

COUNCIL CHAMBER

Regular Meeting

May 28, 2019

The seventy-sixth meeting of the City Council of Charleston was held this date convening at 5:49 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media May 22, 2019 and appeared in The Post and Courier May 26, 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	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 5:49 p.m.

The Clerk called the roll.

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

Councilwoman Jackson opened the meeting with an invocation.

Councilwoman Jackson then led City Council in the Pledge of Allegiance.

Mayor Tecklenburg said, "Now, just a general announcement, and many of you all have been here before but, just in case, in the most unlikely event that we needed to evacuate the premises, these are our two main exit doors. There is also an exit door from the room to my right. If that were to occur, please don't use the elevator, but simply use the two stairs going down and then the one stair out to the front. Thank you.

So, just a reminder to everyone, probably not needed, I'm so pleased and proud of our Spoleto Festival USA that is currently underway along with our City's own Piccolo Spoleto Festival. These guidebooks are available, I think, out in the hallway and downstairs. There are tickets available for many of the hundreds of events. They're really remarkable going on all over the City, including our new Cannon Street Cultural Arts Center. So, please check out the remaining, I think, still 14 days or so, maybe 13, of Piccolo and Spoleto USA.

Next, I would like to have a proclamation remembering a colleague of ours, former Councilmember Rodney Williams, who passed away recently. Many of you were at his funeral, many of the Councilmembers. So, if I may just read a portion of this proclamation."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "He will be deeply missed here by myself and by the City of Charleston. I had a proclamation for his family and presented this to them at his funeral as an expression of the sincere regret that we hold for his loss. We know that they will find comfort in the memories of Rodney's many, many accomplishments. Thank you.

Next, I'd like to invite some folks up to the stage with me, the platform. This is a proclamation on Gun Violence Awareness. So, would Jean Sutton and Kristen Moldenhauer and Moms Demand Action, as well as those here with We Are Their Voices join me as I read a Gun Violence Awareness proclamation? Please come forward. For those of you who may not know, We Are Their Voices is led by a group of parents who have lost children to incidences of gun violence, many right here in the Charleston area, and they've joined together to raise awareness and advocate for responsible gun ownership. That's why we're all wearing these little orange ribbons today in support of this cause. Thank you all for being here this evening. I really appreciate it."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "I would ask if one of the representatives would like, Jean or someone, to come forward and make a few remarks, but it's not necessary."

There was laughter in the Chamber.

Jean Sutton said, "Thank you."

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

Ms. Sutton said, "I just want to say thank you for acknowledging National Gun Violence Awareness Day. Our organizations united together because we need to be the voices of those who lost their lives to gun violence and make sure that no other families and communities have to go through this. We thank you very much for this, and we appreciate it."

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "Thank you very much for being with us. Would anyone else like to speak?"

No one else asked to speak.

Mayor Tecklenburg said, "Thank you all for being with us and for what you do. Did you all want to do some candles? We missed that. There were some commemorative candles maybe that were part of our recognition of Gun Awareness Day. Well, we'll save that for June 7th."

Ms. Sutton said, "Okay."

Mayor Tecklenburg said, "Well, thank you for being with us again. God bless. Next, we go to our public hearings. We have a few of those, seven of them today. Mr. Morgan, with our Planning Department, will announce each one of these as they come forward, and then we will hear from the public on each of these matters. I would ask that you, please, address the subject at hand, and limit your remarks to two minutes when you come forward to address us. Mr. Morgan."

Christopher Morgan said, "Thank you, Mr. Mayor and members of Council. The first item, E-1, before you is a recent annexation at 2037 Lake Shore Drive on James Island. It's a Single-Family residence. It would come in the City with the SR-1 classification, and staff and Planning Commission recommend approval."

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 Griffin said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Griffin, 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 2037 Lake Shore Drive (James Island) (0.21 acre) (TMS #343-03-00-156) (Council District 11), annexed into the City of Charleston April 23, 2019 (#2019-028), be zoned Single-Family Residential (SR-1) classification. The property is owned by East Bay Air LLC.

Mr. Morgan said, "Item E-2 is on Clements Ferry Road. It's undeveloped property south of I-526 and west of the Daniel Island development over towards the Cooper River side of the Cainhoy Peninsula. It is tracted with approximately six acres. It would be zoned RR-1 in the City of Charleston. There is a companion tract just to the south across another parcel. Both are contiguous in the City and, if you can see that other companion tract, the six-acre parcel is the larger parcel shown in yellow. The one-acre tract is the smaller one, and it's shown in yellow on Clements Ferry Road, the southern end, and here is the other image here. That's also zoning E-3, and both of these properties are recommended for RR-1, Rural Residential, and both staff and Planning Commission recommend approval of that zoning designation."

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, "That's E-2 and E-3?"

The Clerk said, "It's Item E-2."

Mayor Tecklenburg said, "Just Item E-2."

Councilmember Mitchell said, "Both of them are the same."

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

2019-037 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, "Mr. Morgan, E-3."

Mr. Morgan said, "Again, this is just to the south. It's the one-acre parcel south of the six-acre parcel on Clements Ferry Road recommended for RR-1 both by staff and Planning Commission."

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

No one asked to speak.

Councilmember Griffin said, "Move for approval."

Councilmember Moody said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

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

2019-038 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)**

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "This is E-4, another annexation, a Single-Family residence in West Ashley at 2234 Portside Way. Both staff and Planning Commission recommend SR-1 zoning for the property."

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

No one asked to speak.

Councilmember Griffin said, "Move for approval."

Councilmember Lewis said, "Second."

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

No one asked to speak.

On a motion of Councilmember Griffin, 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 2234 Portside Way (West Ashley) (0.29 acre) (TMS #353-12-00-016) (Council District 2), be zoned Single-Family Residential (SR-1) classification. The property is owned by Elizabeth Bohler Eubanks.

Mr. Morgan said, "Then, E-5 is an ordinance amendment to a PUD that you all had seen in the last couple of years. This is the Fenwick PUD along Maybank Highway on the north side of Maybank Highway and the east side of River Road. In the whole scheme of things, it's a relatively minor amendment. We've got some images that will kind of explain it. This relates to the Commercial potential in the property. Here, you see the property again on the north side of Maybank Highway, but it is a PUD that includes both Residential development, as well as Commercial development. Here, you see an outline in a little bit more detail. Of course, this PUD is providing the right-of-way for the Northern Pitchfork road which should be getting underway later this year. The amendment relates to hours of operation of some of the Commercial uses in the Commercial component allowing food stores, eating places, drugstores, things like that, to be open as early as 5:00 a.m. to midnight. The PUD originally stated 7:00 a.m. to midnight, so a relatively minor change there. Then, a change in building frontage where a 65 percent ratio had been required, now none would be required. This relates to the fact that the PUD would also be changed to, instead of having a 30,000 square foot maximum in the Commercial area, you could go up to a 55,000 square foot maximum, but it would be restricted to one particular location. There would also be a driveway allowed should it be permitted by the SCDOT and have all of their standards met. This image here shows the Commercial area in orange. The square at the middle would be the location that the 55,000 square foot Commercial use could be established. Should the PUD amendment be approved, and should a 55,000 square foot storefront be utilized there, then all other Commercial buildings would be limited to 15,000 square feet instead of the 30,000 square foot limit that is in the PUD at present. Both staff and Planning Commission have reviewed this and have been comfortable with these changes. They are still in keeping with the spirit of the Johns Island Plan because this is one of the community centers in the Johns Island Plan. It would still be a walkable location. It just might have a bigger store footprint within that location."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Please come forward."

No one asked to speak.

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

Councilmember Griffin said, "Move for approval."

Councilmember Lewis said, "Second."

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

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. Mr. Morgan, I was just curious if any of your maps there have a good delineation of the Pitchfork route?"

Mr. Morgan said, "They do. This is a map that shows the Pitchfork route. You mean in reference to this particular PUD or the whole system?"

Councilwoman Jackson said, "Well, this one in particular, but do you have an expanded one? That would be good."

Mayor Tecklenburg said, "This blue line here would be the Northern Pitchfork, right?"

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg said, "Right there."

Councilwoman Jackson said, "So, that basically frames the PUD?"

Mr. Morgan said, "Yes. Well, it goes through the middle of it, essentially. On the northern side of that road is a Residential area, and then there is a Commercial area on Maybank."

Councilwoman Jackson said, "So, it frames the Commercial area, essentially."

Mr. Morgan said, "Yes, this is where the Commercial area is."

Councilwoman Jackson said, "Right. Okay."

Mayor Tecklenburg said, "This is it as well."

Councilwoman Jackson said, "Okay, and then how much is Residential? How many acres is that on the other side of the Pitchfork?"

Mr. Morgan said, "I would have to go back and look at that. That is not changing in this amendment."

Councilwoman Jackson said, "Just to put it in proportion."

Mr. Morgan said, "I actually don't think I've got the total number of acres in here because that was not one of the pages that was being changed."

Jacob Lindsey said, "Christopher, 26.2 acres."

Mr. Morgan said, "That's just the Residential component."

Mr. Lindsey said, "That is correct."

Councilwoman Jackson said, "Yes, that's what I'm asking."

Mr. Morgan said, "You were asking about the Residential component?"

Councilwoman Jackson said, "Yes."

Mr. Morgan said, "Okay, I'm sorry. I thought you were asking about the whole PUD. Okay, 26.2."

Councilmember Griffin said, "All of that is 44.89 acres."

Mr. Morgan said, "Yes."

Mayor Tecklenburg said, "26 acres are Residential."

Councilwoman Jackson said, "Okay. Thank you."

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

Councilmember Shahid said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "I think we had a motion on the floor."

The Clerk said, "Yes, we do."

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Planned Unit Development (PUD) Master Plan and Development Guidelines for property located on River Road and Maybank Highway (the Village at Fenwick PUD – Johns Island) (approximately 44.891 acres) (TMS# 346-00-00-004, 076 and portions of 346-00-00-258 and 259).

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "The next item is E-6 which is an amendment to a PUD in West Ashley. This is the Verdier Pointe PUD. It was on your agenda a month or so ago and was deferred, but this is an amendment that would allow this PUD, that was approved a number of years ago, to be kind of recalibrated with today's market demand and with the information that the developers know in reference to wetlands and highland on the site. It would involve, this is the property on Bees Ferry. It's adjacent to the Grand Oaks Development. Already, a Residential Multi-Family apartment community has been built on site utilizing some of the units that are within the PUD, as well as a new roadway that comes in to Bees Ferry Road. It lines up with Sanders Road where, ultimately, a signal will be installed on Bees Ferry Road here. Here is an image that shows the overall land uses in the PUD. Again, the Multi-Family is the orangish color. The Residential that would be subject to the PUD is the area crosshatched. The Mixed-Use area is in red along Bees Ferry with a parallel connecting road that would provide access to that Commercial area as well, without individual driveways on Bees Ferry, and it would allow attached Single-Family dwellings as a permitted use which the previous PUD had not allowed that other than the Multi-Family. It would reduce frontage and rear setbacks. It would increase maximum lot coverage to 40 percent, and increase maximum number of dwelling units without increasing the maximum density because there have been some changes in the wetland and highland on the site. It's really only going up by six total units anyway and it's the exact same maximum density as before. Both staff and Planning Commission recommend approval of these changes."

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

No one asked to speak.

Councilmember Shahid said, "Move for approval."

Councilmember Griffin said, "Second."

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

No one asked to speak.

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

An ordinance to amend the Verdier Pointe Planned Unit Development Master Plan and Development Guidelines, adopted by Ordinance #2008-158, by modifying the Land Development Guidelines and associated site plan for properties located on Bees Ferry Road (TMS# 301-00-00-028, 301-00-00-673, 301-00-00-674 and 301-00-00-677).

Councilmember Moody said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I know we've got one more item here, but I was thinking about the public hearings and all of this zoning. At the Real Estate Committee meeting, and I think you were in there Chris, we talked about annexing this property in and all of this stuff. I'm looking at all of this. We look at these PUDs and at all of their drainage. We annexed some of these lots into the City, and we don't have all of the easements and everything we need on some of the property. What do we need to do to make that part of the process? Is that something we need to bring and put it in an ordinance or something that needs to be considered?"

Mr. Morgan said, "We are addressing that on a couple of fronts. We are revamping our annexation process to look at drainage, flood zones, and elevation issues as part of the annexation process. Then, when those properties are developed, of course, they go through our Technical Review process. At that time, just like with any new development, if there is an easement needed, we would get them to provide it. The overall design of the stormwater would be put together, so detention ponds and things like that would be calculated and examined. So, we look at it on both of those fronts."

Councilmember Moody said, "I guess what really brought it home to me, we were talking about several neighborhoods West of the Ashley that have been developed, they're already in the City, and we don't have easements. We've got ditches, but we don't have easements to go in and clear them out, so if we annex some of this property, we ought to require that these people provide, if they don't already have an easement on that property. They ought to provide an easement at least on that lot, so as we move down the road at some point, we can address some of these drainage issues and not have to go back, condemn a property, pay for it or whatever."

Mr. Morgan said, "As part of this kind of revamp of the annexation process, we'll be able to do that because Stormwater will be providing input to each of those lots that gets annexed as we bring them in."

Councilmember Moody said, "Alright. Thank you."

Mayor Tecklenburg said, "Yes, we had requested that be done. I forget at what meeting the conversation came up, but I asked staff to kind of revamp that."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "So, Christopher, just to clear that up. So, a lot of times when people annex in they're asking for an increase in density, as well. Are we going to be able to see what they've done in drainage at that point up front? Because one thing that I always cringe at is it gives so much more density to annex them in, and we haven't seen any of their drainage and how they plan to drain their property. Are we going to get that information sooner now?"

Mr. Morgan said, "That will be part of the staff examination of each annexation. Is it in the location, based on its elevation, that the density that's being requested. Number one, we always check it to make sure it conforms to the Comprehensive Plan, but two, that it conforms to our drainage plans and our knowledge of that particular area and its drainage issues."

Councilmember Griffin said, "Thank you."

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Okay, and the final item, E-7, has been deferred. It was discovered that the Opportunity Zone Ordinance Amendments had an error in what went to Planning Commission versus what went to Council for a first reading. So, we're going to kick it back to Planning Commission to correct that error, so it would be deferred from tonight's agenda."

Mayor Tecklenburg said, "But since it was advertised, would anybody like to address the Opportunity Zone? Yes, sir. Please come forward."

1. Anthony G. Bryant spoke of the Opportunity Zones and some of the enterprise and empowerment zones and referenced the 1970, 1986, and 1994 crime bills. He said the crime bills played a major role in high school dropout rates, and dysfunctionality of families. He had made a public comment across the street regarding a Notice of Intent and Reappointment. This was on the record for Mayor Tecklenburg tonight to be added to the Planning piece because of the dropout rates. He referenced the census tracts and said many people could not afford legal counsel. They didn't have the net worth or the capacity to protect civil rights, their lives, liberty, and pursuit of happiness. He was a former member of the Board of Zoning Appeals, and they needed to deal with this issue. That was why he used his credentials to get opportunities in those zones for minority businesses who couldn't get insurance bonding, and to provide opportunities for those projects. Many in the census tracts did not have any wind, hail, or any type of flood insurance. He said \$9.6 billion was being held up in Congress, and Senator Scott needed to get that through to the President because hurricane season would begin June 1st. The Flood and Water Commission, which he served on, had a billion dollars available for the census tracts that were in critical need of help. He said they hoped that Council would have a meeting in terms of flooding and floodplains.

Mayor Tecklenburg said, "Thank you, sir. Did anyone else want to be heard on the Opportunity Zones?"

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "So, I was thrown off by this because obviously it said it was up for second reading, and I knew we hadn't seen this before. So, I was really kind of confused by all of that. But, one of the things that I want to point out and this is, maybe staff can share this with the Planning Department, at least this Councilmember's opinion of this situation. The way this ordinance reads for the Opportunity Zones, it's the first section of the first paragraph that basically says that any property within an Opportunity Zone would immediately receive all of the benefits of an MU-1 or MU-2 designation without having to go through rezoning. Well, if our intention is to have every property in the Opportunity Zone become an apartment complex, that's a terrible idea. I'm not sure where this came from and why we even are contemplating this but, if you think back, every property that's changed zoning to MU-1 or MU-2, that I can recall, every single one has been an apartment complex. To say that we blanketly want to take every property

in the Opportunity Zone and give it by-right, basically, the designation of becoming an apartment complex. If you want to talk about lack of vision, that there is the most, I don't even know what to say about that. So, I stopped reading it after the first sentence, but the Planning Commission needs to know, from at least this City Councilmember, that I'm not sure where this came from and why we're even contemplating doing this. I think that is the most irresponsible lack of vision process from a planning perspective of our City that I've ever seen. So, I'll get off the soapbox, but that's in a no-fly zone for me. Thank you."

