remembering the Holocaust. Samantha."

Samantha Krantz said, "Thank you, Mayor. Anita said everything perfectly, and we just thank you and the City for everything you do to honor and remember the people that perished during the Holocaust, all that you do for Holocaust survivors, and our memorial downtown. So, thank you and thank you again for setting this week aside to really remember the Holocaust. We appreciate all of you."

Mayor Tecklenburg said, "Thank you. We will never forget. We will never forget, Anita and Samantha. We look forward to joining you at the Yom Hashoah in April, and we will remember the whole week of remembrance in the City of Charleston by my proclamation and also that date. We look forward to seeing you there."

Ms. Zucker said, "Thank you very much."

Ms. Krantz said, "Thank you."

Councilmember Shahid said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I just want to thank Anita for all of the work that she has done for our community, in particular for her advocacy for us to remember these events. Anita, would you just mind repeating the date, the time, and the location of the April 11th service."

Ms. Zucker said, "Sure. It's going to be on April 11th at 4:00 p.m. It will be virtual. So, if you go to remember@jewishcharleston.org, you can go in and ask for the link, and you will be able to get online to join us for our virtual remembrance, but also it will be on Facebook Live under the Charleston Jewish Federation. Thank you, Peter Shahid, appreciate you very much."

Councilmember Shahid said, "Thank you, Anita."

Mayor Tecklenburg said, "Alright. Thank you. So, next on our agenda is another proclamation, as we do every year, recognizing our incredible partner in the [American Red Cross](#). They help our community in so many ways, and some folks don't realize this, but whenever there is a fire, for example, and a family is displaced, the Red Cross is always there stepping up, helping our citizens in their time of need and, of course, we've had to remember too many times, with natural disasters and hurricanes that occur, that they're always there to help us and, of course, distributing blood in our community where it's needed and for medical needs. So, again, I have a proclamation, and the month of March is American Red Cross Month, but rather than listen to me recite all of this, I'd like to call on Ashley Henyan and Katarina Fjording to share some remarks with us about the incredible work and partnership we have with the American Red Cross. Ashley."

Ashley Henyan said, "Yes. Thank you so much, Councilmembers and, of course, Mayor Tecklenburg, and some of his staff members, who I work closely with throughout the year, Richard Jerue and Mike Whack, and the entire team at the City of Charleston. You guys are always supporting our life-saving work, and it's awesome. I also want to recognize Katarina Fjording. She is the Vice-Chair of our Lowcountry Red Cross Chapter Board of Directors, and she has taken some time out of her evening tonight to join us for this incredible honor. The Red Cross has been dedicated to saving lives for almost 140 years now, and the way that we do this is by meeting the needs of the local community first and then always standing ready to join together with other Red Cross regions and chapters around the Country to help our neighbors in need. One year ago, I joined this exact Council meeting for the Red Cross Month Proclamation in person and little did I know that the world would change drastically within just a few days after meeting you, Mayor Tecklenburg, and many of the other ones on this call for the very first time. But the thing that has stayed the same over this last very unique year is the mission of the Red Cross. No matter what happens outside of our organization, we remain dedicated to our mission and our life-saving work in alleviating human suffering. Of course, how we carry that out might look a bit differently during

a global pandemic, but it's all only possible with the help of volunteers, and that's why I'm proud to be here today to help celebrate Red Cross Month during the month of March because 90 percent of all of the work we do is done by trained and dedicated Red Cross volunteers. So, thank you, again, for your partnership, Mayor Tecklenburg and the City of Charleston. This is a wonderful recognition of our work. I do want to invite Katarina to add anything, if she would like."

Mayor Tecklenburg said, "Yes. Katarina, good to see you."

Katarina Fjording said, "Hi. Mr. Mayor, good to see you and Councilmembers, too. Thank you, Ashley. Also, I should say thank you, Anita, because Anita is also a major contributor to the Red Cross Force. So, as you know, the life-saving donations of blood is one of the most crucial things we work with, and we supply blood to over 30 hospitals in the South Carolina region, and that's only possible with the help of donors and community partners. The partnership we have with the City of Charleston is essential to saving lives in the State and especially over this trying year. Our partners in the City host blood drives on a regular basis and you do that four times a year. I know that Mayor Tecklenburg often rolls up his sleeves and donates blood. It's such a precious gift, and we are so dependent on it. We are very grateful for the partnership we have with the City of Charleston, and we look forward to continuing this partnership in a professional and an excellent manner that we've been having up to now, and you have helped us collect 140 pints of life-saving blood this year. So, we are very grateful and so are those who receive this life-saving gift. Thank you so much, and we're looking forward to another prosperous year together."

Mayor Tecklenburg said, "Absolutely. Thank you, Katarina, for what you do as well, and in addition to all of our other partnerships, we have blood drives regularly at the City of Charleston. I welcome our Councilmembers to participate. It's giving the gift of life, and we're just so happy to have your support and partnership when things are needed in our community. Thank you, Ashley. Thank you, Katarina."

Ms. Henyan said, "Thank you."

Ms. Fjording said, "Thank you."

Mayor Tecklenburg said, "So, next up is our approval of [City Council minutes](#) from February 23rd."

Councilwoman Jackson said, "Move for approval, Mr. Mayor."

Councilmember Brady said, "Second."

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

No one asked to speak.

On a motion of Councilwoman Jackson, seconded by Councilmember Brady, City Council voted unanimously to approve the minutes of the February 23, 2021 City Council meeting.

Mayor Tecklenburg said, "If I could beg of Council that we allow [Dr. Sweat](#) to address us prior to Public Participation. He is here to make some comments on our COVID-19 update, but he has some commitments this evening. So, we won't take the full discussion, if that's okay at the pleasure of Council, but just allow Dr. Sweat to make his comments to us, an update from the

Medical University of South Carolina regarding COVID-19. Then, we'll move on to our Public Participation Period. Is that okay with everybody? Without objection, Dr. Sweat are you out there? We would love to hear from you."

Dr. Michael Sweat said, "I'm here."

Mayor Tecklenburg said, "Yes, sir. There you are. Thank you for being with us this evening."

Dr. Sweat said, "Well, thank you, Mayor Tecklenburg, Tracy also, and the Councilmembers. I really appreciate the opportunity to be invited back and do a brief update with you on the COVID situation. Just to start off, I do want to note that we're about a year into this pandemic. One year ago today, on March 9th, there were 603 cases of COVID that had been diagnosed in the United States, mostly in urban centers, and there were 22 deaths. Here we are a year later, and we now have 29 million diagnosed cases and over 525,000 people who have lost their lives to COVID. So, it's been quite a year, and I think we've learned a lot, and we're probably getting to a point where we have some optimism, so I do want to share with you our status and where we're headed I think. This is for the Tricounty area, the Charleston area, just some of our indicators that we've been tracking. In the cases per day per 100,000 population, that's a 7-day average looking over time, 21 cases per day per 100,000, and it's been declining substantially. The test positivity is at about 6.3%, another important indicator. We really normally like to see that number go below 5, and it has been going up and down a bit. The medical capacity has improved substantially. You can see there are 64% of ICU beds. That is a normal rate that we would normally see. We were up in the 90s weeks ago. So, thank goodness the mortality has begun to drop off."

Mayor Tecklenburg said, "Dr. Sweat, if I may interrupt you, we still see the very first slide that you've got in your presentation. I don't know if you can adjust it to move through the slides. If not, we'll be happy just to listen to you."

Dr. Sweat said, "Let me fix something here. So, are you able to see the changes?"

Mayor Tecklenburg said, "Now it's changing. Yes, sir."

Dr. Sweat said, "Okay. I apologize for that."

Mayor Tecklenburg said, "No problem."

Dr. Sweat said, "Yes. So, just moving back to this graphic, the reproductive number, which is the number of people each person infected, dropped below 1, which is a good sign, and if that goes down much lower, we'll start to see significant decline. If you can get that close to 0, this epidemic would disappear. I'm going to talk in a second about variants, but we are seeing a significant number of variants popping up in the area and, unfortunately, the most common variant that's being detected is the South African variant, and I'll come back to this in a minute and talk about the implications of that.

Currently, as of the most recent report I've seen, 21% of the population in the Tricounty area has been vaccinated. This is just a graph showing the trend we've seen since the summer really. Here we have our summer wave that occurred, and here was our wave that occurred over the holiday period after and, then, just a couple of points I want to make. It is great news that this

is declining so rapidly. We're down to 21 cases per day per 100,000, but the trend is similar to what we saw after the summer decline. I just want people to realize that just because it is declining, we're still at a relatively high rate, and the same pattern of decline is occurring. We had about the same number of cases right now as we had just before right around the beginning of December. So, 21 cases per day per 100,000 people is still pretty high and does represent substantial risk of people becoming infected in the population.

We've been doing some estimations looking at total immunity that we have in the area, combining both people who were vaccinated and also people who were infected in the last three months who likely have some natural immunity, and it's about 40% for Charleston County. The vaccination rate in the County is around 25% and about 15% of people who have estimated to have an infection over the past three months, so we're at about 40% of people with immunity and then about 60% of people are still potentially vulnerable to becoming infected. The question that comes up a lot is when would we reach herd immunity. So, herd immunity is really when there is enough immunity in a community that the virus doesn't have many opportunities to transmit, and it will lead to a rapid decline. We're not there yet, and it's not clear exactly what level of immunity we need to see to achieve herd immunity. It's likely somewhere between 60% and 90%. The more transmissible a virus is, the more it's easy to transmit, the higher it takes in terms of immunity needing more immunity to suppress and reach herd immunity. So, we don't quite know, but we are moving in the right direction.

I did want to touch on the variants. It's quite a concern in the community. People are examining this. These are just mutations that have occurred in the virus. They happen naturally, but they increase in frequency when there is a lot of transmission. So, we've really seen these coming out of locations like South Africa and Brazil, also the Los Angeles area, and New York, as well, where there is a lot of transmission going on. So, we need to reduce transmissions to slow getting new variants, and the problem with these variants are, they have several problems, one is they transmit much more easily. It's not exactly clear of the number but two to three times more easily as what frequently is cited. Every one of these variants transmits more easily. The UK variant also has been documented to have worse health outcomes, higher mortality, and more severe disease. Then, some of these variants seem to have concern about evading immunity that could lead to a situation where vaccines would become less effective. People might be able to get re-infected with the new variants if they've had the old one earlier, and treatment, such as monoclonal antibodies, in some cases are not effective with variants. The South African variant is particularly of concern. There is particular mutation in that variant that is of great concern, and the Brazilian variant, as well, is of concern. I just pulled this today showing the only sequence of these variants is about .5% of the ones that are collected, and so of that small sample, this is what have shown up in South Carolina. The UK variant, the CDC is reporting 13, and DHEC is reporting slightly less, but you can see it's 13 cases for the UK. For the South African variant, there has been 32 cases out of the small sample that they sequenced, predominantly in the Pee Dee area of Florence and Myrtle Beach and also in the Lowcountry. This has been going up over the past couple of weeks, so this has increased. I just wanted to make one point that if you look at the CDC data about the national distribution of variance, South Carolina has over 40% of the reported variants of the South African version, so that's a big concern. It's mostly spread out all over the country in small spots, but we're seeing this fairly high level in the Pee Dee area. Interestingly, we don't have that much of the UK variant, so we really have to keep our eyes on this variant as it does pose a concern.

I just have two slides to end. Risk going forward, I think there is a potential for another surge. I hate to say it. Hopefully it won't happen, but we have about 60% of the population

vulnerable right now. I do believe that because the vaccination efforts have been targeted towards the older population, who have worse health outcomes, we're likely to see less impact on hospitalizations and on mortality, and we're definitely seeing rapidly declining people being hospitalized currently. But, many older people also did not get vaccinated, so there are still a substantial number of people who haven't been vaccinated, especially in older age groups. I would point out, too, that because young people get infected, it is a bad thing. It causes a lot of damage. About 10% of people suffer from long-term COVID problems. There is a lot of attention being given to that, and about 30% of those people who have Long-COVID report they never had symptoms or had mild symptoms, so we really, you can't neglect the impact of transmission and infection among younger people, as well.

I mentioned the viral mutations. That's something that we really have to keep our eye on and, I think, reinforces our need to keep our vigilance up. There is a lot of fatigue, patience is low, but we're getting closer to normalization, I believe. I would think by the summer, if we can get vaccination rates up, we're going to be in a much, much stronger position, and we can begin to start loosening up some of the restrictions, but people do need to be vigilant a little bit longer, I believe, with mask use and distancing, particularly with these variants on the scene. Also, there is a lot of what I refer to as risk compensation, but people are now becoming very optimistic, and they should be because we have vaccines, and the case rates are coming down, but that can lead to increased risk behavior in terms of not wearing masks and gatherings.

So, another concern is there is a lot of challenges to moving forward with vaccination. We need to make it easier, and we need greater supply to do that. Lessons learned in global work around vaccinations is you really need to get out and go to the people and not have the people come to you. Also, there are a lot of false information and conspiracy theories, which really need to be tackled, and we need to really attend to equity and delivery. Some of the groups, such as African Americans, who have the highest rates, the worst health outcomes, are also having lower rates of vaccinations. So, I know a lot of attention is being given to that, but these are challenges going forward.

Then I just want to end on some optimism. It is remarkable that we have these vaccines. Historically it's taken over ten years to develop a vaccine. The fastest it's ever been developed is four years, so getting these vaccines within one year is a remarkable feat of science. Supply is increasing, and I do believe, based on all of the reports that I've seen, we're going to see steady increases in supply, and they do right now appear to be effective against the current variants that are out there, so that's also good news. That could change if we saw substantially more mutation of the virus, but, to date, the current vaccines do appear to be effective, and there are still studies going on on that. Also, our ability to adapt these vaccines to mutations is really excellent. In particular, with the mRNA vaccines of Pfizer and the Moderna, it's very easy to rapidly change the formula for the vaccine, and now that production is up I think, if we can keep on top of the genetics, we can keep these vaccines active. It may mean that we're going, probably will mean, we're going to need to have booster shots in the future. It might look a lot like an annual flu vaccine. There is a lot more capacity coming online to protect against these variants. Global surveillance is increasing to look for new Coronaviruses that might come. This is the third we've had in a short order, and we need to be vigilant about other ones and many, but not all, people have really learned how to function safely during the pandemic. So, I think that's a positive thing that we just have to reinforce for a little longer, and the willingness to take vaccines is slowly increasing, so that's another reason for us to be optimistic. So, in summary, I'd say I think if you had to balance optimism and pessimism, I'd be doing the optimistic side, but we need to stick with it a little bit longer. That's, I think, the key message that I have tonight. So, again, thank you for having me.

I'm happy to answer questions and appreciate the opportunity.”

Mayor Tecklenburg said, “Thank you, Dr. Sweat. I'm pleased to hear your glass is half full.”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “Thank you, Mr. Mayor. Dr. Sweat, while we've got you here, I was going on the DHEC website earlier today. What I observed on that website is that about 10% of the State's population has been fully vaccinated, and, I think, about 20% have received at least the first dosage. Is that about your understanding, as well? Are those numbers about right?”

Dr. Sweat said, “Yes, I think it's a little bit higher, but that's about right. Yes, 20% is about right.”

Councilmember Shahid said, “And we've heard this term 'herd immunity,' I mean, it's been sort of batted around a pretty good bit, and you talked about it a little bit a few moments ago. Can you just sort of elaborate on that? Exactly what is herd immunity? What does it mean?”

Dr. Sweat said, “Yes, you know, one thing I want to say about herd immunity, it's not like a light switch you turn on and off. You don't just reach herd immunity, and the switch turns and everything gets better. It's more like a dimmer switch, so every vaccination we get will have an impact on the ability of that virus to transmit, but it really relates to social networks. The more and more people who are vaccinated breaks down the ability of the virus to transmit through social networks, and there is a threshold you reach where it stops the transmission. It will eventually die off. So, that's really what herd immunity is, and it's very desirable that we get there because it will stop the continued development of these variants, which is really important. So, I mean, I think this is an issue where everybody's behavior with getting a vaccine affects everybody else. We will never get back to a complete normal if we don't get large numbers of people to be vaccinated and reach herd immunity. One more point I want to make is we're going to need to do this globally. It's not just in our borders. So, a big task ahead is going to be to build up capacity for low income countries to have vaccinations, and if we don't do that we're going to suffer here, so we need to get these numbers up. I think we're going to do it, and then our next big task is to tackle this globally.”

Mayor Tecklenburg said, “Excellent point.”

Councilmember Shahid said, “Thank you.”

Mayor Tecklenburg said, “Are there any other questions for Dr. Sweat?”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “Thank you, Mr. Mayor. Dr. Sweat, I'll tell anybody, I think our City has done a wonderful job through the Mayor, our Council and staff, and citizens in trying to lead the way, and we're wearing masks and safe distancing and, obviously, washing our hands. But, is it your professional opinion, when I see the US Congress meet in person, of course they're safe distancing, the US Senate meets in person, as a matter of fact they worked almost through the night to pass the \$1.9 trillion budget, I see our General Assembly, both Senate and House meeting. Do you believe we can meet in person, safely distanced, that makes sense for the City of Charleston, or in your opinion those bodies should not be meeting in person?”

Dr. Sweat said, "Sometimes you have to meet, and when you're going to meet, ventilation, distance, and masks really work. They're not 100% perfect, and we can't let perfection be the enemy of the good, but at the same time, if you can avoid meeting, it's better to avoid it at this stage. I think once people are vaccinated it will add another variable into this, so I do think people have learned to navigate through this. Schools have been relatively safe, too, when the protocols are followed properly, and the number one way people are becoming infected, there are two, one of them is restaurants, indoor restaurant visits, and bars. It's largely because you can't eat or drink with the mask, and these are enclosed spaces. So, the science is strong on this, strong enough to know that if you do follow these precautions, you're going to dramatically limit the transmission, and it's better to avoid indoor, closed, poorly ventilated meetings with people, especially large groups without a mask."

