

## PUBLIC SAFETY COMMITTEE

May 21, 2021

A meeting of the Public Safety Committee was held this date beginning at 2:04 pm, by video conference.

Notice of this meeting was sent to all local news media.

### PRESENT

**Committee Members:** Councilmember Shahid (Chair), Councilmember Seekings (Vice Chair) (@2:06pm), Councilmember Shealy, Councilmember Mitchell, and Mayor Tecklenburg

**City Staff:** Chief Curia, Greg Chesher, Rick Jerue, Chief Julazadeh, Beth Brownlee, Julia Copeland, Susan Herdina, Jason Kronsberg, Lt. McLaughlin, and Velvett Simmons

#### 1. Invocation

The meeting was opened by an invocation led by Councilmember Mitchell.

#### 2. Approval of Minutes

On a motion of Councilmember Mitchell, seconded by Councilmember Shealy, the Committee voted unanimously to approve minutes from the April 26<sup>th</sup>, 2021 meeting.

#### 3. **An ordinance to amend the Code of City of Charleston, South Carolina, Chapter 17, Article V, Division 8 – Vending, Section 17-121 to add a new Section 17-121 (b), Rules and Regulations for mobile street vendor vehicles operating on private property in the Central Business District.**

Julia Copeland said that after the incidents on King Street several weeks ago, the Police Department was looking at crowd management options in the Central Business District for after midnight. One of the things they discovered was that there were mobile food vendors along King Street that were situated on private property under a lease agreement with a private property owner. The City's ordinances didn't address any situation with a mobile food vendor on private property. They only addressed mobile food vendors on City owned property. This was an amendment to add mobile food vendors operating on private property, so that they could control the hours of operation, specifically to shut them down at 1:30am, when the bars were letting out, to prevent crowd build up in the area of King Street. She said that Legal also wanted to add an amendment to a typo that was in section B(1)(d). They wanted it to read "no mobile food vendor shall operate outside the hours of 8:00 am to no later than 1:30 am."

Councilmember Mitchell clarified that this would also pertain to the mobile units that sold liquor. Mayor Tecklenburg asked if this would also apply to food carts, not just trucks. Ms. Copeland said that they had mobile food vendor vehicles defined as "self-contained motorized vehicle equipment," so she didn't think it would necessarily cover a push cart. Mayor Tecklenburg suggested amending it to include non-motorized vending carts, as well. Councilmember Shahid asked what section the Mayor's amendment would fall under. Ms. Copeland said it would be under section B(1)(f). Councilmember Seekings said they needed to put that amendment in there because about 90% of the food vendor services along King

Street, particularly at night, were carts, not vehicles. Councilmember Mitchell said he didn't have a problem with the amendment, but he wanted to know why it was set at 1:30 am instead of 1:00 am. Rick Jerue said that's when most of the bars started doing last calls. Their goal was to try to coordinate that with the last call, so that when people left the bars at 1:30 am they wouldn't congregate on the street at the food vendors. Ms. Copeland said the soft closing for bars for the ordinance was 1:30 am, which was when people would be pushed out. Councilmember Mitchell said that's why he wanted to know why it wasn't at 1:00 am, if the bars were closing at 1:30 am. If they closed at 1:00 am, they would be out of the way by the time the bars closed.

Councilmember Shahid asked if anyone from the Fire Department wanted to add anything. Chief Julazadeh said he would work with Legal to address any other language items to make sure it was consistent with other permits. He also said that in B(1)(a) the language flipped back to "mobile food truck," and that it would be more consistent if it said "mobile food vendor." They had seen tents, tables, and trailers, so mobile food vendor was more all-inclusive terminology. Mayor Tecklenburg said that was an excellent point. Chief Julazadeh said that individuals producing paperwork and a permission that the operator was allowed to be within 250 feet of the restaurant was going to be very difficult for people on the street to enforce. He wasn't sure how they could address that and expect them to have a signed letter from a business owner saying they could violate that 250 ft. provision. Councilmember Shahid asked if he would prefer that they take the 250 ft. provision out. Chief Julazadeh said he recommended that either they have the restriction or they don't. Similar to Church and the residential neighborhoods, maybe they could have a 100 foot restriction. Susan Herdina said the language in it said that if the restaurant gives permission to the food truck vendor, the vendor can operate within that 250 ft. zone.

