

COUNCIL CHAMBER

Regular Meeting

April 23, 2019

The seventy-fourth meeting of the City Council of Charleston was held this date convening at 6:07 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media April 17, 2019 and appeared in The Post and Courier April 21, 2019 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Wagner - <i>excused at 8:43 p.m.</i>	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 6:07 p.m.

The Clerk called the roll.

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

Councilmember Griffin said, "In honor of Holocaust Remembrance, I would like for the invocation tonight to be given by a valued member of our City staff, Mr. Russell Binder, from Congregation Dor Tikvah."

Russell Binder opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you very much. I know many of you have been here before, but if not, in the event we had to leave the building suddenly, we have these two exits here from the main room, and there is an exit from the room to my right. If that were to occur, do not use the elevator, but take the two stairways down to the first floor and then the one stairway out to the front. It's very unlikely, but just in case I wanted everybody to know how to get out of the building. So, first I would like to have a proclamation to remember the terrible tragedy of the Holocaust. I'd like to invite Samantha Krantz if she's with us this evening, Russell Binder, and Reggie, excuse me, I'm not sure of your pronunciation, Guigui, with the Charleston Jewish Federation to join me, please, on the stage. I'd like to remind members of the public of the annual Holocaust Remembrance Program. It's coming up this Sunday, May 5th, beginning at 2:30 p.m.

at the Gaillard Center. You could learn more about the program and speakers on the Jewish Federation of Charleston website jewishcharleston.org, and here is the proclamation.

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "I would now like to ask for any of our speakers to come forward and share information about the remembrance, including one of our own Holocaust survivors."

Eileen Chepenik said, "My name is Eileen Chepenik. I'm the President of the Charleston Jewish Federation, and thank you for taking time out tonight to remember the Holocaust with this beautiful proclamation. To remember the Holocaust today is more important than ever, with anti-semitism on the rise all over the world and here at home and Holocaust deniers popping out of the woodwork every day, and hatred in our midst all of the time, as we've just seen in Sri Lanka and a few weeks ago in Christ Church, New Zealand. The Holocaust reminds us that prejudice can lead to genocide. Many of you know Holocaust survivor, Joe Engel, who couldn't be here tonight. He's been here many times. He's 91 years old. When he was 13 in his small town of Poland, the Nazis came. He ended up in Auschwitz, the most notorious death camp. He participated in the death march at the end of the war when the Nazis knew the end was coming. The Russians were approaching, and they wanted to hide their crimes. They marched the prisoners in January with practically no clothing, no shoes, for miles and miles. So many of them died along the way. Joe was fortunate to escape hiding in the snow while the Nazis looked for him for hours and escaped. Now right here we have Dientje Kalisky Adkins, who was four years old in the Netherlands and survived the war by being hidden from the time she was four to seven. She was hidden and abused, sexually abused, and pretty much locked in a closet with nothing but her doll and a pillow and beaten all of the time because she was crying. She also ended up roaming in the forest alone and being in several concentration camps. When you think what you were doing at that age at four, five, six, and 13 spending three years in a death camp, very different from what our lives are and what their lives were. So, thank you for remembering. Joe and Dientje have spent the rest of their lives now talking to school groups and other groups and everyone who they can to talk about their experiences firsthand. Soon, maybe in the next ten or 20 years, they won't be with us anymore, and it's up to us to carry on these stories and make sure the world doesn't forget and to prevent genocides from happening again. Thank you."

Dientje Kalisky Adkins said, "Thank you very much."

Mayor Tecklenburg said, "Thank you."

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "Alright. Next, I would like to invite Dr. Robert Jacobs to join me, along with Councilmember Gary White. Dr. Jacobs, a loving husband and caregiver to Sandra Jacobs, is a patient with a condition known as ME, which I'm going to try once, Doc, to pronounce, and then I'm going to use ME from then on out. Myalgic Encephalomyelitis, did I get it?"

Dr. Robert Jacobs said, "Yes, perfect."

Mayor Tecklenburg continued, "Okay, and Councilmember White, if you would join us up here, as well. We have a proclamation to raise awareness of this medical condition. I just tried to pronounce the medical term. It's known as ME. It's also known as Chronic Fatigue Syndrome. It's a severe neuro immune disease characterized by overwhelming exhaustion, cognitive problems, pain, post-exertional relapse, immune disorders, headaches, cardiac symptoms,

dizziness and balance problems which leaves many ME patients homebound or bedridden for years, and as many as 75 percent, unable to work.”

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, “Dr. Jacobs, if I could now call on you to share any remarks you would like regarding this.”

Dr. Jacobs said, “Thank you.”

Mayor Tecklenburg said, “Yes, sir.”

Dr. Jacobs said, “Thank you, Mayor Tecklenburg and members of City Council, for issuing this proclamation, and thank you, Councilman White, for bringing this proclamation forward. I also want to thank my many friends who have joined me. Forgive me, I usually get a little emotional at this point, and I also want to acknowledge the parents of another young woman in the area who has Myalgic Encephalomyelitis, and there is a photo. If you hold that up that’s a photo by yet another young patient in the area who is an artist. She calls that ‘Almost Invisible’ because that’s how patients with this illness feel. My name is Robert Jacobs, and I’m a resident of Daniel Island. I’m a retired physician and I’m the caregiver for my wife, Sandra, who’s had ME for over nine years. Because of her illness, Sandra is not able to be here tonight. Your recognition of ME is extremely important to the many thousands of patients afflicted across our state. ME, as the Mayor said, was previously known as Chronic Fatigue Syndrome. It is a devastating disease manifested by dysfunction of the neurological immune endocrine and energy metabolism systems. There are no available diagnostic tests. There are no approved FDA treatments, and there is no cure. ME affects 16,000 to 39,000 South Carolina residents, up to two and a half million Americans, and 17 to 20 million worldwide. Despite its prevalence, ME has long lived in the shadows and been stigmatized as a psychogenic illness, where those afflicted are viewed as lazy or malingering, rather than having a serious medical illness. All of this changed dramatically in the year 2015 when the Institute of Medicine, now known as the National Academy of Medicine, declared that ‘ME is a serious, chronic, complex systemic disease that can profoundly affect the lives of patients’. As Dr. Collins, who is now the Director of our National Institute of Health, recently stated ‘Of the many mysterious illnesses that science has yet to unravel, ME has proven to be one of the most challenged.’ Despite the historical tourism and quality of life allure of our beautiful City, there is a paucity of medical care available to patients with this disease. There is minimum medical awareness, and there is essentially no research activity. The City of Charleston proclamation for ME awareness is a critical first step to raise awareness about this hidden disease and encourage healthcare providers to allow patients to come out of the shadows. Thank you very much.”

There was applause in the Chamber.

Mayor Tecklenburg said, “Thank you, Dr. Jacobs. Thank you all for being with us this evening. I really appreciate it. So, next I would like to have one more proclamation, there might be two actually. This is honoring Captain Pat Keaveny, US Navy (Retired). I’d like to ask Captain Keaveny to please join me along with any other guests or family you may have with you. Captain Keaveny is the outgoing President of the Navy League who played a pivotal role in the recent commissioning of the USS Charleston. Those of you who are here with Pat, please join us, as well. You’ve heard the expression ‘The job is not done until the proper paperwork is finished.’ Well, on March the 2nd of this year we celebrated the commissioning of the USS Charleston in Charleston Harbor, and today we finish the paperwork. I’d like to take a minute to honor Pat for

his dedication to that long process and for the countless hours of hard work that he poured into making the commissioning ceremony the truly remarkable event it was. I'd be remiss if I didn't also recognize members of the Navy League Board of Directors and USS Charleston Commissioning Committee who are with us here tonight. Some are here. Well, they're joining me on the stage. The City is so thankful for your efforts, and now, I have a proclamation."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

There was applause in the Chamber.

Mayor Tecklenburg said, "Pat, congratulations."

Captain Pat Keveany said, "Thank you."

Mayor Tecklenburg said, "Yes, sir. Would you like to make a remark?"

Captain Keveany said, "Thank you. It's very interesting to hear these things being read, and you never realize when it's going on how involved it is. I've heard from many people, people very special in my life, in my family, who have said 'enough' or 'again' and such, and many of us know that. But, John, thank you. Thank you to the Council, to the City, to everybody who in this community values one of those folks out there, all of those folks out there, who wear the uniform. There are a bunch of them here, and we think they're special, and let's just keep it going. The folks that are from Chuck to Alma and everyone in between have been instrumental in everything that John read. It's going to continue. It has to continue, and if you want to join Navy League, we are welcoming people to join us. Thanks."

Mayor Tecklenburg said, "Behind your back I have a little memento of our City's appreciation for your service, Captain Pat, to the Charleston Navy League. Congratulations."

Captain Keveany said, "Great, and thank you so much."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you all for being with us tonight. We're almost there. We've got one more recognition. I've got two more recognitions. This is not a proclamation, but a recognition of some amazing citizens who are civil rights leaders and their families who participated 50 years ago in the 1969 Medical College strike here in Charleston, and I've got to look for one more piece of paper. Excuse me, one second. So, Ms. Brown, I know best among these heroes, and she is standing with us and has been to Council not too long ago because she is still fighting the good fight. She is helping in many ways in our community, particularly as an audacious advocate for public transportation, is she not? But where she cut her teeth in community activism was 50 years ago. Fifty years ago, 12 workers at the Medical College Hospital, 11 women and one man, walked off their jobs in protest of low wages and harassment and discrimination in the workplace right here in Charleston. That took a tremendous amount of courage and for a hundred days, we're in that 100-day period from 50 years ago, they mobilized thousands of Charleston's faith community leaders and civil rights advocates, as well as national organizations in support of their fight for fair wages and working conditions."

There was applause in the Chamber.

Mayor Tecklenburg continued, "You all come forward. These are survivors and family members of the original 12. They fought for and ultimately won a new job classification and a compensation plan. Listen to this. It took them all the way from \$1.30 an hour to \$1.60 an hour.

They also influenced the creation of a standardized grievance procedure to help protect them from workplace harassment and discrimination. Their bravery sparked progress after a continuum of change from the Medical College Hospital of 1969 to what we know today as the Medical University of South Carolina. Some of the original 12 hospital workers and family members of those no longer with us are here tonight, and I've asked them to stand and be recognized, and here they are. I'm going to read the names of the survivors. Ms. Louise Brown, who is with us this evening."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Ms. Vera Small Singleton."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Ms. Rosalie Fields, and maybe she has family."

There was applause in the Chamber.

Mayor Tecklenburg said, "Ms. Mary Grimes Vanderhorst. God bless you."

There was applause in the Chamber.

Mayor Tecklenburg continued, "And those who are no longer with us, but whom we will remember and family members are here for Ms. Mary Moultrie."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Ms. Helen Husser."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Ms. Annie Lee."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Ms. Priscilla Gladden."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Ms. Hazel White."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Mr. Andrew Daniels."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Ms. Virginia Stanley."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Ms. Margaret Kelly."

There was applause in the Chamber.

Mayor Tecklenburg continued, "God bless you all. Thank you for your courage. Thank you for your leadership, and when I talk about thanking them for their courage, think of what the scene was like 50 years ago, how brave these individuals were to stand up and risk their livelihood

for what was fair in our community and fighting discrimination in our community. You are heroes, and we recognize you for that today, 50 years later. God bless you.”

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, “You know Ms. Brown’s got to have something to say now.”

Ms. Louise Brown said, “Got to have something to say. I thank you all for recognizing that we had a very hard time in 1969, whether it was racial discrimination against us women at the hospital. We did not under any circumstances leave our patients unattended. We were fired back then, but we could not leave our patients unattended, and we didn’t leave our patients. Our patients were very important to us. We loved our patients. The doctors begged us for the 100 days while we were out, to bring his good nurses back in. We were devoted to our job, we loved our job, and I’m seeing the same thing that happened in 1969 is happening in 2019, except what’s happening now, you’re either rich or you’re poor. There is no middle class. Back then, we were poor. Today, people are still poor. No housing, overworked, and underpaid. Let us do better than we did in 1969. Let’s not repeat 1969 in 2019. Thank you so much. You have a blessed wonderful day.”

There was applause in the Chamber.

Mayor Tecklenburg said, “Now, finally, all of our employees who get recognized for their years of service can’t make our quarterly breakfast, so I would like to ask Councilmember Gregorie to come forward and receive his 10th Anniversary Pin with the City of Charleston.”

There was applause in the Chamber.

Mayor Tecklenburg continued, “Congratulations.”

Councilmember Gregorie said, “Thank you.”

Mayor Tecklenburg said, “Wear it proudly.”

Councilmember Gregorie said, “I’ll put it on now.”

Mayor Tecklenburg said, “Alright. So, next we have four public hearings, maybe five. We’ve got a few public hearings. Yes, five of them. The first up is a matter of a Planned Unit Development on Johns Island. Mr. Christopher Morgan will make comments and a presentation regarding this matter. Then, members of the public will be invited to come forward. Please keep your remarks to the subject matter at hand and a two-minute limit, please, on your remarks. Mr. Morgan.”

Christopher Morgan said, “Thank you, Mr. Mayor, members of Council. We’ll kind of run through some slides here to give you some background on this item. This is Item E-1. It’s a Planned Unit Development at Maybank Highway and River Road. It’s a rezoning from the current zoning of General Office, General Business and DR-9 in this location. Here you have the site, and I don’t know if my remote laser is going to point on this, but you all can see it in the image there. There is Maybank Highway running roughly left to right, River Road over to the far left going north and south. That is the location of the Planned Unit Development. This is an aerial image of the property. Again, it’s a wooded site here on the southern side of Maybank Highway. You see River Road on this and Maybank, as well, same scale.

This is an image that shows future planned roads in the area. The sweeping blue line on the right here is the alignment of I-526, as determined by their environmental studies. The pitchfork roads are shown by the two roads in blue at the top. This is the northern pitchfork which

would be dedicated in this Planned Unit Development here. This is the southern pitchfork which we'll be discussing how it will be dedicated in the southern, in this PUD here, I-526 and then the connection of I-526 to River Road, in roughly, this location. There is Seven Oaks Lane. The Johns Island Plan showed this area as one of our three centers on Johns Island, so this PUD is in conformance with that. The Century V City Plan also showed it as one of our three key nodes along Maybank Highway. So, of course, it's in conformance with that, as well.

This is a layout of the overall PUD. What you see in the pink color is the Kerr Tract Commercial area, so it's kind of an upside down L in pink on this image. Then, the Residential is in the yellowish/greenish color, and some of the layout of the road system there. Again, on this I will show you the southern pitchfork alignment which would run across here on the site. Here it goes like that. This is an image also that shows where the different densities on the site would go. This is actually a reduction in density on the site. At present, the current zonings allow about 841 units on the site. This PUD would allow only 798, and the center of that would be part of a new Single-Family, well, a new Residential area that would be the Kerr Tract Residential that's outlined with the red dash line which would be essentially 250 units between it and the tract to the north. So, much more density towards the corner, which is in line with what the Johns Island Plan says and the Century V Plan says. That could also be a Commercial area, as well, which might not even have Residential in it but, in general, the Residential to the northeast would be lower density.

This is an image that shows the green spaces on the site. Again, this is a Planned Unit Development. At least 20 percent of the site has to be green space, open space. Some of this would be wetland area. Some of this would be usable space. 25 percent has to be usable. There are some historic elements on the site that would be preserved in these green spaces, such as an area of existing headstones in the area of indigo vats and other things that would help link the site to the past history on the site. This is a chart that shows, again, the densities of the current zoning, of the 841 units, the overall acreage breakdown on the site. Again, I'll go back to this image that shows the overall density from the proposed PUD of 798 units. But, this is a site that we've worked for many years with the owners and land planners to come up with a really exceptional plan for that is very sensitive to the unique nature of the site, to the unique nature of Johns Island, yet in conformance with the interest in creating walkable locations that might have some density on them. Again, while the density is reduced on this site, it's putting density in the right place. It's working in conformance with the pitchfork plans for the improvements to Maybank Highway, which is a huge advance forward. The pitchfork on the northern side was allocated, via PUD, similar to how this pitchfork on the southern side would be allocated via PUD. There may be a subsequent development agreement that would commit to dedication of that land. I believe that the developers of the residential portion on this site are committing tonight, before you, that they would dedicate that portion there, and other portions could be dedicated via development agreement on the site. So, again, very similar to what happened with the northern pitchfork where we got dedications via a PUD and development agreement there. So, staff has been very comfortable with the development of the site and very pleased with how the final product has turned out and, again, are very enthused about advancing the calls of the southern pitchfork and that traffic improvement for Johns Island. We and Planning Commission have recommended approval of the PUD in this location."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on this matter? Please come forward, state your name and address."

1. Pastor Millicent Middleton of Wadmalaw Island said there was a lot of planning to allow the growth, and they understood and appreciated the infrastructure of the

highways the City wanted to implement, but her major concern was there should have been a plan for more public transportation. There were too many cars on the highways going back and forth on and off the island. They went to Columbia to try to get the proper roads implemented for complete highways, but the developers needed to be taxed to help add indentation into the highways so buses could pull over and pick up people and more bus shelters could be implemented. She put up the very first bus stop on the Sea Islands on Superbowl Sunday, and to this day, that was the only bus stop on the corner of Maybank Highway and Main Road. She asked that the plan be reconsidered to implement additional public transportation and indentation for the buses.

Mayor Tecklenburg said, "Thank you, Ms. Middleton. Would anyone else like to be heard? Please come forward."

2. Winslow Hastie, Historic Charleston Foundation, said he was glad to hear from Mr. Morgan that the PUD would respect the historic resources on the site. It was an extremely significant cultural landscape, and this winter he had the opportunity to tour the piece of land and saw the indigo vats that were on the property from the 18th Century affiliated with the Fenwick Plantation and Eliza Lucas Pinckney. They were fairly certain that those were her vats that she and her family used to advance indigo and indigo production at that time. They were of national significance, and he wanted to make sure that whatever happened with the development that those sites were not only preserved and protected, but were interpreted for the benefit of the public.

Councilmember Gregorie was excused at 6:45 p.m.

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

3. Russ Seamon, Seamon Whiteside and Associates, thanked Council for the opportunity to speak and thanked Mr. Morgan for a good presentation. He reiterated that the plan would reduce the density over what could be built right now, and it also provided a route for the southern pitchfork, which they believed was a very important piece of the connectivity of Johns Island to help with traffic. It would be setting up a Mixed-Use, walkable, node in line with the Comprehensive Plan and the Johns Island Plan. It promoted light and print development practices, allowed pervious surfaces, and a connected open space that centered around the archaeological resources and included language that would have interpretive elements for the archaeology. They provided regulations that allowed creative design techniques to work around trees. They worked hard with City staff and were agreeable to their comments. They had met with the Johns Island Community Association to talk through the plans and continued to coordinate with them. They thought it was a good project, and they were available for questions. In terms of transportation, they were more than happy to sit down with CARTA.

Councilmember Gregorie returned at 6:46 p.m.

Mayor Tecklenburg said, "Thank you. Yes, sir. If you want to come forward, please do so."

4. Brett Barry of Charlestown Estates said he understood that the PUD would reduce density, but he couldn't get excited about 700 and some homes, as opposed to

800 some. The roads were already packed, and they kept adding which he realized the zoning allowed for it. The developers were doing what they were allowed to do, and he didn't blame them for that. He questioned, given the capacity of the roads, why it was still allowed. He didn't think the message was getting through that the roads were packed, and they needed to stop making it worse. He said they needed to get the infrastructure in there, alleviate the traffic, and then talk about the growth issues and how they wanted to grow further in Charleston.