Councilmember Waring said, "Yes, sir. I appreciate your opinion, and I know I'm kind of putting you in a little vice on this one, but I don't want to get political with you. I think symbolism matters, and when I see the President to the microphone with a mask on and the Vice-President standing at a safe distance with a mask on providing leadership on this vaccine and, obviously, the number of shots in arms, I think that resonates across the country, not with everybody, but I do believe with the vast majority of people. This Council, I believe we're approaching now almost 50% of its membership having been vaccinated, and I don't even know though beyond this my voice right now that's been pushed up. I think that matters to people in the district you represent or even the church that you go to. So, when I see us on Zoom, remember a year ago, it's been a year since we've met in person, a year ago we knew, as lay people, virtually nothing about this virus. A year later, thank God we know a whole lot more. So, your point about navigating at times in person I agree with, to be able to navigate and go to church. It's my belief that us practicing some of the best steps that you just said, the masks, the safe distancing, and of course, washing your hands, that we can do the business of the people in a little bit more transparent way than we're currently doing it. Now I'll bring that up later on, but I really appreciate your professionalism and the information that you've brought today. Thank you, sir."

Dr. Sweat said, "Thank you."

Mayor Tecklenburg said, "Thank you. Does anyone else have a question or comment for Dr. Sweat?"

No one else asked to speak.

Mayor Tecklenburg said, "Well, thank you, again, doctor for being with us. We appreciate your partnership with us for the last year. It's been really remarkable between the Medical University and the City and our other health care partners in the region, but you all have been terrific. Thank you so much."

Dr. Sweat said, "Thank you, sir. I appreciate it. Thank you for having me here tonight."

Mayor Tecklenburg said, "So, next up is our Citizens Participation Period. Madam Clerk, do you want to lead us off on that? I see maybe a question from Councilmember Shahid before we get started."

Councilmember Shahid said, "Mayor, if you can give me one second of personal privilege. I was waiting for Councilmember Waring to join us for the Council meeting and give him a huge

recognition. Sunday, he was one of 19 members of our Catholic community to have received a Papal Honor. This is an honor from the Pope himself. I'm going to mispronounce the name of the award. It's called the Benemerenti Medal, and it is awarded to those who are either clergy or lay team in recognition of their service to the church. His recognition was for the fine and outstanding financial advice that he has given to the Diocese. So, this is a well-recognized, well-deserved award, and I just want the Council to be aware of that and the public to be aware of Councilmember and Mr. Waring's contributions to our community and to his church. I just want to give him a big shout-out and let you all know and be aware of what he was recognized for on Sunday."

Mayor Tecklenburg said, "That's terrific. Congratulations, Councilmember. That's terrific."

Councilmember Waring said, "Thank you so much, Mr. Mayor. And thank you, Councilmember Shahid and Councilmember Gregorie, for actually being at the Cathedral for that wonderful occasion. I really appreciated it, and we all know being involved in our respective churches, it is the Pastor, it is the membership, and we all do this together. So, as I told the Bishop, I accepted on behalf of St. Patrick's Catholic Church and, obviously, my family and then myself. I want to be way at the back of the line because there are so many other people that are equally, if not more so, deserving than I, but it was very touching, very, very touching. So, thank you so much, Councilmember Shahid and Councilmember Gregorie, sacrificing and being there."

Mayor Tecklenburg said, "Great. Terrific. Wow, that's really a nice honor, and I don't know if you all read about Pope Francis's visit to Iraq. He is an amazing world leader and advocate for peace. Anybody who gets a Papal award from Pope Francis deserves an honor. God bless you. That's terrific."

Councilmember Waring said, "Thank you so much. Don't make me cry because that's a bad sight to see me cry."

There was laughter.

Councilmember Shahid said, "Well done."

Mayor Tecklenburg said, "Alright. So, Madam Clerk, we will go to you for [Citizens' Participation Period](#)."

The Clerk said, "Yes, sir. We have 13 people signed up to speak, and would you like to set a time limit?"

Mayor Tecklenburg said, "In consideration of our other business, let's say 90 seconds for everybody. Yes, ma'am."

The Clerk said, "Alright. The first speaker we have is Tony Daniell, and if you're on the line, if you could press *6. Tony Daniell."

1. Tony Daniell gave a shout-out to Councilmember Appel who had been helping him get his road situation straight. He said he was concerned and didn't understand why it was so complicated. He said City Council met in 1976 regarding the road to Frampton and Fairway Drive. They could not be closed. [City of Rock Hill vs. Cothran](#) said, 'they could only close a road if it was in the best interest of all

concerned. A public street may not be vacated for the sole purpose of benefiting an abutting owner,' which was the Fairway Drive section. He said on the other hand, it said, 'it must be clear that no consideration other than the public interest could have prompted the action,' First Baptist vs. City of Mauldin. He said that was the basis for closing a road, and here there was an obvious disparity between one side of the neighborhood and the other. His side of the neighborhood was blocked. He couldn't get in and out of his driveway, and it was a dangerous situation. His father had a stroke, and EMS was impeded getting in the driveway. His 91-year old father was sitting beside him, and the likelihood of him having another stroke was 50 percent higher. He didn't understand why there was difficulty. Maybe they didn't want to open the street, but there were alternatives. There was another access road to come into the school, and it just wasn't the school. The entire neighborhood had been shifted from their side, which was empty, to his side, which was busy as could be. He thanked Council and hoped Councilmember Appel would send him something.

2. Jeffrey Robert spoke regarding the Affordable Housing Ordinance to Workforce Opportunity Zone. He said he had the distinction and honor of being the only developer when the original rule was promulgated in 2017 to be on the Committee and the only developer, to the best of his knowledge, that spoke at Council in favor of the inclusionary zoning and the fee-in-lieu. He said while the change in the ordinance was steep, he had come to reflect that the equities in downtown Charleston needed to be more reflective of people who couldn't afford to live in Charleston, especially in the business core and the Central Business District communities. He said something really needed to be done to keep them there and put them there. He was very supportive of the ordinance, of what the Community Development Committee had done, and the administration with the Mayor. He thought the Mayor had made great strides. He gave special compliments to Geona Shaw Johnson, who had done a miraculous job in the ten years he had known her and in doing affordable housing projects with the department and with the City as a private for profit developer with efficiencies they could bring for the public good. He was very supportive, and he was happy to assist in tweaking the formula so that it provided maximum productivity.
3. Brian Turner, Advocacy Director with the Preservation Society, said they echoed the comments of Mr. Roberts. They also supported a revised Workforce Housing District Ordinance to prioritize the development of lower income housing and keep the City vibrant and diverse. He said the MU districts offered extraordinary density and height benefits in exchange for a developer's commitment to the efforts, yet the pricing of fee-in-lieu payments had proven ineffective in achieving those goals. He said the tiered pricing plan tied to successive quarters of each development would better motivate the private sector to actually build housing rather than punt the responsibility to the City for higher transaction costs. He said they supported raising the fees that would further deter in-lieu of payments. He said they supported a revised Conservation Development Ordinance as a common sense policy to protect the natural and cultural heritage, however, they would support a revision to clause 9b, which allowed for 75 percent of existing wetlands to go towards a development's common open space requirement. He said the threshold was too high and would have the effect of reducing the public benefit of the developments.

He thanked Council for their public service and for their consideration of his comments.

4. Cashion Drolet, Historic Charleston Foundation (HCF), said affordable housing was one of Charleston's greatest challenges and had approached a crisis level. She said HCF was a committed partner of the City in addressing the crisis. She said the Mixed-Use Workforce Housing (MU-WH) zoning had been an important tool in the City's tool belt with over \$11 million collected for Workforce Housing. With just one of the 14 MU-WH completed projects dedicating workforce units and the remainder electing to pay the fee, they thought it was time to revisit the ordinance and the fee structure. They were encouraged by the creative approach brought forward by the CDC, and they were generally supportive of a fee increase, but they did have questions and concerns about the proposal, its implementation, and the affordability period. She said they looked forward to working with Council and staff to address it. She also spoke in favor of the Conservation Development Ordinance approved by the CDC as it would afford further protection of the City's historic structures, wetlands, trees, and cultural resources and suburban areas of the City. The ordinance was consistent with recommendations made in the Dutch Dialogues as it would allow for prioritization of development on high ground, protect natural and cultural assets, and avoid placement of future residents in risky areas and, respectfully, would encourage Council to give first reading to the ordinance.
5. Leslie Armstrong said it was nice that there would be a week of remembrance for the victims and survivors of the Holocaust, and it was nice that the City encouraged citizens to confront intolerance and hate whenever and wherever it occurred. She said some of her husband's relatives were killed in concentration camps, and she didn't want any of them to ever forget what happened 80-plus years ago in Germany. She said the nebulous words contained in the City's resolutions and proclamations did not mean anything if the City refused to take strong action to stand up against white supremacy and Neo-Nazism. She said in March 2020 the Southern Poverty Law Center put out a report that showed that white nationalist hate groups in the United States increased 55% throughout the Trump era, and everyone had seen evidence that there were plenty of white supremacists in Charleston. She said the City could continue to do the easy stuff like making proclamations and resolutions, or it could do the hard work and crack down on the white supremacists in the area. She was sure most had heard the quote by a death camp survivor and Nazi hunter Simon Wiesenthal, 'For evil to flourish, it only requires good men to do nothing.' According to Merriam-Webster, the term 'confront' meant 'face up to or meet face-to-face.' She told Council to keep that definition when she asked them to heed their own proclamation and confront intolerance and hate wherever and whenever it occurred. She said if they did so, she guessed she would see them at The Battery that weekend.
6. James Bessenger said he spoke on behalf of a lot of people who thought it was laughable that Council still felt the need to hide behind computer screens to avoid facing citizens who deserved to see them face-to-face and deal with them about a few things. He said Council felt the need to raise taxes on homeowners and businesses on an unprecedented level to save the City. The City borrowed \$40 million and spent \$27 million on a parking garage built on land the City gave away. He said they had seen actions that led to businesses closing and families losing

their homes. On top of that, now the City paid unsworn officers to patrol the streets, harass the residents, and steal even more money out of citizens' pockets. He said Council should all be ashamed of the way they handled the entire mask ordinance. He said it was a joke, and Council had made a laughing stock of the City. It was clear that Council didn't know how to manage an economy and now wanted to go out of their way to take more money from the people. The City really deserved better.

7. Rita Kazirskis asked Council how many members had been to The Battery on the weekend when Flags Across the South came out to wave their white supremacist flags. She asked for a show of hands. She asked members who hadn't to please stop by on Sunday between 10:00 a.m. to noon to see what it felt like. She said she understood that it was not illegal for the hate group Flags Across the South, formerly known as the South Carolina Secessionist Party, to wave the flag of the Ku Klux Klan every weekend at White Point Gardens and terrorize the thousands who passed. She also understood it was not a crime for Flags Across the South to suggest the City erect a statue to the white supremacist terrorist who shot more than 70 bullets and stole the lives of nine beautiful people. She understood it was not a crime for Flags Across the South to make posts inviting folks to a public hanging in a backyard. What she didn't understand was why Council, the powers that be, continued to bend and ignore the laws of the City to welcome this hate group to occupy the park every weekend with their flags of church bombers and segregationists to celebrate their heritage of white supremacy while encouraging others to do the same. Unless Council supported celebrating white supremacy in the park every weekend, she did not understand why Council allowed it to continue as Council had the power to change things and the responsibility to keep people safe. She told Council to enforce the Code. She said this group attacked a man and broke a flagpole over his back on videotape. She told Council to establish no protest zones on The Battery and eliminate the oversized flags and flagpoles. She hoped Council could make time to come out or at least drive by on Sunday.
8. Theo Cogdill, a member of the United Front of Charleston, called regarding the activity of racist hate groups in Charleston, specifically the Flags Across the South group that regularly displayed divisive white supremacist flags and other symbols. She taught her history and government students that racism and white supremacy should not and would not be tolerated. She commended Council for including recognition of Yom Hashoah, Holocaust Remembrance Day. It was important to speak out against racial hatred in history, and it was vital to speak out against racial injustice in their own time. She was deeply concerned that Council made the decision to pass a resolution against hatred and division, but did not directly name the perpetrators of white supremacy in the City today. The United Front had drawn attention to many instances of police bias when it came to enforcement of local laws and ordinances, as well as constitutional rights at The Battery and other locations. She asked why the City allowed the Police Department, which had repeatedly demonstrated bias in favor of white supremacy, to dictate citizens' first amendment rights by deciding whether or not to grant protest permits. She urged Council to take a serious look at the issues and take action in order to protect the rights of marginalized citizens. She also urged Councilmember Harry Griffin to resign.

9. Jennifer Trudeau spoke with regard to the mask mandates and ordinances. She appreciated the reports earlier, but she was a little dismayed at Council ignoring the detrimental effects it was having to society, to children, and in particular, to people like her who were being harassed by the Livability officers in front of their children when they had medical conditions. She didn't understand why the Livability Department was employed with enforcing the ordinances, and they were not including the medical and religious exemptions that were included in the ordinance. It seemed that there was not a lot of training involved in the ordeal, and she thought it was a bad situation when they left mothers with medical conditions and their terrified children being harassed and threatened with the Police over not wearing a mask. She knew that Council received a cease and desist letter from her lawyer, as well as a FOIA requesting information. She looked forward to Council's personal response, as she had not received one to date, although the Corporate Attorney had sent one. She looked forward to some sort of back and forth, and hopefully they could work together to make sure that everybody was treated fairly and equally in the situation.

The Clerk said, "Mr. Mayor, I'm just going to go back and call out some of the other names."

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

The Clerk said, "C.J. Westfall, Judy Spellman, Jason Jones, and Mohammed Idris."

No one else asked to speak.

The Clerk said, "Alright. Then, we did receive some comments by phone and online and those were sent to Council in advance of the meeting. Twenty-two people opposed extending the mask mandate an additional 60 days and said mask wearing should be optional. Five people asked to extend the mask mandate for an additional 60 days, and health care workers are working tirelessly to vaccinate people and to discontinue the mandate would be selfish and uncaring. Seven people said to support the Stop the Hate Campaign and ban hate groups like Flags Across the South. Four people said the display of Confederate Flags should be banned in the City of Charleston, and those were all of the comments that we received."

Mayor Tecklenburg said, "Well, thank you, Madam Clerk. I appreciate that summary of all, and now if there is no further comment, we will move on to [Petitions and Communications](#). First up is our report from the Resiliency and Sustainability Advisory Committee, and we met again just a couple of weeks ago. I wanted Katie McKain to keep everyone somewhat up-to-date, briefly, on our Climate Action Plan that she had been working so hard on. Katie."

Katie McKain said, "Great. Thank you, Mayor. So, the Resiliency and Sustainability Advisory Committee met on February 18th. All 13 members were present. First on the agenda was an update from Mark Wilbert about the U.S. Army Corps of Engineers Peninsula Flood Risk Management Study, which was also a part of the City Council Workshop that happened later that day. Then, next on the agenda, I gave an update about the progress of the Climate Action Plan which is, obviously, an effort that is currently underway. There are over 150 volunteers in the five subcommittees in the Climate Action Task Force that have been meeting all winter. I believe over 25 meetings have occurred so far, and these groups are at the point where they're finalizing their recommendations, so that's really exciting. A second community survey to gather more public input was released this week, and I'll be sure to share that with all of you so you can pass it along

to your constituents as you see fit. Then, a final draft of the Climate Action Plan will be presented at the next meeting of the Resiliency and Sustainability Advisory Committee, which is on April 8th. After that Committee moves to approve the report, it would come before City Council essentially at the end of April or early May.

Next on the agenda, we reviewed and discussed some of the policies that are being considered in the draft Climate Action Plan. There were about ten potential policies that were discussed. Specifically, the next item on the agenda, we looked more closely at one of those policies, and we talked about the challenges and some potential ways to address gas powered leaf blowers.

Finally, there was a public comment period, and two people chose to speak, and that was all for that meeting. So, the next meeting will be April 8th and, as I mentioned, that's when their final draft of the Climate Action Plan will be presented. Thank you."

Mayor Tecklenburg said, "Thank you, Katie. Are there any questions for Katie?"

No one asked to speak.

Mayor Tecklenburg said, "We will have a definitive draft of that plan for you after the next Sustainability Advisory Committee, and one of those items on the Action Plan will be to address gas powered leaf blowers. I want to let you all know that Councilmember Seekings had specifically requested that we include that item as one of those action items, but if you want to address that at this point, Councilmember, or just wait until we bring the draft plan to Council."

Councilmember Seekings said, "When the draft plan comes, I think that would be a good time, appropriate time, Mr. Mayor."

Mayor Tecklenburg said, "Perfect. Thank you so much. Well, thank you, Katie. I mean, you can hear from all of the meetings she has been having with all of those volunteers that this has been a very robust effort. A lot of community engagement, and good work will come of it. One example, as Councilmember Griffin noted earlier today, is our desire to convert to electric vehicles. I did want to just point out, Councilmember, that is just a grant application. We have not received the grant yet, so we are applying for the grant for those electric garbage trucks, but we're certainly hopeful that we're going to be awarded that later this year. Alright. Thank you, Katie.

So, next up is our update on the [City's response to COVID](#). We already heard the excellent update from Dr. Sweat at the Medical University. Tracy, do you want to add anything to that?"

Tracy McKee said, "Good evening, Mayor and Councilmembers. I'll do a brief update. You had Dr. Sweat earlier, who has been amazing in really guiding the City throughout the entire pandemic. He's been a tremendous partner. So, I'll keep my updates brief, and I do have a few notes just from Shannon and his team to share with you all on their work recently.

So, as Dr. Sweat mentioned, the numbers are looking really good. Even since the last time we met, we've seen a 48% decrease in cases in that 7-day average, so we continue on that downward trend. I included the dashed black line though, kind of to Dr. Sweat's point, we're not quite out of the woods yet simply because of the presence of the variants. You can see we've been at the stage we're at before and have seen another surge, so we still do need to remain vigilant for a little while longer. Hopefully, not too much longer. But, very exciting, all of our

indicators are green and as of yesterday the City moved back into Phase III. Hospitalizations continue to go down. This is Charleston County so this is another good sign and, hopefully, like Dr. Sweat indicated, we're getting some of our most vulnerable population vaccinated first. Hopefully, this will just continue to decrease. Distribution, as of yet, they haven't announced the Janssen distribution that we're going to get in South Carolina, but you can see that the Pfizer is actually up for distribution this week. So, hopefully, that will continue to go up, and we'll continue to get more and more Janssen, as well."