Mayor Tecklenburg said, "Thank you, sir. I know this matter did come to the Community Development Committee, and then from the Committee, it went to Planning Commission."

Mr. Morgan said, "It had a first reading before Council."

Mayor Tecklenburg said, "It had a first reading here before Council, so we have seen this before at Council."

Mr. Morgan said, "Then, there was some discrepancy in the language about the incentives that the Planning Commission reviewed that we need to correct, and it's going to go back to Planning Commission and back to Council."

Mayor Tecklenburg said, "Okay. Thank you. So, I'm sure we can discuss this when it comes back to us for second reading from Planning Commission."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Can we get Mr. Lindsey from Planning or Christopher to address Councilmember White's question?"

Jacob Lindsey said, "So, this was initially proposed by our then Head of Business and Neighborhood Services. These initiatives were specifically proposed to help get more affordable housing in areas that are in the Opportunity Zones. That's why you see certain incentives. As the Mayor did mention, this was incorrectly given to Planning Commission. So, there is going to be another hearing before Planning Commission, and then it will come back to you. So, there is plenty of time to have additional discussion. But, it was designed to and those incentives are there in order to get more affordable housing in the areas where you have Opportunity Zones."

Councilmember White said, "Well, the only thing to that is we pass laws, but we need to understand what this is actually creating, and this requires vision. So, I want you guys to think through this process with me. If we were to change the zoning as it's dictated here, every single developer who has opted to do MU-1 or MU-2 has also opted to pay a fee-in-lieu, which means that there will not be affordable housing. They paid a fee, so that they don't have to build the affordable housing. This will not work. You will end up with apartment complexes in every parcel of the Opportunity Zone, and they get tax incentives for doing it. So, it's already financially feasible. It's going to become even more financially feasible to do it when you get tax incentives. It's not going to create affordable housing. They're going to pay the fee-in-lieu. We've raised almost \$5 million in fee-in-lieu already because, as I recall, I think, Mr. Mayor, you stated this, everybody has opted to pay the fee-in-lieu if I remember correctly, everyone."

Mayor Tecklenburg said, "Which has been a great benefit to our affordable housing program."

Councilmember White said, "Surely, but if the intent is to put affordable housing in the geography of the Opportunity Zone, this 100 percent will not do that, 100 percent. This will just put apartment complexes in every Opportunity Zone, parcel bar none. Again, I don't want to get on a soapbox, but this is a grand example of what we've got to think through and be more mindful and create more vision for what we're doing with our City. We're getting ready to hear about hotel ordinances, and yet, we're just creating a vacuum in an area where we're not really thinking through what we're going to end up with, and that's what we ultimately end up with. Then we're going to come back and say, 'Oh, man, we shouldn't have done that.'"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I do think that this could probably deserve its own work session with the Planning Commission. I think we need to get back to the reasons that we're having to scramble around and design something that we're calling zoning for Opportunity Zones because the Federal Government has basically created tax incentivized development through this Opportunity Zone Program. The whole purpose of that is to supposedly engender affordability, both in housing and in Community Development business opportunities for neighborhoods that have been suffering from the disparities that our nation is all too familiar with. So, I've never liked the Opportunity Zone concept as it came down from the Federal Government because everyone said, as a predictor, if you read anything about it ahead of time, that it was going to be one of those programs that would have the unintended consequences that would create gentrification and high end housing in places that we really don't want here in Charleston. My understanding of this ordinance right now though, and maybe I'm wrong because I've only read it myself and haven't really discussed with anybody else, but I didn't think that we were actually adding the entire MU part of the ordinance to what we have here as the amendments for the Opportunity Zone neighborhoods, the actual territories that we have to call Opportunity Zones, that the Federal Government told us we had to call Opportunity Zones. So, I don't read in here that they have the option of having a fee-in-lieu but, if they do, I would agree with Councilmember White. We won't see a lick of affordability, especially since one of the additions to this ordinance, that I labeled as good as I was reading it, was that it was starting with a 60 percent of AMI cap. So, if we're adding the fee-in-lieu in addition to this, then I would totally agree with Councilmember White. I'm glad we have the opportunity to defer it. I think we do need to have an interest group that would discuss it and come back with something, but we cannot contain the Opportunity Zone as a program, Councilmember White. It's designed to build housing and hopefully find the kind of entrepreneurs who are going to take advantage of this from a tax incentive for themselves to go along with the spirit of the law and not the inaccuracies of how this is coming down to us."

Councilmember Waring said, "Mr. Mayor, I make a motion to defer."

Councilmember White said, "Second."

The Clerk said, "It's deferred. The Planning Department deferred it."

Mayor Tecklenburg said, "It's already deferred by staff because it's got to go back to the Planning Commission before it comes back to us."

Councilmember White said, "Mr. Mayor, can I make one more comment about that as far as the location of the Opportunity Zones?"

Mayor Tecklenburg said, "Sure. Councilmember White. Number three."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I think that the most interesting thing about the concept, in the City of Charleston, the Opportunity Zones, is we have very, very few areas that are actually part of the Opportunity Zone. But, if you go look at the map and where the Opportunity Zones have been designated in the City of Charleston, Halls Chophouse is right in the center of it. I'll leave it there."

Mayor Tecklenburg said, "Well, I would respectfully say if you looked at the map, they're close to the southern end of it, Councilmember White. It is a Federal Program that basically gives a capital gains tax benefit to real estate investment and business investment, as well. So, you could build any kind of facility improvement and enjoy the Federal tax benefit. So, the whole intent of this thing was just to try to address our affordable housing need in the City and to facilitate that if someone wanted to invest in Charleston's Opportunity Zone that they think about affordable housing, rather than some other option, because you can build a storage center and get the tax break, if you will. We intentionally brought this forward to have a discussion, and we took it to Community Development Committee, I think, twice and had a pretty robust conversation there about helping facilitate affordable housing development in our City, that this might be just the way to do it. I'm open to any improvements you want to suggest to it, and we've got time since it's going back to the Planning Commission before it comes back here. I look forward to that."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, if this is going back to the Planning Commission, shouldn't we send something with it? The Planning Commission needs a little help in some of the discussion that's been around the table. I remember Councilmember Lewis saying in Community Development that this is the last frontier. Councilmember White is right in that the apartments, the developments that have already occurred, have been high-end apartments that didn't include one affordable unit. This was an attempt to try to slip something in on that through our capacity. I know the Opportunity Zone is a Federal Program, but the zoning is within the auspices of this Council, the Mayor, and the City. Should we send this back to Community Development?"

Several Councilmembers said, "Yes."

Councilmember White said, "I'll be honest with you, and I'm actually on Community Development, and I recall us having discussions. I have to admit, I don't even recall this. I guess maybe it was a late night or something. I didn't even recall that we had the opportunity to have this first run, but I don't recall in Community Development that we actually had the full ordinance, and maybe I'm wrong about that. I think we had a broad discussion, but did we have this ordinance in front of us? I don't recall that."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "We referred it to Planning, just the Opportunity Zone, because when we explained about the Opportunity Zone this is not the way we were looking for the zone to come back down from the Federal Government, but they dictated how they were going to do the Opportunity Zone because we thought this Opportunity Zone was going to act the same way as the Enterprise Zone as in getting into the blighted area. But, that's not the way it came back, and then we didn't have any say so on it, so that's what happened."

Councilmember Waring said, "Well, why don't I make a motion to defer, but have it go to Community Development."

Councilmember White said, "Yes, I'd second that."

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg said, "Well, it's already deferred, but if you want to make a motion to send it back to--"

Councilmember Waring said, "I was looking at my agenda, and on the agenda, it doesn't show it as being deferred."

Mayor Tecklenburg said, "I think we announced that. It was deferred by staff because of that reason, but if you want to make a motion to send it back to Community Development for a third discussion that would be great."

Councilmember Waring said, "That would be my motion."

Mayor Tecklenburg said, "Do I have a second?"

Councilmember White said, "Second."

Mayor Tecklenburg said, "We have a motion and a second to send it back to Community Development."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I think that's the best course of action, too, because I don't want something going to Planning that's worded different than what we voted on. So, I would rather take this from the beginning if we're going to change the language. We've kind of gone about it in a weird way. We might as well start over on this and have it go back to Community Development and then come back to us for a first reading and make sure that we have the language right. Because for us to go back to Planning, and it's worded differently than what we have voted on the first time, that, to me, is going to be very confusing when it comes back."

Councilmember Shahid said, "Call the question, Mr. Mayor."

On a motion of Councilmember Waring, seconded by Councilmember White, City Council voted unanimously to defer Item E-7 and send it back to the Community Development Committee before going to the Planning Commission:

*An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 54, to amend various sections and add others related to the implementation of the Federal Opportunity Zone Program. **(AS AMENDED) (DEFERRED BY STAFF)***

Mayor Tecklenburg said, "Now our minutes from May 14th are deferred, so we're going to move on to our Citizens Participation Period. It is normally a 30-minute period. We have about 20 folks signed up. I think a few of them have already spoken, so I'm going to ask everyone when you give your name and address, to limit your remarks to a minute and a half so we can move along. Madam Clerk will call about four or five names, and if you all would come forward and queue up, we look forward to hearing from you."

The Clerk said, "Anthony Bryant, Mohammed Idris, Gus Molony, Marc Knapp, and Jimmy Kerr in that order, please."

1. Anthony G. Bryant said he was on his mother's porch reading a book when someone called the City of Charleston Police Department. When the police came, that was an official observation. The Stand Your Ground law undermined the City's Hate Crime bill because an individual saw Trayvon Martin and used force on him. The Second Amendment had always been used to justify force on Black men, and many African Americans could not afford legal counsel, and they had no recourse. They just had Civil Rights in name only. That was his experience after he closed on his comment with the Federal Court regarding these issues of the Second Amendment in terms of how it had been used and applied to African Americans.

Mayor Tecklenburg said, "Thank you, sir."

2. Mohammed Idris said the action of Mayor Tecklenburg which dealt with Ms. Wineglass' money was the action of a thief, and Mayor Tecklenburg should be charged with misappropriation of funds and stealing. The Mayor had already pled guilty, so he asked what the delay was. The City had locked up people who said they weren't guilty of a charge and evidence showed such. He knew about this because he was the person he was talking about and was falsely accused. He said the Prophet Moses' staff turned into a snake, so he was glad the staff of Mayor Tecklenburg was being checked.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Gus Molony."

3. Gus Molony said on October 30th a young girl by the name of Kacey Jay had too much to drink. She drove her car and plowed into and practically over a pedicab and fled the scene of the accident. She was chased down and stopped about a half mile away from where the accident occurred. The police came. She took a field sobriety test, and she failed it. She took a breathalyzer test, and she blew a .24, which was three times the legal limit. There was a dash cam video that caught the whole incident from beginning to end which was on YouTube for everyone to see. He had absolute confidence that justice would be done in this case. On May 16th, she entered a guilty plea for DUI first and was given a fine of \$187.00 and 24 hours of community service. He wanted to know why she wasn't charged with additional crimes, such as fleeing the scene of an accident, failure to render aid, reckless driving, and speeding. He wanted to know why the prosecutor, after telling him that he would accept nothing less than the full penalty of the law, accepted a guilty plea for her for a lower alcohol content which effectively lowered the minimum fine.

The Clerk said, "Time."

Mr. Molony continued and said the fine was lowered from \$1,000.00 to \$500.00, and the jail time was lowered from 30 days to just 72 hours.

The Clerk said, "Time."

Mayor Tecklenburg said, "Thank you, sir."

Mr. Molony said this was half his point, but that Council got it.

Mayor Tecklenburg said, "We get it. Thank you. We want to know, too, sir."

The Clerk said, "Marc."

4. Marc Knapp said he didn't know how many times he had to tell Council about the traffic lights as almost every morning he left home and came up Hwy. 17. He almost stopped every day at Dupont Road at 6:30 and 7:00 in the morning. They needed to fire some people as somebody was lining their pockets and not doing their job. As for the Police Department, he hadn't been able to find the Chief, and he hadn't called him back, but one of his men was arrested improperly. He was African American and was sleeping in a truck at 3:00 a.m., but he had a Concealed Weapons Permit. The police arrested him for having an illegal firearm. He said it was starting to look like the Police Department needed some new leadership. He got one story from one officer high up in the ranks about the previous problem they had with drunk driving.

The Clerk said, "Time."

Mr. Knapp continued and said he got a completely different story from someone else, so this needed to be looked at.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Jimmy Kerr."

5. Jimmy Kerr thanked Council for considering Item K-1 for third reading and for the last two times they had been there before Council. There had been a lot of discussion about this PUD, and he wanted to focus on a couple of salient points for consideration. The critical facts were that the PUD was perhaps the best way of developing property because people knew what they were getting. In this particular PUD, some of the historical issues and the parks that were being preserved were noteworthy. They had reduced the density further beyond what they originally submitted. It met all of the Johns Island Plan and City's regulations for Johns Island, and they weren't asking for any exemptions or exceptions. Since their last meeting, the Southern tine was incorporated with language into the PUD, and the zoning had been reduced by 100 units. On the Kerr Commercial tract, they had voluntarily imposed a two-year moratorium on themselves, and it was included. They would not ask for any permits on that Commercial tract for a period of two years at least. There were no plans on this property currently, but he did that so it gave some time to try to solve the problems.

The Clerk said, "Time."

Mr. Kerr continued and said to look at what they did, and that the Kerrs had always been involved in the community. He asked Council to look at what they had done in the past.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Next, we'll have Diane De Angelis, Russ Seamon, Monica Jefferson, Vicki Schmidt, and Winslow Hastie. Come forward, please."

6. Diane De Angelis thanked the Historic Charleston Foundation and the Preservation Society for keeping her up to date on the Hotel Task Force. She reminded Council that those in the French Quarter, especially the people along the water and in Ansonborough, lived next to the biggest hotel and brought in over 3,000 people and turned them over. The cruise line was like a big hotel, and they were under siege. They wanted the Task Force to be reminded that they had a special problem.

Mayor Tecklenburg said, "Thank you, ma'am."

7. Russ Seamon said he was there to speak on the Kerr Tract, and he appreciated Mr. Kerr's comments. He reiterated that what they were asking to build could be built already, but they were decreasing the number of units significantly and deferring even more of the units. They were donating land for a future traffic solution, providing a route, and that language had been incorporated into the PUD. The PUD provided way more open space than the by-right zoning would. By reducing density and eliminating the GO zoning, they were reducing traffic. He asked Council to vote for less density, future traffic solutions, traffic reduction, and more open space for Johns Island by supporting the PUD.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Monica Jefferson, Vicki Schmidt, and Winslow Hastie."

8. Winslow Hastie, Historic Charleston Foundation, spoke about the Accommodations Overlay Ordinance that was up for first reading. He was pleased and honored to be a part of the Hotel Task Force and thanked everybody who participated in the effort. He thought it was a great model for moving forward on some of the complex issues that sometimes got stuck in the legislative process. He was pleased to see the degree of consensus that the entire group felt. They had members of the hospitality industry, neighborhood representation, preservation organizations, and several members of Council and the Mayor. Once they got into the process, they realized how much consensus there really was. They strongly recommended that Council give the ordinance first reading. They hoped that the Task Force would continue, as there was more work to be done. People conceded on all sides, but he thought everybody, at the end of the process, felt very positive about where they were heading. He stated Lenny Krawcheck had said it was extremely important to have his perspective and thought the ammunition and the regulatory authority they were giving him gave him a lot more opportunity to regulate hotels the way he would like to, and it was best for the health of the City. This represented diversity of perspectives, and they commended it to Council.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "We'll move on. John Marsland, Kristopher King, Mark Lipsmeyer, Myles Ewing, and Rainey Evans in that order, please."

9. John Marsland, President of Ansonborough Neighborhood Association, said he had the privilege of serving as an alternate on the Ordinance Amendment Task Force. He thanked the Mayor for allowing him that opportunity, and he was there to advocate that Council approve the first reading. He agreed with Mr. Hastie's

summary. He thought Chairman Krawcheck made a very important point at the beginning of the Task Force meeting, which was that the current ordinance, as written in the current state of hotel development in the City, left the BZA-Z as nothing more than a traffic bump. There was virtually nothing they could do with the current ordinance to stop a development, and the current draft amendment would immediately enable the BZA-Z to question and challenge development until further questions could be answered. He thought the way the process worked was that there were some other details that were worth exploring. They also talked about the idea that the question of what was a goal for Mixed-Use and what was an appropriate level of density were questions that were appropriate and best suited to be addressed in the upcoming Comprehensive Plan.