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

5. Mark Adams of Johns Island said if Council was going to approve the project, that it be contingent upon the south pitchfork being completed at the same time the roads going into the development were being done. He said everyone knew there was only one lane off the Island, and it took ten minutes to go approximately half a mile from his house to the light at Maybank Highway and River Road. It took another 15 minutes to make a right hand turn onto Maybank Highway because there was only one road going off at that location. Charleston County couldn't figure it out, and this was the City's opportunity to take care of it. With regard to density, he had talked with Planning, and it was currently zoned for nine units per acre, and the request was for 26 units per acre, so he didn't understand that. He said they currently had approximately 3,500 permits that had not been built upon in the City on Johns Island. He reiterated that transportation really needed to be taken care of first. If the southern pitchfork was being completed at the same time that was good, but if not, then he asked Council to defer the matter. With regard to the zoning signage, one was sitting on the ground, and both signs had the wrong date for the meeting. He didn't know what rules needed to be followed to communicate with the public, but that couldn't happen.

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

No one else asked to speak.

Mayor Tecklenburg said, "Seeing none, the matter comes to Council."

Mayor Tecklenburg recognized Councilmember Wagner followed by Councilmembers Mitchell and Shahid.

The Clerk said, "Then, Councilmember Seekings."

Councilmember Wagner said, "Can I let Councilmember Mitchell go first?"

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Mr. Mayor and Councilmembers, I understand the development they are talking about. To me, it's too much. It's too large. I know Johns Island pretty well. As I stated before, my family goes back over 250 years on Johns Island. I went up there last week to visit my mother's grave out there, that place is terrible. I didn't know where I was going. The traffic is terrible. You can't even get around in there, and you've got to be very careful. I don't know if we can withstand all of the housing and the development that is going there. They downzoned, they said, from 800 to 700 and something apartments. That's not a lot. The infrastructure is not there as I see it now. When I went over there last week, my family called me saying, 'Man, what are you all doing? That City of Charleston is taking over. They're doing anything they want to do', and that's the way they're looking at it. The City of Charleston is doing

whatever they want to do to Johns Island. Johns Island was actually country at one time, but we know it's changing because we have already annexed into that area, but it was more rural than anything else. It's not that anymore, the traffic over there is terrible. Now, when you're putting these 800 and something units there, look at how much more traffic you're going to have there on the corner of River Road and Maybank Highway coming out in that area. How is Maybank Highway going to handle that? How is River Road going to handle that? Even if they go up to Betsy Kerrison or back to Main Road. It's congested over there. I don't know if we're doing a good job at looking at these projects when they're coming through, even with the PUD and stuff like that. It's too much, it's too much. I don't see it, and I think we need to look at these things very carefully when we are looking at how we are approving so many units. I don't know how many units per acre. How many units per acre are happening in that area now?"

Mr. Morgan said, "It varies. There is a portion of it that's 26.4. There is a portion of it that's nine units, and then there is a portion of the GO that doesn't really have Residential. So, it would end up with this PUD averaging about 15 units an acre."

Councilmember Mitchell said, "Fifteen units per acre. That's a lot. You remember years ago I fought, even when I was a Councilmember for Daniel Island and Cainhoy, and they wanted to do the same thing. I fought them, and they brought it down to two and a half units per acre because I would say 'It's not going to happen'. We've got to look at these things very carefully, look at the people living there, look at the community that is there, and stop running over the community and taking over. I know development is fine. We like development coming in here. We like the tax base and everything, but we are causing trouble for ourselves."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Okay, let's discuss this just a little bit, and then I'm going to take you on a little history tour all the way back to last year. First, tremendous amount of density in this area. By the way, this is River Road, Maybank Highway. The stoplight you can't get through guys, yes, that's what we're talking about. We're on the south side, the airport side. I saw this three to four months ago. That's the last time I saw or I had the chance to talk to anybody about it. I did get a call from the proposed developer before this got to my door. So, let's think about this. It's the most highly congested place on Johns Island. We had the opportunity to bring two lanes on and two lanes off, the City of Charleston. No, we only want one lane off. Where are the exits of this PUD? How do they get back? Where are they going? Are they going to Main Road? Are they going to Maybank? Are they going to River Road? Where are they going? They've got to be coming out onto that totally congested one lane off. That's my first point.

Seven months ago, eight months ago, we were at the Dock Street Theatre. What were we talking about? A moratorium to determine why Johns Island had so much traffic. Guess what? Here comes a whole bunch more to the most congested point of that Island. I have waited eight lights to make a left from River Road to Maybank Highway in the middle of the day. If that doesn't get solved, it's always going to be a 'no' guys. There is no way I'm going to put the constituents that I have on that Island in that kind of a position. I'll fight you until we die. That's the way it's going to have to be. This is nuts.

Anyway, we've got about three times the density there than we do anywhere else in the City. It's great that they have green space, but they don't have a choice. They have thrown on the table, 'Yeah, we'll talk about throwing in the southern pitchfork,' because they still own the property. However, the County has no plans. We're talking a good two years out, even though we were told three years ago that everything is full speed ahead there. We've told these people

we're looking out for them, but we're not, and I'm going to tell you that, absolutely not, at this moment in time. I don't know how they did a traffic study. I honestly don't. For that much density in that small of space, how did you get through? How did that happen? Did we just measure to the proposed potential southern pitchfork, or did we do something else? We talked about the northern pitchfork. There were three perturbations on that. The last one is because we messed the second one up, and we had to go through a third just so we could get it finished because, oh, yeah, they came first. They wanted more density, they wanted to put a little Commercial out here, and we played this thing for about four years, and it just came to a head here about, what, two months ago in this Chamber, and the County had the money for the northern. The southern pitchfork is a tougher sale because we had more environmental issues, and it can be in accordance with everything from ten years ago to yesterday. But the bottom line is that Island can't stand this right now, not in its current form, and that's just pretty much it.

We have a Johns Island Growth Council. We didn't hear anything there, and that's something that just started six months ago, but it was never mentioned there. The Johns Island Community Association actually did, a relatively informal traffic study, but guess where they found the most congested and toughest area to get through on the whole Island? You want to make a guess, or you want me to tell you again? This intersection, and so, do what you want to, but I'm going to tell you defer until we get something that's solid. If you show me plans where we have that southern pitchfork and how much it's going to cost us to build that road around that development, hey, I'm in, but not the way it is right now guys. Thank you."

Councilmember Shahid said, "Mr. Morgan, can you go back, please, to that slide that you had with the two pitchforks?"

Mr. Morgan said, "Which one?"

Councilmember Shahid said, "The slide that had the traffic issue with the pitchforks being shown."

Mr. Morgan said, "This one."

Councilmember Shahid said, "Yes. So, can you just go over that with us one more time?"

Mr. Morgan said, "Sure. So, again, this is I-526 coming across and, of course, I-526 does not connect to Maybank Highway. It bridges over it. The northern pitchfork, which is in the final stage of permitting and is fully funded by Charleston County for construction is in this location here, and the right-of-way has been dedicated here in this PUD up here. Then, this is the southern pitchfork in this location here."

Councilmember Shahid said, "What is the stage of the southern pitchfork now?"

Mr. Morgan said, "I'm sorry."

Councilmember Shahid said, "What is the stage of that southern part of the pitchfork? What stage is it in?"

Mr. Morgan said, "The County does not have the funding for it at present. I think if the right-of-way is dedicated for it, it helps put the pressure on the County to start working on the funding for it because then we've got a right-of-way that's allocated for it."

Councilmember Shahid said, "What is that other blue line?"

Mr. Morgan said, "This is a connection that would go to I-526. It would be one of the two connections, I-526 on Johns Island, and the other one is to the north near Rushland Plantation."

Councilmember Shahid said, "The permitting is still in effect. We're in the permitting stage for the northern pitchfork."

Mr. Morgan said, "Which should be completed very soon. They should be under construction, I believe, this year."

Councilmember Shahid said, "So, my follow up question is, if we don't grant this rezoning, it remains as General Office and General Business?"

Mr. Morgan said, "Yes, sir."

Councilmember Shahid said, "So, what can be developed on there if it remains in that?"

Mr. Morgan said, "General Business allows Multi-Family at 26.4 units an acre."

Councilmember Shahid said, "I'm sorry there's too much chatter. I didn't hear your answer."

Mr. Morgan said, "Okay. The General Business on the site allows Multi-Family at 26.4 units an acre already zoned on the property. The DR-9 allows nine units an acre density, and then the General Office does not have really a Residential category to it but, of course, General Office is one of the key traffic generators, a much higher traffic generator than Residential uses."

Councilmember Shahid said, "Thank you so much."

Mayor Tecklenburg recognized Councilmember Seekings followed by Councilwoman Jackson.

Councilmember Seekings said, "So, I'm interested in the southern pitchfork, and just to see, have we, Mr. Mayor or anybody, had any communication with the County to impress upon the County how important the southern pitchfork is, regardless of this PUD, to get this thing going? It seems to me, I know it's Charleston County, but we're inside the County. This is inside the Urban Growth Boundary, and to those who haven't been paying attention, it's growing, it's urban, and there is no relief in sight. That southern pitchfork is hugely important. That one left turn lane has made a little bit of difference, but that southern pitchfork has got to go, so where are we?"

Mayor Tecklenburg said, "I have reached out to the current County Council Chairperson. The former Chair, respectfully, was not supportive of bringing the funding forward for the southern pitchfork. Chairman Summey sounds supportive. It's a chicken and the egg situation, though. He would like to see the right-of-way established. They don't want to be buying any real estate to make it happen, but he certainly understands the importance of the pitchforks, as totally independent of I-526, for the Island long term, and he sounds supportive. Do we have approval of funding yet? No, but I've had that conversation."

Councilmember Seekings said, "Well, it seems to me, as a Council, we probably ought to resolve to give you some momentum behind that and say we, as a Council, want that built. I have a question for Mr. Whiteside if he is here. If this PUD is approved, and you get through all of the approval process, and you start building your infrastructure, is the idea that you're going to actually rough out the rooting of the southern pitchfork? Will that be part of all of the work that you do in there during your site work?"

Mr. Whiteside said, "Yes, we already have conceptually identified that route, and we've actually met with the County on that particular route. That's what we've shown on our PUD, is that actual route that we met with the County on."

Councilmember Seekings said, "How long is it from River Road back up to Maybank Highway? How long is that?"

Mr. Whiteside said, "Hold on. I've got that."

Councilmember Seekings said, "Awesome."

Mr. Whiteside said, "I don't remember the exact linear feet. I know that the Residential portion, it would be the first phase developed, which is 116 units would be the only developed, initially. That would have 41 percent of the pitchfork road on it, and we would be willing to donate that at the time of approval."

Councilmember Seekings said, "If we don't have a PUD, whatever, you're going to have self-storage facilities out there, and you're going to have all sorts of crazy stuff. It's going to be a nightmare. We're sort of in a conundrum. No moratorium. We haven't shut it down, right? I don't know. I just think, Mr. Mayor, we need to get on the County on the southern pitchfork and give you the tools you need to get them to go fund it and build it."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor, and I agree that I think Councilmember Wagner has definitely stayed in tune with his constituency and his territory. I guess the main thing that concerns me is that if we say no to this PUD, and I would hope that it could be reworked to be less dense, and certainly not to have any final approvals until we do have the southern pitchfork. I think what you mean when you ask Mr. Whiteside could it be roughed out, you mean could it actually be dug out into the dirt, so that we have the path with the trees down and everything except the curb, gutter, and the final servicing done. So, it would have to be a lot of engineering about stormwater runoff to go along with that. I think that the downside for the Council, as you just said, is that we're between a rock and a hard place. If we don't agree to some sort of managed development like this, then we're back to existing zoning, and I have seen, in my year and a few months, no appetite on this Council to make any changes to existing zoning. So, I think that is a real problem, and this decision that is looking us in the face tonight, I think points out that kind of decision making that we're going to have to be faced with over and over and over again in the coming year and the years to follow. As we're being educated by the conditions that are in the Lowcountry, in remaining properties like this that are available for redevelopment, we have not been thoughtful in the way that we have left them zoned for too dense development, and I really appreciate the Kerr family and their regard for their heritage and their legacy of taking the time to find the right development community to work on this project. So, I don't want to be disrespectful for this vote and these decisions with that caretaking that they certainly demonstrate in many places on James Island. We've got ourselves in a place where we don't want to be in making these decisions, and I don't know what this next step is. If we vote 'yes' tonight, then what happens to the fine tuning of the plan? Is it literally carved in stone on paper right now? There will be no other reviews other than TRC for stormwater and things like that? What would happen to this development if we say 'yes' tonight, and it leaves our Chambers?"

Mr. Morgan said, "Then, it would go through the normal process with TRC, with our stormwater reviews, things like that."

Councilwoman Jackson said, "Vested rights, correct?"

Mr. Morgan said, "Yes, ma'am, and the alignment of the Southern Pitchfork, for example, that is the alignment that the County had worked on, as well. So, if that were set by virtue of the PUD, that's another step for us towards getting the Southern Pitchfork completed."

Councilwoman Jackson said, "That is literally set in black and white?"

Mr. Morgan said, "The PUD sets it. Yes. It's very clearly identified in the PUD. Yes, ma'am."

Councilwoman Jackson said, "Can we add to the condition right now that we would ask the developer to literally do everything except the final build out of that highway? Can we add that as a condition of the PUD development?"

Mr. Morgan said, "Council can always put conditions on things. I don't know if that's something that the development team can comment to at this point and time without knowing costs."

Mr. Whiteside said, "For that Pitchfork to be constructed and us to try and construct it, our project wouldn't be financially feasible or developable. Just setting aside the land is a pretty big give that the developers are making. So, I think it's going to take getting the County funding, but we're taking that first step by providing the routing and providing the land through the first phase which is a big give, in my humble opinion. I think it will give it momentum to where we can move this thing forward. I agree with you. It's kind of a rock and a hard place situation. The unfortunate thing is, is this PUD could go away and then the same amount of density and even a little bit more, plus the office, could be built on this site. So, we came forward with what we thought was a respectable offer in terms of reducing the density and providing land for the Pitchfork and creating this alternative route. We hope that you will see it that way, as well, and we're willing to continue conversations."

Councilwoman Jackson said, "I just had a follow up statement. Thank you, Mr. Whiteside."

Mayor Tecklenburg said, "Follow up is allowed."

Councilwoman Jackson said, "So, it's clear we can't condition the road. The developer won't agree to that. It's a fool's errand to do something like that. Could we condition that only the 116 units would be built until we've got the Pitchfork in operation? How can we better control this development that is concerning all of us? I'm sorry that we're here at a public hearing needing to make this kind of final decision. It seems precipitous. It seems like we really don't have a lot of choices to be making."

Mayor Tecklenburg said, "Councilmember Moody has not been heard yet."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. I've got to take this opportunity to give a shout out to the Coastal Conservation League for creating a lot of this delay in this whole thing. We've been fighting this I-526 now, I don't know how many years, and we're still fighting it. I keep hearing that the people on Johns Island don't want it, they don't want the development over there. I've been arguing ever since I became aware of all of this that roads don't create development. If roads created development, you could look to St. George, South Carolina, where I-95 and I-26 cross. The reason there is no huge development there, like a Volvo plant or a

Mercedes plant or something like that, is that everybody up there is on well water and septic tanks. So, once they put the well water and the septic tanks, so once they took them off of Johns Island and put City water and City sewer, the development is going to happen. So, that's what we're faced with. That's where we are, between the rock and the hard place. Now, what we've got here is a piece of property that's been in a family, and I've had discussions with members of that family, and they were not in favor of I-526, but it's running right through their property and cutting their property off. So, they've decided that it's time to develop it, and they could do a lot more on this property, as we've already heard. A lot more density, a lot more units, a lot more business or storage sheds. All kinds of stuff could go on this, but we've said in this Council many times, and I've said it, I'll take a PUD any day because that's the way you develop property, and it's kind of a holistic look. I congratulate staff for doing this. I can say, about that south Pitchfork or actually the whole Pitchfork, first time I ever heard of that was, I don't know whether it was Mr. Kerr's idea, but he was the first one that told me about it. So, he's bringing forth a good development. It's lower than he could develop it. He's giving us the road to fix it, and if we don't finish I-526, the whole Island is going to be a mess, and we better get on with that. But, we can't make this developer pay for these roads. He's already provided the land, but the County, and I agree with Councilmember Seekings, we need to push County Council. I know one pretty good that I will start pushing."

There was laughter in the Chamber.

Councilmember Moody continued, "Immediately, to see if we can't get something going there. But, I'm going to vote in favor of this PUD. I think it's the right thing unless you're going to go over there and pull up the water and sewer. If it's not this property, it will be the one next door to it. So, we've got to get a control of this infrastructure."

Mayor Tecklenburg said, "Does anybody else want to be heard for the first time?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. PUDs are powerful. PUDs are what I call custom zoning. Right now, we don't have a custom zoning, and what PUDs allow are all of the cards of the table being put on the table first, full disclosure. We're happy right now because we have the Northern Pitchfork underway funded, but it was Gene Zurlo. Mr. Zurlo and his family, donated the right-of-way. As a matter of fact, in this very Chamber, we gave them a standing ovation for being outstanding citizens for doing that. Now, you have the Kerr family that's stepping up doing the same thing. How many years has this City been talking about this Pitchfork, and it took two families to say, 'we'll give you the land,' which helped the County. If you don't get new roads on there, you're not going to be flying back and forth like Los Angeles on helicopters going on top of buildings. We need new roads. We've got great communities over there. The disagreement and the frustration is getting on and off of the Island. You need new roads. So, let's dispense the debate, which I agree with you, Councilmember, on I-526, but I don't think anybody says we do not need the Pitchforks. They've put out a Southern Pitchfork that's in congruency with what the County wants, Mr. Morgan?"

Mr. Morgan said, "Yes, sir."

Councilmember Waring said, "The Southern Pitchfork that they're going to give the right-of-way to, that's what the County had it designed as?"

Mr. Morgan said, "Yes, that has been designed in consultation with the County. There were some issues about a year or two ago where there were some I-526 conflicts. So, we had

meetings at the County that came up with this alignment, and everybody has agreed to it.”

Councilmember Waring said, “So, we’re going to be able to advance a lot more if we got a right-of-way versus not having a right-of-way. The property owner has rights without a PUD. Negotiations can continue with the PUD, as far as number of units or not. I don’t see how Johns Island is better off without a dedicated easement for the Southern Pitchfork, and by voting against this one, how does that improve the traffic? There is no solution. As a matter of fact, what is the Plan B without the Southern Pitchfork? I understand it’s easy to be against and believe me, I respect my colleague to my right, but what I’m listening for is if we vote this down, where is that solution for the Southern Pitchfork? Where is it? There is no dedication. There is no easement. I think going to get the funding makes it the objective crystalized because we can then begin to, hopefully, get the prices and find out what it’s going to take. So, I want to be there, but when I look at higher density with the existing zoning versus a lower density, I know we’d like to have lower still, but lower with property dedicated for the easement, I think Johns Island is better off because I think progress begins on the Southern Pitchfork.”

Mayor Tecklenburg recognized Councilmember Wagner followed by Councilmember Seekings.

