

## CITY COUNCIL MEETING

Regular Meeting

June 15, 2021

The one-hundred and twenty-first meeting of the City Council of Charleston was held this date convening at 5:03 p.m. at the Bees Landing Recreation Center and over video conference call (Zoom).

A notice of this meeting and an agenda were made available on the City's website June 10, 2021 and appeared in the Post and Courier on June 14, 2021.

### PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember Delcioppo	District 1	Councilmember Waring <i>(arrived at 5:18 p.m.)</i>	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Sakran	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Brady	District 5	Councilmember Appel	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 5:03 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Now, if you would like to join us, Councilwoman Jackson will lead us in an [invocation](#)."

Councilwoman Jackson opened the meeting with an invocation.

Mayor Tecklenburg said, "Thank you very much. Here we are in Flag Week, the day after Flag Day. Please join me in our [Pledge of Allegiance](#) to the flag."

Mayor Tecklenburg then led City Council in the Pledge of Allegiance.

Mayor Tecklenburg said, "Thank you so much, and we have Zoom guests with us tonight, as well. We are here in person for our second in-person meeting since the pandemic, but we are also on Zoom. How many visitors do we have online so far? Can you see? Hopefully, a number of folks will be joining us there, as well.

We have a number of proclamations this evening. I was tempted earlier today to add one more to proclaim that today is Proclamation Day in the City of Charleston given the number that we had. Do understand that we normally have three or four per meeting, and during the summer months we're only meeting once per month so, we've got to get them all in when we do meet. So, we have six proclamations. I do have a couple of announcements before we get started though with those, and I guess we'll start on a sad note. If I could ask our Director of Recreation, Laurie

Yarbrough, to come forward and share with us that we've lost [Coach Mario Drayton](#), who was a long-time employee of our Recreation Department, but more importantly an amazing volunteer."

Laurie Yarbrough said, "Yes, thank you, Mayor. So, yesterday we got the very sad news that Coach Mario Drayton who, if you saw Mario, you saw Oscar Fordham, they were each other's twins by about 40 years, but he passed away. He had been battling cancer. He died at the VA Hospital. He served in the Armed Forces, and then he came on. We had him working as a volunteer for so long. We told him to join the payroll and start working, so he had been with us 15 years. He had just gotten his service pin, and we made sure he got it at the hospital. So, he was very excited to get that, but we were very saddened by that news and wanted to share it with City Council. He impacted so many children over the years that he coached with Coach Fordham. So, thank you for letting me address that."

Mayor Tecklenburg said, "Absolutely. Thank you, Laurie. Somewhat related to Recreation, one of the projects that we kind of pushed back last year because of COVID was a renovation of the Shaw Center over on the Eastside. I've spoken with Amy, and we're going to be restoring some funding so that we can move that project forward next year. Jason is getting to work. The reason I bring it up was because I felt blessed to get a copy of a check that we received the other day from Mr. John Winthrop for \$20,000 to add to the renovation effort at the Shaw Center. So, I just wanted to recognize Mr. Winthrop. He couldn't be with us today, and I don't know if he is online or not, but next time we see John Winthrop, please thank him for his generosity. It's interesting, of course, with the name John Winthrop. He is a direct descendent of Governor John Winthrop, the first Governor of the State of Massachusetts. Interestingly, John is also a distant relative of Robert Gould Shaw that the Shaw Center was named after. So, anyway, it struck his heart that we needed a little help, and he gave us \$20,000. So, we thank him.

So, next, could I ask, I know he was going to join us online, is [Nigel Redden](#) with us by Zoom? Can you all identify him maybe and bring him forward to the screen? Good evening, Nigel. Is he going to be able to speak to us, as well?"

Nigel Redden said, "I think I can."

Mayor Tecklenburg said, "There you are. Great. Nigel, thank you for being with us this evening. I wanted to recognize Nigel. You all know he is retiring as the General Director of the Spoleto Festival, so I have a proclamation in his honor, and it does cover a lot of your early childhood and accomplishments. Nigel, I'm going to skip over a little bit of that."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "In addition, I proclaim, Nigel, that you are a bona fide life-long citizen of Charleston and the Renaissance Man of Charleston. I give you Nigel Redden. Thank you."

There was applause.

Mr. Redden said, "Thank you very much. Being a citizen of Charleston means an enormous amount to me. I thought that I would never achieve this, having been born elsewhere and being somewhat peripatetic, but I've enjoyed my time in Charleston immensely. I think the

festival has been one of the real pleasures of my life, and I thank you for your support of the festival before you were Mayor and currently as Mayor. I want to thank City Council for their support of the festival, which has meant so much to the City, and I look forward to coming back to Charleston and enjoying the festival now as a citizen of Charleston. So, thank you very, very much.”

Mayor Tecklenburg said, “God bless you. Thank you, Nigel.”

There was applause.

Mayor Tecklenburg said, “We’ll see you next year on the other side of the stage.”

Mr. Redden said, “Indeed.”

Mayor Tecklenburg said, “So, the Navarros are here, I see Emma and Ben here with us. I have a proclamation. We are so proud of [Emma Navarro](#) and her accomplishments.”

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, “Emma, congratulations.”

There was a standing ovation.

Mayor Tecklenburg said, “Emma, if you would like to come forward to the microphone and address.”

Emma Navarro said, “Thank you, Mayor Tecklenburg, for having me today, and the City Council. I couldn’t be more proud to be from Charleston, so to have you guys’ support is really great. So, thank you.”

Mayor Tecklenburg said, “God bless.”

There was applause.

Councilmember Seekings said, “Hey, Laurie. While they’re doing those pictures, are we going to get a plaque at Hazel Parker that says, ‘Site of training of NCAA Champ and soon to be U.S. Open Champ, Emma Navarro,’ please? Thank you. Yes. Excellent.”

Mayor Tecklenburg said, “It all happened at a City of Charleston park, right? Exactly. So, is Lorna here? There she is. So, we have a proclamation recognizing the [Caribbean American Heritage Month and Charleston Carifest Days](#). Lorna Shelton Beck is with us and she might have a few others, so you all come forward. I’ll make the proclamation and then ask you, Lorna, if you would like to say a few words.”

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Lorna."

There was applause.

Lorna Shelton Beck said, "Thank you very much, Mayor, all of the City Councilmembers, and honored guests that are here. We wish to extend our thanks for the appreciation shown and want to say that June 2021 is the 16<sup>th</sup> year of our celebration of Caribbean American Heritage Month, and we're honored and so appreciative that the nation has recognized Caribbean American Heritage Month and the vast contribution of Caribbean people to this, our adopted country. Thank you."

Mayor Tecklenburg said, "Great."

There was applause.

Mayor Tecklenburg said, "Next up is our proclamation recognizing [World Elder Abuse Awareness Day](#). With us is Jamie Roper, the Mayor's Office on Aging Coordinator, and Stephanie Blunt, who is the Executive Director of the Trident Area Agency on Aging, and you did note, I've got my purple shirt on. Today was 'wear purple day' in honor of Elder Abuse Awareness Day."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Jamie Roper and Stephanie, you all come forward."

There was applause.

Jamie Roper said, "Mayor Tecklenburg and City Council, we thank you so much. We thank you very much for bringing awareness to this. This is such a travesty, and it could happen to anyone. So, I ask everyone to keep your eyes and your ears open. If you see something, say something. Report it to the Police Department, Adult Protective Services, or feel free to call my office. Again, thank you, thank you."

Mayor Tecklenburg said, "And you all, this is a remarkable woman, Jamie Roper. She is really hands on, compassionate, helping the elders in our community. Jamie, thank you for the work you do every day."

Ms. Roper said, "Thank you."

There was applause.

Mayor Tecklenburg said, "Next, is our proclamation recognizing [National Collector Car Appreciation Day](#). This was requested by Kevin Shealy, and Trevor is with us. You all come forward, Trevor and other members. Did you all see those classic cars out front when you pulled up? I mean they are really pretty amazing."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Trevor, before you make remarks, Councilmember Shealy, would you like to add anything?"

Councilmember Shealy said, "Thank you, Mr. Mayor. The Mayor was saying that in 2009 Congress declared National Collector Car Day and, certainly, being in one of the most historic cities in the country, we should recognize that, as well. That's, obviously, what we're doing, but these guys have done an incredible job of restoring and preserving these classic vehicles. On July 10<sup>th</sup>, I hope everybody will mark this on their calendar because it's an event you really don't want to miss. They've been doing it for several years now. They start at Brittlebank Park, and they line these unbelievable collector cars up at Brittlebank Park and drive through the City of Charleston. When they're coming down Broad Street, it's kind of cool with the line of cars coming through. Trevor and I were talking earlier today, and he is going to try to hit as much of the City of Charleston as possible when he lays out the track this year so that our City can see the job that they've done and these beautiful cars, but it's incredible what they have done. I can't imagine it's better in any other place. The cars just continue to run through, and every one seems to get better as it goes along. It's just jaw dropping and amazing what they do. If any City Councilmember would like to ride along on July 10<sup>th</sup>, I'm sure we can arrange that for some of you to participate and be in there because I have ridden in Trevor's car in the past. It's a really unbelievable experience. In the past, they've stopped at Magnolia Gardens. They've actually made a stop at Citadel Mall to kind of show off, take a break, that kind of thing, and then continue on to Magnolia Gardens. It's a great event, and I hope that you will mark it on your calendar for July 10<sup>th</sup> and help support them. Anyone that can help get that word out, we want to share that with as many people as possible. I want to thank Sergeant Trevor Shelor, who was a former Sergeant here in the City of Charleston, for all of the work that he does with this group and organizing this. So, thank you. Trevor."