Mayor Tecklenburg said, "You mean Johnson & Johnson or is it Janssen?"

Ms. McKee said, "Yes, it's the same. So, it's Johnson & Johnson or Janssen. Janssen is a subsidiary of Johnson & Johnson."

Mayor Tecklenburg said, "Thank you. I hadn't heard."

Ms. McKee said, "Yes. Sorry. The CDC calls it Janssen, so I apologize."

Mayor Tecklenburg said, "Great."

Ms. McKee said, "I think you all have seen this in Dr. Sweat's. At least Councilmember Shahid was on the DHEC website earlier and had a sense of this. But, we've gotten 1.2 million doses administered in the State, and we're getting close to 20% of the population that have at least started the vaccination process, so received at least the initial first dose. So, that's very, very encouraging. I did include some demographics as well. I know this has been of interest to you all, and this is at the State level. Actually, they've just released a new Dashboard, or an updated Dashboard, that you can dig down to the zip code level and actually see all of the demographics and number of vaccinations at that level, so a lot that you can glean from their updated Dashboard. But, we can see at the State level, we did see just a slight increase in the percentage of our black population getting vaccinated. So, that's good, but we still have a long ways to go with only 14% being vaccinated when it's actually 27% of the State population, so we have a little ways to go there. But, other than that, not a lot has changed as far as percentages of demographics, ethnicity, and gender.

A brief update from our Emergency Management Team, so this is really exciting. These guys have been working really hard to create as much opportunity for vaccines provided in the City. Last week, Harris Teeter administered almost, or I guess last month, administered almost 1,800 vaccinations at the Gaillard. So, that's really great, and they are going to do the second doses this coming week, and those are all going to be second doses, so there won't be any new appointments with those. MUSC is planning to, they still have a couple of hoops to jump through, but it looks like they'll be ready to open the clinic at 180 Lockwood, so that partnership is coming to fruition. They hope to administer 1,000 vaccines a day at that location, and it's going to be open Monday through Friday from 8:00 a.m. to 5:00 p.m. Then, of course, the hours of operation for that are going to fluctuate based on vaccine availability, but that is what they are planning, and it will be Pfizer and Moderna vaccines that will be offered at that location. Lastly, Fetter Health Care is going to be operating a vaccine clinic out of the Arthur W. Christopher Community Center in the gym on March 24th from 9:00 a.m. to 2:00 p.m. and that is no appointments, so it's first come first serve for that particular location, and then the second doses for that will be administered on April 21st. I'm happy to try to answer any questions you all might have."

Mayor Tecklenburg said, "Great."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Gregorie said, "Yes. Tracy, what are the times again?"

Ms. McKee said, "I'm sorry."

Councilmember Griffin said, "Go ahead, Councilmember Gregorie."

Councilmember Gregorie said, "Yes, I just wanted you to give me the time frame for the Arthur Christopher Community Center again?"

Ms. McKee said, "Sure. That's going to be happening March 24th from 9:00 a.m. to 2:00 p.m."

Councilmember Gregorie said, "Okay. Thank you."

Ms. McKee said, "You're welcome."

Councilmember Griffin said, "Tracy, do you mind going back a slide, please? It says 19% of South Carolina population total people stated vaccination, but do you know the percentage of individuals who are eligible for the vaccine? Because there are a lot of young people that are still not eligible. I think it's more like in the 30%, right, 33% or something like that."

Ms. McKee said, "Yes. DHEC was reporting it's like 33% of those that are eligible for 1A have been vaccinated."

Councilmember Griffin said, "Perfect. That's what I thought. Thank you."

Ms. McKee said, "You're welcome."

Mayor Tecklenburg said, "Thank you. Are there any other questions for Tracy or comments?"

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, I'm going to next ask Susan Herdina to walk us through where we stand with our [Executive Orders](#) and our Ordinances regarding COVID-19. Susan."

Susan Herdina said, "Thank you, Mayor and City Councilmembers. I know you're all looking forward to the meeting when you won't be hearing from me on these issues. So, I look forward to that, too, and I think we're all hopeful. What I'd like to talk to you about this evening are Items I.3., I.4., and I.5, and we'll take each of those individually. I'll go through them individually for tonight's purposes. The first one is to ask that the Executive Order declaring a State of Emergency be continued to May 7, and I would add that just yesterday the Governor, in an Order that he issued, Order No. 2021-013, extended the State of Emergency in South Carolina. In his Order, which is online and anyone can look at, he does say among other things in the 'Whereas' clause that the COVID-19 pandemic represents an evolving public health threat, and now poses

different and additional emergency circumstances, which required his issuing of that extension of the Declaration of Emergency in the State.

So, the first one, Item I.3., is requesting the extension of the local State of Emergency to May 7. The second item is I.4., but you should have received yesterday a revised Item I.4., and I apologize for getting that to you yesterday afternoon, but what we were doing was trying to make that Order consistent with the Executive Order that the Governor had issued on Friday, and that was Executive Order 2021-012. So, what we wanted to do was give you an updated, most current ordinance that would reflect and be consistent with what the Governor's Order mandated. So, basically, if I could take a second to just go through the proposed amendment to Ordinance 2020-134 and, hopefully, everybody received this yesterday. I know Jennifer, I think, sent it out around 4:00 p.m. possibly 3:30 p.m. but, as I said, overall the important takeaway from this is we are aligning our Emergency Ordinance with the Governor's Order, and in that regard, there are a couple of important changes.

One is we have obviously deleted the prohibition on selling alcohol after 11:00 p.m. in bars and restaurants that was in our prior ordinance. That's now being deleted. We are also deleting the prohibition against amplified music. We felt that it would be inconsistent with the Governor's Order that lifted the prohibition on alcohol sales. So, in other words, we felt that as long as the Governor was lifting the prohibition on alcohol sales after 11:00 p.m. that, tandem to that, we should also lift our prohibition on no amplified music after that period of time, so those are a couple of big changes. Another big change is that in the Governor's Order that was issued on Friday, he lifted most restrictions and constraints on restaurant and bar operations that had to do with safety protocols. So, for example, he took out a number of shall items that we had in our ordinance. This is in Section 6 of our ordinance that I'm now talking about. So, basically, he said, for example, that instead of restaurants having to post signage on their entrances requiring no visitors if they have COVID-19, now they should not post it. So, there were a number of restrictions that the Governor took away and just made as guidelines. We have followed that and done the same thing in our ordinance Section 6, and we also did one thing which is totally consistent with the Governor's Executive Order, which is we have left in place the mask prohibitions. What the Governor has said on that is he expressly says in his Orders that cities and counties can continue to impose mask restrictions if they believe that the circumstances in the community, given the new variants and new circumstances that are evolving, would warrant that imposition of the mask ordinance. So, that's probably a lot to tell you, but long story short, what we're doing is we are lifting almost all of the restrictions that were in place with the exception of continuing to wear masks in public places, continuing to social distance, continuing strongly recommending no large gatherings, and strongly encouraging people to follow the safety measures of the CDC and the State Department of Health and Environmental Control.

The third item is the continuation or extension of, and let me step back, we've asked that that Emergency Ordinance, the amendment to 2020-134, stay in place for 60 days, which would take it out to May 7th basically. The third ordinance that we're asking you to approve tonight is the Emergency Ordinance extending Emergency Ordinances that have been passed previously. This is in your packet. It's Item I.5. We're asking that these particular Emergency Ordinances be extended to May 7. Now, for purposes of discussion, I don't know if you all have this in front of you, again, this is Item I.5. There are roughly six ordinances which we are asking you to extend, and they are listed in Section 2 of the Ordinance I.5. And I'm happy to answer any questions about those, but they are basically continuing the prohibition on consumer price gauging, continuing the suspension of the requirement of physical presence of Councilmembers at Council meetings, continuing the Emergency Ordinance regarding temporary procedures for public hearings,

continuing the Emergency Ordinance for allowing affordable housing units to be approved by the Administrative Officer, continuing the Emergency Ordinance on decreasing risk of exposure to COVID-19 in retail businesses, and just as a side point, that has no mandatory provisions in it. It's all guidelines for safe operations in retail businesses. The last one would be the Emergency Ordinance requiring parade permits for 25 or more persons. There is a seventh ordinance listed there, which is 2020-134, which has to do with the masks in public places and restrictions on restaurants and bars, but if Council is of the mind to approve the amended version of 2020-134, that would replace 2020-134. We are asking that this ordinance also be extended for 60 days to May 7. So, that's a lot. I'm happy to answer any questions that anybody has about those three items."

Mayor Tecklenburg said, "Great."

Mayor Tecklenburg recognized Councilmember Shealy followed by Councilmember Griffin.

Councilmember Shealy said, "Thank you, Mr. Mayor. I don't really have a question, but I have a lot of thoughts and comments. I know, compared to other areas, we've done a pretty good job of keeping our cases lower during the critical times of this pandemic. We've probably been the strictest municipality in the State, and now the groups that are most at risk in our State have had the vaccine or have had an opportunity for an appointment to take the vaccine. That covers, I think we said, close to 1.3 million people in South Carolina, which include people over 65, our front line medical workers, our police officers, firefighters, school teachers, those with medical conditions, front line workers, all of these groups that were at more risk, and we are where we wanted to be. We're all green on all of our charts right now, and all indications are that we're going to continue to get better every day with every vaccination. With three vaccinations in place and pleasant spring weather coming, I think the Emergency Order has done its job. I think now we've protected the most at risk, and we have a plan to protect everyone now.

When we put this in place, we didn't have a plan. We didn't know what was going on, but I think it's time for us to move forward. Our constituents are more educated than they were when this Emergency Order was put in place. The virus has changed us, and people who are concerned about the virus will continue to wear masks, whether we tell them they have to or not. They'll keep their distance, they'll wash their hands, and they'll use sanitizer. I don't think we any longer have to make this a requirement. There will be businesses who want to protect their customers and their staff, they're going to require people to wear masks in their businesses, they're going to keep their distance, they're going to provide the sanitation stuff, and they're going to keep things clean. So, I just think now is the time to move forward, give our constituents the right to choose, and allow them to be careful on their own, and I think the Emergency Order has helped us get to the point we are, but I just feel like it's time for it to expire. So, thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir. Thank you. It is impossible not to get emotional or to get personal when we talk about COVID-19 because everyone of us has lost people that we love, and we've seen people struggle when contracting the virus. My own father was hospitalized just recently from COVID-19. Trust me when I say that I value every single life that is impacted by this deadly virus. I see where all of our colleagues have made valuable points over the past few

months, and it has been the will of Council to continue to vote for the Emergency Ordinances and wear masks to prevent the spread of COVID-19, but Charleston has a proven track record now that is past that point of transmission, infection, and mortality rate. It is time to move on to the next phase.

Just a couple of weeks ago, I came in here and sat in the Chamber for the first time. Tonight, I'm joined by our colleague, Councilmember Waring. Just as an example of common sense we were clearly sitting six feet apart, and we were asked to spread out even more, which we complied. We're clearly 15 feet or more apart. He's had both of his vaccinations. I was tested for COVID just yesterday because I want to make a commitment to all of you on Council that if we do meet in person, with me being in the last phase to get the vaccine, I am willing to go get tested before every meeting to ensure to you that I will not be able to spread the virus and that I will test negative. But, for some reason, we've still been asked to wear masks in this room even though we're spread significantly farther apart, and that, to me, is a perfect example as to why we need to take a more common sense approach as we move forward.

Because the conditions across the State have continued to improve, our Governor released some very significant Executive Orders in the last week ending Statewide mandates for mask wearing in bars and restaurants, and we have to remember that he was one of the Governors who did not impose a mask mandate Statewide, instead allowing municipalities and local governments to make those decisions. The City of Charleston on the other hand has always had a very restrictive, very broad ordinance. In fact, you could probably argue that we have the most restrictive mask ordinance in the entire State. This goes against the Executive Order from last Friday which states that, 'the mask ordinances of local municipalities should be narrowly tailored, face coverings are only necessary when people can't reasonably socially distance,' and, finally, it mentions how data should be used to make the ordinance as least restrictive as possible. It's important that we give our citizens and visitors a very clear understanding as to what our plans or intentions are. With a 99% survival rate, this is not something the City needs to dictate any longer. We need to come up with a serious plan of action that puts the power back in our people. We also need to quit writing tickets and, frankly, I would love to see these citations dismissed. The precedent is there.

Just last year, our City Prosecutor dismissed several police citations that were non-violent, especially after the riots took place on May 30th. We said at that time that we didn't want to ruin people's lives over non-violent single instances. Well, these people that have been served with mask citations deserve the same consideration. At the end of the day, I trust every one of our constituents, and I know that many of them, even if we lift mandatory mask restrictions, are still going to wear them daily. I would also suspect that a majority of our businesses will still require masks to be worn by their employees and probably their patrons, as well. I think it's time we give them the right to choose again. We have dictated their lives in a lot of ways for a year. Whether it be tonight or whether it be in the near future, it's time to show some faith in the people we represent to do what is right for them and their families. Thank you."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Brady and Councilmember Sakran.

Councilwoman Jackson said, "Thank you, Mr. Mayor, and thank you, Councilmembers who have already spoken. I empathize with the people who are ready to declare that we've done

all we can do as a local government and that we should let the people be responsible and make up their own minds about how they go about their daily lives. I do resonate though also with especially the people in the occupations that were moved into Phase 1B beginning yesterday, and I think that Councilmember Shealy mentioned teachers have already had their opportunity. My daughters are teachers. Thankfully, they had a friend who heard that this phase was going to open up, I don't even know how, from some other medical person or something, and they were able to get an appointment today, but that isn't true of the majority of the Phase 1B eligible people as far as I know. They are still being challenged to find a place that will take an appointment, and they're having to wait into April.

So, I feel like 1B people are definitely those who serve people face-to-face every day in our grocery store lines, in the restaurants, in the other retail spots, and, yes, we had a majority of public comment letters that the Clerk tallied for us that were asking us to drop the 60-day extension, but the two letters that were the most compelling to me were from the two front line, I think they were mostly restaurant/bar, employees. One was a manager, and I think the other one might have been, too. I didn't really pay attention to their own occupation, but they both serve the restaurant industry and the customers, and they basically begged us in their two letters to continue this as a local government enforced mandate because they said it's way too hard to argue with customers trying to push their way into a restaurant without masks, especially if they're in a location where they're most likely to get tourists from out of town. So, I feel like we should be respecting the people who are on the 1B cusp of things and give them a little while longer to feel safer by people continuing to get their vaccinations.

I would be willing to compromise. A few of us talked about that today if we wanted to make it one month into our first meeting in April and then revisit this decision. Let's hope that the supply continues, let's hope that we can continue to the percentages of population. I had a couple of letters in my inbox today from people who mistakenly thought that 33% of our whole population across the State had already received both vaccines. It's 33% of people who are eligible in Phase 1A, which we know opened up back in December, and it's just now that only a third of those people have actually gotten their vaccines fully completed. So, the supply has been the problem. I do think that we should let that process work. I would vote to either extend it as it's been recommended to us for the next 60 days or cut that in half and then come back and do this again in April. Thank you.”

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, “Yes. Thank you, Mr. Mayor. I want to take a few moments to explain why I'll be voting the way I am on the City Mask Mandate. As I'm sure we've all seen this week, and we've seen in this meeting through communications left with the Clerk's Office, as well as emails to us individually, passion runs deep on whether the City ought to extend its mandate for another 60 days. On one side, folks point to the fact that the Governor has lifted virtually all restrictions, including his requirement for face coverings in restaurants in jurisdictions that did not have their own ordinances, or that they are tired of having to wear a mask, or that they feel their civil liberties are being violated by being required to wear a mask in the City, or that masks are ineffective against the spread of COVID-19. On the other side, folks point to the fact that masks help vulnerable people feel more secure, and therefore, are able to engage more fully in the economy, or that wearing a mask shows respect for others and follows the golden rule of 'do unto others as you would have them do unto you', or that masks follow the latest recommended science on stopping the spread of COVID-19. It is unfortunate that the issue of wearing a mask has become a polarizing culture war issue in the middle of a pandemic. But, this is not the first time,

nor probably the last, that this issue will be debated in the midst of a viral pandemic.

Indeed, during the 1918 Flu Pandemic, masks were mandated in locales across the country, and schools and movie theaters closed, and public gatherings banned. There was opposition to these measures then with citizens in San Francisco even forming an anti-mask league. At the time, the City of San Francisco implemented a \$5 fine, which was a significant sum at the time, if they were caught in public without a mask and were charged with disturbing the peace. Even during the 1918 Pandemic, there was competing information coming from government officials and health institutions, much like we see today. The Surgeon General and President Wilson, at the time, completely downplayed the virulence of the new flu strain that was ravaging the country amidst World War I, even while other public health officials and institutions, including John Hopkins University, the New York Board of Health, and the Rockefeller Institute, pleaded for more measures to be taken. But, most of the implementation of public health measures was left up to the States and localities, just like today.