Councilmember Wagner said, “I’ve got one question guys. The last I heard, the Southern Pitchfork was dead. The e-mail I have in my possession, by the way, says if the PUD is approved, we will consider giving you the Southern Pitchfork land. We don’t have it. The Kerr’s haven’t given it to us. The proposed new owners have not given it to us. Only if we approved a PUD, is what is in their e-mail to me. So, if we think we can get the Southern Pitchfork out of this, show it to me in writing right now, I’ll vote for it, but you can’t do it because it doesn’t exist. There is no plan in the County right now to build that Southern Pitchfork. So, what I would like to do is instead of passing a PUD that doesn’t have that in it, I’d either like to (A) defer the thing until we can see it or make it a condition that right after we have title to that land, it’s up to us to build it by the way folks. Once we take it in the PUD, it’s ours, not the County’s, not the developers, the City of Charleston then owns it. The big problem with the Southern Pitchfork all along was we couldn’t get the environmental impact stuff done. It couldn’t happen. The Kerr’s did not want to give it. They wanted to sell it, and if you look back, it’s all over the newspaper. So, until we see something we’re going to vote on something based on an assumption that might happen. I’m not. So, I would like to defer it until we get to see something like that. I would like to move to defer this until we see something that has been presented as a possibility to us. Show it to me factually, we’ll go with it. If you can’t do that, then go on and give them a free hand. That’s what we did on the Northern Pitchfork, and it cost us out the kazoo. So, I won’t call it what they call it on Johns Island, but we’ll just leave it at goose poop. How about that?”

Mayor Tecklenburg said, “So, we’ve had all of the discussion and didn’t have a motion on the floor. So, we now have a motion to defer. Is there a second?”

Councilmember Griffin said, “Second.”

Mayor Tecklenburg said, “We have a second.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Just briefly, one of the things Mr. Whiteside didn’t say when he was standing up there is if we don’t put this into a PUD, for sure, that land is not ending up in the hands of anybody named the City of Charleston, the County, or anybody for free. There is going to have to be some kind of proceeding brought to buy that land, and that will quadruple

the cost of the Pitchfork, right? So, it's a great conundrum for us. The other thing is that's valuable property, if the right-of-way is dedicated not only to move cars through that Southern Pitchfork, but to also provide relief for flooding, Mr. Wilbert. Right? We have some multi-purpose opportunities to move water along that right-of-way, as well. So, it's a huge opportunity for us, if it's done right. The PUD that you showed us shows that right-of-way through there, right? That's part of the PUD. It's part of the PUD process. It's dedicated through there. It's for the right-of-way. I don't know what more they can do other than build it, which they said they're not going to do. We can then go to the County. By the way, they've got our money, it's the half cent transportation sales tax. We ought to go get this and go see what we can do. I think that's the way to charge forward on this. If not, you're going to get a whole bunch of development out there, no Southern Pitchfork, no flooding relief, and Johns Island, all sorts of stuff on there that you don't want. I don't know, Councilmember Wagner. I don't know what more they can give you than what they've got in the PUD, as it is, but if there is something specific, let's find out right now if we can get it."

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

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Let's give Councilmember Wagner an opportunity to go back and meet with them and get any questions he has answered. I don't think anything is going to change in two weeks. I think he's got some legitimate questions. They've had some e-mails go back and forth. We defer it for two weeks and give him a chance to reach out to them. He knows his district better than we do."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I would agree with that. I think we need some legal opinion. So, Councilmember Wagner should lead the way, but we definitely need to be assured legally that then this right-of-way is dedicated, and there won't be any impediments to that in the future."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Just a point of clarity. So, in looking at the slide that's up here now, if the Southern Pitchfork is not going to be built by the developer, where are there access points exactly to the site?"

Mr. Morgan said, "There is an access point to Maybank Highway here. Somewhere in this area they're working on the final location based on trees, the least impact on trees. Then, there could be other accesses to River Road, potentially with other turn lanes. There could be other accesses in this area, but there were some tree impacts with that."

Councilmember White said, "So, basically, one entry point for the Residential and then two for the Commercial, one off of River Road and one off of Maybank Highway."

Mr. Morgan said, "All of it would interconnect, so ultimately you could go from the Residential area here out to River Road, and that's one of the criteria, that everything connects there."

Councilmember White said, "Okay, and I would agree with the deferral opportunity and give Councilmember Wagner, he does represent this district, an opportunity to have a conversation, but it seems to me that part of that conversation should include if the developer, it's not financially feasible for them to build the Pitchfork as part of this process. But maybe creating

some connectivity that does in fact at least create some opportunity for a quasi Southern Pitchfork, maybe, for a lack of better words, that's more of a parkway and maybe it comes down further, maybe it doesn't connect all the way to the top. They're going to have to put infrastructure in here anyway. It's going to run through the neighborhoods in the Commercial district. So, it seems to me that there could be some opportunity to change the way that sort of the Southern Pitchfork might align as far as not being so far up. I don't even know how far that goes, but anyway, just a point of conversation when you all do meet, it may make sense to piggyback on some of the infrastructure they're going to have to put in there anyway."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, I'm going to support the deferral for the discussion to take place, but just for a point of clarity, Mr. Morgan and certainly the gentleman from Seamon Whiteside, is the right-of-way for the Southern Pitchfork going to be dedicated as your understanding in this PUD?"

Mr. Morgan said, "Again, the developers of the area in yellow, and there is another slide. I have committed that they will dedicate the portion of the Pitchfork in this area, which is here, which is about 41 percent. Then, of the right-of-way that would be needed and pending a development agreement, there could be the dedication of the remainder in line with that development agreement with the approval of the PUD."

Councilmember Waring said, "So, with your knowledge of a PUD, when they have these discussions, could that be part of the process where instead of 41 percent of the easement, a 100 percent of the Southern Pitchfork would be a part of it?"

Mr. Morgan said, "I will let the applicants speak to that. Mr. Kerr, would you like to speak?"

Mayor Tecklenburg said, "It's not our intent to negotiate with you now, Mr. Kerr, but you're welcome to address the Chamber."

Councilmember Waring said, "I'm just trying to get a question answered."

Mayor Tecklenburg said, "Yes."

Jimmy Kerr said, "I'll be brief. My name is Jimmy Kerr. I live at 2745 Canter Lane on Johns Island. My family's owned this property for almost 100 years, and as Councilwoman Jackson had said, that we try to be good stewards of the property, and showed that more recently when my brother and I, about three months ago, put into a permanent non-developable conservation easement with the Lowcountry of the Land Trust, 150 of the acres that are a part of this whole homestead that we have. About 12 years ago, we started working on this. We went through charrettes, and we did different things. I'm not going to belabor the point on that, but it's not a new issue. We developed this plan with the City and the County being involved in the charrettes and so forth and came up with this plan because the Southern Pitchfork sort of bisects our property and cut us off, so that we had to do something to develop this because we didn't have access to it in a contiguous fashion.

About six months ago, Christopher and I talked, and I said, 'Christopher, we have, over the years, tried to give the right-of-way for this right-of-way. More recently, we had an event that we would have benefited from, had the County stepped forward, I think it was last May or what have you. I gave them a deadline to step forward with the funding. The people on the Island are

dying out there. We need the road, and we were trying to precipitate somebody doing something. More recently when I talked to Christopher I said, 'It's not tied to the PUD. We're not negotiating that, but once this PUD is done, or if you want to do it contemporaneous, let's get together and talk about annexing the balance of our property that is not in the City, and talk about what we can do on that as far as a secondary PUD under a developer's agreement like you did at Fenwick Hall with Mr. Zurlo.

We're engaged. We're willing to do it, but it's a process. I know you're concerned about the amount of density out there. I can't see in my way of thinking about a development, that many units could go on the PUD that's in question right now. I just don't see it. Even if we did the rest of it in Multi-Family, I don't really see you getting that far. You can't take my word for that. You have to make your own decision, but what I'm telling you is there's a process here. If we can get to a point whether we would hope that the PUD would be approved because we've got a lot of time and effort with them in putting this thing forward, but if you did that, I've committed to the Mayor in that e-mail yesterday, I guess, that you were alluding to, to engage with the City in talking about the dedication to the City, not the County, of that right-of-way for the balance of the Southern Pitchfork. To me, that gives you a dog in the fight, a way to go negotiate with the County, perhaps to get the funding. We would like, at that same time, as part of the development agreement, not a quid pro-quo, but in good spirit and cooperation to talk about the annexation, the southern tine, and the rest of the property out there that we had. Not all of it, because my brother and I live there. We've put the conservation easements on that. We've got 200 and something acres worth of marsh that will never be developed that is a part of that venue when you cross the bridge, and it seems like maybe a bad thing now from you all's standpoint, but back years ago we were the enablers to get on Johns Island as far as annexation went. We thought we needed the sewer because septic tanks were killing us. They already had water, and that's why at that same time we encouraged the Urban Growth Boundary to be made rigid, so that the sewer cannot get outside of that. The same thing happened outside the Urban Growth Boundary that has happened inside. I ask you to approve this tonight, the PUD in the first reading, so that it can go forward. You have my word that we'll engage with the Mayor and staff and whoever else to bring about the southern tine, that dedication, as part of that developer's agreement that I alluded to in my letter. I thank you for time in letting me speak. Thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Let's not defer this, and let's move on with this project. I've been out there in the middle of the afternoon in the traffic that Councilmember Mitchell has alluded to. When I went out there, I ran into that same traffic. I thought there was an accident out there or something or a truck had turned over. It was so bad. It really is bad. The traffic is just horrendous. What we do tonight is not going to improve the traffic. It's just not. We know that. Somebody came up and spoke about the number of permits that are in the pipeline for Johns Island, I forgot the number, it's Johns Island is being developed. The Kerr family has come out to us in good faith to what they're going to plan on doing with this property. They're talking about including some other property that's not annexed, bringing it into the City. This PUD, as Councilmember Moody brought out, is the best way to go with this thing. It really is. We're going to have control over it. We're going to give this thing first reading tonight. During that process we can then negotiate and talk some more about the funding for the pitchfork, a dedication of the pitchfork. I hope that if for some reason the land that they have earmarked as a pitchfork is not suitable, they'll make those proper adjustments for that, as well. So, I'm going to vote against deferment. I do that with all due respect for Councilmember Wagner because I know how

dedicated he is to his constituents out there. He is fighting for them and I appreciate all that he is doing for that. But I think that our decision tonight is maybe going to make this worse as opposed to better. So, let's just move on with it and vote for it."

Mayor Tecklenburg said, "Anybody new?"

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Waring.

Councilwoman Jackson said, "I just wanted to clarify. Is what we would be doing tonight only a first reading?"

Mayor Tecklenburg said, "That's correct. It would only be a first reading. So, there would be the opportunity for some discussion and negotiation to occur before we come back for second reading."

Councilwoman Jackson said, "I don't see that reference."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "That was my question. It takes three readings. We have plenty of opportunity to have discussions, and doesn't it go to the Planning Commission?"

Mr. Morgan said, "Yes, sir. It's already been to the Planning Commission, and they recommended approval unanimously."

Councilmember Waring said, "So, they approved it?"

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg said, "They approved it by a close vote?"

Mr. Morgan said, "No. Unanimous."

Mayor Tecklenburg said, "It was a unanimous vote."

Councilmember Waring said, "I'm saying the PUD is the best way to go, Councilmember Wagner, I'm telling you."

Mayor Tecklenburg said, "So, last call, Councilmember Wagner. Then, we'll call the motion."

Councilmember Wagner said, "Okay. So, you guys want to go on with the first reading. Then, we'll negotiate for something else, not knowing what we're trying to negotiate, as opposed to deferring two weeks and finding out what we're negotiating for, and then vote on it. That doesn't really make a whole lot of sense to me guys. I know the man is an honorable man, but let me tell you how much information I've gotten from you or your staff right now, zero. How much have I got from our staff? Zero. I got two phone calls, but I was in Committee meetings two different times, two different phone calls, and those happened in the last two days. So, I don't see where holding off two weeks until we could get some answers is such a crazy idea, but I guess it is. But if that's the way you want to do it, but right now we've got a deferral motion out there. Let's vote it."

Mayor Tecklenburg said, "That's what I'm getting ready to do. We have the motion on the

floor to defer. Before we vote, I do want to thank Mr. Kerr for all his efforts. I was present at the meeting a year ago when we met with the County. At that point, the Chair wasn't willing to help us get it funded. By the way, in due respect to Chairman Rawl, he blamed prior actions of the City as complicating this problem. Every time I talked to him, he would complain that the City had caused a fuss about all of this. Anyway, I want to thank you, sir, for your willingness to dedicate this property. I think it's an important solution for traffic on Johns Island, and we'll work together with you, deferral or not, over the next few weeks to try to hone down on what other issues we need to do."

On a motion of Councilmember Wagner, seconded by Councilmember Griffin, City Council voted to consider deferring Item E-1 on the agenda.

The vote was not unanimous. The motion failed 8 to 5. Councilmembers White, Mitchell, Wagner, Griffin and Councilwoman Jackson voted in favor of the motion.

Mayor Tecklenburg said, "So, is there a motion on the floor?"

Councilmember Moody said, "Motion to approve."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. I think we've had all of the discussion needed, but--"

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Not on the PUD, but just for the quiet of Council, we've done this before, given first reading to allow for negotiations. As a matter of fact, in my own district, the Ashley Hall Plantation, remember it was going to be annexed to the City. It got first reading. It didn't get second reading because they didn't negotiate in good faith. I'd go back to Councilmember White's District where the hotel was being put on the First Baptist parking lot. We gave first reading, but we had a number of delays until Ansonborough and your team and people got on the same page, so it didn't go through automatically. So, I pull on our past experience where we've negotiated. Mr. Kerr and his family are honorable people. I've always known them to be people of their word. I think we can get something worked out on this. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Alright. Is there any further discussion? We have a motion on the floor to approve first reading only of the PUD."

Councilmember Shahid said, "Call the question."

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located at Maybank Highway and River Road (the Kerr Tract PUD – Johns Island) (approximately 70.59 acres) (TMS #345-00-00-090 and 345-00-00-099) (Council District 5), be rezoned from General Office (GO) and General Business (GB) classification to Planned Unit Development (PUD) classification. The property is owned by RHK LLC et al. and John A. and James J. Kerr Development.

The vote was not unanimous. Councilmembers Wagner and Mitchell voted nay.

The Clerk said, "Okay. So, is it the same five names?"

Councilmember Mitchell said, "Just two."

Mayor Tecklenburg said, "Who would like to vote nay? Please raise your hand. Councilmembers Mitchell and Wagner. Are there any other nays?"

No one else raised their hand.

Mayor Tecklenburg said, "Okay. Thank you very much."

Councilmember Mitchell said, "Mr. Mayor, I'm going to make a comment."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I'm not voting against Mr. Kerr but, like I said before, I knew Johns Island before a lot of people in here knew Johns Island. I lived there in the 1950s. Like I said, my family goes back 250 years on Johns Island, and I know Johns Island is changing. I have family out there calling me complaining because of the traffic, and I go out there myself to see the traffic. I had a number of family members that died on that road of Maybank Highway. They call it 'dead man curve' and River Road. So, that's why I'm looking at it very seriously until this traffic is taken care of. That's my dilemma on that. It is not against Mr. Kerr. I believe he is an honorable man, but I have to think about it more long range because it's changed. There was no Kiawah. There was no Seabrook Island when I was out there. Now you have Kiawah and Seabrook Island. Traffic is tremendously busy out there on that Island. It's backed up. You can't even get around in that area anymore. So, I want to see things in place or know it's in place before I go forward, and that's all I'm saying."

Mayor Tecklenburg said, "Thank you, sir. Alright. Mr. Morgan, Item E-2."

There was laughter in the Chamber.

Mr. Morgan said, "E-2. This is 200 Spring Street. This is a property that is zoned General Business at present. It's a request to add the Accommodations Overlay for an Accommodations use that would be very tied to activities at the Medical District adjacent to it. This is an image that shows the surrounding Accommodations Overlay in the area. Again, immediately adjacent to the west is Accommodations Overlay. The Accommodations Overlay is indicated with a crosshatch. Also, all of the WestEdge area is Accommodations Overlay. Then, as you see to the west of Cherry Street and the areas in between the Crosstown of US 17 are Accommodations Overlay via PUD and some other zonings there, so there is some Accommodations Overlay in the area. This is the site of a former gas station. The gas station still shows in this aerial image. It's now been demolished. Here is the closer image of the site with the old gas station on it. Here is the old gas station that is no longer there, and here is the adjacent property to the east that's going to be an assisted living development already through Zoning, already through BAR, and the property to the west that is going to be an Accommodations use, already through Zoning, already through BAR. This property is in between the two and the request is, again, for Accommodations on the site. I believe there is an applicant here who can explain a little bit more about the exact nature of that Accommodations use. Of course, as a reminder to Council, any Accommodations use has to go through the Special Exception process that looks at number of rooms, the traffic impacts, overall impacts to the neighborhood, and things like that. So, we feel like that's a good check and balance in the system here, and staff and Planning Commission have recommended

approval of the Accommodations Overlay on this property.”

Councilmembers Wagner, Waring, Seekings, and Moody were excused at 7:38 p.m.

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

1. Andy Gowder said he represented the owner of 210 and 200 Spring Street. The request was to add 200 Spring Street to the Accommodations Overlay Zone to join with 210 Spring Street already in that zone to allow both parcels to be used for a project already approved by Council. The request was not being used to enable a standard hotel. The Accommodations Overlay zoning was necessary for this particular kind of use, which was a flexible stay residence, which would be useful and compatible with the existing Medical District. His client acquired the old Pizza Hut which was a dilapidated structure in 2015 that had been shuttered for years. They chose to demolish it. This augmented what they were already doing in the area with Poinsett at the corner, an assisted living facility, and all of the restorations and architecturally significant new homes they were doing on Ashton Street. In January of 2016, they received final approval for the Accommodations Overlay at 210 Spring Street. In June 2016, they received a Special Exception permit from BZA for their 69-unit plan on the 210 Spring Street site. At that point and time, it was never contemplated that 200 Spring Street could be acquired. A year later in 2017, they received a first round conceptual BAR approval for their plan. It contained advance renderings and significant support and design approval from the Board. The concept for the 210 Spring Street property was one of larger fully furnished living units with kitchens and washer/dryers, primarily studio and one-bedroom units.”

Councilmember Moody returned at 7:40 p.m.

The Clerk said, “Mayor, that’s two minutes. Are you going to give him more time?”

Mayor Tecklenburg said, “I am. Please proceed.”

Mr. Gowder thanked the Mayor and said the units were designed to serve medical travelers with shorter-term home-like residences and also visiting scholars to MUSC, as well as biotech executives who desired more of a homey feel for stays in Charleston that were a few weeks or perhaps a month or two. Planned Units were far more residential and livable rather than a small hotel room. The plan maximized livability for a particular niche market place serving the Medical University.”

Mayor Tecklenburg said, “Please wrap up.”

Mr. Gowder said that in November of 2018, his client acquired 200 Spring Street. They cleaned the site and made it ready for use. Combining the two parcels gave extraordinary design and efficiency opportunities because the sites fit together both geometrically and efficiently. It received approval by the Planning Commission and also was received well by the neighbors. They committed to the Council, publicly for the record, that upon granting 200 Spring Street to sync up with 210 Spring Street, his client would accept, as a condition of Special Exception approval before the BZA, to use the property solely as a flexible stay residence as now being presented so that the property would not revert back to a standard hotel

room.

Councilmember Seekings returned at 7:42 p.m.

2. Nathan Schutte, McMillan Pazdan Smith, said they had been commissioned by their clients to design this as a residence in a flexible stay environment catering to the Medical District. Hotels were bedrooms. These were fully serviced accommodations or residences. They were designed as living spaces with a bedroom. They were compact units, but their goal was to create a residence with living amenities which included patios, gardens, and terraces.

Councilmember Waring returned at 7:43 p.m.