Mayor Tecklenburg said, "Trevor."

Trevor Shelor said, "Yes, just briefly, it's been a lifelong hobby for me and a lifelong hobby for Mr. Hyde here. I represent the Antique Automobile Club in Charleston, and he's with the Model A Ford Restorers Club. It's a multi-generational thing. It gets grandparents, parents, and kids all together. It's a nice, clean hobby and everybody just has a lot of fun, and every time you see an old car someplace, you're going to smile at it. We really do want folks to come out and visit with us, come along for the ride, or start your own car project. Just come find us. Thank you."

Mayor Tecklenburg said, "Great. Alright. Last, but not least, is a proclamation recognizing [National Home Ownership Month](#). I'd like to invite Eli Poliakoff and F.A. Johnson, both with the Charleston Redevelopment Corporation (CRC), along with our Housing Director, Geona Shaw Johnson, to the microphone."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "I'm so pleased to have both Eli, F.A., and, of course, Geona here with us. They lead up the Charleston Redevelopment Corporation, which has become a critical component of our affordable housing efforts and, particularly, with home ownership initiatives. So, F.A. or Eli, please come forward and share a few remarks."

Eli Poliakoff said, "Well, thank you, Mayor, and members of Council for recognizing the CRC. We appreciate that the City has made affordable housing such a top priority. As you all know, the CRC is a non-profit organization that was formed by the City, Historic Charleston, and the Charleston Housing Authority. We have been a busy organization. We have acquired the Sea Island Apartments, which allowed the units to remain affordable for about 160 residents. We have a project completed in Rosemont. We have projects underway in Maryville and elsewhere in West Ashley. So, we're busy, and we're working hard to help address this important issue. Thank you."

Mayor Tecklenburg said, "And lots more on the way I know. F.A. and Geona? I'll just add that there are two things that build wealth in the family. One is owning a home, and one is owning a business. But if you look at it statistically, most of the net worth of Americans lies in the value of their home, and that's why promoting homeownership long-term is so critical to elevating the net worth of Americans. It truly is part of the American dream."

There was applause.

Mayor Tecklenburg said, "Alright. Next up is our [public hearings](#), and is Mr. Morgan here or either online to present our public hearings for us?"

Mr. Morgan said, "Yes, Mr. Mayor, I'm here on Zoom."

Mayor Tecklenburg said, "Alright. Number one."

Mr. Morgan said, "This is 1505 Greenleaf Street in the Upper Peninsula area off Meeting Street Rd right near that intersection of Meeting Street Rd and Greenleaf Street. It's a 1.42 acre site. It's a request to rezone the subject property from Heavy Industrial to Upper Peninsula zoning. On this map, you can see how this property is surrounded nearly on three sides by current Upper Peninsula zoning. I think it had been subdivided off before we developed our Upper Peninsula zoning, and the owners would like to make it part of that Upper Peninsula zoning and create a Mixed-Use development on this location. It is something that when we look in our plans and look at how this area is evolving, we felt comfortable with, and the Upper Peninsula has already been in this area for four or five years and this property, again, being surrounded on several sides. It does back up to heavier industrial uses, but up towards Meeting Street is more of Mixed-Use capability there. I'll show you some images of the site. It's currently in that Job Center designation in the current plan, which is soon to be updated with our new plan we'll be bringing to you next month. We have an aerial image of the property. There are some Light Industrial-type structures on the property at present. Here is a little bit closer view of those structures. Here is another view of it from an aerial image, from the ground, and, again, from the ground, and some of the Industrial across the street, and some of the other stuff across the street uses. Planning Commission did review this and recommended approval by an 8 to 0 vote."

Mayor Tecklenburg said, "Alright. We didn't have anybody sign up on Zoom. Would anybody from the public here like to be heard on this matter?"

No one asked to speak.

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

Councilmember Mitchell said, "Move for approval."

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1505 Greenleaf Street (Peninsula) (approximately 1.42 acre) (TMS #464-10-00-120, 124 and 006) (Council District 4), be rezoned from Heavy Industrial (HI) and 2.5 Old City Height District classifications to Upper Peninsula (UP) and 4-12 Old City Height District classifications. The property is owned by Cooper River Corporation, LLC.*

Mayor Tecklenburg said, "Mr. Morgan, number two."

Mr. Morgan said, "This is a rezoning and a small amendment to a PUD that you all saw not too long ago. It's Tax Map #460-04-04-074, 078, 080, and 086 and the previous right-of-way of upper Saint Philip Street. It's approximately 1.453 acres, and it's a rezoning from General Business to the Sheppard Street PUD. It's owned by some folks who were dealing with an heirs property issue, so they were not able to be part of the PUD when the PUD was going on around them in the last year to year-and-a-half, but now they would like to join that PUD. The other folks that are involved in the PUD are willing to have them be part of it. This addition to this PUD would allow for three additional Accommodations-use units on 84 and 86 Sheppard Street to be part of this PUD. So, not a huge change to the overall character of this PUD which already had several dozen Accommodations units, as well as the new office building that is going up on King Street at present between Sheppard Street and the King Street off-ramp. I'll show you some images here of the property. Again, it's in our Urban and Urban Core designation in the current plan, so the PUD is in keeping with those designations. Here is an aerial image of the site. Of course, now there is a new office building that's been built on this grassy area here front facing onto King Street, and here you see, again, where the new office building is going. The subject property is here, and we will look at the other properties here. The ones on the western end of the property are adjacent to our Coming Street drain shaft that is part of the Spring Street and Septima Clark Parkway Drainage Improvements. Here are some other images of the buildings on Sheppard Street and the former Saint Philip right-of-way, which has now been dedicated to the owners on either side, and here is the PUD Land Use Map. This will be part of the Mixed-Use area here, and then there is also Accommodations area here towards the western end of the development. This was at the Planning Commission last month and was recommended for approval 8 to 0."

Mayor Tecklenburg said, "Great. Thank you, Mr. Morgan. Would anybody like to be heard on this matter?"

No one asked to speak.

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

Councilmember Mitchell said, "Move for approval."

Councilmember Shahid said, "Second."

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

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Move for approval."

Councilmember Seekings said, "Second."

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

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Seekings, 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 part thereof, so that property located at 84 Sheppard Street (Peninsula) (approximately 0.067 acres) (TMS #460-04-04-079) (Council District 4) be rezoned from General Business (GB) Classification to Planned Unit Development (PUD) classification (Sheppard Street PUD), and by amending the Sheppard Street Planned Unit Development (PUD) Development Guidelines, PUD 2020-000013 (Ordinance Number 2020-125) to allow up to an aggregate of three (3) accommodations use units on 84 and 86 Sheppard Street.*

Mayor Tecklenburg said, "Number three."

Mr. Morgan said, "This is another small amendment to a PUD that was previously approved. This one was a few years ago, but this is the Marshes at Cooper River PUD in Cainhoy off Clements Ferry Road, Tax Map #267-00-00-004, 005, 010, 050 through 057, 069 and 071. It's approximately 36 acres. However, the only part of this PUD that's being amended is the 0.15 acre sliver that is at the very front of the property on Clements Ferry Road. It had always been the intent of the developers of this PUD to include this property, but they were not able to acquire it. They have now been able to do that, and they are adding it to their Commercial lot that's at the front of the PUD. It's not adding any Residential density here. It's just adding a frontage along Clements Ferry Road to the Commercial property as had always been intended. It is in our job center and suburban edge recommendation in the current plan, and the PUD is in keeping with that. It is shown here. Construction had already started. There are a number of houses out here now in the PUD, and the subject property is, again, up here at the front on Clements Ferry Road itself, and you see here the very thin sliver of property that is, basically, a grassy area at the front of the development. Here is that same area from a different aerial view, and here it is from the street view. You can see it. It's the pine straw in this image here, and here is the layout of the PUD, and you can see the Commercial designation here and the small area addition to the PUD. Our Planning Commission reviewed it last month and recommended its approval 7 to 0."

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

No one asked to speak.

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

Councilmember Griffin said, "Move for approval."

Councilwoman Jackson said, "Second."

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

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 Councilwoman Jackson and third reading on motion of Councilmember Waring. On further motion of Councilmember Griffin, the rules were suspended, and the bill was immediately ratified as:

**2021-079 -** AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE MARSHES AT COOPER RIVER PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN AND DEVELOPMENT GUIDELINES (ORIGINALLY ADOPTED BY ORDINANCE #2015-078 AND LAST AMENDED BY ORDINANCE #2018-095) LOCATED OFF CLEMENTS FERRY ROAD (CAINHOY) (APPROXIMATELY 36.09 ACRES) (ORIGINAL TMS# 267-00-00-004, 005, 010, 050 THROUGH 057, 069 AND 071) AND BY CHANGING THE ZONE MAP TO INCLUDE PROPERTY LOCATED ON CLEMENTS FERRY ROAD (CAINHOY) (BERKELEY COUNTY) (APPROXIMATELY 0.15 ACRE) (TMS# 271-00-02-153) (COUNCIL DISTRICT 1), IN THE PUD. THE PROPERTY IS OWNED BY MARSHES AT COOPER RIVER HOMEOWNERS ASSOCIATION ET AL.

Mayor Tecklenburg said, "Now for number four. Thank you."