The Clerk said, "Time."

Mayor Tecklenburg said, "Thank you, sir."

10. Kristopher King, Preservation Society of Charleston, said he heard a rumor that Charleston was the number one Memorial Day destination in America. He didn't know if it was true, but it felt like it downtown. He read in the paper that more flights were being added to bring in more people for the tourism season. The more people that wanted to visit Charleston, the more hotel proposals they were going to see. Right now, the ordinance did not provide the tools to ensure that the hotels considered the long-term health and balance of the City. He thought Mr. Hastie said it well, that this was a collaborative effort. How often did one hear that the CDB, the hotel industry, neighborhoods, and preservation groups were in agreement? The culmination of that work was before Council. They had been urging this for years, and Council had a very good ordinance in front of them. He urged Council to give it first reading and get it to the Planning Commission and continue to work on it to make sure it was bullet proof in order to protect residential properties, office, and retail and get a tie-in to affordable housing. He urged Council to get it done and do a better job regulating hotels.

Mayor Tecklenburg said, "Thank you."

11. Mark Lipsmeyer, Stanley Martin Homes, said they were the applicant for the Kerr property. He was there to answer any questions if needed.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Myles Ewing."

Phyllis Ewing said, "Phyllis Ewing."

The Clerk said, "I'm sorry. Phyllis."

12. Phyllis Ewing said she supported the first reading of the hotel amendment, and she thought every week that went by, there was another hotel item given conceptual approval or approval at the BZA. She understood that once it was in process, they could stop some of the development and use the new ordinance that would go back to it. She thought time was of the essence. She appreciated Council listening to her and urged Council to get on with the first reading.

Mayor Tecklenburg said, "Thank you, ma'am."

The Clerk said, "Rainey Evans."

13. Rainey Evans said that Phyllis had said it all, as well as Kristopher and Winslow. She said it was wonderful, and she was all for it.

The Clerk said, "Next will be Peter Mani, Jeremy Rutledge, Franny Henty, Tajuana Alston, and the Reverend Charles Heyward."

14. Jeremy Rutledge, Senior Pastor of the Circular Congregational Church, said he came to share his conscience and to appeal to Council's consciences, as well. He was deeply troubled by the John C. Calhoun Statue that towered over the City and the citizens, as Calhoun believed that white people were superior to black people and that the enslavement of black people was a positive good. He found his beliefs morally reprehensible, and he rejected them completely. He believed that many on Council also rejected those beliefs, which they could only refer to as white supremacist beliefs, yet Calhoun remained literally on a pedestal at the center of the City's civic life, lifted up in a place of prominence. He was aware that thanks to the Heritage Act, it would take an act of the State Legislature in order to change things. He asked Council to join him in registering their moral objection to the Calhoun Statue. To reject Calhoun's message that white people were superior to black people was to reject the statue which was a symbol of that message. Some would claim that the statue was about history and not hate, yet if white supremacy was not hateful, then he didn't know what was. He believed the statue belonged in a museum where children may learn about it in context, but the City's public spaces deserved better.

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

The Clerk said, "Franny."

15. Franny Henty said normally when she came to speak she talked about things she would like Council to change, but she wanted to thank them for the Wambaw Drainage Study. With regard to zoning, she was still learning more about how that happened, and she asked if Council looked at topology, hydrology, and flood elevations before they made zoning regulations. She also asked how roadways and traffic impacted the subdivision approvals. They had to be blind if they didn't see the traffic crisis, and she wanted to know more about that. She asked how contiguous neighbors' opinions weighed in on subdivision approval. She knew in North Charleston there was a district where one of the Council ladies, before a subdivision was approved, everyone in the neighborhood or contiguous to a specific subdivision had to sign off on it and express how they felt about it before it was considered.

Mayor Tecklenburg said, "Thank you, ma'am."

The Clerk said, "Tajuana Alston. Tajuana."

No one came forward.

The Clerk said, "Reverend Charles Heyward."

16. Reverend Charles Heyward appealed to the Mayor and Council to take the necessary actions to have the John C. Calhoun monument removed from public

display, as the monument continued to memorialize and perpetuate what Mr. Calhoun stood for. Everyone on Council was educated, had moral principles, and they knew the history. He said no one living today ever met John C. Calhoun, but 169 years later what he stood for was increasingly being experienced by African Americans. Council had a moral, ethical, and political responsibility to make it right. He prayed that each of them, especially those who were candidates for Mayor, would go on public record concerning their position and their intentions about its removal. The voices, to act or not act, would begin to get louder and louder, and history would record individually and collectively as a Council whether they reaffirmed a heritage that continued to demoralize or dehumanize African Americans or whether they rejected this memorialized history, reaffirmed the humanity of all citizens, and whether they made it right.

Mayor Tecklenburg said, "Thank you, sir. Alright. That ends our Public Participation Period. Did we leave anybody out? Did anybody sign up that didn't get a chance to speak?"

No one else asked to speak.

Mayor Tecklenburg said, "Alright. So, we'll go to our Appointments for the Planning Commission and the Health and Wellness Advisory Commission."

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I've had one of my constituents two times put in an application for the Planning Commission. Erika Harrison wanted her name to be in the running."

Councilmember Waring said, "Is that a motion?"

Councilmember Lewis said, "I've asked and checked with your office, and they said they couldn't find her application. She put in another one. She assured me that she was going to be on this agenda for tonight, and I am recommending Erika Harrison to be appointed to the Planning Commission. She has served on the BAR for the City of Charleston. She's very intelligent, hardworking, and I would really like to see her on the Planning Commission."

Councilmember Waring said, "I second the motion."

Mayor Tecklenburg said, "Is that a motion?"

Councilmember Lewis said, "That's a motion."

Councilmember Waring said, "I second the motion."

Mayor Tecklenburg said, "Okay, and we've got a second to nominate Erika Harrison to the Planning Commission. Is there any discussion on that?"

No one asked to speak.

On a motion of Councilmember Lewis, seconded by Councilmember Waring, City Council voted unanimously to appoint Erika Harrison to the Planning Commission.

Mayor Tecklenburg said, "I guess she would be considered a new appointment, and we still have two other new appointments and two reappointments. So, the floor is open for any other motions that would complete the four positions."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, Mr. Mayor, Councilmember Shealy and I were hoping to make a comment regarding one of the matters that came up in Citizens Participation very quickly. We didn't have an opportunity to do that, and we kind of moved on, but I just wanted to reiterate the point that Mr. Molony made about that DUI arrest. I would ask that maybe we could look into that matter a little bit more. Because as you know, we've had some very serious, tragic DUI's downtown. This could have been another one, and we cannot take them lightly. So, Councilmember Shealy, I don't know if you want to add anything to that, but if we could maybe get with Scarlet Wilson's Office and the Prosecutor on that case and find out why he made that decision and just get a little bit more clarification. I think the public deserves to know the answer to that."

Councilmember Shealy said, "Mayor."

Mayor Tecklenburg said, "I duly noted that myself, but we'll be happy to look further into that."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Yes, I want to add, Mr. Molony didn't get time to tell the whole story on this thing, but he was there. Channel 5 did a story on this, and also Channel 4 did a story on this particular instance. The newspaper did a very good article on this, as well. There is video that is very, very clear in this situation that when Ms. Kacey Jay hit that pedicab, she slammed the gas and took off and went as fast as she could. She probably would've done further damage, maybe have killed somebody, if it wasn't for Mr. Molony who pulled up beside her, got her to slow down, pulled in front of her, opened her door, and took the keys. This could have been a horrible, horrible instance because she is flying down the middle of downtown Charleston after she has already hit someone, and then she accepts the breathalyzer and blows well past the legal limit. Every bit of this is documented on video. The public has seen it, and she got 24 hours community service. I spoke with Councilmember Shahid a little while ago, and we just passed a law, or an ordinance, on hate crimes here. Is there something we can do, through our Committees and through our Council here, to make sure that when there is a clear-cut DUI, the guy could have been killed? He was very, very fortunate. He came out with some minor injuries to his knee, but he could have been killed. She takes off, she leaves the scene, and it's all right there on video. There is no guessing here on this thing and it just seems like if we can do an ordinance like we did a couple months ago, it seems like maybe this Council can do something with more information on this case, of course, and see what can be done on here."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Yes, sir, Mr. Mayor, and members of Council. So, I've already asked that we schedule a Public Safety Committee meeting to take up several issues. One of these will be what Councilmember Shealy has asked me about on an ordinance and to look into what may have happened with this particular incident, so we can get it looked into. So, we'll try to have that meeting before the June 18th meeting."

Mayor Tecklenburg said, "Absolutely."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, there was a similar incident like that on King Street between Hagood and Carolina where this young lady a few weeks ago hit this guy off a bicycle. She was charged with DUI. The guy was in the hospital for about two weeks. He died last week. I don't know whether the charges were upgraded, but she got a PR bond. I mean, I'm not a lawyer, I'm not a Judge, and I don't set the rules, but for someone to get hit off of the bicycle, the person charged with DUI, and less than 24 hours later, she's out on the street on a PR bond, I don't know what's going on with the system. I know it's beyond your control because you're not the prosecutor, and you don't handle the courts, but we would like to know how these things are happening, especially when we have to deal and listen to people we represent."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just briefly, this conversation just brings back a theme that was talked about a good bit, and I think actually that everyone on this Council and you, Mayor, agreed that we should have a Judiciary Committee. This is a play that we should be looking at what's going on in the processes of the City, and nowhere is it more important than what goes on in our Judiciary and how that all happens. So, I would again call for us to look at and form a Judiciary Committee because we can take up a lot of issues, including this issue sort of. I think I've made that motion, but I would make a motion again. Let's get that put together. Let's get with our Legal team and put together a Judiciary Committee. That's my motion."

Councilmember Shahid said, "Second."

The Clerk said, "Okay, but, Mayor, you still have to vote on this Planning Commission."

Councilmember Waring said, "We already voted on one."

Mayor Tecklenburg said, "We voted on Erika Harrison."

Councilmember Seekings said, "Well, I voted to take that up really quickly."

The Clerk said, "Yes, you voted on Erika Harrison, but you didn't vote on the full Commission."

Mayor Tecklenburg said, "Yes, we were in the midst of a different matter. Respectfully, could we ask that our Public Safety Committee take this matter up after we get a little more review from the appropriate law enforcement?"

Councilmember Seekings said, "That's fine, but then I move that we also send for a hearing and consideration at Councilmember Shahid's Committee, the Public Safety Committee, the formation of a Judiciary Committee and I would like that to be on his next agenda, please, Mr. Mayor."

Councilmember Shahid said, "I will do that."

Mayor Tecklenburg said, "Alright. We'll do that."

Councilmember Seekings said, "Thank you. I have a motion on the Planning Commission. I move that we reappoint the two currently serving Planning Commission members and that we defer consideration of the new appointments until the next meeting because we have now filled one of those two slots, and you can bring back the recommendation to us, Mr. Mayor, and then we can consider that. That's my motion."

Mayor Tecklenburg said, "Right, and by way of explanation, Councilmember Lewis, when we look at a replacement, there are certain spots on the Planning Commission, and one is an attorney spot, and that position was not available right now. So, I'm not saying that an attorney can't serve in a non-attorney slot, I think that's possible. I see Susan shaking her head, but I guess that's what kind of drove that decision. So, we have a motion on the floor to reappoint Gordon Geer and Angie Johnson."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a second."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. Before we vote on the reappointments, I would just like some clarification from our, I'm sure, Corporate Counsel, or maybe your office. I know that we solicit the consideration by the current Commissioners who are up for renewal, asking if they would like to be reappointed. So, I have no doubt about that, but then do we ask them to update their credentials at the time that they do that? If that's true then, I'm wondering, at what point, do we get to someone's work as a potential conflict of interest, or at least, it would be a, I think, a role that someone on the Planning Commission could be accused of having more bias in favor of the real estate industry, for example. So, I don't know if there is a hard and fast answer to when we would get to a Commissioner having too close a role in his career to be with the real estate industry and be able to be evaluated as maybe being a little bit too influenced by his real estate career, not that he would do it on purpose, but I'm just asking that because I don't know."

Mayor Tecklenburg said, "Well, I think one of the positions is also specified for someone in the real estate profession in order to bring that background and experience to the Commission, so it's actually specified that way, but I'm not sure if it's one or two. Do you all know?"

No one asked to speak.

Mayor Tecklenburg said, "Anyway, I appreciate that."

Councilwoman Jackson said, "So, then we would expect those individuals to recuse themselves when they have some close relationship with--."

Mayor Tecklenburg said, "Well, that would apply just as it does to us here on Council. If someone had a financial interest in a matter coming before the Planning Commission, they would need to recuse themselves. Absolutely."

Mayor Tecklenburg recognized Councilmember Seekings followed by Councilmember Griffin and Councilmember Moody.

Councilmember Seekings said, "Just briefly, as specifically to Mr. Geer, if you go look at, first off, his participation rate is the highest of anybody on the Planning Commission. He shows up. He's been the Chairman. He's a dutiful person out there. I don't agree with everything he or

that Planning Commission does, but he is, as far as this person's seen, and I go to a lot of those meetings, I know Councilwoman Jackson does, too, he's an excellent member of that Planning Commission."

Mayor Tecklenburg said, "Well, in addition, Mr. Geer actually has a background and training in City Planning, in addition to the real estate."

Councilmember Seekings said, "Absolutely."

Councilwoman Jackson said, "I was just asking in terms of future decisions and what we should be doing about this, so I appreciate the education."

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

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Moody.

Councilmember Griffin said, "I was added into an e-mail chain from some residents in regards to, I believe, the same matter that Councilwoman Jackson is bringing up about a transaction that was made and Mr. Geer was a part of and substantively could have voted on. These constituents and residents asked for some information from our staff about voting records and that sort of thing. They asked for weeks and never got them. No reply, nothing from our City whatsoever, and I think that's wrong."

Councilmember Gregorie said, "We would like to go into Executive Session to discuss something like this."

Mayor Tecklenburg said, "Yes."

Councilmember Gregorie said, "I think we really need to."

Councilmember Griffin said, "Well, I don't see why."

Councilmember Shahid said, "Because it's a personnel matter."

Councilmember Griffin said, "No, I'm not. I asked, I'm talking about."

Mayor Tecklenburg said, "Counsel."

Councilmember Griffin said, "I'm asking about somebody doing a voting record which would be the minutes which is public knowledge. Isn't it?"

Susan Herdina said, "Certainly, the minutes are public information. Was a FOIA submitted or did it go to the Legal Department?"

Councilmember Griffin said, "Yes, I believe so. I'm happy to talk with you about this afterwards, too."

Ms. Herdina said, "Sure."

Councilmember Griffin continued, "But I would like to defer the reappointments because I'd like to get more information on that. I think that any time a resident makes an accusation like that, it should at least be looked into. Me being on these e-mail chains now and getting no response from our staff, I would like to get that response before we make any move forward on

that, but if you don't want to honor that, Councilmember Seekings, that's fine, but my motion to defer takes precedence."

Mayor Tecklenburg said, "We have a motion to defer. Is there a second?"

No one seconded.

Mayor Tecklenburg said, "Hearing none, I'll call on Councilmember Moody who had his hand up before, and then I would like to call the question."

Councilmember Moody said, "Yes, I guess my questions, there are two of them here, have to do with qualifications. I know on the Planning Commission that there is a requirement that these people attend some training a couple of days, a couple or three days, something like that. I don't remember exactly what it is, but it's pretty intensive. I'm not sure, my first question being these that are being reappointed, have they attended those meetings? Have they attended that training?"

Mayor Tecklenburg said, "My understanding is they are not up to date, and they have been asked to get their training hours up to date."

Councilmember Moody said, "But they're not up to date now?"

Mayor Tecklenburg said, "At this point, that is correct."

Councilmember Moody said, "How often are they required to do the training? Is it so many days a year or so many days when they first begin?"

Mr. Lindsey said, "The training requirements vary depending on the profession of the person who is appointed. Those who are members of professional organizations such as landscape architects or lawyers can fulfill the requirements through their own professional association. Those who are members at large and are not members of professional associations have to attend the training that we offer, so it depends on who they are. In general though, it's three sessions per year."

Councilmember Moody said, "So, these two that are up for reappointment, I know both of them have been on here for a long time, so they have so much a year or every three years they have to do some?"