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

3. Anthony Bryant referenced a document that regarded Bryant vs. Army Corps of Engineers dated April 3, 2019. In terms of the Planning Enabling Act of 1994 and in 1984, UDAG funds were used as \$10 million for the LDC. He questioned if it was a hotel. He didn't know what it was. In defining what growth and prosperity were, that hadn't been clearly defined, and how could other people be included in the Comprehensive Plan in 1994? In 1999, it was passed. People were trying to play a game. MUSC had power and influence, so it was going to happen. He thought the reality of the Planning Enabling Act was that it was a failed policy. At some point, someone had to sue and say it was. The Army Corps of Engineers were doing permits, and DHEC was doing permits jointly. The City funded a hotel with \$10 million and hadn't paid it back. He questioned stopping all of the growth in Charleston. He said to tax the growth, feed the growth, and get money out of the growth. The City wanted growth and prosperity, but the City wasn't getting any money out of it. The financial package needed to be redefined. He questioned why the City wanted hotel growth.

Councilmember Wagner returned at 7:44 p.m.

The Clerk said, "Time."

Mr. Bryant said, "I want an extra minute. You gave him four, didn't he? A point of order."

Mayor Tecklenburg said, "Yes, sir. Please proceed."

Mr. Bryant continued by saying his family was paying the taxes. Boeing and Volvo didn't pay any taxes. That was the problem. He thought Council needed to say to Columbia restructure his fees, so he could pay the General Fund for his City.

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

4. Ian Mills, Vice-President of Westside Neighborhood Association, said he was there representing the neighborhood, and the developer had come to their Neighborhood Association many times for this. They approved it and felt comfortable with it. They appreciated the work the developer had done on Ashton Street and throughout the Neighborhood Association. They liked his work and plans, and they were excited that this part of the Septima Clark Expressway was being developed in a way that fit in with the neighborhood.

Mayor Tecklenburg said, "Mr. Lawrence, please come forward."

5. Arthur Lawrence said the only thing he did in Charleston was take care of senior citizens. He listened to their complaints, took them to the doctor, picked them up, and brought them back. If they needed a plumber, he called a plumber, etc. He talked to them, and they knew if there was a problem and something they didn't like, the alpha male would be on it, and Council had heard from the alpha male on this development. He said this developer and his group came to them from day one and laid out his plans of what he wanted to do. He was the only developer that took a chance on the Westside. This would enhance that entire area, so they begged Council to support this because it was a need for people that had illness in their family and wanted to be close. He said no one else was doing it. His work in the neighborhood and the community was outstanding. He asked Council to do the right thing and support it.

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

6. Winslow Hastie, Historic Charleston Foundation, said they had great respect for the developer and his process of inclusiveness and reaching out, but he wondered if there was a way to make sure that it didn't become just a typical hotel. They knew of other hotels in the area that were coming online soon. He questioned if there was some way to put a condition on a minimum number of nights, so it didn't become another hotel or short-term rental type project.
7. Jason Taylor said the developer had done an amazing job for the community, and he was partly responsible for his home. This was a project that was going to help the Medical District. It would not allow a hotel, but an extended stay for people suffering. It had been pitched as a Ronald McDonald-type house, and he stood with Mr. Lawrence and their Neighborhood Association that it was consistent for the street frontage for the Septima Clark Expressway and should not fall into concerns with the hotelification of the Peninsula.

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

8. John McCullum said he lived on Ashton Street and had known Jeff Roberts' team for several years, and this was a highly appropriate use of the area in his opinion. He lived close by, and it would otherwise be a significant impact to the neighborhood, but in a proper way since it was up against a busy street. He was there to support him and his efforts and asked Council to support it.

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

9. Mohammed Idris said they just heard a long discussion earlier on the Law School. He wanted to know what kind of agreement the gentleman would have and how long it would take. They knew that the Law School changed their position. They got the property, they did one thing with it, and then they did another. He had been coming to meetings for over 20 years, and first, they couldn't build a hotel any higher than three stories, but now 100 stories could be built. He wanted to know what kind of agreement the developer would give them in writing that it would stay like the developer said it would, or would he sell it in three years? Councilmember Lewis had been saying for years the administration would always bring the decision a day before voting, and this had been going on for years. Council should

get an agreement for 50-years stating that they would not put anything else there and then Council should vote for it.

Mayor Tecklenburg said, "Thank you, sir. Yes, sir. Please come forward."

10. Jeff Romszewicz said he lived at the second house on Ashton Street, and his family highly supported the project. With the gas station currently there, it created a lot of traffic, and with having two small children, their City block had completely changed and the development was very good for all of the young families on their street. Now they felt safer going in their backyard and not worrying about all of the people that were seeing what was happening in their backyard and everything else. They were very excited, and he spoke for a lot of people on their street for the projects that were happening. It was a nice buffer zone from Ashton Street to the Crosstown, so they supported it and hoped Council would, too.

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

No one else asked to speak.

Mayor Tecklenburg said, "Just to address a couple of points, I understand from Planning and Legal Counsel that we're not able to condition entry into the Accommodations Overlay District, but conditions can be placed on the Special Exception by the BZA, and the attorney referenced that."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Thank you, Mr. Mayor. In looking at this, and I can't remember the gentleman's name who had the Board here. What's the difference between this let's say and an Embassy Suites? Is it the same kind of set up? I heard it's got a laundry."

Mr. Schutte said, "So, we're designing this as a living space first. So, it has a full kitchen. It has laundry within the unit. We're designing it as living spaces, so places you would inhabit for uses other than sleeping. If I was staying at an Embassy Suites, yes, I might have a second room, but essentially I'm staying there to sleep. We expect, and we're designing this to provide a place for somebody to live there for a period of time. We're showing two different units up here, and maybe that's part of the clarification. We do have a more compact unit, and we have a unit that is essentially a one-bedroom apartment. So, this particular unit, our larger unit in the mix, has dedicated sleeping space from the living space and the dining room, in essence, versus the, I'll say, more compact unit which is using flexible furnishings to accomplish the same thing."

Councilmember White said, "As far as the number of stories and how many units you're going to have on the site?"

Mr. Schutte said, "So, we'll have 38 units per floor maximum. That's in what we've been able to achieve from a density standpoint. We're anticipating four elevated levels of units. We're in a five-story district, so we'll have ground level retail lobbies, amenity spaces on the ground along the street to activate the parkway."

Councilmember White said, "So, 140 units?"

Mr. Schutte said, "If we're able to max it out, yes. Part of that will end up finite as we work through. We don't have the final, we don't know what the ultimate mix is between the larger units and the smaller units."

Councilmember White said, "Will you be renting the space specifically and only for hospital use?"

Mr. Schutte said, "No. It is not for exclusive use. This site, however, is a unique market for that, so we don't have some kind of a condition. If we had a visiting professor at the College of Charleston that needed a semester's worth of stay, this would be an option for them without having to lease something as a full apartment."

Councilmember White said, "Or a bachelor party."

Mr. Schutte said, "That would be a long bachelor party but, yes, maybe."

Councilmember White said, "So, what's the minimum stay?"

Mr. Schutte said, "I don't know if we have a prescribed minimum stay. Our challenge is really on the back end where we're trying to provide a flexible stay for less than a year from what would be an apartment. Did I say that right?"

Councilmember White said, "So, I'm not sure. I didn't quite follow you."

Mr. Schutte said, "We don't have a defined minimum stay. Our ask for the flexible stay residence is because we can't lease something for less than a year as an apartment. So, in order for us to lease for three months or six months or a semester, whatever it happens to be, we have to be classified as an Accommodations."

Councilmember White said, "So, it could be student housing, as well."

Mr. Schutte said, "If somebody was here for a semester, sure. It might be a graduate student that, yes."

Councilmember White said, "Thank you. I appreciate it. My concern is not necessarily the interest of what they want to do with this site, but properties aren't built for ownership of one person typically forever. From what we just heard, this could certainly be converted to student housing. It could be reflagged as an Embassy Suites. It could be a lot of different things that the community, who is supportive of it, may or may not recognize or be thinking about sort of in the future, what could happen on this site. From what I've just heard described, if you had somebody who had a longer stay associated with the Medical Complex, there are lots of hotel rooms already in this area and/or coming out of the ground. I think if the community is really going to protect itself then what should probably happen is the community should, in some way, get a deed restriction and have the developer commit to a deed restriction, so that it restricts the use of the site in the future. I don't know if they're willing to do that, but that's one way, to protect their interest through the deed restriction. So, I just put that out there. We had conversations before about going through and having community agreements that I've done this actually in a number of occasions now with the neighborhoods I represent downtown where their neighborhoods actually create community agreements between a developer. Those are deeded documents, and they dictate the use of that site into the future for the exact purpose of ensuring that they protect the interest of the community. Today, if this is in fact the intended use, and that's what the community is going to be supportive of, I think so be it. But, if they're going truly protect the interest of themselves into the future, I would suggest they maybe consider some type of community agreement that's a deed restriction on this site to ensure its kept that way for the future if that's what they so choose."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilwoman Jackson.

Councilmember Griffin said, "Councilmember White, you used the example of an Embassy Suites. To me, I think of maybe an Extended Stay or a Home 2 Suites, anything longer than a couple of nights where somebody wants to cook and have a place to stay in. When I see flexible stay, to me, that says we're going to try to market it as a longer stay, but if we can't fill the rooms that way, then we're going to open it up to somebody who wants to come for the weekend. Where this is located is going to be right down the street from The Citadel which has numerous events every year, and with homecoming and alumni weekends, there is going to be an influx of people that come for a week or a weekend. I agree, and I think that I'm going to support this because the neighborhood does, but at the end of the day it looks like a wolf in sheep's clothing to me. It looks like a hotel that has the opportunity for somebody to stay longer, but in all honesty, anybody could stay at a hotel long enough if they're willing to pay the price. So, it's a hotel to me, but it's a nicer hotel with good amenities. I hope that we can find people and your marketing team can find people that want to stay for a semester, but just don't allow this to just turn into a hotel because you're trying to market something different than that, so find a way to make it happen. That's all I have to say. Thanks."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Lewis.

Councilwoman Jackson said, "Yes, thank you. I just had one clarifying question. So, this location is not part of the Elliotborough/Cannonborough B&B District? Is that correct?"

Mr. Morgan said, "It's not part of that Overlay, the STR Overlay, and what they're describing fits better in our Accommodations Overlay as opposed to the STR situation. Essentially with the Accommodations Overlay on it, it could function in that manner. Yes, it all depends on how the Special Exception is worded that the BZA would give it and what they ask for in that BZA Special Exception."

Councilwoman Jackson said, "I agree with Councilmember Griffin. I think as much community support as there is and the thorough relationship building and the idea exchange that the developer has gone through with the neighborhood is very impressive. I wouldn't want to go against the neighborhood. But I do think that in the long term this building has the density and the design and layout that could certainly lead to other less desirable uses on behalf of everyone who is currently championing it, so I would agree. I think some sort of community agreement or deed restriction is the appropriate thing, and I guess we're not allowed to put that on in giving our approval tonight, but I would strongly urge that the developer's representatives take that to heart."

Mayor Tecklenburg said, "I see some nodding of the heads over here."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, I've know this developer for many years. As you look off of Fishburne Street right at King Street behind recovering all of those houses back there through the bridge mitigation was given to the City, you hear about the Lybrand House, the big house. All of that property was given to the City, and the City could not find a developer that would take the chance and develop the property. This developer built seven homes right across the street on the other side of it. Boyer's Court another part of the bridge mitigation couldn't find anyone to do Boyer's Court this developer did Boyer's Court. This developer built houses, he worked to save communities, he has built several houses maybe six, eight, or ten houses on the

Westside right now right behind where this is going to go. This gentleman is a man of his word. If he said he's going to do something because I asked him, 'You sure you aren't going to put a hotel there? No, there isn't going to be a hotel and that won't change into a hotel.' He bought that corner right when you come across Septima Clark Crosstown right there. He is going to develop that. So, you're talking about a developer not just doing something to make money, but a developer looking at preserving neighborhoods and keeping neighborhoods together the way it is, and this is one developer who will do it."

Mayor Tecklenburg said, "Thank you, sir. Is there anyone else?"

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Just one more comment and then we can vote. I can appreciate the history and the knowledge and the community support of the developer. My only concern, and it has, as I've stated with other developers before, is not what happens today, but what happens tomorrow and into the future. So, absent of any type of community agreement that is a deed restriction on the site, I'm going to abstain this evening. I'm hopeful that when this comes back to us for second reading that maybe the community will get engaged in the community agreement that can be put into the form of a deed restriction and I'd be happy to support it at that time."

Mayor Tecklenburg said, "There is no motion on the floor yet. Can I entertain a--"

Councilmember Lewis said, "So moved."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "We've got a motion to approve and a second. Is there any further discussion?"

Councilmember Gregorie said, "Mayor."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "While it's not in my district, it's right across from my district. I do recognize the developer and the great work that he has done throughout the City, however, I do think that this is going to go through, is this the only vote we have on this? There is a second?"

Councilwoman Jackson said, "It's an ordinance."

Councilmember Gregorie said, "It's an ordinance."

Mr. Morgan said, "No, sir. This is the first vote tonight. Then you have a second and final reading at a subsequent meeting."

Councilmember Gregorie said, "Okay. I have worked with many of my communities with community agreements with developers, and I do think while I fully support it, I do think that that safeguard is very important for the community so we have another slice at this. At some point, I'd like to go to our community and perhaps even provide them with copies of community agreements that have been done because I do think that over the long run, we've got to protect the integrity of that entire corridor, so I will pledge to work with our Neighborhood Association to try to come up with such an agreement."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I'm going to ditto with what Councilmember Gregorie just said. I'm going to obviously support Councilmember Lewis and the neighborhood, but it could be a little bit better. The example of that agreement that Councilmember White is talking about, and think about the hotel again, at Ansonborough, that was a wonderful agreement. The Ansonborough community came up with the principles of the hotel that is going to be built there concerning traffic and other aspects. When I looked at this backing up to residences on Ashton Street, my mind came upon what kind of buffer is going to be between this and obviously the residences behind it. So, I think that agreement, it sounds like an Extended Stay. You're right, Councilmember Griffin, but with something else in place it could remain the objective that this developer has, and he has done some great work and taken on projects that a lot of them feared, and today they're viable communities, very good communities as a matter of fact. So, I'm going to vote to support it, but hopefully they can work on that agreement in between. Thank you."

Mayor Tecklenburg said, "I have high confidence in the leadership of the Westside Neighborhood Association to bring us something back that they are satisfied with and with the developer, as well. Are there any further comments?"

No one else asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 200 Spring Street (Peninsula) (0.412 acre) (TMS #460-11-01-011) (Council District 3), be rezoned to be included in the Accommodations Overlay Zone (A) classification. The property is owned by 200 Spring Street Development LLC.

The vote was not unanimous. Councilmember White abstained from the vote.

Mayor Tecklenburg said, "Alright. Mr. Morgan, E-3."

Mr. Morgan said, "This is a zoning on a recent annexation in the Cainhoy area and the Nelliefield development. It is a request for SR-6 which matches the other lots that are in the neighborhood already based on lot size, and staff and Planning Commission recommend approval of SR-6."

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

No one asked to speak.

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

Councilmember Mitchell said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "There is a motion to approve. Is there any discussion?"

No one asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone

Map, which is a part thereof, so that 214 Rice Mill Place (Cainhoy) (0.24 acre) (TMS #269-01-05-023) (Council District 1), annexed into the City of Charleston March 14, 2019 (#2019-018), be zoned Single-Family Residential (SR-6) classification. The property is owned by Matthew Hunter Baker and Chelsea Baker.

Mayor Tecklenburg said, "E-4, and I will mention before presentation that we're going to hold the vote on this until an annexation occurs."

The Clerk said, "They're deferred. E-4 and E-5 have been deferred today at the request of the applicant."

Mayor Tecklenburg said, "Okay. E-4 and E-5 have been deferred, I didn't know that, by the applicant, but since it's advertised we will continue to have the public hearing. So, Mr. Morgan, would you please announce E-4 and E-5?"

Mr. Morgan said, "Yes, sir. This is on the southern end of Clements Ferry Road south of I-526. It's in an area that other properties in the City are RR-1, and that would be the zoning on the property that meets our Comprehensive Plan, and staff and Planning Commission have recommended approval of that RR-1 for the property."

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

No one asked to speak.

Mayor Tecklenburg said, "It's deferred, so we'll go to the next one."

Mr. Morgan said, "This is an amendment to the Verdier Pointe PUD. It's a PUD that's on Bees Ferry Road just in front of Proximity Drive just to the west of that and across the street from Sanders Road. There is already a Multi-Family development in it, an apartment community, and these are changes that would pertain to the Single-Family Residential portion of the development, and it has been deferred by the applicant, but staff and Planning Commission did recommend approval of these changes."

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

No one asked to speak.

Councilmembers Wagner, Gregorie, and Griffin were excused at 8:12 p.m.

Mayor Tecklenburg said, "Seeing none, it does not go to Council because it's been deferred, but are there any comments from Council on this matter or the other one?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. So, next, we have approval of our City Council minutes from April 9th, 2019."

Councilmember Moody said, "Move for approval."

Councilmember Mitchell said, "Second."

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

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes of the April 9, 2019 City Council meeting. Councilmembers Wagner, Gregorie, and Griffin were not present for the vote.

Mayor Tecklenburg said, "Next is our Citizens Participation Period. We've got a few folks that have signed up and ask that when you come forward you state your name and address, and we're going to limit remarks to two minutes. Madam Clerk, would you please call out the first few that signed up."

Councilmember White was excused at 8:14 p.m.

The Clerk said, "Mohammed Idris, Anthony Bryant, Winslow Hastie, and Ian Mills."

1. Mohammed Idris said Council should give him the Nobel Peace Prize. He liked the way Council dressed up their criticisms and said that Council was really nice. He said he got two minutes, which was a shame. Speaking to Council was an honorable way to express one's mindset. It was more respectful than interrupting them at a public setting with a microphone and speaker on the corner of Broad and Meeting Streets. He compared it to when parents had disagreements and they took it to a private setting and not in front of the children. It was also like when the Council took their differences to an Executive Session where they could curse each other out and could address each other all day and all night. Their democracy had a strategy called filibuster which was designed for a person to speak as long as they could. He referred of Mayor Summey giving citizens 30 seconds to voice their concerns. The Chamber was designed for citizens to voice their concerns positive or negative so they didn't have to go to the bars and on the corner which helped to stop violence in the City, and protected the City's people.

Councilmember White returned at 8:16 p.m.

The Clerk said, "Time."

Mr. Idris said, "We are asking you all, see, I got time. Every time I get up I can't talk but 30 seconds or so, and the time comes. You let other people talk all night long. You all are going to hell with gasoline drawers on."

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Anthony Bryant."

2. Anthony G. Bryant said it was great month. April 16th, 1868 was the Reconstruction Act of Congress, which was when African Americans were given the right to vote. In 1866, the Civil Rights Act, which led to the 1868 Constitution and South Carolina came back into the Union. He said he wanted that on the record to the Mayor, as hopefully, next April, that momentous occasion would be celebrated. He thanked Council as he did hear from the Supreme Court and Rule 1 of the U.S. Marshal's Office. Every docket was read which meant that 40 percent of the State would get 51 percent justice and 100 percent time in jail. That was the bottom line and that was the sad part about what he learned from his experience in March of 2018 until now, which was his goal to get the truth and to figure out how the Judicial System worked. It was too expensive, and it was for the rich, not the poor. The rules were archaic, antiquated, and

discouraged people from participating in the process. He didn't want any profiling or rush to judgment on people in the City. He believed in God and Jesus, but he didn't persecute anyone for it.

Councilmember Griffin returned at 8:17 p.m.