Mr. Morgan said, "This is an amendment to our Development Codes in reference to property or developments that require TRC approval. It's part of the Land Development Plan Review Guide, Chapter 54 of the Code of City of Charleston, and we're updating the list of development project types that require approval of the TRC. I'll show you a few slides, and we're also going to have Eric Schultz here who heads up our TRC operation in our Planning Department if there are any questions on this issue. So, this is a recommendation from the Novak Consulting Group when they reviewed the TRC process at the City. So, this has been a recommendation we've been working towards for awhile. That came out in January of 2018. You see where it has been a follow-through. The consulting group and TRC staff made 23 recommendations for improving the TRC, and so staff has been looking at this and contemplating how best to undertake it.

Here is the process that has been undergone. In fall of 2020, the TRC Committee began conversations and analysis of the types of buildings that should require TRC review and approval. In February of this year, there was a draft ordinance presented at the TRC University, which is made up of applicants, owners, developers, consultants, and non-profits. After that in March and April of this year, the staff modified the draft ordinance based on that feedback, and, then, May 19<sup>th</sup> of this year, it was presented to the Planning Commission. The proposed ordinance, which you all have a copy of, shows the changes here requiring that any TRC review would relate to any construction or renovation which results in a building or addition to an existing building or the

footprint of the new building is of 2,000 square feet or more. Also, where there are internal or external to the development site's specific changes or additions to curb cuts, site access, and drive-thru lanes and any construction, development, or redevelopment that requires a Type II or Type III Construction Activity Application as prescribed in the City's Stormwater Design Standards Manual, or if it's in a PUD, a Neighborhood District, a Gathering Place District, or Upper Peninsula District. Then, any construction of a new building or building addition on the Peninsula or in that area identified as a Special Protection Area by the Department of Stormwater Management that results in a total of three or more dwelling units on a single lot and any linear construction project, specific to sidewalks, multi-use paths, or subsurface drainage system that exceeds a continuous length of 100 feet or requires platting of a new easement, excluding construction projects resulting in easements that such projects may require construction activity and application approval. So, essentially, these are the requirements of this amendment to the ordinance and, again, Eric Schultz is available if you all have any further questions of detail. This did go before our Planning Commission last month and had approval 8 to 0 by the Planning Commission."

Mayor Tecklenburg said, "Great. Thank you. Would anybody like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "I want to thank staff. They put a lot of time and thought into improving our TRC process."

Councilmember Mitchell said, "Move for approval."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "We have a motion."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mayor. I intend to support this, but I was just curious. I know some of our newer colleagues weren't in office when we had the Novak Study. I think it was one of the first studies that they did of the TRC improvements that could be made by being more efficient and all of the quality control things that they recommended. So, I'm just wondering where this ordinance would have fallen into that framework of what they recommended to us?"

Mayor Tecklenburg said, "Absolutely. My understanding is this is a direct result of quite the process that our internal process improvement and Novak engaged in when they looked at the TRC process. Eric, you want to add anything to that?"

Eric Schultz said, "Good evening, Mayor. Thank you, and members of Council. That is very much the situation, a lot of effort. I think at the time the members of TRC spent two full days with Novak. We tore our process apart inside and out and, obviously, the 23 recommendations were a result of that effort and the great work of Novak. Condition #22 was to convene a group, or I guess it's not #22 exactly, recommendation #21. As you well know, development in the TRC Committee is extremely busy in the City of Charleston, so it took a little delay. This past fall we began the conversations, and we really began to examine what other processes in the City capture permit release and approvals and then what projects should have further study under

TRC. As a result, I believe the existing ordinance had six categories. We grew it to ten. Actually, number ten was dismissed after we shared it with the development community, and that's going to be looked at further in the future, but we ended up with the nine. An internal motto or phrase that we often use in TRC is we like to have an end result in world class developments from a simple 150' sidewalk project to a multi-million dollar multi-family project, and it's important that all eyes look at a project whether it's from the ABA's perspectives, zoning, and so forth. So, we feel real confident with this amendment. We've thought real long and hard whether it would add extreme additional workload that we're already experiencing but we, again, as a team felt that it was important for these projects to have TRC review. So, that's a summary of my perspective, but I think the City is going to benefit overall."

Mayor Tecklenburg said, "Great. Thank you. Are there any further questions?"

Councilwoman Jackson said, "Thank you. I think that puts it all in context for those of us who weren't here to be part of that explanation of the original report. So, thanks. I appreciate it."

Mayor Tecklenburg said, "Great. Are there any further questions?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Yes, Mr. Mayor. Can somebody speak to the time delay on projects that are being presented in front of the TRC and developers getting comments back on their initial submittals? I got three calls last week from three separate design engineering firms. One submitted a plan in the second week of February, two submitted plans the second week of March, and they have yet to receive initial comments back on their plans. Can anybody tell me whether this amendment or what is happening with the TRC process to hold up plan approvals? As a matter of fact, one of our affordable housing developments that we just applauded is one of the projects being held up on getting our comments so plans could go forward to be built."

Mr. Schultz said, "Yes, thank you, Councilmember Waring. TRC, I think we've got the dream team in place now. There had been a few issues in Stormwater Management with staffing, but I think the Mayor can agree and chime in if he wishes, but that department is almost at full staff with the new hires, and they're going to very quickly start to examine how they assign different TRC projects to that new staff. Tracy McKee, as well, is tracking our metrics, and we are striving every day to improve that timeline. Tracy and TRC staff were involved in developing a matrix on the review time, and that was based on actually gathering data on individual reviewer's time to review a project, whatever scale it may be, from a simple amenity center in a subdivision to, again, a multi-100 lot subdivision and whether it's in an SPA or whether it's not in an area of known flooding and so on and so forth. So, we are really striving by tracking our review time, how long it's taking us as individuals to review a specific project, Tracy is tracking that. We're reviewing that with the Mayor on a monthly basis and, again, I believe with TRC staff being fully staffed in all areas of expertise, Traffic and Transportation, Stormwater, and other areas, I think you're going to see great improvement in that review time."

Another effort that we thought long and hard about is addressing affordable housing. We now have a new protocol in place for affordable housing projects not required to have City Council approval, but we developed, basically, an internal policy on how we're developing and helping affordable housing projects. As we all know, that's Mayor Tecklenburg's focus area. So, we shared that with him, and we're moving forward in that area, so things are going to look very good here in the near future."

Councilmember Waring said, "Mr. Mayor, if you allow, let me ask a follow up to that."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "I understand the tracking, and I can appreciate Ms. McKee's ability. Believe me, we all do. She's great at what she does, but these plans that were submitted in February and March, and here we are in June, that haven't received comments, we need an answer on when they're at least going to get comments so they can adjust their plans to come back for final approval. Can anybody answer, if you've got new staffing, can anybody answer when the plans that have been in the backlog or in the hopper, when will they be addressed?"

Mr. Schultz said, "Well, I think I need to know the specific project, number one, and the area that wasn't able to deliver comments at the meeting. So, please forward that specific project, and we'll delve into it and figure out who is needing to provide comments. Not to point the finger at Stormwater, but I suspect it's probably Stormwater and, again, that team is, I hope, fully assembled, and we'll be working very hard to get those comments delivered and then proceed with the process."

Councilmember Waring said, "Thank you for stepping up on a difficult question. I'll follow up outside the meeting. Thank you, sir."

Mr. Schultz said, "Okay. Very good."

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

No one else asked to speak.

Mayor Tecklenburg said, "I'll call the question."

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

*An ordinance to amend Section 54-604 (Developments that require TRC approval) of Article 6 (Land Development Plan Review) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance) to update the list of development project types that require the approval of the Technical Review Committee.*

Mayor Tecklenburg said, "Back to you, Mr. Morgan, number five."

Mr. Morgan said, "This is a recent annexation at 807 Savage Road in West Ashley, Tax Map #309-15-00-053, .193 of an acre requesting zoning of Diverse Residential (DR-12). It was an M-12 zoning in Charleston County. The Planning Commission reviewed and recommended approval 7 to 0, and here is an aerial image of the property. Again, it's adjacent to some other Multi-Family, and it had a Multi-Family designation in the County, and Planning Commission recommended 7 to 0 in favor of that."

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

No one asked to speak.

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

Councilmember Mitchell said, "Move for approval. Is that 805 or 807?"

Mr. Morgan said, "807."

Councilmember Mitchell said, "It's 807."

Mayor Tecklenburg said, "807 Savage Road, correct."

Councilwoman Jackson said, "I second."

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

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilwoman Jackson, 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 807 Savage Road (West Ashley) (approximately 0.193 acre) (TMS #309-15-00-053) (Council District 7), annexed into the City of Charleston May 11, 2021 (#2021-071), be zoned Diverse Residential (DR-12) classification. The property is owned by Andrew Dufresne and Grace duFresne.*

Mayor Tecklenburg said, "Last but not least, number six."

Mr. Morgan said, "This is 1453 S. Edgewater Drive in Edgewater Park in West Ashley, TMS #349-13-00-008. It's almost a half-acre. It's a request for zoning of SR-1. It was R-4 in Charleston County. On this image, you see the R-4 that surrounds it in the County. The other parcels we brought into the City in this area have been SR-1, so that is in line with those. The Planning Commission recommended 7 to 0 in favor of this zoning. Here is an aerial image of the property."

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

No one asked to speak.

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

Councilmember Mitchell said, "Move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion to approve. Are there any questions or comments?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Shahid, 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 1453 S Edgewater Drive (West Ashley) (approximately 0.47 acre) (TMS #349-13-00-008) (Council District 11), annexed into the City of Charleston May 25, 2021 (#2021-078), be zoned Single-Family Residential (SR-1) classification. The property is owned by Constantine D and Cherie A Liollo.*

Mayor Tecklenburg said, "We welcome the Liollo family to the City of Charleston. Alright. Next is our Public Participation Period."