I give all that background to say that history does not repeat itself, but it often rhymes. They were not able to develop a flu vaccine in time to help with the 1918 pandemic, so the pandemic ended when those infected either died or developed immunity. However, with the Coronavirus Pandemic which, should be noted, has killed more Americans than Americans who died in World War II, we do not have one, but three vaccines that have been developed. There is light at the end of this tunnel, but seeing the light is not enough. We have to get to the end of the tunnel. No matter what we do here today, people will still question the efficacy of wearing a mask as a prevention against COVID-19, and it is true that the recommendations for mask wearing have changed from 'don't wear a mask' at the beginning of the pandemic to recommendations to wear multiple masks. This is not some nefarious conspiracy on the part of career public health professionals. This is the scientific method at work. Hypotheses are designed to be tested, and when a hypothesis proves wrong, it is tweaked and tested again. Unfortunately, most of us only encounter the scientific method when it is basically settled science. That is, a hypothesis has been tested, peer-reviewed, and agreed upon. The Coronavirus Pandemic has made us have to watch the scientific method get applied in real time. Science has developed these vaccines, and now the State is opening up eligibility, so there is a real chance that, between those that have developed antibodies to COVID and those getting the vaccine, we can reach a point here relatively soon where masks are no longer needed. But, we are not quite there yet. There is light at the end of the tunnel, but I want to be absolutely certain that the light at the end of the tunnel is actually daylight and not an oncoming train. Therefore, I will be voting to extend the mandate. Thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. We've been discussing these Emergency Ordinances for the better part of a year, and I've heard from many constituents, as many of us have. There are a few things I definitely want to address and get on the record tonight, especially in the face of some of the public comments that we received. Number one, I'm proud of you, Mayor, and I'm proud of my fellow Councilmembers for the direction we've taken this past year when it comes to COVID. Of course, there are some things we could have done better, but we focused on science, and we focused on the data. When I took an oath to protect this City, it wasn't just buildings and streets. It's our most vulnerable, those without access to healthcare and, particularly, our elderly. So, let's just be clear, eight out of the ten deaths attributed to COVID were over 65. So, to suggest that this wasn't and isn't a serious health concern completely dismisses

the facts. There's no playbook for dealing with a pandemic, and it's easy to play Monday morning quarterback, make comments on Facebook, and second guess those in elected office. Nobody I know likes wearing a mask, and there's no conspiracy theories to hurt small businesses or take away someone's rights. This is the best part. There are laws ensuring we stop at lights, that we don't smoke indoors, that we wear seatbelts, and I don't hear anybody crying about personal freedom issues when you hear that. But, mandating people to wear masks in the middle of a global, world pandemic with no vaccine until two months ago, mind you, was the straw that broke the camel's back. Come on.

Those that think masks do not help clearly are not reading the overwhelming body of evidence and global research and, quite honestly, I have to ask, where are you getting your information? If you want to debate about whether big brother is infringing upon your rights or your right to wear a mask, that is one thing. But, when someone flat-out tells us, in the middle of a public meeting and through email and on Facebook, that masks do not help I say, with all due respect, maybe you should spend less time on Facebook and more time gathering information from the variety of sources that are available to you. Each of us is entitled to our opinion but not our own facts. Study after study suggests that wearing masks reduces transmission rates substantially. The data is clear.

So, for the good news because I do think there is light at the end of the tunnel and, to Councilman Brady, I don't think it's a train. To all the City residents and a large majority of Americans who decided to wear a mask in public, social distance and wash your hands in an effort to protect themselves, as well as others, like grocery store employees, restaurant workers, and teachers, your efforts have paid off. If this isn't evidence that some basic behavior changes can have a major impact, I don't know what else needs to be shown. In South Carolina, infections and deaths due to COVID are decreasing. Our vaccination numbers are going up. This is all good news. This should give us hope. I will say, to Councilman Shealy and Councilman Griffin, I think our narrative has to change. We have to move from a place of protection and inclusion and being reactive to a place of hope in tomorrow and optimism. I do think we need to have a plan to end this mask ordinance and to set a date to resume in-person Council meetings. I do think the 60-day ordinance, as it's currently written, is too long. I think we should reduce that ordinance to 30 days and set a goal to meet in person for Council meetings beginning Tuesday, April 27th. If, at the 30-day mark, conditions on the ground change, then we adjust. We need to ensure a majority of those in 1B are vaccinated if they have not been vaccinated. There are teachers here, in Charleston County, that have still not been vaccinated and will not be vaccinated for the next two or three weeks. I realize it's been a tough year, and we're not out of the woods yet, but I do think we should change the narrative, like I said, from protect and isolate to one that's cautiously optimistic and hopeful. I think, Mayor, we all need a bit of hope right now."

Mayor Tecklenburg said, "So, could I entertain a motion, and I hear your all's comments about the timing on this thing. Our first April meeting would be on the 13th so, frankly, it would be a little more than 30 days. So, if you want to set a motion to have a shorter timeframe than the 60 days, I'd respectfully ask that you consider making it through April 14th, so that we at least get to that April meeting without having to have an emergency meeting."

Councilmember Sakran said, "That's fine. Could I just finish my comments?"

Mayor Tecklenburg said, "Oh, yes. I'm sorry. I thought you were done. Excuse me."

Councilmember Sakran said, "I think once we get enough citizens vaccinated, we ought

to shift our attention to rebuilding and rethinking how we support our small business owners who have been decimated. We have to acknowledge that many of these small businesses are closed and will be closed forever and are never coming back. I do think this is an opportunity to rethink how we support those small business owners and, in particular, our black-owned business owners here in Charleston. I just want to share some sobering data that I spent this week looking up and researching. The Federal Reserve Bank of New York found that small business ownership in the US dropped 22% between February 2020 and April 2020, but black ownership dropped 41%. That's the greatest decline among all racial groups during the depths of the pandemic. An H&R Block survey of almost 3,000 small business owners found that 53% of black business owners saw their revenue drop by half compared to 37% of white owners. I would argue that when we go about restarting, rebuilding, and reinvesting in our local economy here post-COVID, Mayor and Councilmembers, this is more about racial equity and opportunity than anything else in our City's recent history. Study after study suggests that small, black business owners were left out during COVID, and if there was a wealth and opportunity gap prior to COVID, the gap is only going to get bigger post-COVID. I think this is a critical opportunity for us as a City and speaks directly to the work of our Commission on Equity, Inclusion and Racial Conciliation. I think it's an opportunity for us to address this, Mayor and fellow Councilmembers. That's the extent of my comments."

Mayor Tecklenburg said, "Thank you, sir. Could I entertain a motion?"

Councilwoman Jackson said, "Yes, Mr. Mayor. I'll make that motion that we extend this Emergency Ordinance, all of them as we need to, until April 14th after we've had our meeting and a vote on April 13th."

Councilmember Sakran said, "Second."

Mayor Tecklenburg said, "Any further discussion?"

Mayor Tecklenburg recognized Councilmember Shahid, followed by Councilmembers Mitchell and Appel.

Councilmember Shahid said, "Thank you, Mr. Mayor. I don't want to rehash the comments that several of you have already made, but I do just want to run through some numbers and keep this in the proper perspective. We heard from Dr. Sweat at the very beginning of our Council meeting. 603 cases, nationwide, a year ago. Now, we're at 29 million. 22 deaths a year ago. Now, we're at 525,000, almost 526,000 deaths. When you look at the numbers, you need to keep a perspective that those numbers, those deaths, represent 20% of the global deaths. 20% of the global deaths our Country has racked up, and we only represent 5% of the global population. 5% of the global population accounts for 20% of the deaths from this pandemic. That is a sobering number that we have to take into account. That's on a national level. On a local level, Dr. Sweat said, of the Tri-County area, only 21% have been vaccinated. Statewide, only 10% and 20% have only received their first shot. I get my second shot on March 18th thanks to the diligence of Kay Cross in helping me get my appointment when I couldn't figure out how to schedule it myself. But, I got it done, and I'll get my second shot on March 18th. The science on this is very clear and very specific. Social distancing, wash your hands, and wear a mask. It's just really that plain. We are very close to having this pandemic under control, but there are two factors that we need to be aware of. Dr. Sweat touched on this very shortly. One, there's a variant out there, and if we're not careful, that variant can spread. If we're not diligent, that variant can spread. I'm not sure, and I don't know if the scientists understand that variant, of the current vaccine and how effective that's going to be.

Second, we have seen spikes. It's well documented. Tracy pointed that out to us, and you saw the graph. There is that threat of a spike to continue. If we want to continue this ordinance until April 14th, I'm all for it, to see where our numbers are, to go back and revisit the number of people who have been vaccinated in the Tri-County area to see whether that 21% has gone up to a higher number. I think that's a smart move on our part. I'll support us going until the 14th. But, I'm going to vote for either version, that we continue this for 60 days or continue it until the 14th of April, either way, because we have got to remain diligent. I'm not sure if Councilmember Sakran said this, or Councilmember Brady, our number one responsibility is public safety. We think about that as fire protection and police protection, but the wellbeing of our public is our job number one. It is what we do to make sure that we are protecting our citizens and we're protecting the people who come visit our City. This is our responsibility. It's not anything political. It is just the science out there, and it's the hard numbers out there. So, I'll support either one of these versions, the amended one we just discussed or the way it was written, but let's all of us join in and have a unanimous vote on continuing this until at least April 14th. Thank you, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Mitchell, followed by Councilmember Appel.

Councilmember Mitchell said, "Yes, Mr. Mayor and Councilmembers. I agree wholeheartedly with what everyone was saying and with my colleagues Councilmember Shahid and Councilmember Sakran and Councilwoman Jackson. I would have voted for sixty days. It doesn't matter to me. I was going to support the days. I had too many family members and too many close friends that died from this virus, very close friends. This is very serious. We have to take this very seriously. We have to make the tough decisions. People beat us up. I get beat up all the time, but it doesn't matter. I'll take it because I'm there to help and to assist the community. That's what it's all about to me. It's all about community. There's nothing about me at all. It's about the community at-large. That's why we're here, to look out for the community's safety. They might not see and hear what we hear and see all the numbers that we are seeing and seeing what happened over the State of South Carolina, even in the City of Charleston. It's pretty bad. A lot of us have had the vaccine. I've had the vaccine, and I'm taking my second shot on the 18th, also. With most of the people taking their vaccine, and we're in a Council meeting, most of the Councilmembers would have had their vaccination. They said if you had the vaccination, you can meet together, and you wouldn't have to go through all this because you have the vaccination already. But, some of us can't take it because they haven't reached the age yet or whatever the case may be.

So, we've got to be very, very careful. If we don't keep this down right now, it could come back and a spike could come up, and it could be worse than it is now. That's what happened before. So, we've got to be very careful with it, and that's all I'm saying. I hear what the people are saying. I hear what the community is saying. But, we are really looking out for them and ourselves also. That's all we're doing. Like I asked before, Mr. Mayor, when we had the press conference, we said to give us a little time. 'Time' might be next week, next month, six months. But, this is the way it works. This is something that happened that we weren't prepared for and didn't know anything about. But, we want to make sure that everybody is staying as healthy as they possibly can. We don't want to see anymore death. I don't want to see anymore death. I have grands in the schools. My kids are grown, but I have grands in the schools. I have daughters and sons that are working out in the community. So, if we don't keep this thing as safe as we possibly can, it could be more, and I don't want anything happening to them also. So, we have to look at the broader picture, and that's all we're doing. So, if we're going to take to the

Councilmember that agreed to going to April 14th, I would go to April 14th because I don't want to see it spike before we get there and then have to go back again and close everything back down, and then everyone will fight more. We've got to weather the storm a little bit. We're getting there. People are getting vaccinations. Let's be a little patient. I know how it is. Thank you."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. I'm going to be brief on this. I think a lot of great points have been made already this evening. It's true. We've made tremendous progress as a Country, as a State, and as a City in dealing with this unprecedented health challenge. One thing we need to keep in mind, this mask ordinance, this mask mandate, is the last vestige of the COVID related regulations that we've been under. There's never been a lock-down in South Carolina. There was about a month and a half between the middle of March and the first week of May where there were a lot of businesses closed, almost all of which were due to the Governor's orders. Since then, things have pretty much been open. If you are out downtown in the City of Charleston over the weekend, there were people all over the Battery, all up and down King Street, in restaurants, in bars. That's great. We're coming back, and the City of Charleston is going to come back stronger and better than ever.

Wearing a mask is a small, tiny thing that we can do in the fourth quarter of this battle. As Councilman Brady said, I think he said it great, seeing the light at the end of the tunnel is not the same thing as being at the end of the tunnel. We're getting close. I thought we were probably there based upon everything that I had heard and the expedited roll-out of the vaccine and the additional resources that are being put into vaccination. But, I'm fortunate to have a lot of doctors in my district, and every single doctor I spoke to over the weekend thought it would be a terrible mistake if we got rid of the mask ordinance at this time. So, that's good enough for me. I agree with everybody. Our goal needs to be to get back in-person and meeting as soon as possible and as soon as it's safe to do so. We can absolutely do that.

I agree with the idea of breaking this off into smaller pieces so we can come back and evaluate where we are, but let's also be real about this. COVID-19 is never going away. There's always going to be COVID-19. There's always going to be cases. There's always going to be people that, God forbid, die due to COVID-19. It's going to be with us forever, just like most viruses, unless we can totally eradicate it, which would really be something. We have to learn, as a society, how to live with COVID-19. Vaccines are a big part of that, and it's going to provide an immense amount of protection for a huge number of people, but we cannot act as if the risk is ever going to go away. There are going to be people who never get vaccinated because they believe Bill Gates is going to control their mind when they get stuck with the needle. But, that can't stop us from meeting in person. That can't stop society from opening up. I heard President Biden say that at the end of May, enough vaccine will be out for everybody that wants it. That's a pretty darn good line in the sand.

Israel has been an incredible country when it comes to vaccinating its people, but not just with the roll-out, the resources and all of that. The messaging in Israel, the public relations, they're very direct people in Israel. They speak directly to the point and don't meander around like some people, like myself. They're very clear. 'Get vaccinated. Get back to normal'. They're having vaccines given in bars where they say, 'get a shot, take a shot.' The messaging is muddled in the country right now. It's, 'get a vaccine, but still wear a mask,' 'get a vaccine, but you shouldn't be around your kids'. We need to turn the page on this thing. I think we're getting close to the end of the book. We're not there yet. I think we need to continue this mask ordinance. But, we need to

mentally and psychologically prepare ourselves for getting back to normal in every way, shape, and form. We tolerate risk in all measures of life. That's not to mean that we're going to be reckless or fool hardy. But, once people are vaccinated, it's a game-changer, and we can't afford to stay in this COVID mentality forever. That's all I've got. Thanks."

Mayor Tecklenburg said, "Thank you, Councilmember."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. When we took the oath and got sworn in after the last election, I spoke about the intellect of our Council. I can't be prouder of what was prepared today and said. People are doing their homework on this, and that's best for our community. I really appreciate what Councilman Brady said. You're right. That light at the end of the tunnel, let's make sure it's a light towards prosperity and not a train headed towards us. Councilman Sakran, your words will be memorable. The impact on minority communities financially has been devastating. So, if we make a mistake, we make a mistake on the side of being conservative with one another's health as a community. I would have voted for the 60 day. I'm certainly going to vote for the 30 day or thereabouts, whatever it is, because if we make an error, again, we make an error on trying to keep our community healthy. That said, the portion about we need to be reasonable about this, Mr. Mayor, I'm in the Chambers, along with Councilman Griffin. I have been vaccinated. Councilman Griffin has tested negative. We are at least 15 feet apart, and the public isn't present. Within less than 60 minutes, we've been told twice to put on our masks. Hypothetically, if there were Livability officers, I guess they'd come in here and write us a citation, but there is no science that says a person who's been vaccinated and a person who's tested negative, that are 14-15 feet apart, is a danger to anybody with this virus. So, we have to use a measure of common sense.

That said, whenever the bell is rung and we reach herd immunity, I don't know if that's September or some other portion of this year, I will never go back. Councilman Shealy is right, lives have changed. I will always have a mask. I don't know that I would ever go back. We used to look at some of the, and I say this respectfully, people from Asian societies walking around with masks on, and some of us used to laugh. You get on a plane, and people would come in and have a mask on. We would say to ourselves, 'what's wrong with them?' I tell you what, moving forward, when I get on a plane, I'll have a mask. Those people were right. They had more experience with pandemics than we recently have. So, that said, I'm going to support the amendment. I like the graded way of moving into it. I think that's the best that we can do. I would hope that, I was going to do it at the end of the meeting, and I'll still do it because that's the appropriate period of time to do it, but I agree with Councilmember Sakran and others that we need to show leadership. That we can govern this Municipal government in-person, with masks, safe distancing, so the public can come into the public square and return to where, respectfully, we can be heard. Thank you."

Mayor Tecklenburg said, "Thank you. Anyone else?"

No one else asked to speak.

On the motion of Councilwoman Jackson, seconded by Councilmember Sakran, City Council voted to ratify the following Emergency Order and Emergency Ordinances, as amended:

EXECUTIVE ORDER CONTINUING THE DECLARATION OF STATE OF
EMERGENCY IN RESPONSE TO COVID-19 VIRUS OUTBREAK **(AS**

AMENDED)

2021 – 024 - EMERGENCY ORDINANCE AMENDING EMERGENCY ORDINANCE 2020 -134 BY DELETING LANGUAGE IN SECTION 6 RELATED TO RESTRICTIONS ON SALE OR CONSUMPTION OF ALCOHOL AND IN SECTION 7 RELATED TO RESTRICTIONS ON PLAYING AMPLIFIED MUSIC IN RESTAURANTS AND BARS (AS AMENDED)

2021 – 025 - EMERGENCY ORDINANCE EXTENDING CERTAIN EMERGENCY ORDINANCES RELATED TO COVID-19 (AS AMENDED)

The vote was not unanimous. Councilmembers Shealy and Griffin voted nay.

Councilmember Griffin said, “Nay for three and five. Not number four. Number four was ending the 11 o’clock curfew, correct?”

Mayor Tecklenburg said, “It included the mask ordinance, though.”

Councilmember Griffin said, “I thought that was three and five.”

Mayor Tecklenburg said, “I’m pretty sure that four included the mask ordinance. Correct?”

Ms. Herdina said, “Yes, sir.”

Councilmember Griffin said, “Okay. Nay for all three then.”

Councilmember Shealy left the meeting at 7:22 p.m.

Mayor Tecklenburg said, “Okay, thank you. Next, we’ll go to our [Council Committee Reports](#). Two ordinances are included on this next one. Our Committee on Community Development.”

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, “Yes. The Community Development meeting was held on February 25th at 4:00 p.m. I’m going to ask Ms. Johnson to come up and assist me in giving this information. On the bottom you see ‘give first reading to the following bills’. Both of those were passed and approved. I’m going to ask Ms. Johnson to come and explain the first three, A, B, and C.”

Mr. Ojala said, “I think Geona is trying to connect back to the meeting.”

The Clerk said, “I’m on the phone with Geona right now. She got bumped off of her computer, so she is signing on right now.”

Councilmember Mitchell said, “While she is signing on, on Item A, we had a big discussion on that, and we had a presentation about NHE for the LowLine Affordable Housing. They received the contract. It was for information only. So, Ms. Johnson could probably explain B and C, if she’s there yet.”

Mayor Tecklenburg said, "She's coming online right now."