Mayor Tecklenburg said, "Thank you, sir, and I would point out that the Constitution of 1868 was, I believe, the best Constitution this State ever had, and we put up a marker. It's just beyond the courthouse on Meeting Street as you're going down to the right because that's where the hall was where the Constitutional Convention occurred in 1868. So, the next time you're walking down Meeting Street, you might take a look at it. Mr. Hastie."

3. Winslow Hastie, Historic Charleston Foundation, said he was there to speak on the amendments to the Accommodations Overlay. He thanked the Mayor and Planning staff for continuing the effort to try to make improvements to the Accommodations Overlay Ordinance as there was a big need there, and they were glad that conversation was amplified with the community. It was a major advocacy issue for them at Historic Charleston Foundation. He reminded Council that they supported the proposed amendments that were last presented at Council which were deferred last August. They believed that version had some key elements that had been removed from the current version, which helped clarify the BZA's review of hotel proposals, but they still believed the language was too vague and needed work. He passed out a sheet with those amendments. He said the biggest issue they had with the current version was that it continued to allow full service hotels of up to 250 rooms in Zone A-1, but the Mayor's previous version eliminated that provision, and they thought that was super important. He said if Council was either willing to modify the current version to address the concerns that evening or give it a first reading, but have a concerted effort to have a conversation around the issues that would involve key stakeholders outside of a public hearing, it would be productive, and they supported a first reading with that caveat.

Councilmembers Wagner and Gregorie returned at 8:20 p.m.

Councilmember Shealy was excused at 8:21 p.m.

4. Leah Farrell, Preservation Society of Charleston, said with regard to the proposed amendments to the Accommodations Ordinance, they appreciated the conversations they had working with City staff, the Mayor, and many Councilmembers. They continued to stand ready and willing to help in any way. They agreed there could be some tweaks to the language, and the process getting there was not ideal, but it was a good start and something they believed the community and industry could get behind. They believed that hotels were not inherently bad, but it was about balance and community benefits. If someone was going to build a hotel in the community, it had to add to character and quality of life. Much of what they were seeing was not meeting that threshold and was not rising to that standard because they knew that the ordinance was woefully insufficient at this point. When they stood there, they saw 13 decision makers, and they urged Council to allow them to leave with a clear path forward to improve the hotel regulations in the City as they felt the people who lived and worked in the City deserved it. They didn't think it would be helpful to kick the can down the road for years to come and thought this was an opportunity to work together and give the community what they needed to strengthen the Accommodations

Ordinance and give the BZA the tools it needed to support a vibrant Mixed-Use community that was well balanced for everyone.

5. Marc Knapp said people could leave downtown and go West Ashley and get backed up in traffic at 7:00 to 8:00 o'clock, and he didn't know what the City was paying people but the City needed to quit. The City needed to figure out how to make traffic move in the City because it was horrible. He referenced Dana Beach and the Coastal Conservation League as an extortionist because how could he run something like that and own four or five houses. That was his business plan, to fight, but if they gave him some money he would let them have it. I-526 should have been done 25 to 30 years ago, but now realistically Charleston needed an I-726 starting south of Ravenel going around north of Summerville over to McClellanville. He said they needed to get pulled in for good questioning as to where and how they got their money, and how they extorted people. As for the traffic, Charleston was supposed to be a green City, but he asked how much gas was wasted in diesel fuel going 20 feet at a time for an hour. He had a job in McClellanville, and it took him two and a half hours in traffic.
6. Janet Temple spoke about the ordinance that prohibited building construction operations during certain hours and noise. The problem was real, and it was at the ground level of all of the growth that was happening on Johns Island. She didn't know where they stood anymore. She knew on October 23rd Council voted to defer this action. She lived at Headquarters Island and owned property on Johns Island, and D.R. Horton was building Woodbury Park. She had met with them at least 10 to 12 times over various issues from tree ordinance violations to everything else, and she also talked to them about work hours and noise because of the issues that were affiliated with the constituency base, and it was all of the constituency bases, not just Johns Island. The City's image was at hand and it was not good because, currently, they still had no written rules, no measures of enforcement, and she questioned who in the City had their back. She was on her way to church and she got calls from her neighborhood that they were working on Sunday, and it was Easter. She said they were working all times of hours.

Councilmember Shealy returned at 8:27 p.m.

The Clerk said, "Time."

Ms. Temple said, "Could I have a few more minutes, please?"

Mayor Tecklenburg said, "One more minute, please."

Ms. Temple said, "Please."

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

Ms. Temple continued and said she was there because something needed to be done as it was not fair to the constituency or anybody else. She went from church and asked them to leave. She pled for Council to get the ordinance done, and she wanted to see where it was working, who was doing it, and she would like Council to place a significant amount of citizens, not only from Johns Island, but also the rest of the City and focus on the residential side. If the City didn't do that, the roads wouldn't be the only problem. She had lived on Johns Island since 1988, and she had seen everything

that had been done. The heart of the problem was no protective measures for the citizens, and it needed to get done as perception was reality when people were frustrated and they couldn't call anybody and got passed from one office to another, which wasn't good. She would like to be a part of that, and she would like to get Council some good people on the Committee. She asked to have residents serve on the Committee. Otherwise, there would only be bureaucrats on it or people who were already lining their pockets that were the developers. Council's voting base was the constituents, and they were the tax base and the ones that stayed in the City. She asked Council to put a timeframe on this such as 90 to 120 days, as this was not a difficult task and begged Council to take action and protect the people that were at the ground level of the massive development all over Johns Island.

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

No one asked to speak.

Mayor Tecklenburg said, "Alright. So, next comes our Petitions and Communications and we do have one guest who is going to make a presentation, so I don't want to hold him up any longer. If we could have a report from the amazing Mr. Anton Gunn with MUSC who is the Chair of our City's Health and Wellness Advisory Committee, and then maybe I suggest we'll take a little five-minute break. How about that? Mr. Gunn. Thank you for your service and welcome."

Councilmember Mitchell was excused at 8:29 p.m.

Anton Gunn said, "Thank you, Mr. Mayor, and Councilmembers. It would be remiss upon me as the Chair of the Health and Wellness Advisory Committee if I didn't say it's pretty unhealthy for all of us to sit down like this for three hours straight, so I'm going to concur with that five-minute break and hopefully people can walk in place to get some steps in. What I would like to do is to first say thank you to the Mayor and to the Council for your commitment and support of health and wellness in the City of Charleston. The creation of this Health and Wellness Advisory Committee is about the quality of life for the City's residents. So, under my leadership, the entire Committee has been focused on doing everything in our power to make sure that we try to live up to the principles and the ideals put together in the creation of the Council. So, what I would like to do is just give you a few things that we believe are improving the life of residents in the City and the safety of them from the health and wellness framework.

The first thing I want to talk to you about is sunscreen safety, if you will. We all know that our City is incredibly walkable. We've got great parks. We have a lot of visitors, but we don't realize that the more we're outside in the elements, the more dangerous the sun becomes to us and our skin. So, there is a program that we have its called 'I will reflect.' It's an Impact Melanoma Awareness and Prevention Campaign done through the Recreation Department. The Parks and Recreation Department had put over 20 dispensers around the City that dispense sunscreen. It's almost kind of like when you see hand sanitizer and when you walk up, you put your hand under it and get a little sanitizer on your hand. Well, you can do the same thing with sunscreen if you have children or grandchildren that are out in the parks playing sports. My daughter plays travel softball. Sometimes I'm outside for six or seven hours a day in the sun, and without that sunscreen, it can be damaging to your skin, and we know how damaging skin cancer can be, and everybody can get that. So, in this context we actually have a whole campaign and we have these dispensers around the City, and the Parks and Recreation Department is making sure that we can replenish those and keep people safe through their skin. That's just one initiative.

A couple of other initiatives that are kind of related to the Parks is a Healthy Vending Initiative. Again, if you spend any time at Parks and Recreation, we've got lots of vending machines. Sometimes those vending machines are full of very sugary and unhealthy snacks, but through the leadership of the City, we've been able to start to change out what's in those vending machines and make them more healthy and have more healthy snacks in those vending machines, and so, it's a successful launch of the Healthy Vending Initiative. We've expanded it to beyond just Recreation to all City owned and operated facilities or any facilities that we use. So, we're going to phase this in to allow the inventory that exists in those machines to be used and depleted over time, and then we just replace them with more healthy vending items, so that's a second initiative that we've been able to accomplish.

The third one is a unanimous approval by the Council to the smoke-free parks ordinance. We want to thank you for that. We think that is real helpful. Now we're in a phase of doing the Public Awareness Campaign to let everybody know that the City parks are smoke-free, and so we have a design campaign that will be rolling out. Keep Charleston Beautiful is going to help us with that. So, you will start to see some more signage where we let people know that all of our parks in the City are now smoke-free. We also have talked about physical activity. How can we make sure that there is more physical activity in the City, and that's an effort that we're working on, but we wanted to take some time to study what is the current activity in the City, and we have some help from The Citadel and other folks who are helping us to assess that? We all remember about the Blue Zone Project. That's something that we thought was really important to figure out how we can have a comprehensive strategy to allow people to live well in a place in our communities, and so it was great way for us to engage. We engage over 500 people involved in that process. We know it didn't ultimately end up where we wanted to be, but what we feel good about is that there was a lot of engagement in and from a community standpoint around this topic of how do we look at the built environment, how do we look at our policies, and how we invest in building community that allows us to be healthy.

What I want to give you very quickly as I close is the next steps of where we are on the Health and Wellness Advisory Committee. The City has been an active part and a leader in an initiative in the Tri-County Region, so this is not just about the City, but it's about how the City connects to the Tri-County. It's an initiative called Healthy Tri-County which is focused on talking to the community and getting feedback from the community about what they are concerned about in terms of their health outcomes and what we've learned through Healthy Tri-County doing a Community Health Needs Assessment that Roper St. Francis, MUSC, and Trident United Way ushered in the leadership on is that we've learned that the community has sent back to us six things that they're very concerned about. Those six focus areas are access to healthcare, behavioral healthcare, clinical preventive services, maternal and infant and child health, obesity, nutrition, and physical activity, and that's what people are concerned about. So, what the Health and Wellness Advisory Committee the City has done is to look at all six of these focus areas to see what we can do and what we're all doing, and each of you has in your packet more information about Healthy Tri-County and what's connected to it. Also, some statistics from DHEC around where we are, but I wanted to give you a couple of quick things of how everybody is coming together to focus on how we can improve the health and well-being of every person in the Tri-County and from our vantage point what we can do in the City.

Number one, access to healthcare. We understand that transportation is a big part of access to healthcare so our success is around CARTA and the bus routes. Also, mobility in the City and what the Transportation Department in the City is doing to help us to think through how do we increase mobility has been a valuable asset, so you have an incredible team who has been helping us to do that. In addition to that we've been talking about complete streets and sidewalks,

how do we, again, help people get to places where they need to go, so we can get them access to healthcare and improve their health in the process. The second thing is behavioral health. We know that this is a challenge, and we all know that our hospitals are full of people who are suffering from anxiety or even more complicated behavioral health issues, and there needs to be a plan to address it. So, what we hope is that City Hall can help us to bring partners together to have a conversation around behavioral health in our community and look at ways to focus our attention on doing something in a preventive capacity whether it's mental health, substance abuse, the opioid crisis, homelessness, and there is a lot of work that we're already doing from this vantage point, but we need to continue to raise this conversation because it's something that is a tip of the iceberg from a community standpoint. Clinical preventive services is continuing to partner with organizations like DHEC around HIV prevention, and Charleston ranks among the top cities in the United States around HIV, so it's an opportunity for us to focus more on prevention, and DHEC is rolling out some programs like a Hep C Program, and others focus on homeless men. So this is an opportunity for us as a City to be involved to help and to spur those efforts, so we can have a better impact. When it comes to infant mortality or maternal infant and child health, if you will, there is an opportunity for the City to encourage businesses to join a promotion campaign around improving health and wellness, so what we want is to continue those efforts.

Now when it comes to nutrition and obesity prevention, we've done a lot. The Healthy Vending Initiative is going to have a big impact on nutrition and obesity long term, and without the leadership of the Council and the leadership of the Mayor, we would not be where we are so this is a great opportunity for us to continue. The last thing that we hope to do around this physical activity obesity thing is when I grew up, and probably most of the people in this room when we grew up when school was closed in the summer, or when it was weekends, the school basketball court or the school playground was somewhere we all could play and we all could have a good time and get our exercise in and stay physically active, but in this modern day schools have now become more and more closed off to the public and the community on weekends. We do have a few opportunities that exist, but we want to talk about how do we use this Committee to work with the School District to talk about how we can increase access to playgrounds or recreation to help people be healthier, so these are the things that we're undertaking. There are a lot more policies and action steps that we'll be bringing back at other intervals, but again, this is an opportunity to just give you a report and to share with you what we're doing. Again, thank you all for your leadership on this because it's been tremendous, and we appreciate Councilmember Seekings showing up to every single meeting and helping us to work through some of these challenges. The Mayor being there being supportive and allowing us to have access to staff who really are bringing ideas to the table and taking action, and if you haven't seen government work, I can tell you from the Health and Wellness Advisory Committee standpoint that government is working to do things that are in the best interest of improving the quality of life of the City and I want to thank you and, of course, I want to thank Paul (Wieters). The only problem with Paul is that he's a Clemson fan but I love him nonetheless."

There was laughter in the Chamber.

Mr. Gunn continued, "So, thank you very much."

Mayor Tecklenburg said, "Thank you for your leadership. You've been remarkable. Mr. Anton Gunn, he's really terrific."

There was applause in the Chamber.

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Mr. Mayor, just very briefly, I know the hour is late, but I want to thank Anton. He is an amazing leader as you can see just from standing in these Chambers tonight to give this report. His mission from day one was to make this Committee relevant, to make sure that we had goals, and we implemented them, and he has succeeded every step of the way. I have no doubt he will continue to do so. We're lucky to have him. Please stick around, and thank you for all of the hard work, and thank you for hanging in there tonight. This was truly an endurance test, so we appreciate it."

Mr. Gunn said, "Y'all are really killing me. I'm not getting my steps in because I've been sitting still for three hours, but that's okay."

There was laughter in the Chamber.

Councilmember Seekings said, "He can run a meeting. We're done in an hour."

Mr. Gunn said, "Awesome. Thank you."

Mayor Tecklenburg said, "So, I don't want to take a real long one, but--"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Before we take a break, can we go back to the appointments because we have a new member here?"

Mayor Tecklenburg said, "Oh, yes. We have a citizen here for that event also. Unless there is any objection, let's approve the three Boards and Commissions. They were put on your desks last meeting."

Councilmember Gregorie said, "Move for approval."

Councilmember Shahid said, "Second."

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

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I was just curious. My colleague to my right here is always talking about attendance."

There was laughter in the Chamber.

Councilmember Moody continued, "One of these persons, I don't know who they are, only attended a third of the meetings, and we're reappointing them."

Councilmember Griffin said, "It wasn't me."

Councilmember Moody said, "I just bring that up because it seems to me like I think the word ought to go out I have trouble meeting all of the Committee meetings, particularly the Golf Committee meeting, but I always call, at least I call the Golf Committee, Mr. Ormand, and say, 'Is there anything on the agenda? I've got a conflict', at least check in, and I think they ought to be doing that."

Mayor Tecklenburg said, "So, that individual, he's on our History Commission, and he teaches at a local college, and his class was right at the same time as our Commission meetings. I called him to see if he was going to be able to continue to serve. He indicated that at the end of this semester, that class is done. His next semester, starting in September, is scheduled at a different time. So, he begged forgiveness and wants to participate. He's amazingly knowledgeable. He's a real asset and he'll be able to attend in the future."

Councilmember Moody said, "It just looked weird to me."

Councilmember Mitchell returned at 8:42 p.m.

Mayor Tecklenburg said, "Yes, understood. So, I do want to recognize our newest member to the History Commission who is Dale Theiling. Dale is a member of the Washington Light Infantry, as well. He is replacing Judge Sanders whose health doesn't really allow him to continue to serve. So, Dale, thank you for your willingness to serve. We're glad to have you on the History Commission."

Dale Theiling said, "Thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Alright. So, now, we'll take a five-minute break."

Councilmember Shahid said, "We have to vote."

On a motion of Councilmember Gregorie, seconded by Councilmember Shahid, City Council voted unanimously to approve the appointments to the Women and Minority Business Enterprise Advisory Committee, History Commission Appointments, and the Board of Zoning Appeals – Site Design.

---INSERT APPOINTMENT MEMOS---

Councilmember Wagner was excused from the meeting at 8:43 p.m.

City Council recessed at 8:43 p.m.

City Council reconvened at 8:54 p.m.

Mayor Tecklenburg said, "I call us back to order, please. I think Councilmember Wagner has been excused. So, next is our Council Committee Reports. First up is our Committee on Public Works, which will include a report from our Stormwater Department Head Matt Fountain. Councilmember Waring."

Councilmember Gregorie said, "Move for approval."

Councilmember Moody said, "Second."

Councilmember Waring said, "You had me speechless, Mr. Mayor."

There was laughter in the Chamber.

Mayor Tecklenburg said, "What's that?"

Councilmember Waring said, "You had me speechless."

Mayor Tecklenburg said, "I got him speechless. First time."

Councilmember Waring said, "I'm going to go along with my colleagues. The items that you see, J.1.a.(i), (ii), and (iii) and J.1.c., passed unanimously. So, I'll go along with that motion and then at that point turn over to our staff to discuss the updates from our Project Managers. Matt, I think, will give that and then the Floodplain Manager."

Mayor Tecklenburg said, "Right. Thank you very much. Mr. Fountain."

Councilmember Waring said, "I mean we've got to vote on the motion."

On a motion of Councilmember Gregorie, seconded by Councilmember Moody, City Council voted unanimously to approve J.1.a.(i), (ii), and (iii) and J.1.c. of the report:

---INSERT COMMITTEE ON PUBLIC WORKS AND UTILITIES REPORT---

a. Acceptances and Dedications:

- (i). Acceptance and Dedication of new 20' wide Exclusive Stormwater Drainage Easement Agreements for the following properties in Sherwood Forest; 1619 W Robinhood Drive, 1627 W Robinhood Drive, 1633 W Robinhood Drive, 856 Prince John Drive, 853 Prince John Drive, 1632 Juniper Street, 1720 Juniper Street and 1624 Juniper Street.
- (ii). Acceptance and Dedication of Daniel Island, Parcel CC, Phase 1-Village Crossing Drive (R/W varies, 885 LF), Water View Lane (R/W varies, 852 LF) All infrastructure has been completed, inspected and accepted. There are 17 lots in this phase.
- (iii). Granite curb 36 George Street/332-334 King Street. Approval to notify SCDOT that the City intends to accept maintenance responsibility for granite curb in conjunction with the project at 36 George Street (S-10-863) and 332-334 King Street (S-10-104).

b. Stormwater Management Department Update

- (i) Updates from Project Managers
- (ii) Update from Floodplain Manager

c. Miscellaneous or Other New Business:

Memorandum of Agreement with the USACOE for the Battery Seawall Permit.

Matt Fountain said, "Thank you, Mr. Mayor, Council. Just as a brief report on an update from today, we had another brick arch failure on Logan Street this afternoon. It's a relatively straightforward repair style of failure, but it's a very large failure, so the road is closed. It will be closed overnight. We think we can get it addressed tomorrow, and that's part of that same system in the Coming Street system. So, we're continuing with the design and bid documents to try to put together for aligning and repairing that system and tie-in to the stormwater drainage."

Mayor Tecklenburg said, "We have a question."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I have two questions. Number one, do we have a price tag on that or an estimate?"

Mr. Fountain said, "So, we have a very ballpark estimate before we finish the design of approximately \$2 million to \$3 million."

Councilmember Seekings said, "That's for the whole project."