Councilmember Mitchell said, "Minutes."

Mayor Tecklenburg said, "I'm sorry. We've got some [minutes](#). Thank you. Approval of minutes from May 25<sup>th</sup>."

Councilmember Shahid said, "Move for approval."

Councilwoman Jackson said, "I second."

Mayor Tecklenburg said, "We have a motion to approve and a second. Are there any changes, deletions, or additions?"

No one asked to speak.

On a motion of Councilmember Shahid, seconded by Councilwoman Jackson, City Council voted unanimously to approve the minutes of the May 25, 2021 City Council meeting.

Mayor Tecklenburg said, "Next is our Citizens Participation Period. I'm told we have 27 folks who have signed up to speak during our 30-minute period. So, we're going to ask you all respectfully to try to keep your comments to a minute each. I know that's not a lot of time, but we've got a lot of folks signed up, and that's the time that Council allots for this. So, Madam Clerk will call maybe three or four names. We would ask you all to queue up to speak at the microphone, and we look forward to your comments this evening."

The Clerk said, "The first speakers we have are Mohammed Idris followed by Quan Myers and Adonis Broadway."

1. Mohammed Idris said he gave Council papers expressing his thoughts and knowledge on racism. He said the new world order racism was dead. Racism was dead, but the corruptors used racism, so they could get money, homes, and different things while the poor among African Americans and the Europeans were left out without any kind of representation. He saw that they had a great representation on Council. They had two ladies, and it was good to see women on Council. He didn't have time, but he was going to put everything he wanted to say on YouTube from now on since they cut the time down. He was going to put all of them on Facebook, and they would be stars in America.

2. Quan Myers said he was there in reference to the street vendors on King Street. He started the street food business about 13 years ago, and he heard there were some problems in the past year. All he wanted to share was the impact that street food did for the people of Charleston. They impacted a lot of people. When people went out to drink, eat, and blow off steam, it was important for street vendors to be out there to serve the people. They were out for hours drinking and enjoying themselves. He had been in Charleston for a long time, and he would like to see it continue. He went on to open a restaurant. He was not open last year with all of the issues that happened, but he decided to come back last week, and he was disappointed with the streets being one way. It was not the City that he left and not the City he had learned to love. The students he had impacted nightly when he was open, people would tell him he literally saved their lives because when people left the bars, they had to eat. It was just a fact. To penalize the people who made an honest living, who tried to help people get home, he knew for sure DUIs would increase greatly because people came there to sober up after they ate.
3. Adonis Broadway said he was also there to represent the street vendors and was also with Booze Pops. Their jobs were at stake, and even more than that he believed Booze Pops was an integral part of the community for an extra set of eyes and ears to make sure people were out safe. They were there to hear people's problems and to enrich lives. They were something of an oddity in Charleston. Just about everybody he talked to that wasn't from Charleston had never seen something so wild and crazy out there as a street vendor like Booze Pops. It always brought people back, people from out of State. It was a wonderful site to behold, and they made people happy every single day. Seeing something so odd and strange out there as Booze Pops was quite unique. He asked Council to help save their jobs and help them to enrich lives constantly every single day.

Mayor Tecklenburg said, "Hey, you all, I've got to ask you to please refrain from any outbursts or applause. If a speaker would like to ask the audience if they agree with his point of view by a show of hands, that is A-Okay. Thank you."

The Clerk said, "Our next speakers are Paige Collins, Charles Steinert, and Brandon Fish."

4. Paige Collins said she was there last month to talk about the ditch digging. They had made some progress. They were still waiting on what was finally going to happen out of that, but she was there to advocate for herself and her home. She provided a template of data for Council. Two structural roots and all of the other roots on one side of a huge tree that had a trunk 33 inches in diameter, were cut off. She requested and was given an arborist visit from the City, and his report was on the back with all of the data. All of the data she got from the International Centers of Agriculture. It was not made up, so there was a lot of disagreement there. One of her neighbors reached out to her because in 2016 her husband died when a pine tree fell on their house. It did not snap, and now she had one with half of its roots gone. She asked Council to take it into consideration. She hadn't gotten an answer if it would be removed or not, but she wanted it out of her yard.
5. Charles Steinert said in the pre-pandemic era he had addressed Council downtown concerning the Stamp Out Hate initiatives. He was there in support of a Resolution to be offered shortly by Councilmember Appel fighting against the rise in anti-

Semitic attacks in the United States and for peace in Israel. To Councilmember Appel he said, 'Yasher Koach.' That was congratulations, job well done.' Rabbi Michael Davies of Congregation Dor Tikvah was on a plane and had asked Mr. Steinert to read his comments. 'Former Chief Rabbi Lord Jonathan Sacks of Blessed Memory explained in the epilogue of his book 'Future Tense' that the problems faced by Jews today are faced by everyone who believes in freedom, democracy, and the dignity of the individual. The idea that Jews alone were threatened by terror, hate, and the attrition of identity is simply misplaced. The challenge of any anti-Semitism in particular and hatred in general is something that plagues us all. I commend the City of Charleston and City Council for this Resolution supporting peace, peace for the Jewish people, whether here in our wonderful City, or in the Holy Land, but more than that, peace for the world over. Rabbi Sacks teaches early in his aforementioned work, that when you are hated, it is natural to believe you are hateful and that the defect lies in you. It rarely does. Hate exists in the mind of the hater, not in the mind of the person hated. With this in mind, we must start with ourselves. Let us remove hatred from our hearts and minds, and pursue peace. In doing so, we shall hope to rid the world of the hatred that we have become all too accustomed to and to find true peace for all.'

6. Brandon Fish also spoke in support of the Resolution Councilmember Appel put forward against anti-Semitism. He was the Director of the local Jewish Community Relations Council, and he was joined by active members and Rabbis of every Synagogue in Charleston. The Charleston Jewish Community was proud of their history as Charlestonians dating back to before the Revolutionary War. They were proud of the work they had done with the City combatting hate in the past and in the response to the dramatic rise of anti-Semitic incidents across the country. But, Council, the Mayor, Councilmember Appel, in particular, had put forward the Resolution condemning anti-Semitism and calling for peace in the Middle East. They encouraged its passage, and he was available to answer any questions related to anti-Semitism in particular.

The Clerk said, "Our next speakers are Woodrow Norris, James McDougall, and Russell Smith."

7. Woodrow Norris said he was the owner of Booze Pops, and they had 30 jobs on the table right now with the food vendors. Everybody was going to lose their job if Council passed the ordinance requiring a special event permit to set up on private property. It would hinder everybody's jobs. They had been open for five years, and they had no violent problems whatsoever. They were the ones helping people get home every weekend. Every one of the people behind him helped people get home every weekend. They had ice cream available. They had over 30-plus jobs. He said at the last meeting the 100-foot was mentioned about competition when it was about safety. He didn't know if it would make everybody feel better if they put the Booze Pop truck in the building, but he didn't see that as a viable option. They were there to work with the City. They had e-mailed all 12 Councilmembers, and they had four responses. A 100-foot radius was one-third of a football field radius which meant they could go nowhere in Charleston. The 1:00 a.m. ordinance was not fair, and it targeted vendors. He thought that it should be across the board and maybe that could be put in the ordinance that they shut down at the same time as everybody else. He believed it was a direct attack on the food vendors. It was going

to shut all of them down. He asked that the 100-foot and the special event requirement be removed, and he asked that the time be set the same across the table.

8. James McDougall said he had worked for Woody (Booze Pops) for eight months, and he didn't want to find out that evening that he didn't have a job the next day. He knew there were 30-plus people who felt the same way, plus everyone else who worked in a food truck in Charleston who could potentially be out of a job the next day because of the decision Council could make that night. He thought it was transparent that it wasn't about safety because he thought it was obvious that the food vendors provide an extra set of eyes. They provided a sober person with a cell phone who actually helped people get home. Everyone who worked for Booze Pops constantly helped people get home whether it was calling them an Uber or getting them a water. He thought the ordinance was ridiculous and an attack on the food trucks. He would like to keep his job, and he knew everyone else there would, too. He asked Council to please help them out.

The Clerk said, "Russell Smith."

9. Russell Smith said he also worked for Booze Pops, and he was there to talk about how the 100-foot radius would end their jobs. He wouldn't want to have a decision like that made that evening to have his job taken away by the next day. The service they provided was staying at a lit up spot on King Street and by the horse buggies. They provided bottled water for overly intoxicated people that just got out of the bar that needed to call an Uber or just needed a spot to wait for their Uber ride to arrive, and they provided ice cream for people to have something to sober up on. He also thought it was an attack on the vendors, but they provided a safe space for the people of Charleston and the tourists.

The Clerk said, "Our next speakers are Thomas Groom, Nichole Tavender-Blair, and Dennis Brauner."

10. Thomas Groom said he was there on behalf of the street vendors, as well. He said they were trying to save their jobs. It was a job where they helped drunk people get home with water, but at the same time they helped thirsty people walking down the road by giving them free bottled water. They brought tourists into town, and he had heard several times that it was the most interesting thing they had seen all day, and they would love to come back and try them out again. In regard to it being about safety, he couldn't see how it related. They were a safe space for people, not necessarily just going home, but those who were downtown and might not have a ride home with an Uber and money to get home. Sometimes they spotted them, or sometimes they could at least provide a safe space in the light and not on a road as just one person by themselves not feeling safe. He said that was a big deal when it was 2:00 a.m. and people were feeling helpless.
11. Nichole Tavender-Blair said she was associated with Booze Pops. Like the rest of her co-workers, she believed that what they could do was provide a safe place for people on the streets that needed that light. They provided water, a safe place for people to wait for an Uber, and things like that. They wanted to be there for the community and to support everything else. She was sure everybody associated

with her company would also love to work with Council and to come to a solid agreement on how they could work together to solve the issue.