Mr. Lindsey said, "We were just discussing that, Councilmember. I actually don't know the exact answer. In the past, I know that those two members have attended. This current year I can't speak to. I just haven't seen it, but I do know that in the past they have attended the training that was required of them, but I can look into that immediately for you."

Councilmember Moody said, "That's fine. I just want to be sure that they had attended something."

Mr. Lindsey said, "Well, I know that in past years they have attended those, but the current year, I've just honestly, I'm not up to date on that, but I could find out for you."

Councilmember Moody said, "Okay. The two that are up for appointment here, I had a conversation with Dr. Brown, great guy. I'm not sure exactly whether he was asked. I don't think he just came out of the blue and decided to join this body because I know he just got, I mean, he's on the Board of Trustees at the Medical University. He just got appointed there, and I think

if he takes this, he would have to give up that position at the Medical University as a trustee. I'm not sure about that, but I think that's not dual office?"

Mr. Herdina said, "I don't know. I'd have to find out the specifics of what position he's holding, and we can look into that and report back."

Councilmember Moody said, "But I guess my question is, if we're going to defer this, I would love to have Dr. Brown on this body. I served with him. We were both on the Star Gospel Mission Board for a while, and when he got appointed to the Medical University, he dropped off of that Board because he didn't have the time. I called him and asked him, 'You know what you're getting into here', and he said, 'Well, it's just one meeting a month'. I said, 'No.' So, I suggested he call a couple of people and find out exactly what's involved. So, there is something going on with our recruiting process here, and Dr. Brown would be a great add to this thing, but I don't know if he knew exactly what he was getting into, and I don't think he would want to give up his Medical University Trusteeship to take this position. The other thing was to the other gentleman here, my package didn't have any information on him. Did everybody else's have information?"

The Clerk said, "On whom?"

Mayor Tecklenburg said, "Mr. Yaun, Matt Yaun."

Councilmember Moody said, "Yes."

Mayor Tecklenburg said, "It should have last meeting when we put it on your desk."

Councilmember Moody said, "No, I mean, I got my package."

Mayor Tecklenburg said, "Yes."

The Clerk said, "We didn't do those. We'll have to check with the person who did those packets."

Councilmember Moody said, "You have a coversheet where it has the contacts and the process."

The Clerk said, "That was given to us to put in your agenda packet."

Councilmember Moody said, "Right, but everybody else has got a resume or a bio or what they've done. This didn't have anything."

The Clerk said, "Well, we'll follow up with Mike who does it."

Mayor Tecklenburg said, "Alright."

Councilmember Moody said, "So, I didn't know anything about him, so I was going to vote to defer him anyway."

Mayor Tecklenburg said, "Well, the matter on the floor right now is just to reappoint Mr. Geer and Ms. Johnson."

Councilmember Waring said, "Mr. Mayor, let me speak to that."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I served with Mr. Geer for at least about ten years, and I find him to be a stand-up guy, but there has been an accusation made. If I am him, and I think we ought to discuss this. I do think we ought to discuss it in Executive Session, and what Councilmember Griffin is saying, I guess, needs to be followed up on because I don't know how many citizens are involved. But let me say this, I have actually seen where items of a conflict came up during the time that I served with him, and not only did he not vote on it, he actually left the room while the measure was being debated. So, we didn't always agree on items. I think he would say the same for me, but by the same token, he is a man of integrity. But what Councilmember Griffin has brought up, I think we need to look into it, if only for that reason because that needs to be cleared up, and I think Mr. Geer would want it cleared up, but I don't think we ought to discuss it on the floor."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilwoman Jackson.

Councilmember Griffin said, "Is there something wrong with me?"

Mayor Tecklenburg said, "No, sir."

Councilmember Griffin said, "Thank you. I just wanted to clarify that I'm not accusing him by any way, but I was put on an e-mail chain with an accusation and with a FOIA request. I just want to make sure it's taken care of because, as a Councilmember, I feel like it's our due diligence if somebody includes us in something like that. We just need to make sure that it is taken care of."

Councilmember Waring said, "I'm agreeing with you. What I'm saying is that, well, Mr. Mayor."

Mayor Tecklenburg said, "Councilwoman Jackson was next."

Councilmember Waring said, "Okay."

Councilwoman Jackson said, "Yes. Thank you. I just want to say the same thing that my question in bringing up this topic was literally a categorical. I wasn't talking about any one person, except that had been brought to my attention, and it made me want to ask the questions. So, I apologize to our Corporate Counsel and Planning Director for not knowing the regulations to the level of detail about the type of qualifications that we're asking our Planning Commissioners to have. So, anyway, I did not mean to bring up anything that was even borderline needing to go into Executive Session about any individuals."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. But what I'm just saying, if somebody put in a FOIA request and all of that, I think it needs to be followed up on. If I were on that Commission, I would want it to be followed up on, but as I have said, I've served with Mr. Geer. He's a class guy. I've seen him in action, but that needs to be answered. So, this shouldn't be ramrodded through without getting an answer. That's all I'm saying."

Mayor Tecklenburg said, "No, thank you for bringing this to our attention. It hadn't been brought to my attention before, and I'm happy to look into it. Now, the question on--"

Councilmember Seekings said, "Just very briefly--"

Mayor Tecklenburg said, "Excuse me."

Councilmember Seekings said, "Just very briefly, there is a motion to defer, so I would like to just speak to that just very briefly because I think what Councilmember Griffin--"

Mayor Tecklenburg said, "That motion never got seconded. The motion on the floor is to reappoint Mr. Geer and Ms. Johnson."

Councilmember Seekings said, "Okay."

Councilmember Waring said, "A point of order, Mr. Mayor. The reason I didn't second it was because I wanted to make my point, what I just made."

Mayor Tecklenburg said, "Right."

Councilmember Waring said, "I think that would be ramrodding it through. So, if you're going to carry this motion to appoint the two people, I'd certainly vote on Ms. Johnson right now, but I think Mr. Geer, I think that situation needs to be answered, and I think it will be answered probably in his favor. But I didn't second his motion to defer because I wanted to have a chance to discuss. Then, you didn't know this, but Councilmember Seekings put that motion on the floor, and it was seconded by Councilmember Shahid."

Councilwoman Jackson said, "I'll second the motion to defer."

Mayor Tecklenburg said, "I'm just trying to follow the motions on the floor."

There was laughter in the Chamber.

Mayor Tecklenburg continued, "That's all I'm trying to do. I'm not trying to pass judgment one way or the other. So, we had a motion on the floor to reappoint Mr. Geer and Ms. Johnson, and we had a motion to defer that did not get seconded until some considerable time later. I presume your motion to defer still--"

Councilmember Griffin said, "I move to defer this matter."

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg said, "We've got a motion to defer and a second, which takes precedence."

Councilmember Seekings said, "I would like to speak to that motion before we vote on it."

Mayor Tecklenburg said, "Absolutely."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "As I've been listening very closely, I do believe Councilmember Griffin was really observing that there had not been some action taken on a request he had made from the staff. It was not a direct complaint about Mr. Geer. It was a complaint about process. Now look, what's going on in the City right now when it comes to the Planning Commission, we've got the Hotel Ordinance which is probably going to go there. We've got a lot of things going on there. If there is some issue down the road that's getting taken up, I just don't think the two should be tied into each other. We can reappoint Mr. Geer. Councilmember Griffin's request that whatever it is this e-mail is about, this FOIA request, can be

dealt with. So, if the motion is deferring, I'm going to vote against it, not because I don't think it shouldn't be looked into, I just think we should separate the two. Let's get these appointments done. There is nothing that Mr. Geer has done that we know of to disqualify him. In fact, everything that we know about him is that he's qualified, and we're going to need a full Planning Commission going forward. So, I'm going to vote 'no' on the deferral for the reasons that I just stated, not because of not wanting his questions to be answered."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Moody.

Councilwoman Jackson said, "Let me clarify, please. My understanding, and I've been shown my ignorance of the Planning Commission regulations, but I thought that I was correctly informed that if we have a reappointment, and the expiration date has officially come and gone, that person serves until there is another appointment."

Councilmember Moody said, "Until filled."

Councilwoman Jackson said, "Right. So, we will have a Planning Commission."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I was going to make that great point."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Would anyone else like to be heard on the motion to defer?"

No one else asked to speak.

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted to defer the appointments of Dr. William Melvin Brown, III, Matthew L. Yaun, and the reappointments of Gordon Geer and Angie Johnson to the Planning Commission.

The vote was not unanimous. Councilmembers Seekings and Shahid, and Mayor Tecklenburg voted nay.

The Clerk said, "So, it's two."

Councilmember Seekings said, "Three."

The Clerk said, "Who is the third?"

Mayor Tecklenburg said, "Councilmember Shahid."

The Clerk said, "The Mayor."

Mayor Tecklenburg said, "Yes."

Mayor Tecklenburg said, "Okay. So, we have information about Mr. Yaun to share with you."

Councilmember Moody said, "Thank you."

Mayor Tecklenburg said, "So, next up is our Health and Wellness Advisory Committee appointments. Do I hear a motion?"

Councilmember Seekings said, "So moved."

Councilmember Griffin said, "Second."

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

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Griffin, City Council voted unanimously to approve the appointments to the Health and Wellness Advisory Committee.

Mayor Tecklenburg said, "So, next are our Council Committee Reports. First is our Committee on Public Works and Utilities. Councilmember Waring."

Councilmember Waring said, "Well, I was late in getting to the meeting, Mr. Mayor. You conducted the meeting, so if you would be kind enough to carry the motion."

Mayor Tecklenburg said, "Well, thank you, Mr. Chairman. We did have a couple of acceptances and dedications of public right-of-way, and they were approved by the Committee unanimously. Since we do need to have Council action on those matters under J.1(a), I would ask for a motion to approve those acceptances and dedications."

Councilmember Waring said, "So moved."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to approve Item J.1(a) of the Committee on Public Works and Utilities Report as presented:

a. Acceptances and Dedications:

- (i) Dedication and Acceptance of The Cottages, Phase 3, - Towne Street (50' R/W, 815 LF), Baycroft Lane (20' R/W, 590 LF), Alamanda Drive (50' R/W, 1100 LF), Applegrove Lane (22' R/W, 258 LF), Lapham Alley (22' R/W, 176 LF), Tweedside Lane (22' R/W, 125 LF). There are 53 lots in this Phase. All infrastructure with the exception of sidewalks and the drainage maintenance shelf have been constructed. These items have been bonded.

Mayor Tecklenburg said, "Next we got a report from our Stormwater Department Head Matt Fountain, and as has become the custom, I'd like to ask him to give us a brief recap of his report."

Matt Fountain said, "Thank you, Mr. Mayor and Council. Briefly, we discussed that we had finished installing the check valves with the 50/50 cost split with CWS that was approved at the previous Council meeting on both South Adgers and Exchange Street. The King/Huger project as we mentioned has been notified for the Rural Infrastructure Agency, the RA, that we've

received approximately \$500,000.00 for that project, and we're currently negotiating preliminary design with a consultant. We did make some good progress in a couple of meetings last week with MUSC and Roper Hospital towards them offering an easement to dedicate for the Ehrhardt shaft project, so we're continuing with that. The Low Battery Improvement Project, the pre-qualifications period closed. We did receive ten submittals on that, so we're going through those firms right now, and we'll be moving forward to bid over the next few weeks. The Market Street project, we're addressing TRC comments at this point.

Then, Councilmember Gregorie, you had asked about the Willow Walk Subdivision. That subdivision, as you're probably familiar with, has a phase that was built below base flood elevation at the time. Rather than making the homes elevated at that time, we basically received a waiver from FEMA with the City to allow those homes to continue under base flood elevation. So, they do have reoccurring flooding in large storm events. We did offer buyouts to a number of the properties in that neighborhood, and a number of those property owners have accepted those buyouts. Those are in the next round of buyouts, which we'll talk about in a minute, but they've been approved. They're just not in demolition stage yet. Then, we've continued in that neighborhood, just as we have throughout the City, trying to rehabilitate the roadside drainage systems to do the best we can for smaller rain events. That doesn't help as much with the major events in that subdivision, but it's hard with them being in the floodplain to really do protection against those large scale flood events, and then to move on to the Floodplain Management Update, Mayor?"

Mayor Tecklenburg said, "Yes, sir."

Mr. Fountain continued, "So, we did complete demolition on the entire first round of Single-Family home buyouts at this point, and with the resolution of the HOA that's on the Real Estate agenda, we'll be able to move forward with advertisement for the demolition of the Multi-Family, and that should also move forward and be demolished this summer."

Mayor Tecklenburg said, "Thank you very much."

Mr. Fountain said, "Thank you."

Mayor Tecklenburg said, "Then, finally, we had an Executive Session regarding private property encroachments and drainage easements, and we passed a motion in the Committee to ask staff to make a more formal policy recommendation for obtaining easements, as needed, for these smaller drainage projects. Am I stating that correctly?"

Councilmember Waring said, "Yes, sir, Mr. Mayor. The reason that came in is because what we've been doing in trying to get these going back in these established neighborhoods and getting easements and talking to people, hoping to get people to sign off on it, it just takes too long. The only way we can help the older neighborhoods with these drainage problems, in particular, with the gravity flow of drainage problems, is we have to have a way to put in a ditch and get in there and service it. What we've been finding out is it takes a year or year and a half, some people sign, two or three don't, and then we have to end up filing an action anyway. So, this would quicken the process, and hopefully all of us and everybody in our districts are going to be affected by this, in particular, in the older areas. Thank you, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Yes, sir, Mr. Mayor. I just wanted to elaborate on what Councilmember Waring is mentioning. In particular, we had two pieces of property in my district

on Culpepper and Mueller Drive in which there was a ditch, and I think, Councilmember Moody, made this observation earlier in his report. He may have had a ditch, but there was no easement to that ditch, and these two pieces of property are a case in point in Northbridge Subdivision as to the ditch was there, but no easement to the ditch. So, people are allowed to build over it and create a blockage for water to flow out of it. I think we've learned that in several of our older subdivisions that this is more of a common problem. So, this motion that we've brought on the floor will help address that and expedite this process to get those ditches to be easement ditches, and we can maintain them and clean them up and enforce what we need to enforce. So, good. Thank you."

Mayor Tecklenburg said, "Alright, and so staff will make a recommendation, and we'll come back to the Committee. Is there any further--"

Councilmember Waring said, "One other information that actually a constituent came to Councilmember Moody about is the courtesy on our stormwater fee. We increased the stormwater fee, so we can have more money to fix drainage. It turns out, we, as a City, can actually give a courtesy to everybody over 65, so they won't have to pay a stormwater fee at all. Now, we have to make a decision on that, ladies and gentlemen. If we're going to raise the money needed to fix these drainage problems, we have to include everybody. So, we didn't know that until a person came up and asked Councilmember Moody. I checked with CPW. That is in fact the case, but it actually flows back to, I think, an ordinance that was passed years and years ago, way before we started having all of these rain events and sunny day flooding."

Mayor Tecklenburg said, "Well, that's another thing we plan to review in short order."

Councilmember Waring said, "So, we're going to look into that in short order because we'll never raise the revenue that we thought we were going to raise by increasing the fee."

Mayor Tecklenburg said, "Alright. If there is no--"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I'd just like to go on record of saying that I have my \$10.00 on my bill. I look like I'm less than 65."

There was laughter in the Chamber.

Councilmember Moody continued, "So, my \$10.00 is on my bill. If anybody wants to see it, I'll be glad to show it to them."

Mayor Tecklenburg said, "Alright. So, next we move on to our Committee on Traffic and Transportation. Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. We had a meeting this afternoon at 1:30 p.m. We had one item that needed to be taken up. We have an ordinance before the Council to essentially have rules and regulations in our parking garages be enforceable by, among others, our Police Department. It's very comprehensive. It is nothing drastic. It was passed unanimously, and I would move for its approval, as amended. There were some typos by the way."

Councilmember Moody said, "Second."

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

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Moody, City Council voted unanimously to adopt the Committee on Traffic and Transportation Report as amended:

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

- a. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Sections 247 and 248 to enact rules of conduct for publicly owned parking garages.
- b. Director's Update
- c. Discussion

First reading was given to the following bill:

An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Sections 247 and 248 to enact rules of conduct for publicly owned parking garages. (AS AMENDED)

Mayor Tecklenburg said, "Next is our Committee on Community Development. I see our Chairman has left. Who is Vice-Chair? I was not present at the meeting."

Councilwoman Jackson said, "I was not present."

Councilmember Seekings said, "I'd like to get back on that Committee."

The Clerk said, "Councilmember Mitchell was excused because of a Piccolo event."

Mayor Tecklenburg said, "Okay. Does anybody want to step forward and make a report about our Community Development meeting that occurred last week?"