Ms. Johnson said, "Good evening. Thank you, Councilmember Mitchell and members of Council. As Councilmember Mitchell indicated, the first presentation was for information only allowing a greater familiarity with the organization, the development group that will build the rental properties on the City's property near the Low Country LowLine. Item B was an ordinance to amend Part 15 of Chapter 54 of the Code of the City of Charleston to provide for an increased fee-in-lieu under our Mixed-Use Workforce Housing Ordinance. The CD Committee of City Council supported that. Since that time, Assistant Corporation Counsel, Chip McQueeney, has provided you an ordinance to support that approval. I am going to ask Matt Ojala to give you further explanation on the fee. I would say the ordinance and recommendation stems from the report that was submitted to CD Committee of City Council approximately one month ago that basically provided evidence relative to the fact that we recognized over the last several years that the fee was lower than we desired it to be. I think many of you heard me say that at the very beginning but, nevertheless, we have evidence showing that now. So, what we're recommending to you tonight is a change in that. Item C, of course, was an ordinance to amend Article 2, under Chapter 54 of the Code of the City of Charleston, related to our Conservation Development. Again, Corporation Counsel prepared an ordinance, and we have our Planning Director who will speak to that. But, before we go there, Matt, if you would just share with Council the recommendations we made relative to the fee, and I would remind Council the idea behind these recommendations and this fee structure is to provide for the opportunity for developers who opt into the fee-in-lieu to have several options. Our goal here is to ensure that we are able to have affordable housing constructed. The fee has been phenomenal for us because it's been an unrestricted source of funds, but in light of the need for affordable housing, we want to make sure that we can get the affordable housing on site. So, with that, I will be quiet and ask Matt to just explain that fee structure."

Mayor Tecklenburg said, "Matt, before you begin, Councilmember Seekings, did you have a question or observation?"

Councilmember Seekings said, "I did, Mr. Mayor. Thank you. I just want to make sure, procedurally, that what I heard from Ms. Johnson is correct. So, this came through the CD Committee. They got a report on the fee-in-lieu and some recommendations, but they did not vote on this ordinance that we have in front of us? The ordinance has come between the meeting and tonight. Is that correct?"

Mayor Tecklenburg said, "We voted to approve the fee."

Councilmember Seekings said, "But, the ordinance, as drafted, has not been reviewed by the Committee."

Ms. Johnson said, "Correct."

Councilmember Seekings said, "It's now getting reported out as an ordinance recommended by the Committee. Is that correct?"

Mayor Tecklenburg said, "That's correct, but I must say that, substantially, the effect of the ordinance is just to put the fee in place. Isn't that correct, Mr. McQueeney?"

Mr. McQueeney said, "Yes, sir. I think the Committee just voted on the fee structure. I

believe the ordinance was prepared before the Committee meeting. I think a couple people pointed out some small changes that I had outlined and that I can go through once we get further into it. But, no, they did not have the ordinance at the meeting. I'm absolutely sure of that."

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg said, "Matt, will you proceed with the explanation of the fee?"

Mr. Ojala said, "Yes, sure. So, just as a refresher, developers voluntarily can opt into the MU zoning. The zoning allows for increased density on the site and, in return, the development must include 20% of the units on the site as affordable. Alternatively, the developer can pay a fee-in-lieu to offset the affordable units on the site. That's currently set at \$5.10 per square foot of the development. The developer also has a second option to offset building the affordable units on-site by providing land-in-lieu. Just to reiterate what was shared at the Community Development Committee, developers are all selecting the fee-in-lieu alternative rather than building the affordable units on site. That's with just one anomaly property that built the units themselves as part of a separate agreement. So, this update to the ordinance provides a tiered, escalating fee structure to encourage developers to include affordable units within their developments and to support inclusive communities.

Under the proposal, there are four tiers with an escalating fee amount at each tier. As there are four tiers, the fee amount at each applies to a quarter of the gross square footage of the development. So, the fee amount at tier 1 starts at \$7.50 per gross square foot. That applies to a quarter of the gross square footage of the development and then increases at tier 2 to \$10.00 per gross square foot. That applies to, again, a quarter of the gross square footage of the development. At tier 3, it increases to \$12.50 per gross square foot applying to a quarter of the gross square footage of the development. Then, tier 4, the fee amount is \$15 per gross square foot applying to a quarter of the gross square footage of the development. So, under the structure, the developer has the choice to build a quarter, a half, three quarters, or all of the units that they were required to provide as part of their opting in to the MU zoning. On the other hand, they have the opportunity to pay the fee to offset those units. In addition, the proposal would also add a provision that would index the fee to the consumer price index, and it would be adjusted on an annual basis in future years to ensure the value of the fee keeps up with inflation. I'll just add one final point, and that is that the Housing and Mobility Subcommittee of the Commission on Equity, Inclusion, and Racial Conciliation has included an increase to the fee-in-lieu alternative as part of their draft recommendations. So, I wanted to point out the good work that they're doing and their thinking on this issue."

Mayor Tecklenburg said, "Thank you."

Ms. Shaw Johnson said, "Thanks, Matt."

Mayor Tecklenburg said, "So, again, I guess I would make the point that the ordinance before you, substantially, the purpose is just to adjust the fee and make it adjustable to inflation over time. This is first reading. So, I would like to entertain a motion to approve it, and if there is any further scrutiny of it or recommendations, of course we can make those when we come back for second and third reading."

Councilwoman Jackson said, "Move for approval."

Councilmember Sakran said, "Second."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I know this is for first reading, but I did have some discussions with Ms. Johnson regarding some issues that I observed, especially with regard to first generation participants. I think there was an omission from the old ordinance that was not included in this, and I think there have been discussions to put it back in. Also, to make sure that the date is consistent with the date of ratification, as opposed to the date that's currently in the draft."

Mayor Tecklenburg said, "You got that, Mr. McQueeney?"

Mr. McQueeney said, "Yes, and I made the change. Geona contacted me today, and I made the change that Councilmember Gregorie pointed out. I appreciate that. I completely missed that portion of it and did not move it to the location it needed to be in. I can show you the red line with that change. When I was going through it, I found a couple of minor changes that I also pointed out in my red line, but however you all want to proceed is fine with me. Do you want me to show the change?"

Councilmember Gregorie said, "You can. You've already made the changes before this vote and just so everyone would know it, maybe we should."

Councilmember Mitchell said, "And make sure everyone is understanding."

Mr. McQueeney said, "Yes, sir. My red line is to what you all have in front of you that's attached to the agenda tonight. Jennifer, can I share? I should be able to. I think it's this one. Everyone can see the Word document in front of you? I did notice, as I was going through it, the definition of square footage was written incorrectly. It should be the 'difference,' and I think I put 'different.' I didn't put the rest of the equation in there. This just matches the language from the previous definition of gross square footage that's in the ordinance now. I mistakenly wrote the tier quarters, the fourth tier on page four in the multiplier about multiplying, excuse me, about increasing the amount based on the CPI each year. Councilmember Gregorie pointed out in paragraph two on page four, and this is what I had omitted, and I apologize. I just completely omitted it. If a Certificate of Occupancy has been issued for these first generation properties, these are ones that are under, not the ordinance in effect now, but the ordinance that proceeded that in 2017, then if there is a conversion, the fee per unit can be prorated to account for the number of months the unit was previously subject to the workforce housing covenants. Excuse me, not a conversion, if you want to pay the fee-in-lieu instead of continuing your rental of a workforce housing unit on the property, you can pay your prorated amount based on the total months you've already rented it out as workforce housing. So you do the calculation. It's based on the \$3.40 multiplier in effect prior to 2017, and you pay that based on your total months you've rented it out. I think that's a ten-year affordability period during that time. This is what I call a small, big mistake. Section 3 should read 54-299.5, not .2 as deleted. Pretty obvious from the context. The date, Geona and I spoke about this. So, our workforce housing ordinance is incentive based. In the past, we've adopted two versions. The previous changes were applicable to all properties that had not previously been zoned or for which the zoning application was not pending at the time we adopted it. This ordinance, it's drafted now so that it would apply to any zonings that would occur between February 25th, which is when the CDC Committee meeting was. I would recommend, if you're going to apply the pending ordinance doctrine, to make that March 9th

instead of February 25th, but it would essentially ensure that if anybody rezones now to Workforce Housing, and this new ordinance gets adopted, that the new ordinance requirements apply, not the ones in effect now, but the ones that are to be adopted. You might have people rezoning their properties under the old formula over the next month or so until this is adopted in order to avoid the new formula. That would be my recommendation, is to make it March 9th and the pending ordinance doctrine applies. You can also just eliminate application of the pending ordinance doctrine, however you all want to do. It's easy for me to correct or change."

Councilmember Mitchell said, "Councilmember Gregorie, is that what you were looking for?"

Councilmember Gregorie said, "Yes. It's consistent."

Councilmember Mitchell said, "Okay. So, we can move on."

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Between first and second reading, I'd love to sit and talk with Ms. Johnson and Mr. McQueeney about these next few questions. One is, how did we arrive at the rates that we arrived at in the four different tiers or categories, the \$7.50, \$10, \$12.50, and \$15? That's my first question."

Mr. McQueeney said, "I'll say, for my perspective, they had calculated out two or three different types. I told them they didn't go as high as possible. But, I told them to go as high as possible to give you all some low-hanging fruit, but they did not accept that recommendation. They went with an average amount. I think they had run the numbers based on various scenarios and decided on these particular numbers. The idea of the tier is, of course, to encourage people to build on-site workforce housing, and as you increase the number of houses you build, once you get into that last 25%, especially, it becomes more expensive to just pay the money. So, it encourages people to build, even if it's not the total amount on-site, a smaller percentage on-site. Other than that, the specifics I would have to defer to Geona on that."

Councilmember Seekings said, "That's good for now. I get that. As a follow-up question, Mr. Mayor, if I may, the idea is to build on-site workforce housing, which we weren't successful with the first time around. It was all fee-in-lieu, right? So, my question is, and I wonder if we can build this in, Mr. Chairman I would ask that you take this up at the CD meeting on Thursday, would it be of some value to take a look at this document and ordinance and build a hybrid in there? The way I read this, and it's pretty complicated, I looked at it for the first time today, is that you've got to choose before CO whether or not you're going to pay the fee or you're going to go whatever tier all in. Why wouldn't we offer a hybrid, like you just described in the first generation, where someone might not be in the workforce housing business, but might like to give it a shot, and they go and start doing it, and then maybe afterwards they decide somewhere down the road they want to pay the fee, but we would have workforce housing online quicker than we would with the fee-in-lieu? It just seems that we're making them make a hard choice on the front-end of, 'we're either going to get in the workforce housing business or we're not.' I would say that there's a possibility in this ordinance to put a hybrid in there that may be of some attraction to developers going forward. I don't want to commit to too much tonight at a big City Council meeting, but I'd like to talk about that and see if that's something we can build in as another third option."

Councilmember Mitchell said, "We can take a look at it. Most of the developers I spoke with, which you know most of the developers in the district I represent, I was explaining to them that this was going to happen, and most of them called me back and said they didn't have a problem with it. We can still discuss that at the next meeting. I have a meeting coming up Thursday. I have two of them this month. We can discuss it and take a look at it and see what it's about."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Geona, this may be a question for you. How is this ordinance, as we're going through these amendments, how does this compare, if we can do a comparison, with other cities that are trying to do this same thing? There is obviously tweaking we need to do with this because the first one wasn't working as well as we wanted it to work. Are these numbers that we're throwing out enough of an incentive to accomplish the goal that we're trying to accomplish with these developers and builders?"

Ms. Shaw Johnson said, "Councilmember Shahid, I think so. When we started this back in 2017, and we presented the current fee structure, many of the developers at that time told us that fee structure was too high, that it would have an adverse effect on development in the City of Charleston and many developers would not want to opt into the mixed-use workforce housing. Well, that was not true. One of the things that Councilmember White, when he served on Council, said was that the evidence would be whether or not they use this or not, whether they decide they're going to opt in. Well, based on that report we had in your Council packets at the last meeting, every single developer, thirteen out of the fourteen developers, chose the fee versus building the units on-site. That said to us that, in fact, that fee was not as punitive as they made it out to be. With that, over the last several years, very similar to what we did at the beginning of the process, we began to analyze what other cities across the country have been doing in relation to this. Some have fees higher than what we're proposing. Some have various hybrids of fees, along with other incentives included with their ordinances. We landed somewhat in the middle, recognizing that, because our fees were lower than what we wanted them to be from the very beginning, we thought it appropriate to use this scale that we're presenting to you tonight in having analyzed and assessed the various fees across the country. So, to answer your question even more specifically, will it give us the increased funding? Yes, it would give us more funding. But, in addition to that, we're hoping it will also encourage the development of affordable housing. I always refer to MU-2 as the two edge sword simply because we knew we needed funding to reach a larger audience or spectrum for affordable housing, but we needed the units, as well. So, we're hoping that what we've presented is going to do just that. Even if they don't choose to build all, they can build some and then pay the fee, so we're still garnering the unrestricted dollars but, more importantly, and equally as important, we're also getting those units, which is very important to our community at this point."

Councilmember Shahid said, "I remember those discussions back in 2017. My head was spinning with the tennis ball going back and forth over that net as to, 'it's going to be restrictive,' 'it's not restrictive enough.' I think the point that you just made helps me a little bit better clarify that even if they do opt out, we get some money. The money goes into our kitty, and the kitty helps us to develop affordable housing. It's not a lose situation. We may prefer that they include that in their development, a certain percentage of units, but we're not losing out if they don't, which may be, by some debate, according to some folks, they may much rather have the money into the kitty because those houses become permanent for workforce housing. There's a lot of discussion

about it, and it sounds like you all have tried to hit a compromised sweet spot, is what it sounds like to me, on finding that balance we're getting into. Thanks for addressing. I appreciate your response."

Mayor Tecklenburg recognized Councilmember Appel, followed by Councilwoman Jackson.

Councilmember Appel said, "Thank you, Mr. Mayor. I applaud all the work that went into this. I think it's a very creative approach to addressing the affordable housing crisis that we all recognize that we have. Part of me wants to maybe reconsider between now and second and third reading, what if we just make them build the units? I think that hard inclusionary zoning, which I would define as a base-zoning designation that requires the building of affordable housing, has genuine legal issues and is a debatable issue. But, here we're talking about nobody is forced to have mixed-use workforce housing. This is something that is elected by rezoning, right? So the developer is coming forward saying, 'we want density. We want this parking relief.' Well, as a City, and listen, we've got great lawyers who will talk about this to make sure it's kosher, but I don't see any reason why we can't just make it a hard requirement that they put in the housing. What I worry about with these fees is that the market place is very complicated. It involves a lot of complex factors that have to be dialed to the perfect tune to have its prescribed results or else we have the results we don't want, which we've seen for the last three years. Nobody's availing themselves of the stated goal here, which is to build the actual housing. When we increase costs on development, guess what happens to the price of housing? It goes up, or you can disincentivize certain types of development from even happening. Berkeley County had a transportation impact fee for about a decade, and it killed commercial development in huge swaths of the county. So, if you're ever driving through Berkeley County through the oceans of suburbia without a gas station and a fast food restaurant, it's because they had a fee structure in place that distorted the market and produced unintended consequences. I'm not suggesting that's what is going to happen here, but if we want to make sure the housing is there, why not just require it?"

Mayor Tecklenburg said, "Well, thank you. Before I go to Councilwoman Jackson, just to address that. We had a lot of discussion about the permanency of affordability and so, you know, when you opt in with the mixed use zoning, there was a time limit that burns off on that affordability. So, the thought was if we got the fee-in-lieu, we could invest into properties that would be perpetual. So, that's the balance we were trying to meet. This gets us, I think, in a more reasonable spot because it, in a way, provides an incentive for the developer to produce at least some of the units on-site, and increases our fee so that if we are investing in permanent affordable housing, we get a little more fee for it. So, we're just trying to find that sweet spot."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mayor. I would have said the same thing in response to Councilmember Appel. I think if we're going to go the only build units route, then we need to make the affordability period much longer. I do think that probably will have consequences in the development community. I'm in support of this. I appreciate the opportunity to look at the hybrid approach, as Councilmember Seekings was suggesting. I haven't seen that really work. I don't know if we've had any developments even consider that, but it would be an interesting element. At the very beginning, Ms. Shaw Johnson, when you were talking about what we have now, I just wanted to clear up. I know that when you say 'unrestricted funds are in the fee-in-lieu' you mean for the housing budget and for the way we can leverage money that comes over the transom especially. Essentially, we can't budget it. We can't plan for the money because

developments come in, and they make their decisions, and then we take delivery of the funds. But, you did use the word 'unrestricted,' and I want to make it clear to everybody that's watching this that it's not a general fund unrestricted. Any money that comes in the fee-in-lieu is only used for housing. We all know that, but I just want to make sure no one is misunderstanding."

Ms. Shaw Johnson said, "That's correct. Typically, we're dealing with federal funds only when we're developing and preserving housing, so I tend to think in that mindset."

Councilwoman Jackson said, "I know. I've been there. I've done that. So, I just wanted to clarify that. I'll look forward to having another good conversation on CD Committee. I would recommend that we not do it on Thursday. I think we should give our staff some time to look into the hybrid approach and maybe have a conversation with Councilmember Seekings. We are going to have a regularly scheduled CD before the end of the month, so I think that's a good time to do that."

Mayor Tecklenburg said, "Great, thank you. Chip, did you have another clarification for us?"

Mr. McQueeney said, "No, sir. Councilmember Appel made it, which is that it's voluntary. We're not forcing anybody into these zoning districts."

Mayor Tecklenburg said, "Exactly. We're not forcing anybody to pay a fee. They can provide all the units required, and they don't owe us a penny. Sometimes there was such a focus on the fee that folks were forgetting that it's voluntary. You don't have to pay the fee. You can just provide the units, as specified. Any further discussion?"

Councilmember Mitchell said, "If we can't do it at the next meeting, we have another meeting that's going to be on the 25th of this month. I have two meetings this month. So, what Councilmember Seekings is relating to, if we haven't gotten the information yet and can't bring it up on Thursday, we can do it on the 25th."

The Clerk said, "Mr. Mayor, just to clarify, the motion is to approve Item B, as amended?"