The Clerk said, "Dennis Brauner, and if you could state your address, as well."

12. Dennis Brauner said he was also there on behalf of the food vendors. He thanked Council for recognizing National Home Owners' Month. He was a homeowner after a very grueling process because five years ago he was homeless and lived out of a Ford Explorer. He struggled at that point in his life and an opportunity arose to work with Woodrow Norris (Booze Pops). After four years of service, he was able to buy a house and he had now been a homeowner for exactly one year on June 30<sup>th</sup>. With the ordinance being passed, Council would be taking away what could possibly be his mortgage and putting him back into a struggling position. He worked three jobs through the pandemic, and two of them had to cut hours, but Woody gave him extra.

The Clerk said, "Our next speakers are Alex, Lewis Weatherford, and Savannah Roach and if you could also, even though I'm calling your name, just state your name and address for the record. Thank you."

13. Alex Herran said he was there on behalf of the vendors and to save his job. He had been working for them for about a year now, and he loved it. He helped people every day by getting them to where they were trying to go, trying to make sure they were nice and safe because he had seen all sorts of stuff out there. He said people were scared and they didn't know where they were going. He helped them out with free water telling them to chill there for a minute, and they knew exactly what was going on after a little bit of being there. He helped people every day but the job had helped him to get his own apartment. The pandemic put him out during college because the college shut down. He was living out of the dorms, and he was finally able to get help from Booze Pops. He thanked Booze Pops, and he hoped the ordinance didn't go through because he would lose his job, and he didn't know what he would do then.

The Clerk said, "Lewis Weatherford."

14. Lewis Weatherford said he was there on behalf of the vendors and if the ordinance went through, he and his girlfriend, who both worked for Booze Pops, would lose their jobs. They would not have the ability to continue to pay their bills. He would hate to make it through the whole pandemic with a job and then the ordinance be the one to put him out.
15. Savannah Roach said she also worked for Booze Pops which had given her an opportunity. She made a decent amount of money. She helped a lot of people on the streets. Whenever someone needed water, they handed out free water and even the kids loved them. It wasn't all about alcohol. The kids loved the ice cream they handed out. If the ordinance went through, she and her boyfriend would lose their jobs, and they didn't know what they would do without it.

The Clerk said, "Our next speakers are Rolanda Bayoumi, Mary Willis, and Joseph Clarke."

16. Rolanda Bayoumi said she was there representing her entire extended family in the food vending business. They had four carts currently downtown, and they served gyro and Mediterranean-style foods. Not only were they just a food vendor, but they were part of the community. People sought them out. Charlestonians went to them. They provided services to tourists. Much like Booze Pops they helped people get their Ubers. They gave out information to tourists. They were an integral part of the community. They had five children who were currently sitting out on the playground because that was the place for them and not there. By cutting it short of an hour, they were putting a detriment into their future. The business was their future, and they were their future. If Council proceeded with the ordinance, they would lose the fighting chance to give their children the future they deserved. Coming out of the pandemic, which was extremely difficult for all of them, they were now open full-time, and now they were getting the ordinance thrown their way. She felt as though it was a direct attack on them to shut them down, and it was their livelihood. It was un-American for somebody to tell them they could not proceed to make money and to support themselves and their community.

The Clerk said, "Mary Willis."

17. Mary Willis said she was a lawyer with the Ethridge Law Group, and she represented Booze Pops. Since the last meeting, she saw that the ordinance had again been amended. Just to be clear for what they were asking Council to do, they were asking Council to remove the proximity requirement entirely. They were agreeable to closing at the same time as bars and restaurants. It was not the government's place to regulate competition between businesses. The so-called American dream was protected by the 5<sup>th</sup> and the 14<sup>th</sup> amendments, and the ordinance, as drafted, was unconstitutional. Council would hear from a representative with the Institute of Justice who she had been working with closely with regard to the ordinance. That was a non-profit group out of Virginia that litigated these very issues when there were ordinances directly infringing on the American dream, economic liberties. They asked Council to get rid of the proximity requirement and to change the ordinance from 1:00 a.m. to 1:30 a.m. when the bars and restaurants closed.

The Clerk said, "Joseph Clarke."

18. Joseph Clarke asked for a show of hands from people in the audience who thought food trucks were good.

Mayor Tecklenburg said, "Wait a minute. You are 'the' Joe Clarke?"

Mr. Clarke said he was 'the' Joe Clarke. He and his wife, Rosie, owned Forte Jazz Lounge at 477 King Street. He was just adding his voice to the large chorus in the back as a neighbor. They were good folks, and it was good to have an extra pair of sober eyes out there. He couldn't imagine a better help if there was some trouble. If a police officer needed someone to state what was going on, they would help. If the vendors weren't there, where were people? He said Mike and Rolanda were great people, and they were hard workers. He was at his business one morning at 3:00 a.m., he heard sounds outside, and he didn't know what they were. It was

Mike cleaning the sidewalk to make that space clean as Council would like. They worked hard, and they were good people. He asked to not take their jobs away.

The Clerk said, "Our next speakers are Jayson Partl and Tony Daniell."

19. Tony Daniell spoke on behalf of his father and himself. He read his father's words first. The idea that the barricade in Country Club II was stopping traffic was ridiculous. All they had to do now was enter Frampton Street, go one block, and they were right where they were. It was a difference of one-tenth of a mile. They didn't stop any traffic at all, and the very people complaining about the traffic used that same thoroughfare. They traveled from Fairway Drive around the corner where the original entrance was to Harborview Road, one-tenth of a mile further on Burningtrees Road, then they exited out of Frampton. It was a ridiculous excuse that the barricades had to stay because they didn't want cut-through traffic. Traffic could cut through anytime they wanted. He asked Council to help him out. He had traffic non-stop in front of his house. He said the letters that Ross Appel asked everybody to write to Council said all of the roads were closed. Councilmember Appel told him he was going to help him while he asked and solicited for those same letters they wrote to Council. He said it was amazing how 48 letters showed up from 38 people and all said the road were closed. He asked Council if the roads were closed or open.

The Clerk said, "Was Jayson here? He's signed up on the list."

No one asked to speak.

The Clerk said, "Alright. Thank you. So, we will move on to our virtual speakers, and the first is John Franklin and if you're on the line, if you could press \*6. John Franklin."

No one asked to speak.

The Clerk said, "Alright. We'll move on to Rita Kazirskis. If you're on the line, if you could press \*6."

20. Rita Kazirskis asked for a show of hands as to how many people thought that White Point Garden was a great place for locals and tourists of all ages to visit. In case they weren't aware, the City continued to choose to issue permits to the same group of white supremacists who polluted White Point Garden nearly every Sunday morning with flags of church bombers, segregationists, and lynchers even though a member of the same group attacked a young man by breaking a flagpole over his back. Just a few highlights from The Battery over the last few weeks, the same guy who broke a flagpole over the young man's back came back to The Battery and stood with his flagpole again. A member of the group of white supremacists decided to shout the N-word. One of the white supremacists started arguing with and bumping his chest into a much older tourist, and on multiple occasions over the last several weekends police removed black tourists who dared to try to look at the statue while the white supremacists stood there with their flags. Instead of food trucks, they could put a 100-foot restriction on flags in public right-of-ways to keep people safe. She asked if there was anyone on Council who could admit the

assemblage of men waving the flag of segregationists, church bombers, lynchers, and Dylann Roof in a park was threatening.

The Clerk said, "Next is Marcus McDonald. If you're on the line, if you could press \*6. Marcus McDonald."

No one asked to speak.

The Clerk said, "Then, next, Dr. Herman Daniell signed up, but I believe Mr. Daniell was going to read his comments."

21. Tony Daniell said if the roads were open, there were two specific laws. One was if they had a city of more than 1,000 inhabitants, they had to keep the roads clear and then if they failed to keep the roads clear, the governing bodies were subject to a misdemeanor. That was Council. The roads were not clear. They had trees growing in them. He had asked for a definition between a barricaded road and a closed road. He gave a definition of a closed road that said growth of vegetation in the middle of the road. It was also against the law to touch an open road. He had a fence that somebody built from the road into their backyard, and it didn't take a lot to figure out who it was. The idea that they couldn't cut through was ridiculous. It was one-tenth of a mile. It was seven-tenths of a mile on the original way to make their way through, and it was only one-tenth of a mile further now. Eight-tenths of a mile and they were exactly where they were, public roads with a public school with public people coming through. Council didn't have the right to force everybody to go through the neighborhood by his father's house. He had a stroke, and the EMS could not get through.

The Clerk said, "We also received a letter from Judi Corsaro from the Charleston Jewish Federation. It says, 'Over the last few weeks of May, the Anti-Defamation League documents a 115 percent increase in anti-Semitic incidents around the United States over the same time period in 2020. With anti-Semitic hate incidents doubling in just a few weeks, our Jewish Community is understandably anxious. While the Charleston Jewish Federation is providing our Jewish Community with resources to create a security infrastructure, an added sense of security comes from the voices of support from our neighbors and our civic leaders. On behalf of the Charleston Jewish Federation, our local synagogues and the entire Jewish Community offer our sincere gratitude for today's Resolution condemning anti-Semitism. We are proud to live, work, and worship in the City of Charleston where our Mayor and City Councilmembers have taken the lead in outlawing hate crime and continue to demonstrate the commitment to standing up against hate.'