Councilmember Griffin said, "No, I'm talking about the repair."

Mr. Fountain said, "For the repair, \$50,000 to \$100,000."

Councilmember Griffin said, "So, about what was it last time?"

Mr. Fountain said, "It's a little less than the Coming Street failure. It's similar to the Meeting Street Project that we did."

Councilmember Griffin said, "Okay. This is a follow-up question. This is more of a question for Steve. Is he still here?"

Mr. Fountain said, "No."

Councilmember Griffin said, "I know that back in October we got a report from DNR on some things that we needed to improve upon, and I believe every six months or so they do a public report, so I know we have another one coming out May 1st."

Mr. Fountain said, "So, you're referring to the Community Assistance visits?"

Councilmember Griffin said, "Yes."

Mr. Fountain said, "So, we have a Community Assistance visit tomorrow."

Councilmember Griffin said, "Okay. Cool. So, can we get a report on that at the next Committee meeting?"

Mr. Fountain said, "Yes. Absolutely."

Councilmember Griffin said, "Thank you."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. One of the meetings, probably a month or so ago, we asked that an independent third party engineer be hired to look at that Middleborough Project. Has that been done?"

Mr. Fountain said, "So, we have discussed with the Legal Department on that. I know Susan was in contact, I believe it was today or yesterday, with the developer regarding that process. So, they are working through that."

Susan Herdina said, "So, Matt and I have been working together. I think I originally reported that we had one engineer who we approached who could not do the work. So, we've got a list of some other names, and we're going out to approach them. In the meantime, we've been in contact with Middleborough's attorney and asked them if they agreed to the process, and

they do, subject to a little bit more information, and we're also going to be giving them an additional extension of time to work this out."

Councilmember Moody said, "That's proceeding then?"

Ms. Herdina said, "Yes."

Councilmember Moody said, "Thank you."

Ms. Herdina said, "That would have been a quicker answer just to say it's proceeding, right?"

There was laughter in the Chamber.

Councilmember Moody said, "That's really all I wanted to know. I think that was my question."

Mayor Tecklenburg said, "Alright. Mr. Fountain, did you have any other items to report upon?"

Mr. Fountain said, "Just very briefly, I'll touch on the other major projects. Spring/Fishburne, we're continuing with the concrete lining on the primary tunnel. The Phase 4 contractor continues to prepare for mobilization. Calhoun West, the preliminary engineer report is to be completed this spring, hopefully in May. The Low Battery Project, the repairs from Hurricane Matthew are now complete. There is actually a Memorandum of Agreement on the next item on the agenda with the State's Historic Preservation Office for work on the historic structure. Basically, that would allow us to move forward with the Army Corps of Engineer permit for the project. Market Street Drainage Improvements, we've incorporated the CWS Plans now into our construction plans for their utility work. SCE&G is currently working on incorporating their plans into the project. The project is entering TRC at the moment and is still on track to be ready for bidding in 2019. Huger/King Street Drainage Improvement, the Committee selected JMT for that project. We're in ongoing negotiations right now for scope which we'll then bring to Council for approval. We also provided some additional information in support of the grant application we discussed last time for the RIA and they are, so far, pretty optimistic about potential for funding, but we'll wait to see what actually happens on their final decision. Barberrry Woods, the Final Drainage Evaluation Report is due in May, and we'd like to incorporate the new Lidar into the overall Johns Island Basin model that we use to evaluate site designs. We started to do that a little bit in the Barberrry Woods Improvement Project. We'll probably bring back a request to incorporate that into the overall model we use to evaluate stormwater permits. Forest Acres, we're continuing with property acquisition, finalizing our permits, and we should be ready to advertise this summer for Phase 2A. Church Creek, the Hickory Farms Diversional Channel Project is in property acquisition. We're also in discussion to look at additional properties for some extra storage in that same area. That is at about 80 percent complete on the diversional channel. Then, we'll look to see how we incorporate in the additional storage. That's still on track to be built in 2019. Stormwater Manual, the Task Force met to discuss quality equivalences, and we also broached the subject of volume based approaches with the design community and asked for some written responses to that. The Program Manager contract, they are currently developing scopes for evaluation improvement to the primary drainage arteries in the Central Park Basin, the Wambaw Basin, and they are also putting together the program prioritization criteria for our projects. Councilmember, would you like me to move forward with the Floodplain Update?"

Councilmember Gregorie said, "Just a question."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "What about Howle Avenue?"

Mr. Fountain said, "Yes. Absolutely. So, Howle Avenue is one of the two primary arteries there in that Central Park Basin. They would be looking at the area that drains kind of from Howle down through Central Park, and then the other one is the area that drains kind of between Marlboro and Laurel Park."

Councilmember Gregorie said, "We know that we're going to have to get some right-of-ways, especially on Howle. Are we working on that?"

Mr. Fountain said, "So, Howle is the main area where there is likely to be acquisition. We have been in discussion with one of the developers who is looking to develop in that area, that he may actually acquire a decent amount of the easement that's needed. That's been going pretty well. They have plats submitted at the County, the parcel is in the County, so we are making good progress on that front at the same time."

Councilmember Gregorie said, "Then, one last question, a James Island question. Ms. Brock's property, are you familiar with Ms. Brock's property in Marlboro? Can you give us a report on that, as well, at the next meeting, please? I know that there may be some easement issues, but we were told that we were going to be getting some design stuff, and we haven't seen them yet in an e-mail."

Mr. Fountain said, "Okay. Let me come back to you on that one just to make sure I give you the most correct information."

Councilmember Gregorie said, "Yes, this one is very important."

Mr. Fountain said, "Yes, I can absolutely do that, and I'll reach out to you before then, as well."

Councilmember Gregorie said, "Thanks, Matt."

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I don't have a question, but I just want, Council hopefully appreciates the information that Matt's coming forward with because as we get this at Public Works, there is no way, as Chairperson, I can give the kind of information he just rolled out in five minutes. So, you all are deserving of hearing what's happening in your district, not just the five people on Public Works."

Mayor Tecklenburg said, "Absolutely. Thank you."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Matt has done a fantastic job so far, and he's gone to several public meetings already and met with people in the community and we're just very, very lucky to have him. So, thank you for all of your hard work so far."

Mr. Fountain said, "Appreciate that. Thank you."

Mayor Tecklenburg said, "Thank you. So, and it was noted, I think, by Matt that the Memorandum of Agreement that was just approved was a necessary step for us to get our permit to be able to proceed with the Low Battery Seawall, but it's kind of our next to last step."

Mr. Fountain said, "Just briefly, if you would like me to touch on the Floodplain Updates, as well. The demolition contractor is starting on the Single-Family homes from the property buyouts. They should be continuing that on Saturdays, their plan to continue demolition. We have one property left we're acquiring on the Multi-Family, and then that will begin demolition, as well, continuing through the summer. Acquisition then is also beginning on the 2016 storm damage property buyouts, and we'll be bringing back to Council at the end of May, a request to apply for grants for the 2018 hurricane buyouts for HMGP. Also, as we briefly touched on last time, we are putting together an actual presentation for Council for the Risk Rating 2.0. That's the new flood insurance proposal to say 'here is the information we do know, here is what's still unknown, and what some considerations are that we may want to look at', as well as potentially having a citizen outreach component where we go out and try to do a lot of education about how flood insurance works and how these things may change your flood insurance program."

Mayor Tecklenburg said, "That would be great."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Have we heard anything more from the CRS audit, or whatever, for our five-year visit in order to see our points change?"

Mr. Fountain said, "So, the next CRS visit is not scheduled until 2020. They confirmed that they will not be able to come in 2019 due to the Federal Government Shutdown, so we don't know when in 2020. It could be anywhere from January to December, but we do have a plan we're putting together, as well, to show where we think we can lower the CRS rating to before that visit in 2020."

Councilwoman Jackson said, "Thank you."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "One last question. Yes, the study for the Marlboro area Cross Creek, where are we on that? Are we also waiting for the Program Managers to do that, as well?"

Mr. Fountain said, "Basically, what we've asked the Program Manager to do is to give us a proposal with scope to do the drainage improvement model and design for the two primary drainage arteries. One of which is running from Howle down through Central Park and the other running between that Marlboro Laurel Park Neighborhood. So, they'll do the stormwater modeling to figure out how big those conveyances need to be, what choke points there are now, if tide gates or other structures would be helpful, and then actually be able to move in. Likely, we'll do it in a two-part request to identify exactly what the cost will be on the second design stage. But, they are also putting together that design component to be able to go straight into design and permitting to be able to do construction on it."

Councilmember Gregorie said, "Thank you, Matt."

Mayor Tecklenburg said, "Thank you very much. Alright. Next, we'll go to our Committee on Traffic and Transportation, Councilmember Seekings."

Councilmember Gregorie said, "Move for approval."

Councilmember Shealy said, "Second."

Councilmember Seekings said, "Thank you, Mr. Mayor. The Committee on Transportation met what seems like three weeks ago, but was 2:00 o'clock this afternoon. We did take up an Application for Original Certificate which needs approval by this Council. I just want to let you know we had a couple of presentations that are, I think, of some importance. One was, we got a presentation from SCDOT on what they call their 526 Signals Project. It's really a West Ashley Corridor Signals Crosswalk Project that is being led by the DOT, paid for by the DOT. The signalization ties into our system. So, it's updating, modernizing, and upgrading all of that area. It's a project that's going on through the end of next year. I was surprised actually how long this project is taking, but it includes the Hwy. 61 Corridor, the Hwy. 17 Corridor."

Mayor Tecklenburg said, "Glenn McConnell."

Councilmember Seekings continued, "Glenn McConnell. It's fairly expensive, and I do think in the end will give us some improved technology to allow our team to then get the signals up and running. The one thing that caught my ear, and I'd like to see us follow up a little bit, they call it the Signals Project that also has some crosswalks along with it, but not all of the crosswalks are being addressed for safety and crosswalk purposes. Although, Josh Johnson who came to give us our presentation did express his concern and interest in completing those crosswalks at the major intersections. As you know, we've got lots of challenges getting across Hwy. 61, Hwy. 17, all of that area we've had some issues. So, we need to stay on them as this project before it's complete to see if we can get them to expand on it. So, it was a good presentation, just so you know that's going on as we speak in our City done by the SCDOT. The other thing we talked about was our Vendor Spaces Program in Downtown Charleston. For those who have been following along in your playbook, we've been doing this for some time. We have 16 vendor spaces in Downtown Charleston. We franchise them out to the extent that we can. Currently, of the 16 spaces, only two are franchised, one of which is the space at Waterfront Park which is hotly contested, and people like it. I don't even know where the other one is. So, the other 14 are first come, what's that?"

Councilmember Moody said, "At the Medical University."

Councilmember Seekings said, "That's right, the one on Glebe Street. The rest of them are first come, first serve. So, it was recommended to us by our Legal Counsel and by our Community Business Services team that we abandon the franchising part of this and let the two franchises that are existing expire. They're going to come back to us in the fall with a better idea to think about what we can do with those spaces, which we unanimously agreed on. There is no action needed, but to the extent you all have any input about vendor spacing, vendor spaces, what we can do with them, please let us know. Please let Business Services know so we can then in the fall get back to that. So, it was a good meeting. We got an update from Mr. Benjamin. There is a lot going on in the City. So, I move for approval of the report, and if you have any questions, let us know."

Councilmember Waring said, "There is already a motion on the floor."

Mayor Tecklenburg said, "I think there is a motion on the floor already and a second. Is there any discussion?"

No one asked to speak.

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

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

- a. Application for Original Certificate of Public Convenience and Necessity for Approval:
- Tecs Limo Services, LLC (Limo)
- b. Resolution for Approval: State of South Carolina and County of Berkeley – Clements Ferry Road (S-33) Widening from Jack Primus Road (S-119) to SC 41 Project
- c. SCDOT Presentation: 526 Signals Project
- d. Discussion regarding proposed review of Vendor Spaces and updates to Ordinance
- e. Approval of 2019-2020 Vendor Spaces
- f. Director's Update
- g. Discussion

Councilmember Gregorie said, "Mr. Mayor, I just have a question for --"

Councilmember Seekings said, "Yes, sir."

Councilmember Gregorie said, "Are you guys having any discussions on the Complete Streets, and more specifically, Maybank Highway and Fleming, or Maybank Highway in general? We're having some serious safety issues over there."

Councilmember Seekings said, "The answer is, we talk about it all the time, and our Director is very in tune, as you know, with Complete Streets. It is our policy in the City, even though we don't do a lot of it. I'm just going to let him talk about any specific questions you've got, although we did not speak specifically today about Maybank Highway, nor do I recall a conversation recently about it."

Keith Benjamin, Director of Traffic and Transportation, said, "So, Councilmember, you asked two separate questions really. On the Complete Streets piece, as many of you know, there was State legislation, bipartisan legislation, asking for the State DOT to adopt, in its mission statement, the embracing of Complete Streets as a process by which they would access how our streets are designed. SCDOT did pass a Resolution for Complete Streets in 2003, but there are no teeth to it, so there's no obligation within the guiding structure that our district offices review for what that exactly looks like. So, that did get through subcommittee and to full committee, and there were some commitments made by both the Legislature and SCDOT to follow up on exactly how that will be played out. We are of the opinion that legislation should move forward, and I do think that SCDOT is of the position that they would like to do that stuff internally, and not necessarily through the Legislature. So, there are differing opinions of what that exactly should be. That being said, we think that that is an excellent policy that should be adopted. Every single state DOT in the southeast region has adopted Complete Streets. Thirty three of our 50 states

have adopted it, as well. So, it's not necessarily something that is, or dare I say even innovative. It's something that's common place in terms of practice.

In terms of Maybank Highway, also as you know, Councilmember Jackson joined us, with that SCDOT lead for a safety review of that entire corridor. A draft report has been done for what should happen, both in the short and long-term, regarding the recommendations from SCDOT. A lot of what they labeled as admitted to short term are things that we, quite frankly, think should be done now. It's just a matter of where those dollars come from to be able to make happen. Once we get that finalized report from SCDOT, we definitely want to make that public, but I think it's really the accountability on making those things happen in the corridor."

Councilmember Gregorie asked, "How far behind are we on the round-about at Camp and River because I thought it was supposed to be started last January, and here we are in April. Is there any progress on that?"

Mr. Benjamin said, "So, I can check on the timeline from SCDOT's standpoint, and then as you know from the other part of Riverland, that was on County Council's desk today. So, we'll check on that, as well."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg said, "If I'm not mistaken, I think that project was bid out by the County or the DOT, and the bids were 'unresponsive.' They were too high. Either they bid it out again or are going to, but we can check."

Councilmember Gregorie said, "That's what I heard."

Mr. Benjamin said, "I'll follow-up tomorrow."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg asked, "Are there any other questions? We voted to approve the Committee action. So, next is our Committee on Public Safety, Councilmember Shahid."

Councilmember Shahid, Chair of the Public Safety Committee, said, "I have a very lengthy report to make. We took up the ordinance to make it unlawful to park in a fire lane. We voted for approval of that for it to go to Traffic and Transportation for their consideration and to report back to us."

On a motion of Councilmember Shealy, seconded by Councilmember Mitchell, City Council voted unanimously to approve the Committee on Public Safety report as presented and send the bill to the Committee on Traffic and Transportation.

-- INSERT PUBLIC SAFETY REPORT --

- a. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 234 to make it unlawful to park a vehicle in a marked fire lane when signs, curb painting, pavement markings, or other approved notices or markings are installed giving notice thereof. ***(The on Public Safety voted to send the bill to the Committee on Traffic and Transportation)***

Mayor Tecklenburg said, "Next, our Committee on Ways and Means, Councilmember White."

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I forgot to vote against Item 'd,' the money for the land in West Edge. I want you to make sure that I am against the land in West Edge for \$925,000."

The Clerk said, "Item d."

Councilmember Lewis said, "I'll be voting 'no' on it. Thank you so much."

Mayor Tecklenburg said, "Let the record reflect that."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "On that item also, I'd like my colleagues to know I voted 'no' in Committee on that, and I'll be voting 'no.'"

The Clerk asked, "On West Edge? Okay, so we'll have two nays."

Councilmember White said, "It's actually –"

The Clerk said, "Three? Anybody else?"

Mayor Tecklenburg asked, "Does anybody else want to vote 'nay' on the West Edge matter?"

There was laughter in the Chamber.

Mayor Tecklenburg said, "Other than that, the 'no' votes on West Edge, we have a motion to approve the Committee report."

On a motion of Councilmember Mitchell, seconded by Councilmember Shealy, City Council voted to approve the Committee on Ways and Means Report as presented.

(Bids and Purchases

(Resiliency: Approval to submit the 2019 SC DHEC Solid Waste Reduction and Recycling grant application in the amount of \$25,000 (category 1) to support a reusable bag giveaway and education program about single-use plastics. The grant application was due on April 5, 2019, and since it was not complete prior to the most recent City Council meeting, Resiliency is requesting after the fact approval. No City match is required.

(Resiliency: Approval to submit the 2019 SC DHEC Solid Waste Reduction and Recycling grant application in the amount of \$10,000 (category 2) to support an outreach and awareness project about reducing single-use plastics. The grant application was due on April 5, 2019 and since it was not complete prior to the most recent City Council meeting, Resiliency is requesting after the fact approval. No City match is required.

(Office of Cultural Affairs: Approval to apply for \$1,750 from South Arts (Literary Arts Touring Grant) in support of literary programs of the 2019 Free Verse Festival. A 1:1 City match is required. Matching funds will come from corporate sponsorships.