Mayor Tecklenburg said, "As amended, with the red line changes that Mr. McQueeney showed us. Yes, ma'am."

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

An ordinance to amend Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to provide for an increased fee in lieu of developing required Workforce Housing units onsite. (AS AMENDED)

Mayor Tecklenburg said, "Next is the [ordinance regarding conservation](#). Maybe we'll call on Mr. Morgan to present that."

Councilmember Griffin said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Before Mr. Morgan goes, are there any questions about this for first reading, or would you like to hear Mr. Morgan's description of this?"

Councilmember Mitchell said, "I think it's fine."

Councilwoman Jackson said, "Mr. Mayor, I don't have any comments about the content, but I was just hoping maybe we could review what the process will be. This goes to the Planning Commission, assuming we give it first reading tonight, next week for their recommendation to the Council. Then, when will it come back to Council for a public hearing do we expect?"

Mr. Morgan said, "Since its going to Planning Commission next week, the normal process would have it come back to Council at your second meeting in April, which I believe is the 27th. That would be the public hearing and second and third reading."

Councilwoman Jackson said, "Thank you."

Mayor Tecklenburg said, "But the pending doctrine would apply on this one, as well, so somebody could come forward with an application?"

Mr. McQueeney said, "No, sir. The pending ordinance doctrine only applies to things that limit development. So, you stop a run to the zoning administrator to get applications in that would violate the new ordinance that's intended to protect public safety, etc. So, you have to do the two readings and hearings in order to add rights. In order to take away rights, you can apply the pending ordinance doctrine."

Mayor Tecklenburg said, "Got it. Thanks for that clarification. Any other questions or comments?"

No one else asked to speak.

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

An ordinance to amend Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding thereto a new Part 19 (Conservation Development) and by adding relevant definitions to Sec. 54-120 of the Zoning Ordinance.

Mayor Tecklenburg said, "Thank you. I think that's it for Community Development. Councilmember Mitchell, did you have anything else to add?"

Councilmember Mitchell said, "No, because we are giving first reading for the last two on there also."

Mayor Tecklenburg said, "That's what we just voted on."

The Clerk said, "Yes, that included the first reading of those ordinances."

Mayor Tecklenburg said, "Alright, next is our [Committee on Traffic and Transportation](#). Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. The Committee on Traffic and Transportation met yesterday at 2:00 p.m., although it does seem like a little longer ago now. We took up the same thing that both the Real Estate Committee and the Ways and Means Committee took up on the agreement with Palmetto Railroads and the SPA for the purchase of property and for other improvements being made in the area where the southern loop of the railroad tracks are going to come out of the Navy base in Lebanon Terminal. Our vote was to authorize the Mayor to enter into the MOA. It was unanimous. I think we've already done that through Real Estate and through Ways and Means, but I would encourage you all, if you haven't actually seen a plat or a map of what the southern loop is and what it entails, I would encourage you all to take a look at it. It's going to bring some pretty long trains through the City of Charleston, particularly across Meeting Street.

We had a study done a couple years ago by Jennifer Biel, who predicted at rush hour the backups at the crossings that are at grade would be between five and six thousand feet, and I don't think that her study, which I went back and looked at today, took into account the actual length of the trains that are going to come out of the Navy base and go across the southern loop. The longest trains that they predict that will come out of there with containers on them is 15,000 feet, which is a three mile long train at a speed of somewhere between 7-10 mph. So, we're going to have to think about that neck area and the southern loop and how we manage it. The good news is the loop did move to the east a little bit, so it does not block the King Street extension, but it will come across Meeting Street, so I do think that we, as a City, probably ought to think about infrastructure in that area going forward. It's going to be expensive to fly over it, but it may be something we're going to want to consider because a 15,000 foot train at 7-10mph during rush hour and what will ultimately be again a very busy and vibrant peninsula and City will create some issues for us here in the City. So, anyways, we did agree to authorize the Mayor to enter into that MOA, and we hope that those monies will be used, among other things, to think about what we're going to do in that area in the future when it comes to mobility and transit with 15,000 foot trains rolling through our City. So, with that, that completes my report, Mr. Mayor, unless there are any questions."

Mayor Tecklenburg said, "Any questions for Councilmember Seekings?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "No, sir, I just want to say that you're absolutely right, Councilmember Seekings. I actually drove down King Street extension to get downtown to City Hall, just today and, luckily, I was able to avoid that train, but it was parked on Meeting Street, and there was a line of cars backed up for miles. I tell you what, I would be remiss if I didn't give a shout out to Jeff McWater and the team over there at Palmetto Railways. We're very lucky that we have one of the best short lines in this Country, right here in Charleston, that serves both CSX and Norfolk Southern. And just in case you're wondering, those railcars are full of BMWs. So they're coming in and out of there all day long, and they're coming down from Greenville. We need that commerce, we need the port, we need Palmetto Railways. They're building a brand new intermodal facility across the street from my work up on the Navy base, and we're going to have a very fluid motion of cars back and forth from the Navy base down to Columbus Street. So, yes, it's going to stink a little bit with the traffic, but just know there's a lot of commerce coming through there, and it's going to create a lot of revenue for all our citizens. It's a very huge economic driver for our region."

Mayor Tecklenburg said, "Thank you, Councilmember Griffin. Anyone else?"

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, we'll go to our [Committee on Public Works](#)."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you. On the agenda you see Item a (i) and Item b. Please pay attention to Item a (i) in that it is a change order that results in a zero cost to the City. That's one of the first times I've ever seen that in almost 10 years on Council. And that didn't happen by accident. It happened because Mr. Fountain and his team, I mean, burning the midnight oil trying to get the best bang for our buck. And the contractor, Conti, that's the contractor that's working on right now the largest drainage project in the history of the City, the Spring/Fishburne Drainage Project. So kudos to Conti, as well as Mr. Fountain and his team. That passed unanimously, as you can imagine, so did Item b, the letter of interest regarding the feasibility study for flooding in the City of Charleston--"

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Any discussion on those items?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Griffin, City Council voted unanimously to adopt items a (i) and b from the Committee on Public Works and Utilities Report:

a. Stormwater Management Department Updates:

(i) Spring/Fishburne US17 Drainage Improvement Project Phase 4 – Approval of Change Order #6 to the Construction Contract with Conti Enterprises, Inc., for \$427,168.75 with the funds coming from the contract's Owner's Contingency Cash Allowance (OCCA) resulting in a \$0.00 change order and no impact on the project budget as a whole. Change Order #6 is for a claim resolution for soils disposal costs and a \$100,000.00 credit for a reduction in outfall H-pile length. Approval of Change order #6 will obligate \$0.00 of the project budget. Costs for the Change Order (\$427,168.75) will come out of the contract OCCA of \$2,000,000.00 (balance of OCCA for the project is \$1,395,590.21).

b. Approval of the USACE Letter of Interest regarding Feasibility Study for Flooding in the City of Charleston

Councilmember Waring said, "Items a (ii) and a (iii), small project allocation, as well as project updates. I'm going to ask the privilege from the members of the Committee yesterday who had the opportunity to ask the questions, hopefully you keep our questions in advance to allow the Councilmembers who are not on the Committee to ask their pertinent questions, just for the sake of time. Mr. Fountain, can you give us a review of the small projects, as well as the project updates?"

Mr. Fountain said, "Thank you, Councilmember Waring. So, the small projects update, we

did provide a summary spreadsheet to all the members of Council, as well as members of the Committee, at the end of last week. Then we also provided short narrative write-ups with a brief description and budget and Council district for each of those projects. The Committee, we presented those, we discussed that these are the projects that we are currently aware of that have been requested either by Councilmembers or developed by staff over the past year. I can pull those up, if you'd like."

Councilmember Seekings said, "Yes please."

Mr. Fountain said, "So, this was sort of the working list that we were aware of. Again, for this consideration in the 2021 funding cycle for the \$1 million annual small project allocation out of the Stormwater Utility Fund. We did discuss these projects at the Committee. The projects highlighted in yellow, just to give a little bit of background explanation, are projects that are sort of more traditionally Drainage Fund appropriate projects due to the scale and cost of the project. If you remove the yellow projects from the small project allocation and say those would be considered under the drainage fund, which is one of the things we discussed at Committee, you would end up with a remaining amount of about \$1.4 million in the more traditional small project approach projects, if you included everything that had been potentially fundable in this list, of course. The direction from the Committee, at this point, was to take a look at that \$1.4 million worth of project work and see if it could be phased on a cash flow basis, to see if we could start on \$1 million of that work this year and have \$400,000 of that work occur next year, more based on the project permitting and schedule time frame rather than a more traditional prioritization of which of the projects we want to fund and which ones we don't. So, the Committee had asked us to come back for the next Committee meeting with that approach. So, we'll be going back to staff level and trying to see if some of these make sense from a cash flow perspective. Some of them are a little bit longer in a permitting sense, and some of them are shovel ready and able to start within potentially a few weeks, depending on procurement. That's where we stand at this point. Again, the discussion at Council had also asked if anyone is aware of any other projects that are not on the list. Certainly, do let us know prior to that next Public Works and Utilities Committee meeting, hopefully at least a few days in advance of the meeting, and I will incorporate them into the list for discussion at the next Public Works and Utilities Committee meeting. The yellow projects that we've discussed would be eligible for discussion in the Drainage Fund allocation, as we previously presented with Ms. Wharton at the last Public Works and Utilities meeting and the Council meeting, sort of the status of the Drainage Fund, what we're looking at for potential cash flow unallocated to existing projects within the next five years. I believe we have a Budget Ad Hoc and a whole works utilities collaborative project meeting scheduled to discuss TIF funds and some other project approaches. We'll have to determine what pathway we want to take towards allocating those Drainage Funds potentially into additional projects."

Councilmember Waring said, "Mr. Fountain, if you would allow, I'm going to reiterate what Mr. Fountain just said. Please think about small projects in your districts. This is going to be brought back in two weeks. You know some of the projects, certainly better than I. Mr. Fountain knows them all basically, but this is your opportunity to say, 'Hey, we got this pertinent thing that's been left off the list.' So, please kind of study it and then get with Mr. Fountain, so two weeks from now we can consider it. Thank you, Mr. Fountain, go ahead."

Mayor Tecklenburg said, "Councilmember Sakran has a question, if you don't mind."

Councilmember Waring said, "Good. Thank you, Mr. Mayor because I can't see everybody, so I appreciate it."

Mayor Tecklenburg said, "Yeah."

Councilmember Seekings said, "So do I, Mr. Mayor, if you don't mind."

Councilmember Sakran said, "Thank you, Mr. Mayor. Matt, the Shelley Road Project, is that the empty lot that the City purchased, the one you and I have been chatting about with constituents?"

Mr. Fountain said, "Yeah, so all the ones marked as retrofit, including the Shelley Road property, those are all properties that the City had purchased due to repetitive flood damage. They're currently sitting vacant. So, yes, this would be the funding to basically do a landscaping design and then also the contract work to be able to come in and regrade the property to hold water more efficiently, landscape it, and potentially put in some benches or tables and have a little bit of citizen outreach to discuss neighborhood priorities for the parcel, as well."

Councilmember Sakran said, "Awesome. Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just very briefly, Mr. Chairman, Mr. Fountain, do we have a 2021 small project allocation currently? I mean, are there monies available for small projects, and if there is, how much is it?"

Mr. Fountain said, "Right. So that's what I tried to lead off with. I probably said a lot of things very quickly, Councilmember Seekings."

Councilmember Seekings said, "If I missed it, I apologize."

Mr. Fountain said, "No. I threw a lot of numbers out there very very rapidly. But we did again this year allocate \$1 million out of the utility fund towards small projects, so we did continue the same funding level as the previous year."

Councilmember Seekings said, "Just a quick follow-up, I see that the highlighted projects are the ones that could possibly be shifted over to a Stormwater Fund. That would then put them in a whole different category with other larger projects for funding, right?"

Mr. Fountain said, "Correct."

Councilmember Seekings said, "Which, I look at the one project that I think is of interest to me because it's in my district, but I think it's probably of interest to most Councilmembers because it's the corner of Broad and Lockwood that floods every day and shuts the Peninsula down. Shifting that one relatively small project over to the largest Stormwater fund projects may bury it. So, Mr. Chairman, I don't know how you want us to report back to you on whether we think shifting is a good idea, even though it's eligible, but I think we ought to think about that."

Councilmember Waring said, "Councilmember Seekings, your due diligence on that and vigilance, frankly, raises that issues. I hope you stay engaged on that one because you're right."

Councilmember Seekings said, "I will."

Councilmember Waring said, "Well, that's important to all of us, so it won't be swept under the rug."

Councilmember Seekings said, "Well, if I might be heard at the next Public Works Committee, I would appreciate it."

Councilmember Waring said, "Believe me, I hear you loud and clear."

Councilmember Seekings said, "Thank you, sir."

Mr. Fountain said, "If there aren't any additional questions on this one, I'll move over to the project updates."

Mayor Tecklenburg said, "Oh, great. Thank you."

Mr. Fountain said, "So this is the first meeting of the month where we go through a very brief update of most of the major capital projects and some of the smaller project allocation projects that we're working through. The projects, I'll try to do this relatively quickly, but as Councilmember Waring says, there is a lot going on and they are large, important projects. So, the Spring/Fishburne Phase 4 Project, we have now completed excavation in the outfall and wetwell. That's almost 46,000 tons of material that have been removed from between the two bridges there. The contractor has installed the rock foundation. We've installed 80% of the h-piles into the outfall. We've completed all the pipe pile installation within the wetwell. We did perform the first major concrete pour on the project, which was a component of the base slab within the large wetwell. Just for perspective on this project, the first four we did on this project was 480 cubic yards of concrete into a four foot thick slab that forms a portion of the foundation within the wetwell. So, it's a massive scale project. It's actually a picture of the initial pour behind me. It was a successful pour. The contractor did a great job, and we're continuing to make really good production on that project work.

The Low Battery Phase 1 is now open to the public. The last brackets arrived from Texas for the handrails, after the snowstorm there, and were able to be installed. We are still preparing to install the street lighting. Low Battery Phase 2, we've now moved the majority of the barricades in traffic control. We've done some rework of the traffic control from the initial issues we had with signage. It's always complicated when you have only one lane open going one direction when it was previously a two way street. I think we're making improvements on that. We did also complete micropal foundation tests for the project, which is where we install test foundations and see if they perform with site soils the way designers had anticipated for the project. These came out really well, which is a good sign for the project work. That lets us proceed into CWS water line installation, which will begin this week. Then we will move behind that water line with our contractor installing foundation linearly along that wall pathway. I will also be adding a story map, and we've redone the website for the project. As the end of Phase 1, we'll sort of show some history of the project and then give some more information about Phase 2, and it's going to be a really nice graphical story map. So, it's a great thing to take a look at, if you have a chance.

The King/Huger Project Phase 1, we've now awarded that project through Council. We've been working for the last couple of weeks on some value engineering approaches with the contractor, basically looking to modify some of traffic control plans. One of the combinations of CWS water line with DOT encroachment permitting standards to basically be able to potentially

save some significant money on the project. We should be coming back to present that to DOT to see if we can get concurrence from DOT, and then we'll be doing a series of outreach, certainly with the Councilmembers whose districts are located within that traffic impact area, and then doing a significant amount of outreach after that to the neighborhood about those upcoming traffic impacts. The proposal we're taking right now is the only traffic impact should be at night, which we think is optimal with the schools that are in that area. We're hoping DOT will be supportive, but we'll certainly keep you informed as we keep moving through that approach.

The King/Huger Phase 2, we're continuing with design and permitting, and that update will continue to be the same for quite some time as we work through that relatively complex part of the pump station and permitting associated with it. The Forest Acres Project utility relocation is continuing. AT&T and this camp are meeting with a little bit of discussion. AT&T has basically relocated the new conduit underground, along Playground Road. The next step is for them to go in and reconnect the somewhere around 100,000 wire pairs from the old conduit into the new conduit so that we can then cut and remove the old conduit and begin our project work. We should have our final few real estate easement acquisition packages coming through the Real Estate Committee over the next month or so. Basically trying to combine what were previously phase 2a and 2b into a single phase 2 of the project to be able to start our construction as soon as AT&T is complete and moves out of the way, which we're expecting for the end of 2021.

The Market Street Drainage Project, we're working on coordinating with Dominion. Again, the permits are all in place for this project at this point it's trying to coordinate the undergrounding of the power on the street. We do have a path forward that we think would work, with Dominion coming in following our work on the project, doing their undergrounding, and then we'd come back and re-streetscape any damages they make to the corridor during their project work. That might be a good pathway forward. We do need to review, as Ms. Wharton presented at the last meeting, the updated accommodations hospitality funding for the streetscaping portion of the project. We do think we have at least a pathway forward with the utilities. That coordination is still likely to take some times to finalize those agreements, but we'll continue to make progress on that project.

The Cooper/Jackson Drainage Improvement Evaluation, we've completed our field survey. As we've talked about, we've cleaned about 10,000 linear feet of pipe in the area. We do have our contractor doing one last final section of cleaning, which we think will leverage a lot of the existing cleaning we've already done in that area and be able to actually get a whole other level of drainage improvement in the short run to the basin. Again, that's certainly not going to fix the flooding in the area, but it should help it drain out much better at low tide and create some real improvements. Separate from that, of course AECOM is, as they've completed their survey, they're now building their stormwater computer model. We're gathering some information from the community on known flooding and hotspots for calibration of the model or validation of the model. We'll basically build up some improvement ideas and then be able to reach back out to the community and see about prioritization of project approaches for the area.

The Barberry Woods Drainage Diversion Project, we've been working through our preliminary design work. We've actually developed our concept plan, about 30% plan for the area. We have a really good idea of what we want to build, project wise, and how that will work from a scale perspective. We're putting together the property acquisition plan based on that. We'll be coming back to the Public Works and Utilities Committee over the next month to discuss that in more detail so we can move forward with some more detailed appraisals and potential groundwork for acquisition in that project area.