Then, we also received some comments online. One person left seven comments referencing South Carolina Code 57-17-80 (2013). One person said the definition of a barricade was a defensive barrier hastily constructed as in a street to stop an enemy. One person left two comments that said it was illegal to close a road without City Council approval or a Court Order and soliciting 48 letters from 38 families did not determine the closure or re-opening of a road. Two people said the definition of a closed road was something that was lawfully closed to public access by barriers. One person left two comments that referenced Ordinance Sec. 28-21 that required permits for disturbing service of or opening streets or taking up sidewalks. One person left two comments that said persons who travel to Folly Road from Harborview Road through CC II have to drive one-tenth of a mile further than they did in 1976. The concept of closing and barricading the roads to stop cutting through was about merit. Actually, I think I did leave

somebody out of our virtual participation. Melanie Bennett, if she is on the line, if she could press \*6.”

Mayor Tecklenburg said, “What’s the name?”

The Clerk said, “Melanie Bennett.”

22. Melanie Bennett said she worked at the Institute for Justice (IJ). As Mary had mentioned, they were a nationwide public interest civil liberties law firm headquartered in Arlington, Virginia. They advocated for Constitutional rights of all Americans to earn an honest living. They heard about the issue with mobile vending and read the ordinance, and they wanted to bring up three issues that they found. One was the proximity restriction, the second was private property ban, and the third was the targeted duration restriction. IJ litigated in 2018 in Carolina Beach, North Carolina. The government capitulated realizing that anti-competition was not something that North Carolina wanted, and they just recently argued in the South Carolina Supreme Court about the Constitutionality of State Civil Forfeiture Statute. It was important to honor the rights of the individuals in the area, and vendors brought a lot of wonderful things to communities. The 100-foot restriction was anti-competitive in nature. Just as other food vendors could be next to each other, those vendors should be able to vend wherever private property should be honored, and there should not be a specific special event requirement, so long as they honored the safety requirements within the ordinances. They should be respected as restaurants and bars were with the time. Food trucks were safe. They had all of the research, and she had sent Council an e-mail earlier that day where IJ had done over 20 years of work in this area. They were more than happy to answer questions regarding the safety of food trucks and how they contributed to the economy. She hoped Council would work with the vendors in the area.

The Clerk said, “Those are all of the speakers and comments that we received.”

Mayor Tecklenburg said, “Did we leave anybody out?”

No one asked to speak.

Mayor Tecklenburg said, “Well, thank you for your comments this evening. I was expecting maybe this gentleman had signed up to say a word. I do want to recognize Rabbi Yossi Refson. Thank you for your partnership with the City every year in recognizing Hanukkah and being a member of our Clergy Council, and we’re always honored to have you with us. Thank you, Rabbi.”

There was applause.

Mayor Tecklenburg said, “Alright. So, next up is our [Petitions and Communications](#). We have appointments to a number of Boards. Design Review Board, Board of Zoning Appeals (Zoning), Board of Zoning Appeals (Site Design), the Bike and Ped Advisory Committee, and the Minority and Women Business Enterprise Advisory Board.”

Councilmember Griffin said, “I move for approval.”

Councilwoman Jackson said, “I second.”

Mayor Tecklenburg said, "We'll take all of these together?"

Councilmember Seekings said, "Can we carve out 'b' please, Mr. Mayor?"

Mayor Tecklenburg said, "Carve out who?"

Councilmember Seekings said, "1.b."

Mayor Tecklenburg said, "We'll carve out 1.b., the Board of Zoning Appeals on Zoning. Are there any other questions or comments on any of the others, 'a', 'c', 'd', or 'e'?"

The Clerk said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilwoman Delcioppo.

Councilwoman Delcioppo said, "I was wondering if we could do 'a', 'b', and 'c' separately, but if we need to do each of them individually, that's fine, too."

Mayor Tecklenburg said, "For some reason, I can't hear you."

Councilmember Griffin said, "Let's just do them all individually."

Councilwoman Delcioppo said, "Yes, if we just do 'a', 'b', and 'c' individually."

Mayor Tecklenburg said, "Okay. We'll do 'a', 'b', and 'c' individually. Well, let's do them all individually. I think it would be easier to keep track of it that way. First up, the Design Review Board. Are there any comments or questions?"

No one asked to speak.

Councilmember Griffin said, "I move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg recognized Councilwoman Delcioppo.

Councilwoman Delcioppo said, "I'll just speak this once because what I have to say speaks to all of them, 'a' through 'e,' having more direct experience with the 'a', 'b', and 'c'. I think one of my biggest concerns is that I did not receive, and to the best of my knowledge in communicating with some other Councilmembers, they did not receive a list of all who applied for these positions and their resumes. So, I think we should be provided that information before agreeing to put them on these Boards. I can cite specific examples throughout my district where it's just a lack of structure, the lack of process, has just led to delays. It's led to having to go back and ask to have things re-heard. There are inconsistencies, and it just leads to stress and anxiety all the way around. So, personally for me, I'm sure all of these folks are lovely and highly skilled, but I don't know all of them. I don't have a resume on them. I don't know much beyond most of their names, and so for that reason, I simply cannot support them."

Councilmember Griffin said, "Mr. Mayor, I'll amend my motion to defer it."

Mayor Tecklenburg said, "Excuse me."

Councilmember Griffin said, "I'll amend my motion to defer if I get a second."

Mayor Tecklenburg said, "If you get a second. Is there a second to defer?"

Councilmember Shahid said, "I'll second."

Mayor Tecklenburg said, "Alright. We have a motion to defer the appointments to the Design Review Board. Are there any further questions or discussion?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Just during that deferral, will we get the information out that Councilwoman Delcioppo was asking for during that period of time between now and the next meeting?"

Mayor Tecklenburg said, "Of course."

Councilmember Waring said, "Thank you, Mr. Mayor."

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Yes, sir. I guess just to follow up more specifically on all of these, are there applications and resumes that we haven't seen or are these the only people who applied for the Design Review Board, the seven or six that are being appointed, and for Board of Zoning Appeals, three reappointments? Are there other people who have applied? Have we let people know there are openings? The BZA is 100 percent three reappointments with 42 percent reappointing with no new members. So, I mean--"

Mayor Tecklenburg said, "I'll be honest with you, for the most part it is complete, but I'm sure there are some new applicants on our online system which you are all able, by the way, to access and look at all of the applicants and their resumes online. Maybe we hadn't communicated to you in quite some time, but this is all public information, and when we send the agenda out, if anybody ever has any question or wants some further information before the meeting, please let us know."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. Just a point of clarification for folks listening in the general public. How do the names get here? Is it staff who makes the recommendations or what's the process like? Is there a quick overview you can provide us?"

Mayor Tecklenburg said, "Yes. Staff does, on occasion, make recommendations. We also respond to anyone and review their application if they apply online. So, it's kind of a combination to be honest with you."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. Mayor, before the pandemic, I believe in 2019, we got an Excel spreadsheet that had all of the different people that had applied. You remember that, Mike?"

Councilmember Seekings said, "Oh, yes."

Councilmember Griffin said, "If we could get that in Excel or a PDF just so we could see it all at once, that would make it, because I'm sure there are a bunch more appointments coming up."

Mayor Tecklenburg said, "Well, we have appointments all of the time coming up."

Councilmember Griffin said, "Thank you."

Mayor Tecklenburg said, "It's hard to keep up with them to be honest with you all."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Let me ask a question. This might kind of soothe it a little bit. We have some reappointments here. Would it be justifiable to say that if they sent us something for all of the new appointments with the information pertaining to them, would that be satisfactory?"

Councilwoman Delcioppo said, "I personally would like to see everyone."

Councilmember Mitchell said, "I just was asking because the reappointments have been there for awhile. I just was asking the question to see if that would kind of solve it because the new appointments we haven't even seen them yet, but the old appointments might have been there a couple of years if you may."

Councilwoman Delcioppo said, "Just to make sure we're vetting everyone equally, whether they're being reappointed or a new appointment, I think, just makes it fair for everyone."

Mayor Tecklenburg said, "Alright. Are there any other questions? Can I suggest we just defer the whole lot, and I'll get more information for you all?"

Councilwoman Delcioppo said, "That would be my preference, if that's the will of Council."

Mayor Tecklenburg said, "If that's okay? Alright. We have a motion to defer on the floor for all appointments under paragraph one."

On a motion of Councilmember Griffin, seconded by Councilmember Shahid, City Council voted unanimously to defer the following Appointments and Reappointments:

- a. Design Review Board:
  - Erica Chase (Reappointment)
  - Dinos Liollo (Reappointment)
  - James (Andy) Smith (Reappointment)
  - Ashley Jackrel (New Appointment)

Stephanie Tillerson (New Appointment)  
Ben Whitener (New Appointment)

- b. Board of Zoning Appeals (Zoning):  
John Bennett (Reappointment)  
Allison Grass (Reappointment)  
Walter Jaudon (Reappointment)
- c. Board of Zoning Appeals (Site Design):  
Paula Murphy (Reappointment)  
Jeff Webb (Reappointment)  
Jennifer DeCiantis (New Appointment)
- d. Bicycle and Pedestrian Advisory Committee:  
Adriana Lopez Hernandez (New Appointment)
- e. Minority and Women Business Enterprise Advisory Board:  
Dr. Shawn Gathers (New Appointment)  
Joan Berry Robinson (Reappointment)

Mayor Tecklenburg said, "Next up is an appointment for the Administrative Municipal Judge position of Susan Herdina."