Councilmember White said, "Mr. Mayor, I was present. I'm happy to report as part of the Committee, we reviewed development plans for Hanover Street. We also reviewed the 2019 and 2020 Federal Budget, and as well, we reviewed and approved the Choice Neighborhood Initiative. All of those items were approved unanimously by the Committee, and I'll move for the adoption of the report."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Okay. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember White, seconded by Councilmember Waring, City Council voted unanimously to adopt the Committee on Community Development Report as presented:

---INSERT COMMUNITY DEVELOPMENT REPORT---

- a. Review and approval of Development Plan for 105 Hanover Street
- b. 2019-2020 Federal Budget

c. Review and approval of the Choice Neighborhood Initiative

Mayor Tecklenburg said, "Next Committee on Ways and Means. Back to you."

Councilmember White said, "Let me, if I can, I think there was one clarifying point. Susan, help me here to get this correct. It's in the bills up for first reading for Ways and Means, the one specific to 999 Morrison Drive is actually second and third, correct?"

Ms. Herdina said, "Yes. It's on page 7. It's the first ordinance that's listed under first reading for the following bills from Ways and Means. It's the ordinance authorizing the Mayor to execute on behalf of City a second amendment. That should be under second reading, not first reading. Just a clerical error, if we could move it over there."

Councilmember White said, "So, I'll move for the adoption of the report with that item actually being up for second reading not third reading, and then we can subsequently move to third reading."

Mayor Tecklenburg said, "Right."

The Clerk said, "Okay. So, is it just second reading, or is it second and third reading?"

Ms. Herdina said, "Second and third reading."

The Clerk said, "Second and third reading."

Councilmember White said, "Right."

Mayor Tecklenburg said, "Alright. Is there any discussion on any of that?"

The Assistant Clerk said, "Who is the second?"

Mayor Tecklenburg said, "Who seconded?"

Councilmember Waring said, "I did."

The Clerk said, "Councilmember Waring. Councilmember White and Councilmember Waring is who I have on that."

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

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(Traffic and Transportation: Approval for consulting services in the amount of \$23,500 with completing the TIGER/BUILD Grant Application with RAM Consulting Services, 2002 San Marco Blvd., Suite 202, Jacksonville, FL 32207; Sole Source

(Office of Cultural Affairs: Approval to apply for \$3,000 from SC Humanities (Fast Task Literary Grant) to support programs of the 2019 Free Verse Festival. A 1:1 City match is required. Matching funds will come from paid admissions and donations.

(Recreation: Approval to apply for the Summer Feeding Program in the amount of \$125,000 from S.C. Department of Education. This will allow the City to offer the USDA Summer Feeding Service Program. The effective date is June 10th through

August 9th 2019. No City match is required.

(Police Department: Approval of an agreement which provides CPD and College of Charleston access to each other's external street cameras for public safety purposes.

(Parks-Capital Projects: Approval of Demetre Park Floating Dock Change Order #5 to the construction contract with Salmons Dredging Corporation in the amount of \$284,997 for additional rip-rap reinstatement to mitigate future damage to the Demetre Park dock and pier. Approval of Change Order #5 will result in a \$284,997 increase to the Construction Contract with Salmons Dredging Corporation (from \$550,576.32 to \$835,573.32). Funding will come from FEMA reimbursements.

(Stormwater Management: Approval to apply for the HMGP grant application that requires a 75/25 match of \$142,515. If awarded, this grant would cover \$427,544 of the costs to acquire and demolish two residential houses due to history of flood-related damages. The application is due on Friday, May 31, 2019. The City match of \$142,515 is available through the Drainage Fund.

(Stormwater Management: Approval to apply for the HMGP grant application that requires a 75/25 match of \$1,470,185. If awarded, this grant would cover \$4,410,556 of the costs of the Huger Street Drainage Improvement project, excluding maintenance-related costs. The application is due on Friday, May 31, 2019. The City match of \$1,470,185 is available through the Cooper River Bridge TIF in the amount of \$964,886. The remaining \$505,299 is available through the Drainage Fund.

(Stormwater Management: Approval of Guerin Creek Mitigation Project Change Order #1 with Gibbs Construction Group, LLC in the amount of \$155,009.50 for the removal of additional material including remobilization costs, extension of the construction drive, on-site shuttling of material, disposal of the material, and demobilization costs. This change order also includes an additional 90 days until substantial completion. Approval of Change Order #1 will increase the Construction Contract by \$155,009.50 (from \$194,000 to \$349,009.50). This Construction Contract is a part of the Spring/Fishburne Improvement Project-Phase 3. The funding source for this work is the State Infrastructure Bank.

(Public Service: Approval of a contract with JLA in the amount of \$40,000 to act as the City's representative during the design and construction of the Magnolia PUD. The scope of the services is to act as an approved reviewing consultant for the City of Charleston. As the reviewing consultant JLA will assist with the review of construction documents, shop drawings and interim pay requests. They will also assist with the observation of construction to verify that it is satisfactory with project requirements. It is noted all final approvals will be made by the City. JLA will also attend construction site meetings and will provide documentation of the visits. Fees will be paid out of the Charleston Neck TIF.

(Stormwater Management: Approval of Work Authorization #1 with AECOM in the amount of \$231,250 for the preliminary engineering work on the two primary drainage systems within the Central Park/Wambaw Drainage Basin. This work includes phased data collection, model development, and system improvement analysis and recommendations. Approval of Work Authorization #1 will allocate \$231,250 of budgeted funds to this project. Funds are available in the currently allocated Professional Services line item for Program Management.

(Stormwater Management: Approval of Work Authorization #2 with AECOM in the amount of \$233,688 for the development of a prioritization system including a workgroup to select categories for scoring and a rigorous trial run with tool adjustments for actual potential projects. Approval of Work Authorization #2 will allocate \$233,688 of budgeted funds to this project. Funds are available in the currently allocated Professional Services line item for Program Management.

(Housing and Community Development: Mayor and City Council are asked to approve the Department of Housing and Community Development's submittal of a Choice Neighborhood Initiative Planning and Action grant application in the amount of \$1,900,000 to the Department of Housing and Urban Development (HUD). The \$1.9 million represents total grant funding of \$1.3 million and anticipated match of \$600,000; both in-kind and cash. Five percent (5%) is the minimum match requirement for the grant. The match requirement will be met through the Community Development Block Grant (CDBG), General Funds allocated to the Department of Housing and Community Development (HCD) and other local partners and funding sources. The grant is implemented in two phases; developing a transformation plan and then implementing the strategies outlined in the transformation plan. The application is being submitted in collaboration with Atlantic Housing Foundation (AHF) Orleans Gardens, LLC, which is the organization that owns and is rehabilitating the Orleans Garden Apartments; a 100 unit rental development in the Orleans Woods community. Attached in the draft forms is the Executive Summary, budget, description of proposed uses and Memorandum of Understanding between the City of Charleston and AHF Orleans Gardens, LLC. The final application to include letters of support shall be provided to Charleston City Council after completion. There is a \$65,000 minimum match requirement. The full grant application is due June 10, 2019.

(Housing and Community Development: Mayor and City Council approval is requested for the submission of the Application for Federal Assistance (SF 424 Forms) and the corresponding documents to the Department of Housing and Urban Development (HUD) for the 2019-2020 program years. Attached are the 424 Forms, HUD certification forms and the budget [Community Development Block Grant (CDBG) - \$844,413, Home Investment Partnerships Program (HOME) - \$519,104, and Housing Opportunities for Persons with AIDS (HOPWA) - \$725,261]. This request has been coordinated with the Community Development Advisory Committee and the Community Development (CD) Committee of City Council. The CD Committee gave final approval to the HOPWA, HOME and CDBG budgets Thursday, May 23, 2019. Approval is also requested for the execution of contracts for each organization based on the approved budgets/awards. The contracts will be reviewed and vetted by City of Charleston Corporation Counsel prior to the dissemination of the contracts to the nonprofit agencies. The Annual Action Plan with the components detailed above are due to the Department of Housing and Urban Development by June 12, 2019.

(Approval of a facility usage agreement at no cost with Calvary Lutheran Church for Piccolo Spoleto (1400 Manor Blvd.). The property is owned by Calvary Lutheran Church.

(Request authorization for the Mayor to execute an Amended and Restated Memorandum of Understanding between the City and East Line Partners, LLC ("East Line"), to amend and restate the existing Memorandum of Understanding between them, dated May 23, 2017, by (1) requiring East Line to convey an easement, instead of fee simple title, to the City over East Line's property designated as Charleston County TMS No. 459-05-03-138, for a linear park connection following completion of East Line's development; and (2) requiring East Line or its affiliates to grant an easement to the City over certain adjoining and nearby property upon acquisition of the property by East Line or its affiliates to facilitate a similar connection. (TMS: No. 459-05-03-138; The Lowline Linear Park)

(Request authorization for the Mayor to execute an easement agreement with CRP/SSCP Woolfe Street Owner, LLC, (the "Grantor"), under which the Grantor will grant to the City a perpetual easement across a portion of property owned by the Grantor, located at 28 Woolfe Street (Charleston County TMS No. 459-09-01-052), for

- the City to construct and maintain a pedestrian and bike path and non-motorized vehicular path connecting the existing southern terminus of the City's property, known as the "Lowline," to Woolfe Street. (28 Woolfe Street)
- (Approval of the Management and Operating Agreement between the City of Charleston and Charleston Area Convention and Visitors Bureau
- (Authorization for the Mayor to execute the Plan for Dissolution of Bridge-Pointe Homeowners Association, Inc. related to the FEMA Hazard Mitigation Grant Program (HMGP) Buy-Out Program.
- (Request approval of Intergovernmental Agreement between the County of Charleston and the City of Charleston to establish the Suzie Jackson Freedom Memorial Garden (68 Calhoun Street; TMS: 459-13-03-041). Costs will be paid for through private funds raised by the family(ies).
- (Request authorization to execute the License Agreement between the South Carolina State Ports Authority, the City, and the Citadel authorizing the use of space at the Port's North Charleston Terminal to unload and store oysters pending their replanting.
- (Approval of Amendment of Lease between City of Charleston and Charleston Tennis, LLC
- (Approval of Second Amendment to the Master Lease (requested by Charleston Digital Corridor Foundation) (Ordinance)
- (Approval of Sublease from Charleston Digital Corridor Foundation to City pertaining to the rental of 850 square feet in the Pad 1 Building.
- (Approval of Development Agreement between the City and the Charleston Digital Corridor Foundation to govern the construction of a parking garage at 999 Morrison Drive.
- (Approval of a partial assignment of the Master Lease as it pertains to constructing the parking garage from the Charleston Digital Corridor Foundation to CTC Holdings Garage, LLC, the entity that will construct the parking garage.
- (Approval of an assignment of the Development Agreement from the Charleston Digital Corridor Foundation to CTC Holdings Garage, LLC, the entity that will construct the parking garage as set out in the Master Lease.
- (Approval of a partial assignment of the Master Lease as it pertains to constructing the Pad 1 Building from the Charleston Digital Corridor to CTC Holdings Office, LLC, the entity that will construct the Pad 1 Building.
- (Request authorization for the Mayor to execute a Declaration of Cross Access and Utility Easements for Lot 473A, Lot 473B, and Lot 473C, Ashleyville (Charleston County TMS Nos. 418-07-00-118, 418-07-00-173, 418-07-00-174).
- (An ordinance authorizing the Mayor to execute on behalf of the City of Charleston ("City") an Agreement of Purchase and Sale, in which the City agrees to sell to Kiuarna Shamone Brown Summers the property located at 933 Fifth Avenue (Charleston County TMS No. 418-07-00-174) (West Ashley) (Maryville/Ashleyville) for \$199,237.00, subject to the City of Charleston single-family affordable housing restrictive covenants, with an affordability period of ninety (90) years **(AS AMENDED TO INCORPORATE CHANGES TO THE EXHIBIT TO EMPHASIZE THAT THE CONVEYANCE WILL BE SUBJECT TO A DECLARATION OF EASEMENTS)**. (See *also City Council Agenda Item #L-10*)
- (Consider the following annexations:
- (i) 404 Woodland Shores Road (TMS# 343-11-00-104) 0.50 acre, James Island (District 11). The property is owned by Nathaniel West.
- (Discussion regarding the Richardson property on Camp Road

First reading was given to the following bill:

An ordinance to provide for the annexation of property known as 404 Woodland Shores Road (0.50 acre) (TMS# 343-11-00-104), 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 Nathaniel West.

Mayor Tecklenburg said, "Okay, and we're clear we don't need a third reading separately for that item."

The Clerk said, "We do. You need to do it again for third reading."

Mayor Tecklenburg said, "Okay."

On a motion of Councilmember White, one (1) bill received second reading. It passed second reading on motion by Councilmember Waring and third reading on motion of Councilmember Gregorie. On further motion of Councilmember Moody, the rules were suspended, and the bill was immediately ratified as:

2019-033 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A SECOND AMENDMENT TO LEASE AGREEMENT PERTAINING TO THE LEASE AGREEMENT BETWEEN THE CITY AND THE CHARLESTON DIGITAL CORRIDOR FOUNDATION OF PROPERTY LOCATED AT 999 MORRISON DRIVE DATED JANUARY 19, 2016, AS AMENDED BY FIRST AMENDMENT TO LEASE DATED JANUARY 9, 2018 (**AS AMENDED**).

Mayor Tecklenburg said, "Next up is bills for third reading which is the PUD on Johns Island, Mr. Kerr's property."

Councilmember Moody said, "Move for approval."

Councilmember Seekings said, "Second."

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

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yes, sir. I'm having a hard time figuring out what we changed here. It says 'amended to incorporate changes to the Planned Unit Development Guidelines to include the conveyance of a street right-of-way to the City.' What does that mean? We have been talking, both on the 23rd and May 14th, about the conveyance of the Southern tine from the Martin Company and the Kerr Tract, the Kerr's. I don't think that street is a right-of-way. That was the first thing that we had been talking about when I was asking for deferrals. Council said that we have additional work to do on the agreement last time. Well, we haven't seen the agreement because it says 'attached to here,' but it isn't attached hereto, so that's my first problem. My second problem is the Southern tine from day one was required to meet the County and the City's version of what the Southern Pitchfork was going to look like. We were also going to meet with the County both in April and again after the last meeting to find out if, in reality, that was done. I know the meeting has not occurred. So, I'm trying to figure out what it is we changed here because we've got them attached somewhere and a little while ago back when we were talking about the Northern Pitchfork. We had the minor change, there were about three or four pages explaining that, but that's not what's happening here on this one. It's just like per the

development guidelines attached hereto and incorporated by reference. So, we, the Council, have asked for specific things during two meetings, and I don't know if we got them or not. The second thing is this has always been about traffic from day one, and we're not talking just about what's happening on Johns Island. That Gelegotis Bridge goes to James Island. We have Riverland Drive. We have all kinds of fun stuff going on over there, and nobody is talking about that, but the point I'm really trying to make here is first, can I ask the question first and then let me make one additional comment? We, the City of Charleston, have an agreement for the Southern Pitchfork amongst all the players."

Ms. Herdina said, "Councilmember, we did make changes to the PUD consistent with what was discussed last meeting, and that was sent under separate cover on Friday. If you did not receive that, I apologize, but Chip is here, and he worked on that. He could explain the changes that were made, and we can give you a copy of that if you don't have it for whatever reason you didn't get it, and I apologize."

Councilmember Wagner said, "It's in here, but it isn't in here. That's my problem. That's the first thing, and that was a very simple question. Is it in accordance with or is it not? That's the first question."

Ms. Herdina said, "So, I guess, Chip, if you want to come up and explain."

Chip McQueeney said, "Jennifer just indicated that it should be on your desks."

The Assistant Clerk said, "There is a hard copy on your desks."

Mr. McQueeney said, "The hard copy of it."

Ms. Herdina said, "It was sent by e-mail on Friday afternoon."

Mr. McQueeney said, "Yes, and I sent just red line changes, and they're not all that complicated. One of them is that we changed the memorialization of a conveyance of the land necessary for the Southern tine of the pitchfork road. We reduced the maximum allowed density by 50 units from the previous version in both the Residential portion and the Commercial portion. So, the overall permitted density dropped from the previous version you considered from 798 to 698. I made some minor changes to tidy up the language. In the Commercial area, there will be no building permits for Commercial buildings within that area submitted within two years following the approval date of the PUD. Section 6.a. is the portion that has the agreement about the pitchfork road, the agreement to convey the pitchfork road, and they do have the obligation to grant us that pitchfork road as a condition to obtaining, I believe, Certificates of Occupancy. The exhibit was also sent to you at the same time which shows the outline of the pitchfork road, and there is an agreement with one exception. There is a little area outside the PUD itself that's owned by a related party to the Kerr's, and I told everybody I could tell this, but I can't include something in a PUD that binds an adjacent property owner that's not in the City of Charleston. We could have done a deed or something like that before the PUD was passed, but we didn't have time to do that, I guess, over the last two weeks. Did you have another question, Councilmember Wagner?"