The Johns Island Drainage System Evaluation Project, we had our first technical advisor group meeting, and we're continuing to work through analyzing data on the island to lay out existing drainage pathways that need both preservation and restoration as development continues on the island. The Windermere Drainage Improvement Evaluation, this one had a pretty interesting update. We actually finished a collaborative cleaning project with SCDOT where we had a series of old drainage pipes along that intersection of Folly Road, Wesley Drive, and Folly Boulevard, where they all come together. When the intersection was redone and widened, a lot of the old drainage infrastructure was sort of left in the middle of the road, so we basically had DOT come in and shut down a large portion of the intersection and roadway in that area so that our contractor and our City trucks could go through and factor out and clean all of the drainage pipes through the area. So that should provide some short-term drainage improvements in the area, and it will allow our engineering firm to come in and do a more detailed investigation of the condition of those pipes and how they all interconnect, which is sort of a missing piece of records in the area. For taking back to finalize their computer modeling for the improvement recommendation within the basin, as well. There's a good example of a couple entities working well together to leverage each other's resources.

The Dupont/Wappoo Improvements Projects, this is projects 1-4. We're continuing with the detailed field survey work on the final design, to put together construction drawings for areas 1-4. The Concord Street Pump Station Upfit, so the design evaluation is now at about 60% on that concept report. We now have a pretty good path forward with how we're looking to upfit that station and bring it back to full functionality. We've come up with a plan in the short run to potentially replace one of the dewatering pumps, as well. So, we have 2D watering pumps that are having some reliability issues, so that'll give us some more consistent reliability and allow us to optimize our eventual replacement of the rest of the pump system as part of the subfit. The Church Creek Flood Storage Projects, we're working through our preliminary engineering work. We've developed a series of concept drawings for the townhome complex, as well as some of the other property acquisitions we're considering in the area. We're trying to bring those up to a slightly more complete level, so we can start our community outreach program and gather some priorities for residents, what they'd like to see in some of those project approaches. The Limehouse Brick Arch Rehabilitation Pallet Project, we've been starting our cleaning from Tradd Street going north. We've completed about 300 feet of cleaning already and restoration on that project. That's actually been going very well. We're going to finish up this existing roughly 400 foot section. That will complete the first micro phase of that restoration project, other than what we've already cleaned to the south of Tradd. It will allow us to start setting up the design work for the next section, and we'll keep moving north phase by phase. The Medical District Tunnel Extension Ehrhardt Project, the State is reviewing the recommendation there through the minor changes that our Legal had recommended within the easement documents. We're expecting to get that back quickly, so that, hopefully, MUSC's board can then sign off and approve on the final easements. That will take care of basically all of the preparatory work on the project and let us move into a bid phase for the project rather than a preparatory phase."

Mayor Tecklenburg said, "Mr. Fountain, can I add an update on this one?"

Mr. Fountain said, "Yes, absolutely."

Mayor Tecklenburg said, "Mr. Chairman, I'm very pleased to let Council know, if you hadn't heard yet, I got a call from Governor McMaster about 11:00 this morning letting me know that we had been approved, our grant application to the CDBG Mitigation Funds that the State received. In fact, our application was ranked #1 of those that were reviewed, and he announced to me that

we will be receiving \$9.9, almost \$10 million, so that we can complete the Ehrhardt Tunnel Extension, which will serve about 35 acres of the hospital district. Its wonderful news. You know, I had taken Governor McMaster down in the tunnel a couple of years ago, and I was kind of kidding him at the time that I wasn't going to let him out of the tunnel unless he promised us the funding that we needed, but he really saw the common sense of what we were proposing and how practical it was and how important it was to the hospital district and to the Medical University, so I'm just thrilled that he followed through on that commitment. Well, he put it in the State budget last year, but with COVID it didn't end up happening, so this was his second best opportunity to make it happen, and he did. So, thank you, Governor McMaster. When you all see him, please pass your thanks to him. It really was a great announcement today for that project. Thank you."

Mr. Fountain said, "Absolutely. Thank you, Mayor."

Mayor Tecklenburg said, "Was that the last one you had?"

Mr. Fountain said, "There's still a couple more. The Mueller Drive Drainage, just very briefly, we're working to modify the ditch to improve flow to the northwest on that project. We're also contracting to clean the pipe system that flows to the north after the ditch sort of ends into the public right-of-way. We think that'll provide some additional relief to drainage in that area. The Culpepper South Grate Drainage Project, we have a surveyor under contract, and they've been working on surveying their way through that set of properties. The Dowden Quarter Drainage area evaluation, we finished our initial modeling work and the surveying that went into that with our consulting firm. We actually did come up with a really elegant set of draft recommendations that basically involve some major rehabilitation work to improve hydraulics in the area. That looks like we could avoid turning that into a major capital project. There were some concerns originally that would end up being a multi-million dollar capital project due to some of the constraints of working between Old Towne Road and that shopping center, but the engineer came up with a really creative approach, and we think we can make some really substantial drainage improvements out there for relatively straightforward amount of money, more like \$100,000 rather than multiple millions."

Councilmember Shahid said, "And make a lot of my constituents very, very, very happy, Matt. Thank you."

Mr. Fountain said, "And that was one of the small project allocations, of course, from the previous fiscal year. Some of these fall under the other side, Wespanee Place Bamboo area drainage evaluation, that modeling work is also completely driving modeling work. We do need to reach back out with the residents in that area to true some of our modeling. We did develop a larger scale improvement that we think will make a regional benefit based on what we found within that project, but it will be slightly larger capital scale project that will get put into a drainage fund consideration for that approach. Finally, the Broad/Lockwood Project, which Councilmember Seekings had brought up briefly earlier. The collaboration we're doing with Gulfstream, the Beach Company, where they are taking sort of the short-term improvement approach to the intersection. They have installed their piping at this point, their curbing, they've been working to install their asphalt, kind of dodging weather events. With this nice run of weather they should have that finished up, I think, relatively soon. We will see, I think, from the work they're doing, some significant improvements in the short-term. I think there's still a lot of value in the knee wall approach. That is the City project for preventing those larger tidal events from having so much water come through the neighborhoods and through that system. This will help the area drain out much quicker after larger events, after rainfall events, and it will prevent some of these smaller

tidal events from impacting the system, which does reduce flood frequency, which is still a pretty strong benefit for the area. That is the end of my report, Mayor.”

Councilmember Waring said, “Thank you, Mr. Fountain. Mr. Mayor, I certainly want to recognize your tenacity and consistency with the Governor and getting that approximately \$10 million. I want to give attention to Dr. Cole and his team over at Medical University, and certainly thank the Governor and his team for his commitment to the City of Charleston. That’s the extent of my report, Mr. Mayor.”

Mayor Tecklenburg said, “Well, thank you, and it was a true team effort. Matt Fountain, Mark Wilbert, Sarah Fichera, our grant writer was very active in writing up that proposal, so once again, a real team effort along with Medical University. I’m just real pleased we got that news today. Thanks again. Next is our [Committee on Public Safety](#).”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “Thank you. Members of Council, the Public Safety Committee met this afternoon, several items on our agenda. The first item was approval to submit a letter of intent to participate in the 30x30 pledge. This is a pledge that addresses no cost actions for Police Departments to improve the representation of women in all ranks of a Police Department, so it’s not only in recruitment, making sure that they are promoted properly and adequately, they represent our community, and that we promote their success in that Department. So, that passed unanimously. The second item of business was a Law Enforcement Assistance Support Agreement with York County Sheriff’s Department, a rather detailed document addressing the rights and responsibilities between the Sheriff’s Department of York County and the Charleston Police Department. Mainly this is to address the issues of child exploitation. We use their resources and personnel to work in collaboration with our local law enforcement to address issues that occur. This could include anything from social media to other forms of how children are exploited in our community. That passed unanimously, as well. The other item was a Memorandum of Understanding between the Bureau of Alcohol, Firearms, and Tobacco to participate in The National Ballistics Information Network. As you may know, when a shell is discharged by a firearm, a pistol, revolver, or even a long gun, it has certain markings on it when it is discharged. When it is recovered, they can match that spent shell and casing sometimes with the gun that was used in a particular crime. It could be a shooting, a burglary, a murder, whatever, but if it’s a gun that’s being used, this goes into The National Ballistics Information Network, so that as these guns sometimes have the tendency of doing, of traveling around the County, it could come back and be linked to crimes in our community, or the gun can be located in our community. So, that passed, as well. We would recommend Items 3, 4, and 5 be approved by this Council.

Item 6 is the real good news that we are a whisper away from occupying and getting a certificate of occupancy for Fire Station #11. As you know, we have been dragging through this station for well beyond the deadline when this facility should have been completed. Hopefully, after we get the certificate of occupancy, Chief Curia and his team will need some time to set up shop, so to speak, in there, and hopefully everything is good and done by early summer. Councilmember Seekings had a suggestion that we hold one of our Public Safety meetings there. Maybe we’ll hold one of our full Council meetings in the bay area of that station. It is a beautiful, magnificent station and something we can all be proud of. A lot of folks had a hand in this, Beth and Jason and other folks who were persistent in making sure we got to this point, so my hats off to them, and I appreciate their persistence in making that happen. I see Chief Reynolds is on the line, and I told your team, Chief, there would be a little competition with the new forensic lab,

which Councilmember Shealy wants to have a meeting in the new forensic lab, so we'll see who treats us better, either the Fire Department or the Police Department, on their hospitality if we meet in one of those two facilities."

Chief Reynolds said, "Both a big blessing. Both of them."

Councilmember Shahid said, "They are. So, Chief, if there's anything I ran over real quick on these MOUs with York County, the 30x30, or the ATF that I've overlooked."

Chief Reynolds said, "I think you've covered it adequately. Thank you."

Councilmember Shahid said, "I think Chief Curia is still with us. Chief Curia, did you have anything else to add to this report?"

Chief Curia said, "No, I think you've covered it. Thank you."

Councilmember Shahid said, "Thank you, gentlemen, for staying with us. Appreciate, always, your leadership to our Police and Fire Departments. That's my report. I move for Items 3, 4, and 5 for approval."

Mayor Tecklenburg said, "Alright. Do I hear a second?"

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any discussion?"

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

---INSERT PUBLIC SAFETY REPORT---

- a. Approval to submit the Letter of Intent to participate in the 30x30 pledge to increase the recruitment, retention and promotion of women in policing
- b. Law Enforcement Assistance Support Agreement with York County Sheriff's Office *(Information Only)*
- c. Approve the MOU with ATF for CPD's participation in National Ballistics Information Network

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

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Shealy said, "Move for approval."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Any discussion?"

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

-- INSERT WAYS AND MEANS REPORT --

(Bids and Purchases)

(Budget Finance Revenue Collections: Approval of the 2021 Master Lease Purchase Financing Agreement with TD Equipment Finance, in the amount of \$6,040,470, 40 Calhoun Street, Charleston, SC. Solicitation Number 21-B001C (Ordinance).

(Budget Finance Revenue Collections: Approval with Safety National for Worker's Compensation Excess Insurance in the amount of \$409,142. This renews the City's workers compensation excess insurance policy. The term of the policy is April 1, 2021 to April 1, 2022.

(Mayor's Office for Children, Youth, and Families: Approval to accept the renewal grant for VISTA, which will allow us to provide up to 25 VISTA member slots to Charleston non-profits, and to receive 2 VISTA Leaders to serve in MOCYF. There is no match required for the City-per the terms of the grant, we provide the cost share funding amount through Site Fees received from participating organizations. This is an after-the-fact approval.

(Parks-Capital Projects: Approval to increase CPD Forensic Services Building P161654 with PMC Commercial Interiors in the amount of \$4,269 to furnish certain materials and necessary labor to complete the user requested reconfiguration of the Crime Scene workstations. Approval to increase P161654 will increase the PO amount by \$4,269 (from \$182,630.60 to \$186,899.60) of the \$12,392,186 project budget. Funding sources for this project are: 2015 IPRB (\$7,392,186) and 2017 IPRB (\$5,000,000).

(Stormwater Management: Approval of Spring/Fishburne Drainage Improvement Project Phase 4 Wetwell and Outfall- Change Order #6 to the Construction Contract with Conti Enterprises, Inc., for a resolution to a claim that Conti submitted for soil disposals resulting in a net cost of \$427,168.75, which will result in a \$0.00 change order using the Owner's Cash Contingency Allowance. This change order also includes a \$100,000 credit for a reduction in outfall H-pile length. Approval of Change Order #6 will obligate \$0.00 of the project budget. Costs for the Change Order (\$427,168.75) will come from the approved OCCA of \$2,000,000 (balance of OCCA for the project is \$1,395,590.21).

(Police Department: Approval of Law Enforcement Assistance and Support Agreement with the York County Sheriff's Office.

(Fire Department: Approval to submit the 2020 Fire Prevention and Safety Grant after the fact in the amount of \$76,303 for smoke alarms, a fire extinguisher, training property, and creating a fire prevention vehicle. There is a 5% match (\$3,633.48) in the FY2021-22 budget that fire will absorb in the budget. This is an after-the-fact approval.

(Public Service: Approval to submit an EPA 2021 Diesel Emission Reduction grant application in the amount of \$617,195.41 for two electric rear load garbage trucks with 12-year extended warranty and one 120KW charging station. City Match in the amount of \$754,350.27 will be budgeted in 2022.

(Resiliency and Sustainability: Approval of USACE Letter of Interest regarding Feasibility Study for Flooding in the City of Charleston.

(Approval of a three-year lease with MUSC with two one-year options to renew. The property will be used as a parking lot. The property is owned by the City of Charleston. [Southeast corner of Fishburne Street and Hagood Avenue and known as the 1,143 parking spaces Fishburne Ballpark Parking Lot; TMS: 4600000008 and 4600000022]. This proposed lease is being re-submitted after its February 9, 2021 initial approval by the City Council. After ongoing review at several levels, the SC Department of Administration

subsequently amended the proposed Lease by deleting original Paragraph 8.1.(g), submitting that the omitted language is inconsistent with other articles. The SCDOA also amended the proposed lease by adding Paragraphs 11.2 through 11.5 to provide an actual process for handling, continuing, or termination of the lease in the cases of damage/destruction or condemnation of the property. (Ordinance)

(Approval of an ordinance authorizing the Mayor to execute, on behalf of the City of Charleston, a Memorandum of Agreement with Palmetto Railways; the South Carolina Department of Commerce; and the South Carolina State Ports Authority regarding the Navy Base Intermodal Facility (NBIF) project in Charleston County, South Carolina, under which the City will accept \$11.5 million for (1) the City's conveyance of certain real property, being a portion of Charleston County TMS No. 464-02-00-051, commonly known as the W.R. Grace Site, through separate Purchase Agreement; and (2) mitigation of existing and future impacts related to the construction and operation of the NBIF, including but not limited to freight rail movement in the vicinity of the southern access component of the NBIF.

(An ordinance authorizing the Mayor to execute a Third Amendment to the Memorandum of Understanding between the City of Charleston and the Episcopal Diocese of South Carolina Community Housing Development Organization ("EDCHDO"), a copy of which is attached hereto as Exhibit 1, under which (a) EDCHDO will convey back to the City certain real property located at 83 Hanover Street (TMS No. 459-05-04-124); (b) the City will execute a Quitclaim Deed and release of possibility of reverter as to all properties previously conveyed to EDCHDO and sold as affordable housing; and (c) the City will authorize EDCHDO to utilize any remaining funds provided by the City to EDCHDO to develop and sell affordable housing units on EDCHDO's properties designated as Charleston County TMS No. 4600801215 (24 Humphrey Court) and 4600801216 (28 Humphrey Court).

(Update on Crown Castle applications and recent Order

(Request authorization for Mayor to execute Limited Pole Agreement, in a form approved by legal staff, between City of Charleston and Crown Castle (216 Ashley Avenue, 80 Ashley Avenue, and 147 Broad Street).

(Request for Mayor to approve a Memorandum of Understanding between Fetter Health Care Network, Inc., and the City of Charleston to establish a temporary COVID-19 Vaccination Site for the community vaccination administration (265 Fishburne Street).

(Consider the following annexations:

-2138 Golfview Drive (0.22 acre) (TMS No. 343-06-00-013), James Island, Charleston County (District 11). The property is owned by Greg White.

-114 Magnolia Road (0.20 acre) (TMS No. 418-13-00-166), West Ashley, Charleston County (District 3). The property is owned by Matt Prendergast.

First reading was given to the following bills:

An ordinance to authorize the execution and delivery of Lease Purchase Agreements with TD Equipment Finance, Inc. in order to provide for the acquisition of various vehicles and associated collateral, various maintenance equipment and associated collateral, information technology equipment to include computer, laptop and tablet replacement, and mobile data terminals for police; to provide the terms and conditions of such Lease Purchase Agreements; to provide for the granting of a security interest to secure all obligations of Lessee under the Lease Purchase Agreements; to authorize the execution and delivery of all documents, including one or more Escrow Agreements, necessary or appropriate to the consummation of such lease purchase agreements; and to provide for other matters related thereto.

An ordinance amending Ordinance No. 2021-020, adopted by City Council on February 23, 2021, and 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.

An ordinance authorizing the Mayor to execute, on behalf of the City of Charleston, a Memorandum of Agreement with Palmetto Railways; the South Carolina Department of Commerce; and the South Carolina State Ports Authority regarding the Navy Base Intermodal Facility (NBIF) project in Charleston County, South Carolina, under which the City will accept \$11.5 million for (1) the City's conveyance of certain real property, being a portion of Charleston County TMS No. 464-02-00-051, commonly known as the W.R. Grace Site, through separate Purchase Agreement; and (2) mitigation of existing and future impacts related to the construction and operation of the NBIF, including but not limited to freight rail movement in the vicinity of the southern access component of the NBIF.

An ordinance authorizing the Mayor to execute a Third Amendment to the Memorandum of Understanding between the City of Charleston and the Episcopal Diocese of South Carolina Community Housing Development Organization ("EDCHDO"), a copy of which is attached hereto as Exhibit 1, under which (a) EDCHDO will convey back to the City certain real property located at 83 Hanover Street (TMS No. 459-05-04-124); (b) the City will execute a Quitclaim Deed and release of possibility of reverter as to all properties previously conveyed to EDCHDO and sold as affordable housing; and (c) the City will authorize EDCHDO to utilize any remaining funds provided by the City to EDCHDO to develop and sell affordable housing units on EDCHDO's properties designated as Charleston County TMS No. 4600801215 (24 Humphrey Court) and 4600801216 (28 Humphrey Court).