- (Office of Cultural Affairs: Approval to apply for funding from Charleston County for accommodations tax funding in the amount of \$15,000 to support the 2020 Piccolo Spoleto Festival. No City match is required.
- (Office of Cultural Affairs: Approval to apply for funding from Charleston County for accommodations tax funding in the amount of \$15,000 to support the 2019 MOJA Arts Festival. No City match is required.
- (Office of Cultural Affairs: Approval to apply for funding from Charleston County for accommodations tax funding in the amount of \$10,000 to support the 2019 Holiday Magic in Historic Charleston. No City match is required.
- (Office of Cultural Affairs: Approval to apply for funding from Charleston County for accommodations tax funding in the amount of \$25,000 to support Charleston 350 commemorations. No City match is required.
- (Office of Cultural Affairs: Approval to apply for funding from Charleston County for accommodations tax funding in the amount of \$10,000 to support the 2019 Free Verse Festival. No City match is required.
- (Fire Department: Approval to submit the 2019 State Homeland Security grant in the amount of \$101,620 for Charleston FD Collapse Search and Rescue Team (for search and rescue equipment, a search camera, confined space rescue equipment, personal protective equipment, and training). No City match is required.
- (Police Department: Approval to apply for an application in the amount of \$123,803 for an Elder Advocate and Resource Specialist for the CPD Victim Services Unit under the Victims of Crime Act Grant Program. The application is due on April 30th. This project requires a 20% City match of \$24,761.
- (Legal Department: Approval of Host Venue Partnership Agreement between the City and OC Sport Pen Duick, French subsidiary of OC Sport, for the City's financial support in the amount of \$150,000 and operational and logistical support to OCS for the City to host the finish of "The Transat" single-handed Trans-Atlantic sailing race in 2020. **(DEFERRED)**
- (A Resolution expressing the intention to establish the Morrison Drive Redevelopment Project Area; authorizing staff to prepare an overall redevelopment plan; providing for notice and public hearing in connection with the foregoing; and other matters related thereto
- (An ordinance to amend the description of the Charleston Neck Redevelopment Project Area as established by Ordinance No. 2004-151; to amend the Public Infrastructure Improvements Agreement dated as of September 1, 2015 between the City of Charleston, South Carolina and Highland Resources, Inc., as successor to Ashley River Investors, LLC; and other matters relating thereto. **(AS AMENDED)**
- (Request authorization for Mayor to execute an exchange agreement, between the City and Longborough Owners' Association to jointly pursue plans for a new Dock and Passive Park to be planned, permitted and constructed at the City's expense. The Dock shall be designed for Public Dock Section and Private Dock Section, which will branch off of trunk of Public Dock. The parties will seek to have OCRM issue a Dock Permit and upon Dock Permit being issued, the HOA will convey the Property to the City, subject to certain Restrictive Covenant and Use agreements set forth in the attached Exchange Agreement
- (Resolution to accept deeds to marshlands surrounding Longborough Dock and Park
- (Request approval of a Temporary Access Agreement with M.B. Kahn Construction Company, Inc. for construction access, parking, and material laydown for use related to the construction of Grace Homes. (0 Cooper Street; TMS 459-05-04-208)

(Request approval of a Resolution expressing the City's intention to make a loan to WestEdge Foundation, Inc. supporting WestEdge's obligation pursuant to the Infrastructure Development Agreement to pay certain costs incurred by Charleston Horizon Devco, LLC for the installment of public improvements supporting the redevelopment of the WestEdge District, such loan to be secured by a Promissory Note in the form attached to the Resolution in the amount of \$925,000.00 which loan shall be repaid by TIF Revenues, and further, all outstanding principal and accrued interest shall be due five years after the date of the Note. Funding will come from prior General Fund reserves. **(Councilmembers White, Lewis, and Waring voted nay.)**

(Discussion and consideration to direct Legal staff to provide 60 days notice to the Charleston School of Law that the City does not intend to extend the agreement regarding the sale of 431 Meeting Street **(Requested by Councilmember White)** **(Mayor Tecklenburg and Councilwoman Jackson voted nay.)**

(Washington Park HOA **(Requested by Councilmember Moody)** **(DEFERRED)**

(Wellness Aquatics Land Acquisition **(Requested by Councilmember Moody)** **(DEFERRED)**

(Consider the following annexations:

- Clements Ferry Road (TMS# 275-00-00-004) 6.0 acres, Cainhoy (District 1). The property is owned by Murphy Family Property LLC.
- Clements Ferry Road (TMS# 275-00-00-006) 1.0 acre, Cainhoy (District 1). The property is owned by Jenkins Family Property LLC.

First reading was given to the following bills:

An ordinance to provide for the annexation of property known as Clements Ferry Road (approximately 6.0 acres) (TMS# 275-00-00-004), Cainhoy, Berkeley County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 1. The property is owned by Murphy Family Property LLC.

An ordinance to provide for the annexation of property known as Clements Ferry Road (approximately 1.0 acre) (TMS# 275-00-00-006), Cainhoy, Berkeley County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 1. The property is owned by Jenkins Family Property LLC.

*An ordinance to amend the description of the Charleston Neck Redevelopment Project Area as established by Ordinance No. 2004-151; to amend the Public Infrastructure Improvements Agreement dated as of September 1, 2015 between the City of Charleston, South Carolina and Highland Resources, Inc., as successor to Ashley River Investors, LLC; and other matters relating thereto. **(AS AMENDED)***

The vote was not unanimous. Councilmembers White, Lewis, and Waring voted nay on Item 17(d) of the Report. Mayor Tecklenburg and Councilwoman Jackson voted nay on Item 17(e) of the report.

Mayor Tecklenburg said, "Next, we have just one bill up for second reading because likewise to those two items on our Public Hearings, number one has been deferred by the applicant. Number two is up for consideration."

Councilmember Griffin said, "Move for approval."

Councilmember Mitchell said, "Second."

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

Councilmember Waring said, "Mr. Mayor, I have a point of order. I'm going to go back to bills up for third reading. I think this is the third meeting that third reading has been deferred, and I certainly don't understand why. I certainly didn't ask for it, and I don't understand how one person can ask for a deferral on an ordinance."

Mayor Tecklenburg said, "Our staff has been working to gather some more information, I think mostly at the request of various Councilmembers. You just heard the news, by the way, that our CRS rating that we were expecting to occur late this summer, we've now been given notice that that's not going to occur until next year. So, it does kind of take the pressure off, if you will, of the matter. That's not to say we won't be coming back to you with it. Mr. Fountain, if you want to address that further."

Mr. Fountain said, "Our consideration, Mr. Mayor and Council, is that we wanted to give you an update on the Risk Rating 2.0 to let you know what the impacts would be with that and show you what the plan was for the CRS visit as a whole, and then kind of let you consider it as part of that updated basket of information for the program."

Councilmember Waring said, "The problem with that is that the people who are at risk for any other peril, how does that fix that, the information that you want to bring back to us, how does that cure, as the Mayor accurately referred to in conversation with me as being a 'trap,' and it is a trap. If people sustain 50 percent or more of damage for anything other than flooding, then they have to come up to, right now, FEMA +1. How do we cure that, because it's my strongest belief that had the initial reading, Freeboard +2, got second reading that night, it would have gotten a third concurrently. When the amendment came through, we agreed to defer it until the next meeting, the concurrent reading, third reading of the ordinance. As I said, I think this is the third meeting right now where it's been automatically deferred, and that's not what this Council voted to do when we amended the Freeboard +2."

Mr. Fountain said, "We don't necessarily need to do it right now if you don't want to, but it's not necessarily any property that has 50 percent damage if you didn't have flood insurance, otherwise the ICC would kick in if you had flood insurance in terms of you having to elevate at your own expense. However, the intent to offset the discussion was to give you the update on the program. Again, our recommendation has been if we were going to look at creating an allowance for economically disadvantaged homeowners, that may be something that the Council may choose to do separately from the ordinance and say 'that's a great idea' that we could offer some other method, whether it's grants or no interest loans or some program like that, as we do in a lot of other aspects for the City, or the County does. That might be an approach to do that."

Councilmember Waring said, "With all due respect, that's creative financing. What I'd like to do is put it on the agenda for the next meeting in two weeks, and Council deliberate and vote it up or down, one of the two. Kicking the can down the road on that, anybody that has a fire in a flood-designated zone right now, in particular the older areas of Charleston that were built in the 50's, 60's, and 70's, in particular West Ashley, we need to make a decision on that, and we need to make, I guess, take sides on it, Council lady Jackson. But deferring it is not the way I would choose to go on that, so I'm going to ask that that be placed on the next meeting agenda."

Mayor Tecklenburg said, "That will be fine."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. Fountain, with that information that you're bringing to us, this whole Freeboard moving to +2 concept was pitched to us as free points towards getting to a Level 5 when we're currently at a Level 6, and an increase in the discount that we get for flood insurance if you're in a flood plain. But, based on the fact there's a chance that ordinance is not going to happen, can you and Stephen and the department explain to us how you're going to go about achieving other points if you're not going to be able to get the points from this. So far, there's a good chance that, even with the way this ordinance that has now made it to third reading is presented, FEMA would probably not accept it. I think we said they wouldn't for us to get the points, regardless of that, because of how we're wording this ordinance."

Mr. Fountain said, "Correct."

Councilmember Griffin said, "Basically what I'm trying to say is I know that as we prepare for the visit, and like you said, you were going to show us how we are preparing for the visit, I'd like to see how we're going to obtain other points along the way to get to that Level 5 because I know that's still the goal. So, I'm just interested to see the different ways that our City can obtain points to get a better rating."

Mr. Fountain said, "Absolutely, that was the intent of that presentation to show first the Risk Rating 2.0 component, and then the second component is to hear all of the areas we've targeted for points and how many levels we could move down, in theory, for those points."

Councilmember Griffin said, "Because I'm wondering how easy, or how hard it would be, for us to get to that level, even without this. So, I think that would impact my decision a little bit with how I vote next time."

Mayor Tecklenburg said, "Alright. That can be a part of that discussion. Speaking of third readings, I failed to ask for third reading and ratification for number 2, which we gave second reading to."

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

2019-028 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2037 LAKE SHORE DRIVE (0.21 ACRE) (TMS# 343-03-00-156), 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 EAST BAY AIR LLC.

Mayor Tecklenburg continued, "Next, we'll go to bills up for first reading." Councilmember Griffin said, "Take 1 and 2 together."

Mayor Tecklenburg said, "Take 1 and 2 together."

Councilmember Moody said, "Those two are not in District 11. They're in District 1."

Mayor Tecklenburg said, "They're in District 1, so let a correction be made to Items 1 and 2 that they are in Council District 1. We have, nevertheless, a motion to approve and a second."

Councilmember Mitchell said, "I'm the second."

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Clements Ferry Road (Cainhoy) (approximately 6.0 acres) (TMS #275-00-00-004) (Council District 1), be zoned Rural Residential (RR-1) classification. The property is owned by Murphy Family Property LLC. (AS AMENDED)

2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Clements Ferry Road (Cainhoy) (approximately 1.0 acre) (TMS #275-00-00-006) (Council District 1), be zoned Rural Residential (RR-1) classification. The property is owned by Jenkins Family Property LLC. (AS AMENDED)

Mayor Tecklenburg said, "Next, number three."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mr. Mayor, I'm going to move that we approve number three with this caveat, or this amendment, that I know we've had several discussions about this proposed ordinance, and what I'd like to recommend is that we give this approval for first reading, but we create a special commission, like we did with the Short Term Rental Commission. Essentially, no more than seven members, either two or three members from City Council, plus two members from the industry, two members from the community at large, to review this. I know it came up in the public hearing part of our Council meeting today as to some things that we needed to tweak, we needed to address, needed to change on this ordinance, but let's get it up on the blocks right now for consideration, make the changes that we need to make on this thing and consider what the intent of this bill, or this ordinance, is intending to create. So, I'd ask Council to give it first reading with that caveat, or that amendment, to create this particular commission with two or three members of Council on it to address these particular concerns that have been raised."

Councilwoman Jackson said, "I second."

Mayor Tecklenburg said, "A motion and a second."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie, "I don't think it's ready for primetime. I've written many regulations and proposed statutes. There's just too much ambiguity here, and I can give you some examples, 'avoid or minimize to the greatest extent possible'. I don't know what that means. 'Will not significantly increase automobile traffic'. I don't know what that means, 'significantly increase'. I can go on and on with the language alone, but I don't think that this is strong enough either. I do feel as though that we should start looking into correlating our accommodation and hotel development to affordable housing in some form or fashion. I've had an initial discussion with you about it, Mayor, and I've been trying to push this now for at least a couple of years, and it has not gotten any traction. I think that when a developer wants to build hotels, which I think is a good thing, it creates jobs. That's a good thing, but nowhere is there, at least in my view, a connection to providing affordable housing for the workers in the general public. I'd like to ask our Planning Commission whether or not they're aware of any other jurisdictions where there is a linkage between hotel development and the development of affordable housing or any development in a connection to affordable housing. If so, I'd like for us to look into that because

I do think it would strengthen this proposal somewhat. More importantly, the language needs a lot of work to me. I don't know understand what some of it really means, so we're going to put this out to the public without defining some of the terms like 'significantly increase'. Even going further with regard to, not the amended portions, I have some problems with the existing portions, too, in terms of language. So, I really think a more thorough look at this document is warranted before we put it on the street."

Mayor Tecklenburg said, "I think that's the spirit of the amendment to the matter, to have a Short Term Rental style committee or commission review this in great detail. Regarding affordability of housing, though, I must share that up to now, there's been no consideration for affordability. There is a provision for the BZA to consider the displacement of housing, but not in any relation to affordability. This, in fact, adds that for the first time. So, this is by no means perfect, and I fully support a more in depth review, but I do sincerely believe that this is better than what we've got now for a lot of different reasons, and I'm sure we can talk more about those things."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. Mayor, you and I talked about this earlier today, and I told you that I would support a first reading if we created a subcommittee that would look into this. I'm still there with you on that, but I do think that this committee should have absolute freedom, and I think that if they completely change this document, they should have the right to do that. I think that you've created somewhat of a template, but to me, it looks like it's been put together at the last second. I know that it was important to kind of get something out there by the end of April. That was the goal, but you can't put a timeline on how long these guys would need to make this happen. I think they should have until the end of the year. I think that's fair. Honestly, I think if they came up with something that's totally different than this to present to Council, that's fine, because, ultimately, Council can look at it and modify it and change it just like we did with the STR ordinance. But, I just thought there were way too many people on that STR Committee. Seven to nine would be a really good number for this. I think we have some really great members of the community, and this definitely affects a couple of Council districts way more. I'm just kind of speaking out of theory here because I don't have one hotel in my district, but I've got to think about your district, Councilmember Gregorie, and your district, Councilmember Seekings. I think you two have to serve on this. Councilmember White, I think you would be a perfect person to serve on this because of who you represent, but we've got a lot of great people in this City that understand what we're trying to do here. We have beat this horse to death, as a Council, over the years, and ultimately, I don't think we, as this group, as great a people as we are, are going to be able to come up with something that works. But, if we send it off and get some real, solid feedback and regroup, I think that we could have something that would have merit. At this time, it's just a template, and I would totally expect it to be changed completely by the time it comes back to us, but to me, that is the best that we could do, and that is our best offer to our citizens to show them that we've given every effort to make this happen."

Mayor Tecklenburg said, "Well, thank you, and I do think seven to nine would be more manageable. Nine might be a good number, just so we're inclusive enough to represent the industry and citizens and Council. I hope it wouldn't take so very long. In fact, once first reading is given, by law, we're allowed to have it pending for a year prior to second reading. I don't want it to take that long, but I'm just saying we would have the legal ability, and I totally agree that the group would be free to make any and all recommendations, drill down as deep as they want on any part of it, and ultimately, this Council will make the decisions."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I don't think this thing is anywhere near ready, and I guess my question, not only do I not like the language, but I particularly don't like the BZA being in charge. To me, that's more onerous than some of the language because that has to go to Court. I think this is really a zoning issue, and I would think it would go through the zoning process, rather than go to a group of citizens that really are not responsible to us other than we get to appoint them. I wanted to make a couple of other points in terms of appointments to this committee. You mentioned the industry. Well, I think the industry is even divided itself. I say that, and maybe I'll include the neighborhoods and maybe some of our preservation folks. They like 50 room hotels. They don't particularly care for 250 room hotels. So, there's a bias there that we need to listen to. We need to be aware of it. Some of the lower end hotels, like Quality Suites maybe or Days Inn or something like that, they love having the Bennett House and Charleston Place, the SPA, and the Dewberry. They love having those because now they can charge \$200 and something a night for a room where they couldn't get but half of that if they weren't downtown. The Convention people, a lot them say 'well, you're putting all of these mass of hotels right in one place'. Well, if you go to, I haven't talked to Ms. Hill, but if you went to some of the Convention people, they would love to have those hotels together because that way they could bring in a 2,000 person convention. They'd all be close. They could use the facilities right there, that kind of thing. The hotels in existence, they don't want any competition, 'we're not for hotels, so don't allow them'. One of the reasons they don't want any more hotels is because they're having a lot of problems with staffing. We can't get workers down here to them. So, when you start picking this committee, the last couple of days that I've been looking at this thing and talking to people, I kind of had my eyes opened up, as you kept getting hit from every direction by different conflicting interests. I think if we're going to be successful on this thing, we need to at least listen to some of these people as we go through this process.

So, I'm kind of in favor of the process. I'm really torn right now. If we give it first reading, does that mean the BZA has any authority at this point, or is it just kind of frozen? You can't build a new hotel, it just kind of puts a stop on everything."

Mayor Tecklenburg said, "This is not a moratorium."

Councilmember White said, "But if we enact legislation to give first reading, I think there is an impact to anything that's currently scheduled to move forward based on the way it's currently written."

Councilmember Moody said, "Right, and that's why I'm a little nervous right now about giving it first reading. I might be willing to push it out for another couple of weeks and see what the unintended consequences might be, but I really like this committee approach. How we get there and start there, I'm not sure."

Mayor Tecklenburg said, "Well, you make a very good point, and I think it would be reasonable to have a large hotel representation and owners, say. There's one sitting in the room that might volunteer. Then, have an owner of a boutique hotel, but Ms. Herdina, would just share that wouldn't it be true, and this would be my hope if we give this first reading, that the BZA would be able to consider, for example, affordability of displaced residential and the other provisions that are in this proposed, amended ordinance."

Ms. Herdina said, "If it's given first reading, it would be the pending ordinance doctrine that we've talked about. So, basically, what it would mean is that any new applicant that would come in would potentially have to comply with the terms of the ordinance if, ultimately, it became law. Any good faith applications that are right now on the books, this new law would not apply to them. Am I correct?"

Mr. Lindsey said, "Yes. It has to have a special exception."

Ms. Herdina said, "So, again, by giving it first reading tonight, the pending ordinance doctrine would apply to any applications that would be filed after this point."

Councilmember Moody said, "So, the wording in this ordinance would be applicable to the BZA and whatever decisions they would make."

Ms. Herdina said, "At the point a full application would come before them, assuming it's passed."

Mayor Tecklenburg recognized Councilmember White followed by Councilwoman Jackson.

Councilmember White said, "You know, what you've just described, Councilmember Shahid is what should have happened nine months ago when this was deferred for the first time. I don't know about the rest of the Councilmembers, but the first time I heard this was going to come forward again in April was from the Post and Courier. I mean, why is that the first communication I got that this was coming forward? We had nine months. When that occurred, I made a phone call to the Planning staff to ask them, 'Okay, well if this is coming forward, talk to me about it, tell me what it looks like'. The answer, at that time, was that they had not been instructed to write anything. They had no instructions at that point in time. So, I said 'Okay, well maybe it's not coming forward; maybe the Post and Courier might have been incorrect'. Then, I saw it again in the paper that it was coming forward, and once again I called Planning staff. Once again, I was told 'nope, we've not been given any instructions to write anything at this point to amend that'. So, I decided to pick up the phone, and I called the Preservation Society, Historic Charleston Foundation, I went and met with them one on one to ask them 'I want your opinion'. They both gave me a couple of white papers they had created, very thoughtful and good information. I subsequently went and met with some folks who are business owners on King Street because I wanted to understand the other side of the stakeholders group. From that, what I recognized is that there's some framework within this that I think is workable, but the problem is the process.

You know, we've gone through this now four times. I think this is the fourth time this has come up, and the fourth time, based on what I'm hearing tonight, we're probably still going to have no results. The reality of this is the definition of insanity is doing the same thing over and over again and expecting a different result. We're sitting here wasting so much time and energy when nine months ago, the concept of a committee, we didn't have to form a committee. Mayor, all you needed to do was take our advice which we've told you every single time. Please just communicate with us, reach out to the stakeholders, let's understand what everybody wants, let's collectively roll up our sleeves, sit around a table, and come to a resolution that everybody can agree to. It doesn't require a special committee, and it certainly doesn't require nine months, but yet here we are.