Councilmember Wagner said, "That's why I'd asked for the original deferment, but that's okay. So, are we the owners of the pitchfork or not? Yes or no?"

Mr. McQueeney said, "Well, we will be if this passes, and they have the obligation to give it to us. Yes, sir. Except for that little strip. The reason they can't go through their property is

there is a cemetery blocking the way on their property, so they couldn't have just moved it onto their property."

Councilmember Wagner said, "Now, is that in accordance with the County Plan?"

Mr. McQueeney said, "Yes, I'm getting from Planning."

Councilmember Wagner said, "That was the number one."

Mr. McQueeney said, "Yes."

Councilmember Wagner said, "We have that from the County? Because they told me personally when I called them that it wasn't."

Mayor Tecklenburg said, "I'm not sure about the question here."

Councilmember Wagner said, "That was the first argument that was from day one argument."

Mayor Tecklenburg said, "Right. Well, there is no County Plan right now for the Southern tine of the Southern Pitchfork. I'll go ahead and address, if I may, your second section about my meeting with the County. I did not have a physical meeting. I spoke to staff, and I spoke to a couple of Councilmembers, including the Chairman. We did conduct a meeting in my office with Mr. Kerr and Mark. I forgot Mark's last name. So, we can control what we can control. We can't control what County Council does going forward. At this point, given the changes that the County made to their current roadway plans, which include building the Northern Pitchfork and the addition of intersection improvements to River Road and Maybank Highway beyond the work that was done last year. They're going to make two left lane turns onto Maybank off of River Road. That is part of the North Pitchfork. It's a separate project, but they're going to basically do them at the same time, so they're committed to that. They are not committed to funding the Southern Pitchfork or tine at this point. I guess it was about a year ago when the City and Mr. Kerr met with the County, and we addressed the issue of the conflict or the potential conflict with I-526. The County staff never resolved issues that they enumerated to me again in conversation since our last meeting about, what they call, the geometry of the road, the impact of wetlands, and the impact on trees. In fact, the new alignment that is proposed by Mr. Kerr has less wetlands impact than the former one did and less impact on the trees. But, regardless of that, the County has never approved the project for funding. So, it would entail re-engaging with the County with this new right-of-way and work with their staff and get them comfortable with the geometry, the impact on the wetlands, and the trees, and then get their support to even go to County Council and ask for them to consider funding for it. So, I did what I shared with you that I, in all due diligence, they're not at a place where they're going to say we're going to fund the Southern Pitchfork, and that's just what it is."

Councilmember Wagner said, "Well, back on the 17th that's when they held their Finance Committee meeting and made the decision that that was all over. There was not going to be any funding for any pitchfork, period. That was on the 17th."

Mayor Tecklenburg said, "It is not a current project of the County. That is correct."

Councilmember Wagner said, "That is correct, but the word I got is we had the agreement in accordance with our last meeting that we would still, us and them, we, the City, would control the pitchfork, what there is of it, the remnants of the pitchfork. Yes or no? That was the very first question."

Mayor Tecklenburg said, "I'm sorry. What was that again?"

Councilmember Wagner said, "Did the agreement say that the City had the pitchfork? That's important for a reason."

Mayor Tecklenburg said, "I think what we're agreeing to do is to take title to the right-of-way, which is the first step to actually getting it done and a very necessary step, if I may say."

Councilmember Wagner said, "Okay, the second part of that, there is a right of rescission. Is that not correct? If we don't do the next step, which we don't even know what the first step really is yet, if we don't get everything done in accordance with whatever this document says, then they can back on out and take the property back. True or false?"

Mr. McQueeney said, "That's true."

Councilmember Wagner said, "A true is okay. That's okay."

Mr. McQueeney said, "Instead of hurrying through because I know you had your hand raised, if we don't build it within ten years, they could take the property back, and the other thing that they have the right to do is if we don't construct it when they're ready for it, then they could go ahead and begin the construction process at their sole cost and expense. We still have control and ownership of the road, but we did that with, I think, is it the Wendy's property on the Crosstown where if we don't do it, the other person will want to do it in order to have access to their property, so that was in there."

Councilmember Wagner said, "Okay. So, my information was right from the County on this thing. So, what it looks like is what we asked for was to make sure that all parties, and it was in the PUD that all parties, City, contractors, County, everybody would be in agreement on the pitchfork didn't happen. We have some unknown requirement now for this same pitchfork that the City is involved in, but we're not sure of the details from what I've just heard, and if we don't do it real quick, they're going to take it back. So, it seems to me like, without any County involvement, what have we done, and we're right back to square one, nothing has happened. I've wasted a whole lot of my time talking to you all on both April 23rd and May 14th, and we're right back where we started from. Everything the Council said has basically not occurred. That's okay with me, I guess, because I'm not real sure how we got to do it, but I'm just trying to figure out what this thing says. I'm done with this, I guess. I would say let's vote it and be done with it. It's pretty obvious what's going to happen here."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "That's what I was going to say, too."

There was laughter in the Chamber.

Councilmember Moody continued, "The other part of that is that what have we done, we have a PUD that lays out certain requirements that they've got to meet in order to develop this thing. We have already gotten the developers and the owners to agree to downzone or reduce the density, so we've got that. We can't stop them from developing it. They can develop it without the PUD, and so, I guess what I was getting ready to say was exactly what you called for. I'm going to vote to support the PUD, and I'm ready to vote, so I'll make a motion that we approve this."

Councilmember Lewis said, "Second."

Councilmember Seekings said, "We had that."

Mayor Tecklenburg said, "Yes, I think we had a motion on the floor already."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just very briefly, Mr. Mayor, it is not unprecedented for this Council to do the following, which is to approve something which also needs some help from other bodies including the County and then resolve that once we do this, to send you with a resolution of this Council to go out there and advocate for the funding and the building of the Southern Pitchfork, which is exactly what we need. So, this is a step. We're getting the property, we've got the property, you take the property and a resolution of this Council to the County, and go fight for it. Let's go get the Southern Pitchfork built. We've got ten years. We should be able to do it in ten years. So, I don't know how we do that. Are you ready to go forward with a resolution from this Council saying 'we've got the land, you go build it?'"

Mayor Tecklenburg said, "It might not be as simple as that."

There was laughter in the Chamber.

Mayor Tecklenburg said, "I will adamantly advocate for this to be done, and I think it's on some Charleston book 'come hell or high water', we need this infrastructure improvement. This is the first step to getting it done."

Councilmember Seekings said, "It's the same thing."

Mayor Tecklenburg continued, "The PUD does allow for a reduction in density which is significant. Whoever ends up developing the property will still have to comply with not just our own regulations, but those of the South Carolina Department of Transportation and our new stormwater requirements that will be put in place later this year. So, this is a first step to getting the infrastructure done. I know there are some folks that would like to see nothing new be built, but I think this is the fair thing for us to do, to approve this PUD, and it's a fair thing to do in order to provide for the future infrastructure to start by getting the right-of-way for the road. Without that, we would not be able to go to step two."

Councilmember Seekings said, "In follow up to that, we're about to do all of those things. We're about to approve this PUD, I think, and we're going to have access and control of the right-of-way through there. The next logical step is to go advocate for the construction of it."

Mayor Tecklenburg said, "That's correct."

Councilmember Seekings continued, "That's what we need to do starting tonight, I think, tonight."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Mayor, you just mentioned, I expressed myself two weeks ago, so I appreciate all of the time and the attention that Mr. Kerr, in particular, has given my concerns. I know that I'm coming new to this party, in terms of how long this particular property has been under consideration and reworking and evaluation and negotiations, so I fully respect that process. My reservations that I expressed two weeks ago haven't changed in that I think that there are literally three cards that we're still leaving on the table until we know the answers to them. In my framework of making decisions that are as fully informed as we could possibly make

them, I think those three cards need to be turned over, and just for the record again, it's literally the Dutch Dialogues completions. They're studying Johns Island for the more global watershed challenges that we have there. We have a comprehensive Stormwater Manual re-write that's in process, and hopefully we're all going to be in agreement to pass it this fall. But, I want to hear from someone that can assure me that if we pass the PUD tonight, that that doesn't mean that they'll be vested under the existing regulations. So, I don't know if that's true, but that's a huge item for me. The third one is, yes, we want the pitchfork. There is no question about it. I think we would be in a much better negotiating position if we waited to find out the answers from the State level of funding for I-526 because the County doesn't want to think about any other road systems until they know the answer to that. So, in my framework, those would be the three cards that we would wait to see how they turn over and how that impacts our decision making about this PUD.

I tried to ask Mr. Kerr. I admire the fact that they're leaving density on the table. I think that's always a big carrot for every developer that comes in and says 'I could do bigger and more, and I'm agreeing to do less.' Mr. Kerr told me that he thinks that the 116 Single-Family houses are the only things that are going to go in the whole Residential section. I know that they've cut back that number from their first offer by 50 in the last two weeks, but that's still 75 that are on their list of possible that they're not talking about, so I don't know the answer to that. The idea of waiting for two years to see the permits for the Commercial zone, a lot can happen in two years, and so, yes we'll have a lot of density that's on paper, and if the economy stays strong, then that density is going to dictate life on that part of Johns Island. Nobody thought of a hotel when this was first being considered over 10, 12 years ago, so I don't know where that's coming from, but that gives me, and I know a lot of residents', huge concerns. I know that I'm in a minority, and so, I only want to say that I really hope that we make good and wise decisions with the information that we're going to be getting. I would like to know the answer about the Stormwater Manual. Let's say it's not passed until the very end of the year or January, if our election campaign season takes us over, and we don't decide to do things like that. So, if it doesn't pass until January, and this PUD is coming in for a subdivision which is the next thing to happen, correct? Then, if they get that subdivision approval this fall, they would be under the existing stormwater regulations, correct? Because they would have vested rights, so that's a big concern to me."

Mayor Tecklenburg said, "We will address that. I'm going to be very optimistic that we're going to be able to pass those stormwater regulations late this summer or early fall. Mr. Lindsey."

Mr. Lindsey said, "I'll also just load up the caveat that's missing. Mr. McQueeney may have additional information, but our previous interpretation is that the stormwater regulations that are in effect at the time are the stormwater regulations that are applied. State vesting does not apply to stormwater regulations in our interpretation."

Councilwoman Jackson said, "What is that?"

Mr. Lindsey said, "If we pass new regulations, those would be the ones applied to this project if it is still anywhere in the TRC process. That's how we would interpret that."

Councilwoman Jackson said, "Okay, I don't think we've seen that precedent, but that's lovely to know."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "So, I'd like to ask Mr. Kerr or one of his representatives a question. Tonight, we had two public hearings on PUDs where amendments were made. Did we have three PUDs?"

Councilwoman Jackson said, "No."

Councilmember Griffin continued, "No, two. There were two PUDs where amendments were made where I actually think that the PUD got better. So, my question would be would you be willing, as this process goes on, if we're able to as we make changes and improve, would you all be willing to work with us on amendments, as well, to maybe amend the PUD a little bit, so that whatever goes in place tonight, would you all have an open ear to maybe make amendments or changes if things change in the City over the next couple of years?"

Mr. Seamon said, "For the past several years, this has been a very open working relationship all the way through. We would certainly want to continue that, and as long as they were reasonable requests that the project could tolerate, I think we would acceptable to continuing working."

Councilmember Griffin said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. The PUD is a powerful planning tool, and it gives you a tremendous amount of information upfront, and that's what we're witnessing in this. Look at how many times we rezone a property having no information upfront on what's going to come, and as a result of that information being upfront, and the Kerr's didn't have to enter into a PUD. They did that voluntarily. They weren't compelled to do the PUD which opened up all of this conversation about the Southern Pitchfork, the number of units, how many they can do, reducing those units, etcetera and etcetera, and you're exactly right. I know my English teach wouldn't be good on that, but you're exactly right in that the PUD has gotten better. The Plan has gotten better. Councilmember Wagner, you know we work like hand in glove, but you have pushed this to the point to where it has gotten better for your people on Johns Island. So, as we go to the County, hopefully to advocate for the money to build a Southern Pitchfork, we've got to rally the people on Johns Island to join in with us in going to the County. It's not just the Mayor and a couple of Councilmembers and the Kerr's. The people on Johns Island need that Southern Pitchfork, as well. When Mayor Riley came here and said he wanted to do an African American Museum and needed to raise \$75 million, he didn't have a penny. The funding formula was he came to Council, County Council didn't know it, but we went to County Council and got money, then we went to the State, and now we're asking the nation. \$8, \$9 million, I don't know how much it cost to build that, less than \$10 million to build that. That's within the capacity of County Council, but the people have got to be behind it, and with your leadership and others, the Mayor, around this table, people that care about Johns Island, you can get that kind of money to build that Southern Pitchfork. So, please take advantage of the PUD process, and don't discourage people from using it because a lot of people don't like to use it because you have to put this information upfront and it has benefited the City of Charleston. So, thank you."

Mayor Tecklenburg recognized Councilmember White followed by Councilmember Moody.

Councilmember White said, "I've had some reservations, of course, about this PUD from the beginning, and really it was what we all have reservations with, and that's not necessarily acquiring the land which the Kerr's have been very willing to donate as far as being able to do the

Southern Pitchfork. The biggest liability is the building of the road, and you all know that we don't build bridges, and we don't build roads in the City. That's not what we do, and we don't have a funding source to do it. So, my fear is what happens if we press forward with the expectation and a ten-year timeframe in order to complete it, and if the County is not inclined to be supportive of building it, it's going to create a liability for the City of Charleston. Because the public outcry is going to be you all accepted the road donation, you all accepted the responsibility to get it built, you couldn't get the County to do it, the clock is ticking, and it's now your responsibility the City of Charleston to own up and pony up and do the deal. We all know what challenges we face in the future. We talked about maintenance issues tonight. We've got to really think through this process, I think. My biggest issue is, I think, we're going to create a liability for the City. Quite candidly, I'm not sure how well we're going to be received if the Mayor takes this to the County right now, given the fact they just had a fairly lengthy discussion that ultimately is going to cost about \$3 million for police officers in schools because there was a disagreement on how we're going to do that. So, I'm not sure how well received this is going to be when we just cost the County \$3 million, which in their mind, I think is going to be how they perceive it. I worry that we create liabilities for ourselves, we don't think far enough in advance about the situation, and I think that's where we're going to end up. I think we all recognize this needs to happen, but if the County is not prepared to get onboard early or at least conceptually say 'yes, we're in agreement with getting it built and we'll help find the funding,' but I haven't heard that yet at all. Actually, I've heard the exact opposite, that it's not on the list, and it's not going to get on the list for some time. Thank you."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember Shahid.

Councilmember Moody said, "Yes, I want to kind of tie your comments with Councilmember Seekings' comments because this is not a lot unlike I-526. There are a lot of us around this table that have been fighting for I-526, and the pressure keeps mounting because the traffic goes up. These people could develop this property without giving this land or anything else, and the traffic is going to come. What we did was we create an artificial line that says we're going to not develop outside that. That means you've got to develop inside that line. So, we put in water and sewer, we've done all of that stuff, and we had it zoned. The development is going to come, whether it's right on this piece of property or around there, it's going to come. We're going to need I-526, we're going to need this Southern tine at some point also, and so, exactly what Councilmember Seekings said is that, as the pressure on us keeps mounting, and it will, we've got to be advocates for this property. What we're asking this developer is 'give us all you can give us, and then we're not going to give you anything because we don't have any guaranties,' and I don't think you can do that. They've given us everything we've asked for that they can give us, and so, as we develop this PUD, it will get better, but we are going to have to be advocates for this Southern tine because you're right, it's not on their radar. I've asked a couple people that I know pretty well. It's not there."

There was laughter in the Chamber.

Councilmember Moody said, "But, anyway, I think the right thing to do tonight is to approve it and keep up that pressure. We're sitting here talking about the hotel. If we'd had a PUD or something that could tell us exactly where that hotel was going to go and how it was going to look and everything, we wouldn't be worried about all of these overlay districts and everything, but that's what this PUD does. It kind of narrows it down, and it keeps it focused. I think the Kerr's and the developers will come back with improvements over time as it benefits them and as it benefits the City. That's just in everybody's interest. Again, I'm going to support this."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. If I can get Mr. McQueeney to come back up on the answer to Councilmember White's question about liability. If the Southern Pitchfork is not built or the Southern tine is not built, what kind of liability are we looking at?"