An ordinance to provide for the annexation of property known as 2138 Golfview Drive (0.22 acre) (TMS# 343-06-00-013), 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 Greg White.

An ordinance to provide for the annexation of property known as 114 Magnolia Road (0.20 acre) (TMS# 418-13-00-166), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 3. The property is owned by Matt Prendergast.

Mayor Tecklenburg said, "Next we have bills up for [second reading](#). We have seven items. Number 7 is the matter of the Code of Conduct that I think there are some amendments to. Could I entertain a motion we take 1-6 together?"

Councilmember Mitchell said, "Move for approval, 1-6."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "Any discussion on any of those, Items 1-6?"

On a motion of Councilmember Shahid, six (6) bills (Items L-1 through L-6) received second reading. They passed second reading on motion by Councilwoman Jackson and third reading on motion of Councilmember Shahid. On further motion of Councilmember Mitchell, the

rules were suspended, and the bills were immediately ratified as:

- 2021 - 026** 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.
- 2021 - 027** 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.
- 2021 - 028** 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.
- 2021 - 029** 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.
- 2021 - 030** 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.
- 2021 - 031** 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.

Mayor Tecklenburg said, "Now we have Item 7. Maybe Mr. McQueeney would come back on and explain to use the suggestions he got from a number of Councilmembers since our last meeting and kind of where we are now with it."

Mr. McQueeney said, "Yes, sir, and my 6 year old daughter is still awake, so I apologize if you hear any fussing. She gets it from her mother, as most of you can probably guess. Usually Mr. Fountain's Stormwater report puts her right out, but she made it this time. Oh, I see he's still online. Sorry, Matt. Matt usually gives it back to me as much as I give him and more. So the amendments, I'm going to show you in red line what the changes were from the last meeting, which you have already seen. Those have been posted to the website. This is very fancy, never thought I'd be able to do this. What you see in front of you in blue line is the suggestion of Councilmember Seekings, which is actually to include the Oath in the ordinance. I did that. I actually didn't see it written anywhere in our Code. The first half, I think I've mentioned it to people previously, the first half is required by the Constitution for all public officials, including officials of political subdivisions. The second half is required by State statute, and the same Oath applies to the Mayor and Councilmembers. You just substitute "Councilmember" for "Mayor," whoever is saying it. The red line change is just to clarify Robert's Rules of Order still applies if you breach order in a meeting. You raise it to the Mayor, and it's the same process you would normally follow during a meeting. I just wanted to clarify that so there wasn't any confusion.

Everybody that I've heard from is happy with the deletion of all of "d" that was previously in there. Probably the most debate will be about the voting requirements. So, I've shown in red line the changes that I've made, which you all have seen. I believe Councilmember Waring suggested a 2/3 vote in order to set a disciplinary hearing. Councilmember Shahid suggested a simple majority vote. I believe, I don't want to speak for them, I think Councilwoman Delcioppo and Councilmember Appel agree with the simple majority vote. That's where that portion of it stands. I'm just going to go through, and then we can do whatever votes we want. Anyway, that requires basically a motion, two additional members to second the motion, and then either a 3/4, 2/3, or simple majority vote to set a disciplinary hearing. So, that's going to be at a meeting before you have the meeting with the hearing.

Part two is going to be the disciplinary hearing, to the extent it passes the procedure in one. Purple is Councilmember Shahid's recommendations. Blue, Seekings. Red, me. Councilmember Shahid suggested we take out "repeatedly." If you're intentionally violating the Oath that Council has the ability to sanction you for it, or if you commit a serious violation. I highlighted where the voting requirements are listed so that it's easy for you all to address, whether it be 3/4, 2/3, or simple majority in those cases. Councilmember Shahid suggested, and I think Councilmember Appel and Councilwoman Delcioppo agreed, that the, well, they actually asked this question. I looked it up in Robert's Rules, and I've looked it up in general law and other disciplinary proceedings, just to clarify, the member is not supposed to vote. If you're accused of something, you're not allowed to vote during your own whether or not to have a disciplinary hearing, whether or not you should be disciplined, and whether or not you're sanctioned. I can't remember if that came up with a Councilmember. Nobody on Council now, but a Councilmember a few years ago, we had an issue arise, and I think somebody had asked the question about whether he could vote on whether or not to proceed, etc., but it never got that far. In section two, I changed it, this is again Councilmember Shahid, to clarify, that's been my intention from the beginning, this is only applying prospectively, not retroactively. We're not looking at something somebody did two years ago or any time before or since. So, if anybody has any questions, I'm

happy to answer them. The substance of the Code of Conduct is the same, it's the Oath and not violating the Oath."

Mayor Tecklenburg said, "Alright. Thank you, Chip. It looks like we had a number of recommendations there. Most of them, I think, stand alone. There were a few of them that might require some decision to be made on our part. So, I'll just ask for any comments or suggestions from Council."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Number one, I'd like to thank all the colleagues who participated in conversation on this from our last meeting to now. I think it has improved immensely, and I really do appreciate the extra consideration going above and beyond. I spoke to Councilmember Shealy, who I think had to leave the meeting today early because of his daughter having an event he wanted to support, but he told me that he had not participated in, and he's a member of the Committee, and some of the things I was discussing with him were fairly new to him. And he's a member of the Ad Hoc Committee that initially sat down to put the ordinance together. I think we're close, and I really do respect trying to make it better, I really do, but I'm going to ask for it to be deferred, Mr. Mayor, to get the fine pieces worked out and certainly for a Committee member, like Councilmember Shealy, to be involved.

I'm also going to ask one other thing, Mr. Mayor. It probably was an oversight, but I'm going to ask that an African-American be included on the Ad Hoc Committee prior to this coming back to us. I've shared this with some members on Council, when you represent a minority district, there are times, or when you represent minorities, right now in our Council, racially, it is basically black and white. But in the near future, there are going to be Latino people on this Council. There are going to be Asians on this Council. There are going to be LGBTQ people on this Council. When you come from a minority group, believe me, your vision and your experience in this County is different. When it comes to checking the box on the census forms, that's not an option box for us. It's not optional, frankly, for Asians or Latinos. When you push against the consensus, a lot of times people look upon you as being an irritant, and what you're trying to do is represent the people that sent you to sit in a seat of respect and carry their voice. I think the voice of African-Americans need to be a part of this Ad Hoc Committee. I don't think it was anything on purpose. I think we need to include that, take this back to the Committee, vet out the fine differences, and bring it back for, hopefully, for second and third reading."

Mayor Tecklenburg said, "Mr. Councilmember, can I just address that point?"

Councilmember Waring said, "Yes, sir."

Mayor Tecklenburg said, "This Committee was not appointed. This was a volunteer Committee, so anybody on Council is welcome to serve on it. You know, Councilmembers Delcioppo and Appel were kind enough to volunteer, as must have been Councilmember Shealy, but I didn't appoint anyone. It could be a Committee of the whole if you all wanted to get together for another meeting of that Ad Hoc Committee."

Councilmember Waring said, "Well, Mr. Mayor, thank you. This moment was the first time I heard that, so when the Committee, most Ad Hoc Committees within the City are appointed, so pardon my assuming that, but going forward, generally, I would like to participate in the Committee format. Let's not make sausage on the floor of Council today. Let's do the hard work in the

Committee, and definitely when we come back, we have an ordinance that we all can support and be proud of.”

Mayor Tecklenburg said, “Well, I think you’re right. There’s been a great improvement since the last time, but there are some decisions that need to be made. Somebody wanted 2/3, somebody wanted 3/4, and all like that. I think it’s a good idea for you all to get together one more time. Anybody that wants to participate can and bring it back one more time. Does that sound agreeable to everybody?”

Mayor Tecklenburg recognized Councilwoman Delcioppo.

Councilwoman Delcioppo said, “I’m more than happy to bow out of the Committee for somebody else to take my spot.”

Mayor Tecklenburg said, “There’s no limit on the numbers.”

Councilmember Appel said, “You’re not getting out that easy, Marie. We’re having so much fun.”

Councilmember Waring said, “Let’s just add to it, not take away.”

Councilwoman Delcioppo said, “Well, Keith, after the insults you wanted to throw at me last time, you can take it from here. And that you’ve refused to speak to me since. You can take it from here.”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “Thank you. I agree that, you know, it would probably benefit from going back to a discussion again. I do remember, Mayor, when we first brought this forward in December, you did say this was going to be a voluntary effort by anyone who wanted to sign up along with Councilmembers Appel and Delcioppo to work on this, so that is what I know will be on record in December. I’m sort of stuck on the word ‘evidence.’ ‘Based on the evidence presented during the hearing.’ So, when you all are meeting about that could we, I just don’t know what that would look like if we actually would have some sort of disciplinary hearing. I would just like to know more about what you all were thinking when you put that word in the document.”

Mayor Tecklenburg said, “Alright”

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, “Well, there’s all kinds of evidence. There are audio recordings, there are statements, there’s testimony, there’s all kinds of things that can be evidence in a hearing like this. I was just going to say, I think this has been a wonderful, collaborative process. Councilmember Waring, you and I spoke a couple weekends ago for about an hour. I got to tell you, I was very surprised to hear some of the reaction at the last meeting, and I wanted to get a better understanding of where you were coming from, and you put a lot of thoughts into my mind that I hadn’t considered and made a lot of wonderful recommendations. They’ve all been incorporated into the ordinance, and I thought that was a very constructive process. So, whether you knew it or not, you’ve been on the Committee, as far as I’m concerned. But listen, let’s get it right. We’ve come this far, and I’ll also mention the person who recommended that the Mayor be

taken out of it was the Mayor. And I thought that was a wonderful recommendation that he made, which, I think, takes away some of the concerns over potential politization, if that's a word, of this process. I think we're getting there. I think this is a very clean, simple ordinance. Let's get it over the goal line. It's important, and we can finally put it behind us. Thanks."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. Just a quick question, and I think we're heading in the right direction as well, but maybe this is a procedural question for Chip. In an effort to reduce any political grandstanding or using this as a tool to bring up things that we shouldn't, or in the public realm if it's a personnel issue, could that initial vote, that initial hearing, be an executive session, thus eliminating any kind of like public comments that folks pick up on and take it the wrong way? Just a question."

Mr. McQueeney said, "If it's an employee, so you all aren't employees. If it's, and we had a conference call with employment counsel, so to the extent it involves something between you all, it needs to be decided by City Council. There was a good Fourth Circuit case I read from 1997 that suggested it really can only be handled by City Council, that the intent is that you all regulate yourselves, and in most cases, in many cases, you have qualified or sometimes even absolute immunity where judges and others don't regulate you. I won't say it's your job to regulate yourselves, but it's your option to regulate yourselves in that respect. If it's a personnel matter it goes to the HR process, whether it's an accusation against somebody on Council or within the City as an employee. That's a completely separate process. This doesn't apply to any of those types of issues. That's my understanding from our employment attorney, and I don't practice employment law, but that's sort of the overview."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Yeah, thank you, Mr. Mayor. Mr. McQueeney, would you mind just putting the rainbow colored ordinance back up on the screen for us?"

Mr. McQueeney said, "Yes, sir."

Councilmember Griffin said, "We still need a second."

The Clerk said, "Yes. Was that a second, Councilmember Griffin?"

Councilmember Griffin said, "No, ma'am, it was not."

Councilmember Appel said, "I'll second it."

Councilmember Shahid said, "So, I think what this ordinance does, and my hat's off to Mr. McQueeney for serving as the conductor of all of this. He's taken in a bunch of information and questions and suggestions from several of us, and I appreciate how he's trying to incorporate it. So, I just want to add my comments on this. The very first section of striking out the 'when representing the City' just makes this very clear, and that's sort of the purpose, I think, that we want to operate on, to sort of cut out as much interpretation and what we can be doing. It is very clear that we're dealing with the Oath. Period. At any point in time that we violate our Oath, which is according to, Councilmember Seekings added it in there, it's right there clear as a bail. That's our Oath. We violate the Oath, we're subject to discipline. If you go to the next page for me, Mr.

McQueeney. I appreciate it. So, these other issues that I wanted to address are, we shouldn't make this too complicated and make this a simple majority to move it forward for a hearing. That really is just a difference of two votes, so majority would be seven members versus nine. That makes a huge difference on just getting the ball down the court, so to speak. Two other points. Taking out the word 'repeatedly' because again, that just makes it too wishy-washy. What does 'repeatedly' mean, and how many repeats do you have to have in order to be subject to have the jurisdiction over this? Then the other two points are that, and Mr. McQueeney answered this question for me early on, according to Robert's Rules of Order, the person who is the accused cannot take part in voting on this, and I think it's just an abundance of fairness to everybody, this is only going to operate for questionable conduct that happens in the future, nothing that can happen in the past, so this is a moving forward type of ordinance that makes it very clear and specific as to what our conduct is subject to review by our ourselves. I'm okay with deferring it, I'll vote to defer it, but I want to make sure that we stayed somewhat within what is listed in these changes. I think this is a fair ordinance, and it addresses the questions that our constituents and our community have been asking us to do."

Mayor Tecklenburg said, "Alright. So, the motion on the floor is to defer."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "All I wanted to do, Mr. Mayor, and I appreciate the deferral on everybody's part, willingness. Councilwoman Delcioppo, if I offended you in any way, it certainly wasn't intentional. I didn't realize that I possibly ever finished your last meeting or anything I may have said. I respect you too much. I respect all my colleagues on this Council because I know our efforts are in the right direction, trying to push the City in the direction that it should go. So, that's not the intention. I really would value your voice around the table. I really do, so I hope you would remain on the Committee. It is not my intention to offend you, so if I did, that was not my intention, and I look forward to working with you because your voice is an important voice. Please believe me on this one right here. Look forward to working with you. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you."

On a motion of Councilmember Waring, seconded by Councilmember Appel, City Council voted unanimously to defer 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. (AS AMENDED)(DEFERRED)

Mayor Tecklenburg said, "Is there any further business to come before Council?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Mr. Mayor, what I'm going to do is with great trepidation and apologies to my fellow Councilmembers because I don't think in 12 years I've ever spoke at the end of a long meeting, so I'm going to do this very quickly, and I'm also going to ask for a little extra workload. Given what we now know, Mr. Mayor and fellow Councilmembers, about reports from the Census Bureau and the work that we're going to have to do going forward about setting up districts before we have elections, I would humbly suggest that, rather than at a City Council

meeting, we set up a workshop with Ms. Herdina and you, Mr. Mayor, to talk about what our options might be going forward in advance of November. We're heading towards April with people having to put in their name and hats in August, so I think the April timeframe is a pretty good idea to get us all together with a well-publicized workshop also with our ability to go into executive session to get legal advice from our team. I just think we need to think about it now and get it scheduled. Thank you."

Mayor Tecklenburg said, "Alright. Thank you."

Councilwoman Jackson said, "Good. Second that. Thank you, Councilmember Seekings."

Mayor Tecklenburg said, "I saw Ms. Herdina's Hollywood square light up. Did you have a response or a comment to make to that, Susan?"

Ms. Herdina said, "Only just to say that Councilmember Seekings did reach out to me earlier with the same question and to let him know that we are looking internally at what our legal options are to present to you all. April should be a good timeframe. We also are looking at what other jurisdictions are doing, as well as taking a look at what we've done historically in 1990, 2000, 2010, if we've ever encountered this kind of a situation, which is unique, where the data is coming out so late. So what we'll be doing is we'll be looking at what our legal options are and presenting them to you, which is delay the election, not delay. We should be ready to have a good discussion in April. Thank you."

Mayor Tecklenburg said, "Great. Terrific."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir, Mr. Mayor. I'd like to have something added to our next agenda, if you don't mind, sir. You know, I've been following very closely the passage of this \$1.9 trillion stimulus package. It was a very important item that we discussed during the budget process, that if we were able to get some local money from the Federal government, that we would apply that to a rollback of taxes and not do a tax increase for 2021. So, hopefully, in the next couple of weeks we'll have some clarity as to if we're going to get some money back, and I'd love for that to be on the agenda so that we could formalize that with an up or down vote as to our Councilmembers deciding whether or not we want to put it in a vote that we're going to roll back the taxes as soon as we get the funding."

Mayor Tecklenburg said, "Well, thank you. We do need to get that clarity of what the Federal bill is, and we should have that, I hope, next week. I did plan, Councilmember, on calling a meeting of our Ad Hoc Budget Committee. Actually, I think there's one scheduled or planned already. This would be a matter we would take before them, but we would be certainly be addressing that issue."

Councilmember Griffin said, "Well, sir, we voted as a Council for the budget, and we formalized it vocally that we were going to roll back the taxes. I think it would mean a lot to our constituents if we took an up or down vote, so that they knew that we're going to actually do that and not wait and hold onto the money."

Mayor Tecklenburg said, "I hear you've got to find out what the Federal government is going to allow us to do, but absolutely we will address this issue, and we can put it on the agenda

for next meeting.”

Councilmember Griffin said, “Please. Yes, sir, I’d like it on the agenda, if you don’t mind.”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “Thank you, Mayor. I was going to say the same thing. My understanding is, well, the bill’s not passed yet or signed, so we don’t really know the details. What we know from what the earlier version is that there could be some constraints on literally using our portion of whatever direct funds to increase our tax revenue. So, I do think we need to, you know, we don’t want to promise what we can’t deliver.”

Councilmember Griffin said, “I just asked for it to be put on the agenda. I wasn’t asking for discussion tonight.”

Mayor Tecklenburg said, “Thank you, Councilmembers.”

Councilwoman Jackson said, “Thank you.”

The Clerk said, “Mr. Mayor, on the last item, regarding the deferral, I just wanted to make sure for the record there were no nays. It was unanimous, is that correct?”

Mayor Tecklenburg said, “Is that correct? Did anybody vote against the deferral?”

No one spoke.

The Clerk said, “Thank you.”

Mayor Tecklenburg said, “Well, thank you all. It’s been a long and productive meeting, but I think very good, and we’ll see you all in two weeks’ time for our next meeting, if not sooner. Many we’ll see Thursday for Community Development.”

There being no further business, the meeting was adjourned at 8:55 p.m.

Jennifer B. Cook
Clerk of Council