Councilmember Shahid asked if they should take out section B(1)(a) altogether. Ms. Herdina said that it was put in there initially because a lot of the brick and mortar folks didn't appreciate the mobile food vendors being near their businesses. Mayor Tecklenburg asked if this provision existed before because he couldn't think of a vendor that wasn't within 250 ft. of a restaurant. Ms. Herdina said they had been looking at the Greenville ordinance, which had been very successful, and the genesis factor of this was the competition factor. Mayor Tecklenburg said he hadn't been hearing complaints about that, the main purpose for this ordinance was the time of operation and to reduce gathering that had been occurring after two o'clock in the morning. He asked if anyone had been hearing complaints about the food vendors being there. Chief Julazadeh said there were general concerns over mobile food vendors from brick and mortars and the ability of food trucks to operate too close to their business. Councilmember Shahid recommended keeping it as it was and potentially amending it before full Council on Tuesday, if they needed to. Mayor Tecklenburg asked if they could reduce it to 100 ft. restriction since there were so many restaurants out there and it would be fairly restrictive to stay 250 ft. away from all restaurant entrances.

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, the Committee voted unanimously to amend section B(1)(d) to say "No mobile food vendor may operate outside the hours of 8:00am to no later than 1:30am."

On a motion of Mayor Tecklenburg, seconded by Councilmember Seekings, the Committee voted unanimously to amend section B(1)(f) to amend the definition of mobile food vendor vehicles to include non-motorized carts.

On a motion of Councilmember Mitchell, seconded by Mayor Tecklenburg, the Committee voted unanimously to amend section B(1)(d) from 1:30am to 1:00am.

On a motion of Mayor Tecklenburg, seconded by Councilmember Shealy, the Committee voted unanimously to amend section B(1)(a) from 250 feet to 100 feet and to change all references of “mobile food vehicles” or “vendor vehicles” to “mobile food vendors.”

**4. An ordinance to amend the Code of City of Charleston, South Carolina, Chapter 21, to add a new Section 21-114 to establish a youth curfew in the Central Business District.**

Ms. Herdina said this was a proposed ordinance to establish a youth curfew in just the Central Business District. It was another tool that the Police Department and City were looking at to assist in responding to what had happened over the past few weeks there. The curfew, which was modeled after Columbia's, applied to youth under the age of 17. It would be unlawful for a juvenile to remain in a public place, to remain in a parked motor vehicle, or to remain on the premises of a bar, restaurant, or corner store within the Central Business District after 12am and before 6am. There were some other prohibitions with it, but there were exceptions. The exceptions were if a parent or person responsible for the juvenile was with them, if the juvenile was engaged in employment or was returning to or from his/her home or other lawful activity, or if the juvenile was attending an activity sponsored by a school, church, civic organization or things of that nature. She said the Police could speak to why it was thought that this would be an effective tool. The easy rationale was that they had seen children who did not need to be on the street past midnight. Councilmember Mitchell said he had spoken with Chief Reynolds earlier and told him that they needed to make sure this was put out and people knew what it was about because they didn't want the ACLU coming after them and talking about discrimination. He said they were doing it for the safety of the young people in the community and trying to keep them and everybody else safe. Councilmember Shahid said the whole purpose of this was to address what happened a couple weeks ago and future issues. Councilmember Mitchell clarified that this was for people under 17. Lt. McLaughlin said the ordinance had a lot of potential. Right now, if you had people that were going around and doing things you might not want them to be doing, Police couldn't do anything unless there was an offense. This would give them the option to encourage them to leave. Mayor Tecklenburg asked Lt. McLaughlin if he could confirm if some of the recent incidents were by individuals 16 and under. Lt. McLaughlin said there had been a 15 year old, 16 year old, and two 17 year olds found in a car with 4 guns. At an incident at 63 Mary Street, the victim was 17 years old and other people in the crowd had been teenagers. He said the ordinance wouldn't cover everybody, but it would give them something to start with.

On a motion of Councilmember Seekings, seconded by Mayor Tecklenburg, the Committee voted unanimously to approve an ordinance to amend the Code of City of Charleston, South Carolina, Chapter 21, to add a new Section 21-114 to establish a youth curfew in the Central Business District.

**5. Executive Session to receive legal advice regarding construction on Fire Station 11.**

Ms. Herdina said they would like to add an executive session to the agenda regarding construction on Fire Station 11. There was an urgent timing matter that needed to be discussed.

On a motion of Councilmember Shealy, seconded by Councilmember Mitchell, the Committee voted unanimously to add an Executive Session regarding construction on Fire Station 11 to the agenda.

On a motion of Mayor Tecklenburg, seconded by Councilmember Shealy, the Committee voted unanimously to enter into Executive Session at 2:32 p.m.

On a motion of Councilmember Mitchell, seconded by Councilmember Seekings, the Committee voted unanimously to come out of Executive Session at 2:45 p.m.

Having no further business, the Committee adjourned at 2:46 pm.

Andrea Derungs  
Clerk of Council's Office