Mr. McQueeney said, "Well, we have no obligation to build the road, and we can deed it back to them at any time if we don't want to build the road. So, obviously, you're concerned about having the traffic issues out there. The other thing I did want to point out is they don't have the obligation to deed us the road until they need a Certificate of Occupancy. To get any Certificate of Occupancy out there, they've got to deed us the road, and the deed will then be recorded. That's when the ten-year starts to run, so it's not actually right now. It's when they need their first Certificate of Occupancy or whenever they deed us the road whenever that deed is recorded."

Councilmember Shahid said, "That's what I reading on your red line version. As a condition of PUD approval and prior to the issuance of a Certificate of Occupancy for any building constructed within the PUD boundaries, owner shall deed to the City the real property, etcetera, etcetera dealing with the Southern Pitchfork. I think you have in here that the City shall have no obligation to construct the Southern tine of the Pitchfork. So, that covers us, and it answers that liability issue. Mr. Mayor, I call for the question."

Mayor Tecklenburg said, "Is there any further discussion?"

No one else asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Seekings, City Council voted to give third reading and ratification to the following bill:

2019-034 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. **(AS AMENDED TO INCORPORATE CHANGES TO THE PLANNED UNIT DEVELOPMENT GUIDELINES TO INCLUDE THE CONVEYANCE OF A STREET RIGHT-OF-WAY TO THE CITY).**

The vote was not unanimous. Councilmembers White and Wagner, and Councilwoman Jackson voted nay.

Mayor Tecklenburg said, "Next are our bills up for second reading."

Councilmember Griffin said, "Move to take L-1 through L-14 together."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have L-1 through L-14 up for second reading. Is there any discussion, and we've got a second, right?"

The Clerk said, "Yes."

Mayor Tecklenburg said, "Is there any discussion on any one of those numbers L-1 through L-14?"

No one asked to speak.

On a motion of Councilmember Griffin, fourteen (14) bills (Items L-1 through L-14) received second reading. They passed second reading on motion by Councilmember Lewis and third reading on motion of Councilmember Seekings. On further motion of Councilmember Griffin, the rules were suspended, and the bills were immediately ratified as:

- 2019-035** 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.
- 2019-036** 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.
- 2019-039** AN ORDINANCE TO AMEND CHAPTER 27, ARTICLE I, DIVISION 2 TO ADD A NEW SECTION 18 AUTHORIZING THE STORMWATER DIRECTOR, IN ADDITION TO THE MAYOR, TO SIGN STORMWATER DRAINAGE EASEMENTS AND DRAINAGE FACILITY DEDICATIONS ON BEHALF OF THE CITY OF CHARLESTON AFTER THEIR ACCEPTANCE BY THE PUBLIC WORKS AND UTILITIES COMMITTEE; AS WELL AS, PERMIT APPLICATIONS RELATED TO STORMWATER PROJECTS.
- 2019-040** AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING THERETO A NEW PART 15 ENTITLED TRANSIT ACCOMMODATIONS TO SET FORTH REQUIREMENTS FOR TRANSIT ACCOMMODATIONS FOR MULTI-FAMILY AND NON-RESIDENTIAL PROJECTS REVIEWED BY THE TECHNICAL REVIEW COMMITTEE TO IMPROVE THE MOBILITY OF THE CITY BY INCREASING THE OPPORTUNITY TO UTILIZE AND OPTIONS FOR TRANSPORTATION.
- 2019-041** 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.
- 2019-042** AN ORDINANCE TO MAKE ADDITIONAL APPROPRIATIONS TO MEET THE LIABILITIES OF THE CITY OF CHARLESTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018.

- 2019-043** AN ORDINANCE TO RECOGNIZE THE USAGE OF ADDITIONAL FUNDS TO MEET ADDITIONAL APPROPRIATIONS AUTHORIZED BY ORDINANCE 2019-042 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018
- 2019-044** AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF CHARLESTON IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$155,000,000 AND OTHER MATTERS RELATING THERETO.
- 2019-045** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON ("CITY") AN AGREEMENT OF PURCHASE AND SALE, IN WHICH THE CITY AGREES TO SELL TO RENEE FLEETWOOD LEWIS THE PROPERTY LOCATED AT 839 MINNIE STREET (CHARLESTON COUNTY TMS NO. 418-11-00-074) (WEST ASHLEY) (MARYVILLE/ASHLEYVILLE) FOR \$201,637.00, SUBJECT TO THE CITY OF CHARLESTON SINGLE-FAMILY AFFORDABLE HOUSING RESTRICTIVE COVENANTS, WITH AN AFFORDABILITY PERIOD OF NINETY (90) YEARS.
- 2019-046** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON ("CITY") AN AGREEMENT OF PURCHASE AND SALE, IN WHICH THE CITY AGREES TO SELL TO KIUARNA SHAMONE BROWN SUMMERS THE PROPERTY LOCATED AT 933 FIFTH AVENUE (CHARLESTON COUNTY TMS NO. 418-07-00-174) (WEST ASHLEY) (MARYVILLE/ASHLEYVILLE) FOR \$199,237.00, SUBJECT TO THE CITY OF CHARLESTON SINGLE-FAMILY AFFORDABLE HOUSING RESTRICTIVE COVENANTS, WITH AN AFFORDABILITY PERIOD OF NINETY (90) YEARS (**AS AMENDED TO INCORPORATE CHANGES TO THE EXHIBIT TO EMPHASIZE THAT THE CONVEYANCE WILL BE SUBJECT TO A DECLARATION OF EASEMENTS**).
- 2019-047** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON ("CITY") AN AGREEMENT OF PURCHASE AND SALE, IN WHICH THE CITY AGREES TO SELL TO DAMION H. GUILD AND NYESHA O. CHERRY-GUILD THE PROPERTY LOCATED AT 835 MINNIE STREET (CHARLESTON COUNTY TMS NO. 418-11-00-075) (WEST ASHLEY) (MARYVILLE/ASHLEYVILLE) FOR \$153,578.00, SUBJECT TO THE CITY OF CHARLESTON SINGLE-FAMILY AFFORDABLE HOUSING RESTRICTIVE COVENANTS, WITH AN AFFORDABILITY PERIOD OF NINETY (90) YEARS.
- 2019-048** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON ("CITY") AN AGREEMENT OF PURCHASE AND SALE, IN WHICH THE CITY AGREES TO SELL TO FREDRICKA RAVENELL THE PROPERTY LOCATED AT 919 SYCAMORE AVENUE (CHARLESTON COUNTY TMS NO. 418-11-00-239) (WEST ASHLEY) (MARYVILLE/ASHLEYVILLE) FOR \$196,237.00, SUBJECT TO THE CITY OF CHARLESTON SINGLE-FAMILY AFFORDABLE HOUSING RESTRICTIVE COVENANTS, WITH AN AFFORDABILITY PERIOD OF NINETY (90) YEARS.
- 2019-049** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2234 PORTSIDE WAY (0.29 ACRE) (TMS# 353-12-00-016), WEST

ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 2. THE PROPERTY IS OWNED BY ELIZABETH BOHLER EUBANKS.

2019-050 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2154 WAPPOO DRIVE (0.24 ACRE) (TMS# 343-06-00-185), 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 TYLER COX AND GRAHAM COX.

Mayor Tecklenburg said, "So, next are our bills up for first reading. First, we have an ordinance to amend the order of business for City Council meetings."

Councilmember Griffin said, "Move for approval."

Mayor Tecklenburg said, "We have a motion to approve. Did we get a second?"

The Clerk said, "Is there a second?"

Councilmember Waring said, "Second."

The Clerk said, "Yes."

Mayor Tecklenburg said, "Is there any discussion?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I just have a question about how this would actually work. So, would this be as the Councilmembers decide to bring something forward under this item on the agenda, would it have to be placed there prior to the agenda meeting where the agenda is set, or is it going to be more like a Citizens Petition, and we bring a topic up on the spot?"

Mayor Tecklenburg said, "No, it's intended that you would notify the Clerk of Council."

Councilwoman Jackson said, "Right. So, should that be in the ordinance, how we would be required to--"

Mayor Tecklenburg said, "I don't know that that is required. It could be if you want to amend it to say that."

Janie Borden said, "I believe that's already covered."

The Clerk said, "It is."

Councilmember Gregorie said, "It's already in there."

The Clerk said, "It's in the ordinance."

Councilwoman Jackson said, "It's in this M-1 item?"

The Clerk said, "What this is talking about, was a request, if I remember correctly, from Councilmember Griffin."

Councilwoman Jackson said, "Right."

Councilmember Griffin said, "Yes."

The Clerk said, "So, what this is doing basically is it is just changing the order a little, of the outline that we use for the Council agenda."

Councilmember Moody said, "That's right. It's not changing our process about how to get something on the agenda. It's still got to be the Monday before and all that."

The Clerk said, "That is correct."

Councilwoman Jackson said, "Okay. Alright."

Mayor Tecklenburg said, "I think we're creating a new category."

The Clerk said, "It was Miscellaneous Business. We're just moving that up."

Mayor Tecklenburg said, "We still have Miscellaneous Business, as needed."

Councilwoman Jackson said, "That's why I was just asking if it could be brought up spontaneously or if it would have to be presented on the agenda."

The Clerk said, "Councilwoman Jackson, it's going to be outlined on the agenda."

Councilwoman Jackson said, "Okay. I would agree with that. I just didn't see how it actually spelled out that requirement in this ordinance."

On a motion of Councilmember Griffin, seconded by Councilmember Waring, 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 2 Section 37 to amend the order of business for City Council Meetings.

Mayor Tecklenburg said, "Next is our ordinance regarding hotels."

Councilmember Gregorie said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have a motion to approve. I would just like to make a brief thank you to those who served on the Task Force, and I'm going to call out their names. Some are present here: Susan Bass, Winslow Hastie, Councilmember Gary White, Councilmember Dudley Gregorie, Councilmember Mike Seekings, Helen Hill, Deborah Powell Anderson, Christopher King with the Preservation Society, Jimmy Palassis, who represented the hotel industry, Tim Muller, a neighborhood representative, and although listed as an alternate, John Marsland. I think he participated more than anybody on the Task Force. So, thank you, a special thanks to John. He subbed in for someone completely when they didn't attend one of the meetings. Then, at the next meeting, we just asked him to join us anyway even though everybody was present because his remarks and additions to the matter at hand were very meaningful. So, thank you to all who served. As was stated earlier tonight by a number of folks during Citizens Participation, I think it was a very good result, so the floor is now open."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I'm going to obviously support this, but I did have a question about the process. Once this is in place, would this come before the BZA Zoning for its approval? Is that the process it goes through?"

Mayor Tecklenburg said, "So, when we give first reading tonight, the BZA will be able to use this in their decision making from tonight on forward, but the matter will go to the Planning Commission. The Task Force, by the way, agreed, I should have mentioned, that we are still in business. We're not done yet, and after the remarks tonight that you may have and after the remarks from the Planning Commission, the Task Force does plan to convene again before it comes back to Council for second reading just to see if we have any further recommendations to make."

Councilmember Moody said, "Yes, and I wanted that clarified, but the other question that I had about the BZA process, I had a recent occasion to have an interaction with the BZA, and in my mind, I didn't know the difference. There is an exception, and there is a variance. The thing that I was dealing with, I didn't realize there was a difference, but the item that I was dealing with was an exception and not a variance. There is a process within the BZA that once they approve something that, if it's an exception, you've got five business days to appeal it. If it's a variance, you've got 15 days, I believe, to appeal it, and basically, the appeal comes to City Council before it goes to Circuit Court. Am I right on that?"

Mr. McQueeney said, "No, sir."

Mayor Tecklenburg said, "I don't think so."

Councilmember Moody said, "Okay."

Mr. McQueeney said, "There is actually case law that says you can't set up a process to go through City Council from a BZA review. It's considered an independent sort of entity from the City to create some sort of an independent reviewing body. Under State law, you can appeal within 30 days, either a decision to the Circuit Court, and I'm not sure about the variances, but under our ordinances you can move for the BZA to reconsider their decision within five days of the date the decision is made, and that will state the time to appeal. So, you can wait until they reconsider and then appeal the decision to reconsider."

Mr. Lindsey said, "That is correct."

Councilmember Moody said, "So, at what point, or how does City Council get involved in that at all? Not that I'm looking for any--"

Mr. McQueeney said, "You set up the conditions that they have to consider and the discretion that they have through guidelines that are structured such that people can sort of figure out, relatively speaking, where their application fits in the process. So, you get to set up the structure which is, with this ordinance, you're setting up, you're dictating what the BZA has to consider for a special exception. Under variances, State law almost, more or less, preempts what the process is, the State statute."

Councilmember Moody said, "Whatever we say."

Mr. McQueeney said, "The State statute. Yes, sir."

Councilmember Moody said, "Alright. I have to do some more studying."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilwoman Jackson.

Councilmember Griffin said, "I've got a couple of questions, and I, too, would like to thank the Task Force. I think that they put a ton of time and effort into a short time span to come up with a really great ordinance, but my questions are more in between first and second reading. I'd like to get some more information from our staff. Number one, I would like to know these exceptions, the a. through n. or m. or whatever it is, why they were put in. I would like to get some commentary from the Task Force on why they put those in there. I thought that we would have that going into this meeting, but we haven't got it yet, which is fine, because I think that we could definitely do some more small tinkering to this.

One thing that jumped out right away to me was Item m., the proposed Accommodation use will not result in there being more than 'blank' full service hotels in the City. Are we going to come up with that number, or is the Planning Department going to come up with that number? Mike's saying we are. So, that's something that we're going to have to discuss, but I would also like to know if this were to go into effect, I would like to see some sort of statistics about how many less hotels would have been approved in the last year or something along those lines because I like to see what kind of correlation, how much good this is going to do. This, to me, we talked about units on James Island and Johns Island when we talked about doing a moratorium over there, and I realized it only affected like a hundred units out of 5,000. So, I would like to know how many units or how many Accommodation hotels this would effect and how much of an impact it's going to be because all of this language is great, but if it doesn't do a lot of good and limit the number of hotels, then it's just lip service. So, those are the kind of things I'd like to see, statistic wise. I think that would really help my decision making. If this doesn't help, then I just think we ought to put a moratorium on hotels for two years, but I'd like to do this first. I think that this is a really great document, and I really commend everybody who worked on it. I just want to see how much good it's going to do. Thanks."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I agree with Councilmember Griffin and everyone who has thanked the Task Force and obviously the staff work that went into organizing the Task Force. I think that it is a great example of how we need to be bringing together the stakeholders in ways that are productive, iterative, and all of that. So, I think this is a really good document that tries to capture a lot of good policy for the City. I have some more specific questions, and I don't know if I should ask them now, or maybe I'll call on the Planning Department, but one example, there is some clause here under a. that says something about if the hotel that's being proposed is going to take away existing dwelling units, then there is a whole description in here about how we're going to replace them, and they can be replaced offsite within a radius of a quarter mile from the site if the proposed offsite location does not result in an over concentration of low income households. I don't know what that means, but that sounds like something we don't want to do.

So, there are just some odd things like that, and of course, my own interest is to get as much as we can for affordable housing. I know that, I think, Councilmember Gregorie dug his heels in about making sure we had some way of contributing to the City's Housing Trust Fund. I did my homework, and it's referenced in Item n. that whenever a hotel is going in, they have to contribute to the City of Charleston's Affordable Workforce Housing Account with a fee calculated in accordance with the provisions of Section 54-299-2. That's our MU-workforce way of calculating cash-in-lieu fees, but that whole formula is tied directly to how many units are going to be workforce in a particular Mixed-Use property. I don't see any correlation to that with the hotel scope. So, I think there are some things like that that we really need to drill down on and be as ferocious as we can be for making sure that we've got cash for housing because everyone knows that it's our hospitality industry that, in terms of a steady force of jobs for our community, they are the ones that are hurting the most in terms of being able to live anywhere near where they are required to work. They can't telecommute.

They have to work in the hotel, in the restaurant, in the food and beverage industry, and in the transportation industry. We're their boots on the ground. So, I'm definitely going to pass this as first reading, but I hope we can figure out a way to have maybe a joint Planning Commission/Council discussion about it. Maybe we can all convene in the Planning Office at their invitation, but I definitely have some very specific questions I need to know."