Councilmember Shahid said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "I know in some ways, I must admit, I bet some of you share some sadness over seeing this appointment come forward. I was a little surprised, but it makes all of the sense in the world. Susan has served this City so admirably and so dedicated for 20 years now, and her life goal and her profession would be to serve as a Judge as she applied for this position. It was reviewed by our Public Safety Committee and recommended to me. So, I recommend to Council."

On a motion of Councilmember Shahid, seconded by Councilmember Mitchell, City Council voted unanimously to appoint Susan Herdina as the Administrative Judge for the Municipal Court.

Mayor Tecklenburg said, "So, then, of course, that logically led to who would serve our City as our Corporation Counsel. He could not be with us tonight. Wilbur Johnson, are you with us by Zoom on our virtual side of the meeting?"

Wilbur Johnson said, "Yes, Mr. Mayor. I am on the Zoom call."

Mayor Tecklenburg said, "Thank you for being with us, Wilbur. I think you all know attorney Wilbur Johnson. He's had a remarkable legal career and a remarkable career of service to our community in so many aspects, all the way from serving as head of our Chamber of Commerce to presently serving as the Chairman of our International African American Museum Board. I look forward to working with him. He will be a great asset to our team, and I ask for your support for his confirmation. Can I entertain a motion?"

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

Mayor Tecklenburg said, "Thank you. A second?"

Councilmember Sakran said, "Second."

Mayor Tecklenburg said, "Are there any questions or discussion before we vote?"

Councilmember Griffin said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I've got a couple of questions for clarification. I'll be the first to admit that Mr. Johnson is an excellent attorney and does an excellent job at Clement Rivers. I just know this is going to be a transition if he were to be the Corporation Counsel because he's not going to be a full-time employee of the City, whereas Susan probably puts in 200 hours a week. What is going to be the differential in costs in having an outside attorney, and what does that contract actually look like? Because I was kind of doing the math, and I'm expecting that Mr. Johnson, being such an acclaimed attorney, is going to be quite expensive for us to have. So, can you explain that process just a little bit for us?"

Mayor Tecklenburg said, "I could. First of all, let me remind Council, and particularly those who are new members, that prior to Frances Cantwell becoming our Corporation Counsel, that the City for some decades, if not forever, enjoyed an outside Counsel as its official Corporation Counsel. That was the practice for a long, long time. Charlton deSaussure was Corporation Counsel prior to my being elected Mayor, so that precedent existed for a long time. So, we engage with his firm and with Wilbur, as we would any law firm doing business for the City of Charleston. Now, as it turns out, over the last few years, given various matters that Young Clement Rivers has represented the City on, I must admit to you that our legal bills with that firm have been pretty high, and through the pricing that has been established going forward, actually using the same number of hours, we would save a little bit of money, number one. Number two, given that Susan's salary will not be there, I believe we'll see a net savings, or at least a break even, in our budget for legal expenses by having Wilbur come on. You don't know that for sure until it happens because it is billed out by the hour. So, it depends on how many lawsuits we get filed against us and need representation on, but I do believe we will handle most items internally. I've asked Julia Copeland to be the Assistant Corporation Counsel in-house so that we will go to Wilbur and the law firm on those matters that we deem appropriate. With our fine staff and Julia's leadership, we'll handle most everything that we can on an everyday basis. Wilbur, would you like to add any comments at this point?"

Mr. Johnson said, "The only thing, Mr. Mayor, is that my firm and I have had a long affiliation with the City in various sort of non-litigation roles, as well as handling litigation and other sort of administrative matters for and on behalf of the City. We have tried, in our relationship with the City, which has been a relationship for many years, to be as efficient, as cost effective, of course provide quality representation to the City, and that will not change going forward. If the Council approves this Corporation Counsel relationship, we hope that that will be the same going forward. My pledge, on behalf of myself and my law partners, is that we would intend to serve the

City as effectively as we can, and that includes the Mayor and every member of Council, as well as every administrative arm of the City and its employees.”

Mayor Tecklenburg said, “Thank you, sir. Are there any other questions?”

Mayor Tecklenburg recognized Councilwoman Delcioppo.

Councilwoman Delcioppo said, “So, I understand it’s a \$10,000 a month retainer. What is Mr. Johnson’s hourly rate? How many hours do we get a month for \$10,000 before we’re then moving beyond?”

Mayor Tecklenburg said, “Well, the way I understand it, the retainer not only applies to his hourly services, but also to other members of his firm. So, depending on what status they are, what level, those rates can vary--”

Councilwoman Delcioppo said, “Sure. So, I mean we must have an average, about how many hours we can expect from them per month before we’re going to exceed our retainer. I would think we’ve worked that out, if we can get an idea about how many hours a month that \$10,000 a month affords us.”

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, “Maybe somebody can tell me, I don’t think that we should be discussing personnel matters publicly. If we want to discuss this, I think we need to go into Executive Session.”

Councilwoman Delcioppo said, “If that’s the rule, that’s fine.”

Councilmember Gregorie said, “I don’t think it’s appropriate--”

Councilwoman Delcioppo said, “But, I think we need to know.”

Councilmember Gregorie said, “I’m not saying that we don’t. I’m just saying that the venue that we’re discussing it in may be inappropriate.”

Mayor Tecklenburg said, “Well, I will share with you that normally, my experience is, when a law firm quotes a retainer that they normally would average enough billing that the retainer covers it. I’ll share with you that over the last three years, and we’re on target again this year in 2021 with all of the legal services that Young Clement had provided the City, that it would exceed the retainer if that tells you anything. They really set that, I believe on looking at the last three years of what we’re spending with the law firm. If you would like to go into further detail in Executive Session, I would respectfully ask that we wait until the end of the meeting and go into Executive Session.”

Councilmember Shahid said, “Mr. Mayor.”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Well, one of the easiest ways to answer the questions here is, and Amy's here, what is the budget for the office? What is our annual budget? What did we budget for Legal?"

Mayor Tecklenburg said, "We have a budget for the department that includes not only our in-house attorney salaries, but also a pretty large figure to cover contract business that we do with any number of law firms."

Councilmember Shahid said, "Right, and so we have a budget that addresses not only in-staff, but when we hire folks to represent the City for special reasons. We have a budget for that. So, what is our budget?"

Amy Wharton said, "Would that be the outside Counsel budget?"

Councilmember Shahid said, "What is the Legal Department's budget?"

Ms. Wharton said, "I don't know off of the top of my head, Councilmember Shahid, the total budget, but I know their outside Counsel, the Professional Services Contract, is about \$500,000."

Councilmember Shahid said, "Yes. So, I mean our Legal fees are far within what was budgeted."

Councilmember Seekings said, "Plus Susan's salary."

Councilmember Shahid said, "Yes."

Ms. Herdina said, "Yes, plus the salaries of all of our attorneys. One thing I want to mention on the outside, Council bills, some of those bills are reimbursed at 80 percent, and so those aren't actually the final year-in cost of outside Counsel. In the particular case, the retainer agreement with Young Clement Rivers or Clement Rivers and Mr. Johnson is \$10,000 a month, but the work of the lawyers is credited toward that retainer, and they are taxed at a government rate. I believe the senior partners are at \$300 an hour, and then it goes down from that based upon their experience. I can tell you that that is a government rate for attorneys in this town. It's a very reasonable hourly rate. So, the arrangement, as I understand it, is, again, it would be a monthly retainer agreement, but the work that the firm does for us is credited against that amount. So, for example, right now or let's say in the past, they defended us in the tour guide litigation. The hourly fees that they incurred on that case would be credited against this retainer agreement if that were a case. I don't know if that answers your question but, from my experience, the Clement Rivers lawyers who have a very strong litigation and transactional background have always worked for us. They worked for us well and under this arrangement, as I said, similar to what Charlton had, there is a monthly retainer, but the lawyers will be working hourly against that retainer. So, some months Young Clement may put in \$6,000 a month worth of time, and Mr. Johnson gets \$4,000 for his work. Other months, it may exceed that amount. It's just hard to tell. We don't know month-to-month what the legal work will be that's required."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor, and with all due respect, Councilmember Gregorie, I don't think we need to go into Executive Session. The question I think

we're debating here is whether or not we're better off hiring Corporation Counsel to work in-house or going out-of-house. It's a simple matter of math and qualification, right? Mr. Johnson is clearly qualified. Ms. Herdina has worked for us in-house, I forget when we appointed you, how long have you been with us as the in-house Corporation Counsel?"

Ms. Herdina said, "2018, I believe."

Councilmember Seekings said, "Okay, and then before that we had Ms. Cantwell. I did the math today. Conservatively, Ms. Herdina works for the City to our benefit as our Corporation Counsel 2,000 hours a year. That's sort of the standard associate in a big law firm number. She puts in at least that, if not more. If you multiply that out by an hourly wage of \$300 an hour at 2,000 hours, that's \$800,000 worth of legal time that we get from Ms. Herdina. We don't pay her that. We're not going to get into specifically what we pay, but it is public record, right? Mr. Johnson or any Corporation Counsel, by ordinance, has certain requirements that he and only he can do, one of which is he has to attend every City Council meeting. You all know, sitting here on these very comfortable chairs how much time we spend every year in City Council meetings. I've calculated that out today, too. Half of the time and half of the retainer we pay to Young Clement will go to Mr. Johnson sitting in City Council meetings, half of it every month, period, a little less in the summer times.