The other thing I just want to point out, and hopefully my friends at the Post and Courier are listening, the lack of action on this item has nothing to do with this body of City Council. The lack of action is the responsibility of the Mayor and his need to communicate with us on issues that come forward, this one in particular, but we've got 19 items on our agenda that are deferred. My guess is we're getting ready to make it 20. Mayor, please, you have to communicate with us. If you want to get something done, we're here to work with you, but you've got to pick-up a phone, and you have to call us. You have to say 'I have this interest. This is what I want to do.' You and I talked, I think, Thursday or Friday, and it was an after-the-fact comment that you made because

you called me about something totally different. 'Oh, by the way, I've got this hotel thing coming.' I can't take three days to digest this information. It's taken me a month to get the groups organized, just to understand and hear directly from them. We're going to continue to have a bottleneck of anything and ineffectiveness in this body if you don't communicate with us, if you don't reach out to us, and if you don't tell us what you want to do, but let's not keep throwing stuff up against the wall to see what sticks. Just call us, but call us before it goes on the agenda because I promise you, we're all here for the same goal, and that's to work together. But, we can't do it if we find out from the Post and Courier that something's coming forward, and then we, subsequently, don't even know what that is until we get the agenda. Maybe I'm alone on this, but that's been my experience on this for my entire process of the entire hotel situation up to and including the hotel moratorium and everything that's followed since then. We've been arguing about this issue for so long, but quite frankly, the amount of time that's been spent on it, in my opinion, has been a complete waste of energy of this Council because we're not having the opportunity to sit down and have further dialogue. That's the reason, quite frankly, I went to these groups and said 'you all talk to me, and tell me where we're at because, quite frankly, I'm just not getting any communication.' So, I'm asking you, Mayor. Please, communicate with us. Tell us what you want us to do. Tell us what you'd like to get done. I think we'll all agree that we can work together, but we can't do it if we're not communicated with."

Mayor Tecklenburg said, "Well, thank you. I respect that. You sound a little frustrated about me. I get that. I've been a little frustrated about this issue. Since I've become Mayor, the matter has come to Council a number of times. We had two complete workshop sessions just to do what you described, to get the input of our Council. Whenever I did that, I worked with staff and tried to bring something back again. This matter was substantially before you last August. I admit that when it came before Council last August, I really didn't get a warm and fuzzy feeling about the reception and support for moving it forward. So, it led to some frustration with me. When the matter came forward about 431 (Meeting Street) getting its approval, I just felt like we needed to put this back together and bring it to you. I met with the Preservation Society folks. I met with the Historic Charleston Foundation. Council had seen this before. I met with representatives of the Convention and Visitors Bureau, and the week before last, we had a community meeting about tourism where it was also noted that we would be talking about this issue. The public was there. Council was invited. I respect what you're saying. I've been frustrated over this matter, as well, and don't disagree I could have handled it better. Where we are right now is significant approvals have occurred. I think we all share that we need to have a better ordinance than we now have. I believe it's important to ask you for first reading tonight. If there's something egregious in here, let's have an amendment to strike it, but it would allow us to at least, no moratorium, but have some increased parameters that the BZA can consider when applications come forward until a deeper dive occurs. I don't think that's unreasonable, given what's happened in the last year. I apologize if I haven't handled it well, and I admit to after the last three years of dealing with this, that maybe a better tact would have worked, but we are where we are. We want to work together. We want to be able to add some more parameters, more things to consider like affordability of housing. This does accomplish that while we're able to take a deeper dive, so I would respectfully ask you for first reading tonight while we continue to make it even better."

Councilwoman Jackson said, "Thank you, Mr. Mayor. I had a couple of things that I wanted to say before you spoke, Councilmember White. I guess what I would say, in response to what's an obvious frustration to you, just based on what you just said, I have two things, my career and coming to Council Chambers as a citizen started just about the summer of 2015. I was privileged to be able to stop working in Virginia and stop commuting from Virginia and live here full time beginning that summer. So, I started coming to Council right around then. Then, after

the election, the first issues that were taken up were basically the Mayor bringing to the body that was seated in that new year of 2016, his stated platform goals as he ran for Mayor. The first one up to bat was to deal with the hotel growth that citizens had been expressing their frustration over, in my hearing, as a citizen sitting here for at least a year before that. So, I remember thinking, as I left the Chamber that night listening to that vote, well, that is a non-starter. There was no support in this body for anything that had any sort of teeth in it to control hotel growth. I think that went on over the last three years. I appreciate that it's been a touchy subject, but I do think that what we have here in front of us tonight is a result of the increase of variance special exception requests to the typical hotel accommodation by right. If you're in the accommodation zone, you can build a 50 room hotel if you meet all of the other criteria. So, that's a by-right permission, but that doesn't satisfy the hotel development community. So, they do want to come in and have ways that they can push that envelope and have more rooms than the current zoning allows. I think that what we're able to do tonight, it's not perfect. I know it's a tired phrase, the enemy of good is perfect, but I think, in this case, it really does apply. I think we need to get onto the good of satisfying the citizens' requests of us to stop some of the rampant growth that we know is not only coming from the hotel community, but is also the thing that is the most emblematic and puts the traffic on the Peninsula and the overcrowding that our citizens who are trying to live here, not only on the Peninsula, but really all of over our burrows. We're all impacted by the increase. So, I'm going to vote yes to give this first reading. I do want to see a very proactive committee work.

The only other work that I would just like to make is in response to the Mayor not reaching out and communicating to us. When I was elected, I was invited the Mayor's office to set-up what he calls a 'one on one' appointment every month, and I have kept that appointment faithfully every month. So, I basically knew at the beginning of March, I think, that the Mayor was going to bringing some sort of hotel accommodations changes. I would encourage you to meet with the Mayor one on one. It's a very responsible action on our part, and it's a two way street. So, I bring things that I'm concerned about working on, on James Island, and the Mayor gives me his input. That's what I have to say about that. I know that there are not enough hours in any week for us to be communicating all of the time about every issue individually, but I think we need to make a good faith effort. I'm here to vote 'yes' to this first reading because it is in direct response to the sort of tipping point of the 431 Meeting Street hotel development plan, that the BZA expressed specific frustration over wanting to deny that, and they were not able to based on our current ordinance. So, I think we need to be responsive to what our citizens and the people that we are appointing to represent us in that situation are asking."

Mayor Tecklenburg asked, "Would anyone else new like to be heard or go for a second round?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. The hour is late, and my thoughts on this have been well publicized, but I have a couple of things to say. This whole conversation, with all due respect, got off on the wrong foot, I think. We started at the point of a moratorium. That's not where we should have started this conversation. We should have started this conversation with planning, thoughtful, integrated, and the like. That's water over the dam and a mix of metaphors. It has to all be thought about it, especially when we're talking this issue, hotels, in particular on the Peninsula, though it effects the entire City. It has to be an integrated conversation, and we're here today because we never did integrate that conversation. Perception has become reality. Everyone on this Council, no one more so than me, gets their boxes filled about hotels every single day. So, we have to do something, and it's now time for us to do something, Mr. Mayor, and that's Council. We've got to move this thing forward, and we've got to

put it into a group of stakeholders that are ready to act and act now. We can't wait nine months, but it has to be stakeholders that come back. Whether or not we give this first reading tonight or deferral, it doesn't make any difference to me, and I'm not trying to trivialize it or minimize it. What's important is the action we take going forward in putting a group together that says bring something back that's appropriate, that's integrated, that's planning, and that this Council can get behind. If we don't do that, then again, we're just going to be going over this over and over and over again. We have had such mixed message on this. It's been mixed messaging. We've talked about moratoriums, but there have been some massive hotels that have been built. They have.

So, I don't know what this body's going to do tonight, but what we need to do tomorrow is start over again, recognizing that this is a community that wants us to act. With all due respect, it can't be just a redlined version of a tired, old ordinance. That's what we've got, a redlined version of a tired, old ordinance. It may be that that's what gets adopted. I don't know. I saw this for the first time, like everybody else, this past week. It may be something completely new. Maybe we look at the Overlay Zone. Maybe we eliminate it and have an absolute test. Maybe we have Mr. Lindsey and his staff identify where we should and shouldn't have hotels in this City based on a parcel by parcel investigation. We shouldn't be picking winners and losers. The Overlay does it. So, we've got to think about all of that. We've got to start tomorrow. I'm ready to go to work on this. We all need to be, but we just started in the wrong place with a moratorium, and we have to get through that.

So, Councilmember Shahid has made his motion that includes putting together a group of people, a small group of people. It can't be like the STRT Task Force. It can't go on for two years. We have to act because, again, what's going out there in the world is actually going slowly, but what's going out in perception is going quickly, and people want us to do something. So, we need to. We need to, and we can't sit around and wait. We have to take action. So, I support Councilmember Shahid's suggestion that we put together a group to go to work right away. How we get there tonight with first reading or deferral makes absolutely no difference to me because whatever comes back, I predict with some certainty, very different. Sitting here right now, I just believe that if we don't take an action tonight that says we're going to do something about this issue, we're making a mistake, but if we just go along with what's in front of us, that's also a mistake. We've got to take the lead on this one. We do."

Mayor Tecklenburg said, "Well, thank you. I think we have a combination of those two things. You know, the only time we even talked about the moratorium was, as Councilmember Jackson said, right after I became Mayor. Honestly, I talked with Council, and I knew a moratorium wasn't passed. I don't know if you all recalled, but we actually never brought it to a vote."

Councilmember Seekings said, "Right."

Mayor Tecklenburg said, "It never came to a vote, and I never proposed one to you since then. So, I got over that, and we looked at the other method that you described of coming to you with removing things from the Accommodations Overlay Zone. In fact, we got into a justifiable discussion about the removal of property rights when you're taking somebody's property out of an existing zone. Even though they could be rezoned back into it, and they still have to get a special exception, it is some removal of property rights. So, that didn't get very far either. This has got my support as anything that we've done, and my conversations with the Historic Foundation, the Preservation Society, and even representatives of the industry and Convention and Visitor's Bureau indicated there were parts of this that they really liked. So, once again, I think this is the combination to take some action to get us started, and then do the drill down."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I just want to make a few more comments because, you know, we've all spoken, and we've had some emotional comments so far, which we needed. I'm the youngest person on this Council, but I don't take it lightly how important it is to serve on this Council. Unfortunately, this hotel issue has brought out the worst in us. When I say that, I mean I read a comment in the paper where the Mayor said that Council just doesn't want to act. That, to me, really hurt because anytime we've had the amount of necessary information that we've needed, we've always acted. We've acted on STR's. We've acted on some really, really important issues in Charleston, and we're more than ready to act. We just need the right information, and we're not going to vote on something that isn't presented to us properly. You know, I'm just disappointed at how it's gone so far because I think that it's unfair for me or for anybody else to say that your relationship with the Mayor is a certain way, or you should meet with him on a monthly basis. No, I don't necessarily agree with that, and I don't think that we should have to call you, Mr. Mayor, in order to facilitate these things because we're not the ones who are putting the items on the agenda every week. In order for us to get something on the agenda, it takes an act of Congress, and it's the bottom of every agenda every single time, and we have to beg and plead for it to ever be anything of importance.

So, for you to bring something up to us, the communication has to be better. It hasn't been great so far. I don't want to worry about the past anymore. I think if we put something forward finally is a move in the right direction. The only thing I'm worried about is that if we give this first reading tonight, then we're giving the BZA different things that they can look at, but we're also directing a committee that can make changes. So, what happens if they make changes to the things that the BZA is taking into consideration? We might need our Legal Department to help us out on that one because we're directing this Committee that they can do whatever. They can change it in several ways, but we're also giving this first reading if we vote 'yes' to be held to some sort of standard. So, how is that going to work?"

Ms. Herdina said, "Well, Councilmember, until a final ordinance is passed, the BZA can't apply what is currently in the proposed ordinance to an applicant. So, there has to be a final ordinance in order for the conditions to apply to it, but by passing this, then the pending doctrine applies, which means new applicants could be held to the standard of the new ordinance if it's passed."

Councilmember Griffin said, "Right, but the committee would still have the authority to change it in any way needed --"

Ms. Herdina said, "Right."

Councilmember Griffin continued, "And it wouldn't necessarily hold the applicant responsible to how it looks right now."

Mayor Tecklenburg said, "Wait a second. I want us to be clear on this because wouldn't this committee, if they change a recommendation here, for it to become effective, wouldn't it have to come back here for second reading?"

Ms. Herdina said, "Absolutely."

Mayor Tecklenburg said, "And be incorporated? It's up to this Council to make any changes to what you would vote on tonight, not some committee that we appoint."

Councilmember Griffin said, "No, I know, but what I'm saying is there's language in this document that once we give it first reading it could be held accountable, but we're also allowing a committee to make revisions that would effectively come back to us. So, it is a little bit squirrely.

It almost makes more sense to defer it, so that we don't have any language that could be held accountable if we're going to give it to a committee and give them free reign to make changes."

Mayor Tecklenburg said, "No one's making the changes until it comes back and gets approved by us. Is that clear?"

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I completely agree and understand Councilmember Griffin because effectively what's going to happen is there's a pending ordinance in place. So, the BZA and the process is going to end up having to take that into consideration. Even though it's not been made law, and quite frankly, we all just went sort of round robin, including groups who help sort of architect some of this language who have said there are parts of this that they are happy with, but there are parts that they're not happy with."

Councilmember Griffin said, "That's what I'm saying."

Councilmember White continued, "So, by acting tonight and giving it first reading, we're on a slippery slope doing that. The second thing I would tell you is what it also is going to initiate is that anybody out there who reads this document, and it gets first reading, and they recognize it, 'Okay, what I want to get done fits in that document right now. I'm going to rush to make and submit my plans on based on that law and based on whatever we've given first reading'. There's going to be a rush to submit plans based on how it reads today, and quite frankly, there are parts of this, we heard from Historic Charleston when they got up, that they still aren't in agreement with that don't meet the criteria of what they were trying to have accomplished. Really, what this comes down to is this. This does not take a month to do. I've spent the last month and a half working on this, and I've got a file folder that thick. In two weeks, I promise you, we can bring this group together. I've already met with them all. That group of seven, I've already met with them. The difference is bringing them to the table collectively together to roll up our sleeves and to come to a conclusion.

It does not take 30 days, and I guarantee you, we can get enough of a framework in place in the next two weeks before our next City Council meeting that that group will come to agreement with because I promise you, based on my conversation that I've had with the preservation groups, with the stakeholders who are property owners, the hotelier, business owners, all the people I've had discussions with, are in agreement, conceptually, of how we want to have our City developed over time. The difference is they haven't all been at the table together. They haven't had the opportunity. That is what has to happen. I've been working on that now for a month and a half. I promise you, I can get that group together like that, and within two weeks before we come back here, I promise you we'll have a framework that we can all agree with and that the people who sit in this Chamber with can also agree with. For us to move forward tonight, giving it first reading, I feel like we're on a slippery slope, and I would just caution that we need to be very careful with that."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. What we have is a zoning issue. In the Overlay District, yes, we had some speedbumps, but from August until now, that should have been back to us. What we're doing is an end-run around the Planning Commission and City Council by putting all of this at the BZA. That's not the way it should be done. The BZA is designed to handle exceptions to the rule. Now, the problem is the rule, and the rule is at Planning. So, I agree with you, if we get the stakeholders around, I think you'll find that the answer is going to be

with our Zoning Code and proper utilization of the Overlay District, and that can be done very quickly. There are good things in here. But, why on earth would we pass something that has the vague language that this has in it? That's prescribed for litigation. The City just gets sued. As a matter of fact, Ms. Herdina, have we been sued on the Short Term Rental for the aspect about having your house on a National Historic Register?"

Ms. Herdina said, "Yes."

Councilmember Waring said, "Okay. We debated that on the floor of Council that we would get sued, and we talked about having some sort of Overlay to come up with that, hasn't come forward yet. Here we are bragging about that process. We knew, as stakeholders, that the ball was almost across the goal line, but one, and we wanted to get something through. This fixed that same process, the same process that we have vague language, but let's get it first reading, which gets us on that slippery slope. Then, we'll get some stakeholders shirking our responsibility, giving it to the committee, and then, when that committee develops ownership, we have to support the committee because they put all the work in. The final work has to be done by us, and if we don't do it properly, we should get voted out. The answer to this lies in Planning, in Zoning, not stacking up more applications for an exception at the BZA, and that's what this process does. So, I agree. Let's get the stakeholders together. Let's get the Planning Commission and all Council people together, and we can get this hammered out. Thank you, Mr. Mayor, but I will not be voting for the process we're talking about now because that gets us on a slope right back into litigation, and you know what, the taxpayers have to pay the brunt of that. That's not the way to run the City. I'll put a motion on the floor to defer."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "There's a motion to defer. So, I don't disagree with you that this is a Planning matter, and we, along with the Planning Commission, make those decisions for, I don't know how many, decades. This has been the chain by which you get a hotel approval in the City of Charleston, which is to have the base zoning, which is approved by Council and the Zoning Commission, that being in the Accommodations Overlay Zone, which is a Zoning matter. But for, I don't know how many years, as long as I can remember, then you had to get an Accommodations special exception in order to have the right to build a hotel. That's the way the City's been operating for quite some time, decades at least. I don't know who came up with this idea, but it seemed to have worked reasonably well because of the fact, if you just had the Accommodations Overlay Zone and said 'with your base zoning, you could go out and build a hotel, then you know, we would have no quality control or consideration of parking, drop off zones, other things that we've actually debated in this Council, isn't that right? About a year and a half ago, we actually agreed to some limited changes to this special exception set of parameters. We included the parking for employees and drop off zone. We just didn't go further than that to protecting the other uses and the affordability of housing. So, this is all discussion we've had before, and we're just trying to take some action to take this to the next step. I agree, it's not perfect. I don't know anything in this world that is. I hope I see it in the next world, but I agree with Councilmember Jackson. I think we sacrifice the good for the perfect if we don't get something going. It's very easy to say that in two weeks we can have this solved, but you know, we've had two full workshop sessions. We've been to Council four different times. If anybody would have brought me an idea or made an amendment tonight to anything that's on here, we could debate it. We could decide whether it is a good idea or not and include it. So, I ask for your support of the motion to approve this."

Councilmember Mitchell said, "Mr. Mayor, I'm going to call for the question because I think everyone knows how they're going to vote right now, and I don't think this is going to pass. I just

want to call for the question because we'll be here talking about this all night long, and I think we've had enough discussion, and now it's got me all confused."

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, City Council voted to defer the following bill:

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending 54-220 Accommodations Overlay Zone, by inserting language to preserve Mixed-Use Neighborhoods; prohibit the displacement of housing by accommodations and consider the effects of housing units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the housing units should be attached to an accommodations special exception approval; prohibit the displacement or reduction of office space by accommodations to be located within areas on the peninsula designated "A-1" on the Accommodations Overlay Zoning Map and on streets with office use as a predominant use; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on streets with ground floor, store front retail as a dominant use; prohibit an overconcentration of accommodations units within areas on the peninsula designated "A-1" on the Accommodations Overlay Zoning Map; and include a minimum and maximum size for accommodations facilities **(AS AMENDED)** (DEFERRED)*

The vote was not unanimous. Mayor Tecklenburg, Councilmember Mitchell, Councilmember Seekings, Councilmember Shahid, and Councilwoman Jackson voted nay.

Councilmember White said, "Mr. Mayor."

Mayor Tecklenburg said, "Oh, we've got one more item. I'm sorry."

Councilmember White said, "Mr. Mayor, can I just add, and before we called for the question, I was going to ask for this amendment to be accepted, but it's too late now. I would just ask that we all work expeditiously on this. So, my ask would be that by this Friday we have compiled the stakeholders group and that group has met for the first time by the following Friday with a report for our next City Council meeting. Quite frankly, I think that we can have by that first meeting, a fair amount of framework already put together, if everybody knows that it's a working meeting and not just sort of a 'how do you do' handshake."

Mayor Tecklenburg said, "Item four is an ordinance to amend the definition of moped."

Councilmember Gregorie said, "Move for approval."

Mayor Tecklenburg said, "We have a motion to approve. Do I have a second?"
Councilmember Lewis said, "Second."

Mayor Tecklenburg asked, "Is there any discussion?"

No one asked to speak.

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

An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 54, Section 223(3) to amend the definition of a moped.

Mayor Tecklenburg said, "Our next regular meeting will be Tuesday, May 14th at a place to be announced. Thank you. We stand adjourned."

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

Vanessa Turner Maybank
Clerk of Council