Mayor Tecklenburg said, "Right. So, everyone will be welcome to address specific questions to Planning, and then, we're going to Planning Commission, and you will be welcome to attend there, of course. Then, the Task Force will meet again, and four of us are on it, but I certainly welcome you to attend when we come back there. So, I think, we've got lots of opportunities to tweak it even a little more."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I want to thank everybody who came together quickly on this. Can I get Legal Counsel to come to the microphone, please?"

Mr. McQueeney said, "Frances Cantwell did draft the ordinance. So, I'm familiar with it, but if there is a problem with it, I'm going to blame her. If it's good, I'm going to take credit."

There was laughter in the Chamber.

Councilmember Waring said, "I have one question. I think it's a 'yes' or 'no'. When we pass this, and I think we will, can this be made retroactive? Does Council have the power to make this retroactive to January 1st?"

Mr. McQueeney said, "Not to properties with vested rights without talking to another attorney."

There was laughter in the Chamber.

Councilmember Waring said, "Well, between now and second reading, we can certainly get that answered."

Mr. McQueeney said, "Well, no, I know that you can't."

Councilmember Waring said, "You didn't know I was going to ask that."

Mr. McQueeney said, "You could not apply it retroactively to properties that already have special exception permits under State law. They have a two-year window to utilize those permits and construct and complete their properties. They can get the one-year extensions that we talked about before, but once they have a special exception, we can't. I think there are two conditions. If they make a material misrepresentation to the BZA, then the BZA can hold a hearing and try to revoke it, and there is one other condition that is similar. I think that it's like a substantial change in condition. It's not actually material misrepresentation of fact, but there are only two circumstances where that applies, and neither of them applies to a situation like this depending on the facts."

Mayor Tecklenburg said, "Right."

Councilmember Waring said, "Thank you."

Councilmember White said, "Mr. Mayor."

Mayor Tecklenburg said, "We have more discussion."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, “Just a couple of quick comments, and I did serve on the Committee. Chip, maybe I can give you just a couple of things as takeaways from this evening and try to incorporate just some things that, after I had some more opportunity to digest, just some thoughts that came up. Under Item 8, under those things that were to be considered as part of the BZA process, it spoke specifically to land use within 500 feet of one accommodation or another. I get the intent was about the diversity of uses, but one of the things that I thought about is as long as we’re considering these as factors as part of the decision making process and not just an arbitrary the answer is ‘no, you can’t do it because of,’ if it becomes a sort of a ‘no’ situation, I think that we end up with sort of a de facto spot zoning. I would just ask that we, for the test of the law, make sure that we don’t find ourselves getting tested legally if it’s applied incorrectly.

The other item, on Item 11, is it talked about demonstrated provisions for offstreet parking. What I understand more and more is we’re having developers who are using mechanical parking, stacked parking, and what not, and I don’t think that our current ordinance, it doesn’t provide for it, but it doesn’t disallow it. One of the things I would maybe recommend that we encourage is that we add to this a valet assisted or valet operated mechanical parking as an option, so that we can go ahead and spell that out for that opportunity. Then, the last one, and this one, I guess, maybe we got late in the evening when we were going through this, but Item 17 simply states that number of sleeping units proposed as part of the Accommodations use, but it doesn’t say anything else. So, it’s a little vague. I’m not sure if I can remember exactly what it was we were trying to accomplish. We took a lot out, but we replaced it with a very simple statement. So, I guess I just want to make sure that I know what, in fact, we are trying to accomplish, and I just can’t recall. We had a lot of things happen all at once, and then I would like to say and thank the Mayor for listening and taking my plea or our plea to communicate and to go through this process. As I stated at the last meeting, I felt like the groups that needed to be at the table were all headed in the same direction, generally speaking. I think after a couple of meetings, it was pretty clear that that was the case. Of course, I wish we would have done this about three and a half years ago because I think we could have eliminated a lot of consternation on all parties involved, but I do appreciate the opportunity to at least have gotten to this point, and I think that we’re in a position where now, I’m not saying we don’t have a little bit of tweaking to do, but I think this was proof positive that if you get everybody to the table, you roll up your sleeves, and you’re willing to negotiate and work, that we can come to a good resolution on this. So, thank you. I appreciate it.”

Councilmember Seekings said, “Seekings. Yes, sir. Thank you.”

Mayor Tecklenburg said, “Councilmember Seekings.”

Councilmember Seekings said, “That’s alright. Where is Laurie Yarborough? That’s what she calls me all of the time. It’s great. So, thank you for letting me serve. Thank you for doing all of this, Mr. Mayor. I thought it was a good, collaborative process. As someone who sat on the inside looking out on this to my fellow Councilmembers, this, I think, is a good first start. It’s not perfect. It might not even be great. It’s pretty good. A couple of things I’d like to just point out before we send it to the Planning Commission that we should clean up. I talked to Mr. Lindsey about this today, and maybe he wants to get to the microphone to sort of add on to my comments. As to Item m., there is a reason that it’s blank there where we have ‘blank’ full-service hotels because we weren’t really sure how many fitting the definition ‘full-service hotels’ are in the City. I talked with Mr. Lindsey about that today, and we think the number is--”

Mr. Lindsey said, “Well, we think the existing number is seven. It depends on the legal definition of ‘full-service’, so we need to get that done.”

Councilmember Seekings said, "Seven."

Mr. Lindsey said, "We think it's seven. That's from Helen Hill at the CVB."

Councilmember Seekings said, "But I will tell you that the consensus inside of the Task Force whatever the number was, plus three or four, was what should go into this blank. If it was seven, we agreed that there should be three or four more full-service hotels, and that would be the cap on that. Then, if one went out of service, there would be room for another one. So, I don't know how we're going to fill in that blank, but I don't think we can send something to the Planning Commission with a blank and have them review it. So, I think we should probably insert the number four for safety, and I would move that we do that for now--"

Councilmember Shahid said, "Second."

Councilmember Seekings continued, "With the observation of the Planning Commission and the Task Force is going to review it again, but I will tell you I think that number will be looking on favorably by the Task Force. Just an observation. Yes, sir."

Mayor Tecklenburg said, "How many do we have now?"

Councilmember Seekings said, "I think we have seven."

Mayor Tecklenburg said, "So, wouldn't you make the number seven, plus a few more?"

Councilmember Seekings said, "But we just don't know the number, so when they insert that number it's just four more than we've got now is what we're looking at."

Mayor Tecklenburg said, "So, that would be eleven."

Councilmember Seekings said, "We think. We're just not exactly sure. Between now and when we get there, I'm just saying 'plus four' is what we should put in there."

Mayor Tecklenburg said, "Do you want to amend this to go ahead and say eleven or ten?"

Councilmember Seekings said, "To say 'plus four.'"

Mayor Tecklenburg said, "X plus four?"

Councilmember Seekings said, "Yes, existing 'plus four.'"

Mr. McQueeney said, "Increasing the number of full-service hotels in the City by--"

Mayor Tecklenburg said, "No more than four."

Councilmember Seekings said, "No more than four. The next one is a little more complicated, and I'm not sure how we figure it out tonight, but I do want to put it on our radar and particularly Councilmember Gregorie who fought so hard for provision n. Provision n. is an important provision because it does allow us to take advantage of development in our City where people are profiting and get into the attainable housing game which we need to do. However, provision n., as it's drafted, is unenforceable, just so you know. It is a fee calculated in accordance with the provision of Section 54-292.2 which, if you pull it up, is a very complicated section of our zoning ordinance that was put in place during MU/Workforce Housing provisions that we put in there. It's calculated, as Councilwoman Jackson pointed out, based on the number of units. It's complicated. It doesn't work here, so we need to have a formula. This needs to either be a

straight fee, which I think our Legal Counsel is going to tell us we can't do, I don't know yet, but we'll see, or it's got to be a fee-in-lieu of something, and right now, as drafted, it's not. So, I don't know how we clean that up, particularly Councilmember Gregorie, I think we need some collaborative process on that, but I do think we need to clean it up before it goes to the Planning Commission because if we don't, it will come back to us, and we're going to get into the spin cycle again, and we don't want to do that.

So, my suggestion for purposes of tonight is we ask our Legal Counsel, our Planning staff, and in particular Councilmember Gregorie, to come up and look at the provision in the zoning ordinance that exists 54-292.2c, which is complicated but is tied into units and rental units only and all of that, and figure out what this fee is in lieu of. There are some options, by the way, in the full-service hotels. One of the things that I've always advanced, and I believe it to be the case, we should require full-service hotels to park onsite, and the way to do that is to make them park underground. We've done that with the Bennett Hotel, we're doing it with a new hotel that's on East Bay Street, and we're going to do it at the old First Baptist site. So, that is one thing to look at and to tie it into that, but it's got to be tied into something in lieu of because I think if it's a straight fee, that creates some other issues. Again, it's something we talked about today. So, just as drafted, I just don't want us to get into a place where this goes off into the hinterlands, and we have some questions about the legality of it. Let's address it on the front end before it gets to the Planning Commission. I would just like to hear from Mr. Lindsey if you don't mind, Mayor, to see if I'm way off base on this or if he agrees because this, in the end, is going to be his baby. Him and Mr. Krawcheck, they're the ones who have got to do all of this. So, hit me."

Mr. Lindsey said, "If it's the will of Council, we would be happy to get together with the respective parties, Councilmember Gregorie, and have a good look at it before it gets to Planning Commission."

Councilmember Seekings said, "Am I on the right track though with this whole idea of fee-in-lieu or just a straight fee?"

Mr. Lindsey said, "We certainly want to make sure that the fees-in-lieu are written properly before they are put into ordinances."

Councilmember Seekings said, "That's code for we need to do so. So, anyway, Mr. Mayor, I don't know exactly what my motion is, but my motion is before this hits the Planning Commission, that we need to put a provision in there that is understandable to the people getting in the business and enforceable from our Legal staff, and it's not a straight flat fee because I don't think we can do that. So, with that, I do want to thank everybody. This is a good start. It's going to change a good bit, I think, as we go, but off we go. Anyway, thank you."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Thank you, Mr. Mayor. I think there is a key component that we're not really using. I think our Housing Director needs to be a part of any of this discussion because she knows the rules better than any of us. I think, when we talk fee-in-lieu of during our discussion, we were talking about the square footage and somehow tying it to square footage. So, we can sort of work all of that out, but I do think that it's very important that our Director of Housing be a part of this discussion."

Mayor Tecklenburg said, "So, I must share that, even though I was inspired by Councilmember Gregorie, I made the addition about this fee-in-lieu, and it was intended to be

very simple and not complicated at all. It was to take the square footage of the building times our fee-in-lieu that's the same as the MU fee."

Councilmember Seekings said, "But it doesn't say that."

Mayor Tecklenburg said, "It doesn't say that."

Councilmember Seekings said, "If it doesn't say it, we can't enforce it."

Councilwoman Jackson said, "That would be great."

Mayor Tecklenburg said, "That's right. If we can just make what we talked about in the Task Force meeting, I think we've reached--"

Mr. McQueeney said, "Frances Cantwell drafted this portion of the ordinance."

There was laughter in the Chamber.

Councilmember Seekings said, "Mr. Mayor, as you answered me earlier about the Southern Pitchfork, it may not be quite that simple."

Mayor Tecklenburg said, "That's right."

Councilmember Seekings continued, "I think that one is. I don't think this one is. But I think this one, if we do it as a straight fee, we're going to have some legal issues we're going to have to tackle."

Mayor Tecklenburg said, "Okay. So, the way I read you all right now, read us, is that we have a motion on the floor to accept the ordinance with the addition in paragraph m. that the full-service accommodations would increase by no more than four and that n. would specify a more simplified expression of the fee-in-lieu."

Councilmember Seekings said, "The key being fee-in-lieu of."

Councilwoman Jackson said, "Yes, it's the in-lieu part."

Mayor Tecklenburg said, "I said fee-in-lieu, correct. I said that."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Just to kind of wrap up two more things I wanted to touch on, I hate whenever I read these ordinances, and I see things like 'significantly increase' automobile traffic. So, we want to look at that again, I'm sure, and we want to get some sort of specificity on that because 'significantly increase' is just not a good word ever, especially in an ordinance like this. Finally, I'm the young guy on this group, and I'll be honest, every once in a while I like to go out on the weekend. I like to go to a rooftop bar because it's a wonderful place to go. We're lucky that we have beautiful weather. We're lucky that we have some of the most beautiful scenery ever. When I was growing up, I used to love to go to a rooftop restaurant and have breakfast with my family on Sundays. We were very, very lucky. So, I would like the Task Force to look at that again. I don't think that we have to have some sort of blanket statement that we can't have any more rooftop bars. I could understand that if there is proximity to a neighborhood, but correct me if I'm wrong, didn't we have some sort of litigation over a rooftop bar here recently with a hotel?"

Councilmember Seekings said, "It's still going on."

Councilmember Griffin said, "It's still going on. So, I don't know if we really want to open up that can of worms again. I think that we could find a way to still honor the character of the neighborhoods, but there are plenty of places along King Street that are perfect for rooftop restaurants and bars, and they're very, very successful, and I might find the love of my life there one day. Thank you all so much."

There was laughter in the Chamber.

Councilmember Seekings said, "Let's see what happens with that at the Planning Commission."

Mayor Tecklenburg said, "The Task Force discussed that. The feeling was that we have enough already, and there are a good number of them out there. I don't have a count on them but, along the way, we would be happy to reconsider that."

Councilmember Griffin said, "Thank you."

Mayor Tecklenburg said, "Thank you."

Councilmember Gregorie said, "Mr. Mayor, I think it is also important that 'significantly' and all of that stuff which is throughout, we discussed at the Task Force meeting, and there was a reason for it."

Mayor Tecklenburg said, "We did."

Councilmember Griffin said, "Hopefully, that commentary that I asked for."

Mayor Tecklenburg said, "There are some places, according to attorney Cantwell, that some of that kind of language is frankly appropriate, so we did discuss that. Alright. Is there any further comment?"

Councilmember Waring said, "I've got one last question. The \$3.00 fee, how does that keep pace with inflation when you put a fixed fee in versus a percentage?"

Mayor Tecklenburg said, "Well, it doesn't, but we also had this discussion also at the Task Force that the fee already should be reconsidered that we have applied to MU zoning, that developers have readily been paying it even though they fussed with us when we first came up with the fee. So, it might be a good time for us to take another look at that."

Councilmember Waring said, "I just think ten years from now, whatever fee we plug in, how does that keep pace?"

Mayor Tecklenburg said, "Yes, and when we review it again, maybe we build in some inflation factor or some multiplier or something like that."

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by deleting Section 54-220 Accommodations Overlay Zone, and replacing said section with a new Section 54-220, Accommodations Overlay Zone, to, among other things: provide for the preservation or creation of Mixed-Use Districts; prohibit the

*displacement of housing by accommodations uses and consider the effects of dwelling units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the dwelling units should be attached to an accommodations special exception approval; establish conditions on the displacement or reduction of office space by accommodations uses; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on the property; to include a minimum and maximum size for accommodations facilities; to provide regulations for the design and location of guest drop off and pick up areas; to require the incorporation of meeting and conference space; to establish a limit on the number of full-service hotels; to provide for a contribution to the City of Charleston Affordable/Workforce Housing Account; and to subject violators of the provisions of this Section 54-220 to having their business license or certificate of occupancy revoked. **(AS AMENDED)***

Mayor Tecklenburg said, "So, next we have a call to go to Executive Session to discuss some litigation."

Councilwoman Jackson said, "I move."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "We have a motion and a second to go into Executive Session to discuss the LDC matter."

On a motion of Councilwoman Jackson, seconded by Councilmember Shealy, City Council voted unanimously to into Executive Session at 8:33 p.m.

On a motion of Councilmember Lewis, seconded by Councilmember Seekings, City Council voted unanimously to come out of Executive Session at 9:06 p.m.

Mayor Tecklenburg said, "We are now out of Executive Session. Let the record show that no action was taken while we were in Executive Session. Now, can I entertain a motion to approve-
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Councilmember Seekings said, "So moved to approve the settlement of the LDC agreement with the City of Charleston."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "We have a motion to approve the Settlement Agreement and Release between the City of Charleston and the Local Development Corporation. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Griffin, City Council voted unanimously to approve the Settlement Agreement and Release between the City of Charleston and the Local Development Corporation.

Mayor Tecklenburg said, "Can I hear a motion we adjourn?"

Several Councilmembers said, "So moved."

Mayor Tecklenburg said, "Alright. By acclamation, we stand adjourned."

There being no further business, the meeting was adjourned at 9:06 p.m.

Vanessa Turner Maybank
Clerk of Council