So, it's a matter of economics and reality. I don't know if there's ever been a time, I've been around here for 12 years, Councilmember Mitchell's been here for a little bit longer, where we've ever had more stress put on our Legal team than today. There is so much going on. You know that, Mr. Mayor. You see it every day as part of your job. So, I think it's a question of economics, not qualification, whether or not we as a Council want to advise you, Mr. Mayor, as you hire Corporation Counsel, which is done by ordinance, by you, with the advice and consent of us, whether we think we're better off as a Legal entity and a Legal team having someone that works for us full-time on a salary, or someone who we hire from the outside that bills us against a retainer every month by the hour but isn't on a hard cap, right? We're not going to put them on a hard cap, and there is no question that Young Clement and many other private firms have done some great work for us. I just think that it's a good time to talk about it. We have an option. The ordinance allows Corporation Counsel to have another job. As you've pointed out, we've had others before, Bill Regan being one, but he had a law firm of one, and all he did is work for the City. Mr. Johnson has a very large law firm and does a lot of important things in our community, right?

So, I just think the economic realities of it are something that we should discuss openly and talk about what that's going to do to our budget. Ms. Herdina's budget, that we've talked to Ms. Wharton about, is for her staff, right, and then we have a separate budget for outside Counsel, but we adjust based on the demands of outside Counsel. So, we're just now adding another layer to what we pay for outside Counsel by hiring an outside Corporation Counsel. You all, I think I went around the wrong way, but we're getting a great bargain with Ms. Herdina, and we may or may not be with Mr. Johnson depending on how many hours, but we know for sure by ordinance that half his time that we pay him for will be to sit here with us every other week. So, that's, I think, for us to decide what we think the best way to go is. Mr. Johnson is eminently qualified. We're losing a really great Corporation Counsel in Ms. Herdina. They are just going to sit in different seats and fulfill a little bit different roles in terms of their availability and time the way they sit. So, I think, Councilmember Gregorie, that's kind of the debate that we're having, not anything specific to any person. It's just a philosophical question of how we spend our money and where we simply

get the most bang for our buck, and, by the way now, soon to be Judge Herdina, we've got a great bar going with you. So, thank you."

Mayor Tecklenburg said, "So, you all, I'm the Mayor that converted us from the paradigm of having the outside Counsel to the inside Counsel. So, I'm familiar with all of the positive aspects, and we have a wonderful staff on hand right now, but I'm recommending Mr. Johnson to you. I think it's in the best interest of our City right now. I'm not saying that this is the way it will be forever and ever, but for right now at this point in time, given the business that we do with this firm and given the situation of our employees, if you want to go into Executive Session and talk about that, I'm happy to, but I believe having Mr. Johnson represent us, yes, even at our City Council meetings, is a positive thing for our City. You talk about the economics of it. I tried to explain to you, you won't know for sure, Councilmember Griffin, until the hours get clocked in, of how many items we go to our Corporation Counsel for his advice on versus keeping it in staff. I can tell you, I'm going to do my best to keep everyday items to be handled by the staff and not have to go to outside Counsel unless I think it's of a meaningful issue that needs that further scrutiny and examination. I firmly believe having Mr. Johnson on hand to advise us and be our Counsel is the right thing and good thing to do right now."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I have one more question. Maybe this is hard to look at because of inflation, but what did our budget in the Legal Department look like when we had outside Counsel compared to over the last three years? As we transitioned into that role, was there a cost savings there, or was it about the same? Do you know?"

Mayor Tecklenburg said, "Well, I think it varied from year to year depending on how many outside lawsuits we had. I know, I think it was two years ago when we had the matter with the tour guides, the Crown Castle lawsuit over the cell towers, and we had three or four big cases at one time. If you looked at just that one year, our expenses went up, but we're going to save on a salary here, we're going to add a few hours there. I honestly believe it's going to be a wash for the next year or two, but we won't know for sure."

Councilmember Griffin said, "I'm sure we could re-evaluate the year and see how--"

Mayor Tecklenburg said, "Absolutely. Absolutely, and it will be within the budget that Council approves regardless. So, I understand the questions about the finances, but I think it will provide us the most balanced and experienced representation which this City deserves right now, and that's not to cast any aspersion on any of our staff. They do an incredible job. They're very smart, but I believe it's the best thing for our City at this time. So, can I ask your forbearance? Do you all still feel like an Executive Session is needed?"

Councilmember Mitchell said, "Call for the question."

Mayor Tecklenburg said, "I would ask you all respectfully if we could approve this, not the budget, because we already approved that for this year. What we're approving would be for Wilbur Johnson to be the Corporation Counsel of the City of Charleston."

Councilmember Mitchell said, "I had a motion on the floor. Anyway, I call for the question."

Mayor Tecklenburg said, "Call the question. Alright. Is there another question?"

No one else asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Sakran, City Council voted to appoint Wilbur Johnson as Corporation Counsel for the City of Charleston.

The vote was not unanimous. Councilwoman Delcioppo voted nay.

Councilmember Griffin said, "Can we give Susan a round of applause?"

Mayor Tecklenburg said, "We can give Susan a round of applause, a standing ovation."

There was a standing ovation.

Mayor Tecklenburg said, "Thank you, Wilbur. I can't see you right now, but thank you for being with us this evening, and we look forward to working with you. We all do."

Mr. Johnson said, "And I, as well, Mr. Mayor. Thank you."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Seekings said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I think under the rules, we can all explain our votes. I would just like to go on record and say congratulations to Mr. Johnson. Ms. Herdina, thank you. I do think it would be good for us to get regular updates on where we are vis-a-vis all those numbers, so we can have a conversation about this again."

Mayor Tecklenburg said, "Sure."

Councilmember Seekings said, "I'm assuming that Mr. Johnson is, as Corporation Counsel working for the City, an at-will employee. We can look at this as we go along and see how those bills go."

Mayor Tecklenburg said, "Absolutely. It will be budget time before we know it, folks. We'll be looking at it for 2022."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I just wanted to echo what Councilmember Seekings is saying, and the exaggeration of 200 hours a week is probably not too far off as to what Susan has done. We have a staff that is overworked. I know we will come up for our Budget Ad Hoc Committee meeting sometime soon, but this is very much worth our time to discuss the structure of our Legal corporation, how many members we have, how the work is being divvied up, the work that we farm outside. This is an opportunity to do all of that. We are getting into a very critical stage in our City. We're growing. We have a lot of issues that are very sensitive, very critical issues that we're dealing with on a Legal basis. The staff needs to be bigger and more supportive from our standpoint, as Councilmember Seekings is mentioning to all of us right now. I just want

to echo the need to have this discussion, probably do it in the Ad Hoc Budget Committee meetings is a start with all of that. But, before Susan leaves, I would like for her to share with us what her insights are and her suggestions as to how we can make that office and that department more efficient and for us to be more supportive of the work that they do.”

Councilmember Seekings said, “You don’t want to do it right now, do you?”

Mayor Tecklenburg said, “Not right now.”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “I think you told us that none of this transition would take place until August?”

Mayor Tecklenburg said, “August 1<sup>st</sup>.”

Councilwoman Jackson said, “So, she will not be Judge Herdina until August, and we will have her Corporate Counsel services until then, correct?”

Mayor Tecklenburg said, “That is correct. This would become effective August 1<sup>st</sup>.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “Thank you, Mr. Mayor. Congratulations, Ms. Herdina. You really owe us a speech, but I’m sure we’ll get to that at another time. Somebody’s back here whispering for a pizza party.”

There was laughter.

Councilmember Waring said, “In all due deference to all on Council, I think part of it was more the uneasiness of the rapidity of how this kind of converged, Mr. Mayor. Since this isn’t going to take place until August, maybe some of the specific questions that some of us have along Council, maybe that information gap can be filled in between now and August, certainly now and July really.”

Mayor Tecklenburg said, “Sure.”

Councilmember Waring said, “Between Councilmembers, because you’re right. The appointment to the judgeship is just outstanding. We’re all selfish and hate to lose you, but you probably were working close to minimum wage with all the hours. Obviously, Mr. Johnson’s firm is flat out outstanding, but that information gap as to what, why, how. There are some information blanks that need to be filled in with a number of Councilmembers, so I hope you would do that.”

Mayor Tecklenburg said, “Yes, sir.”

Councilmember Waring said, “Thank you.”

Mayor Tecklenburg said, “Next up is our [Emergency Ordinance](#) extending certain Emergencies Ordinances related to COVID-19. We don’t really have another report, I don’t think.

Tracy McKee, are you out there on the Zoom meeting? Would you like to share any update on COVID itself?"

Ms. McKee said, "Yes, sir. I'm here. I didn't have a report prepared this evening. The numbers seem to be holding well, as far as COVID cases go in the community. We see a little bit of an increase in cases, but we seem to be doing well. Things seem to be going very well internally. Things are returning to normal as best we can. I'm happy to try to answer any questions anyone might have."

Mayor Tecklenburg said, "Great. Thank you, Tracy. I would like to add just to continue to reinforce folks getting their vaccinations. The information that I've read from healthcare professionals indicates that the number of people who are still catching COVID are mostly those who are not vaccinated. There's a tremendous differential between new cases amongst people who have been vaccinated, very low rate. Once you get vaccinated, you can still get it, but it's a very low probability. It's a very high probability if you have not been vaccinated. In fact, another variant has come forward that's even more transmissible than the other more highly transmissible forms of COVID. Until everybody gets vaccinated, I think we need to continue to preach that message. Now, Susan, if you would come forward, we do still have a few lingering Emergency Ordinances related to all of this."

Ms. Herdina said, "Yes, sir. First of all, thank you all very much for your support. I will be here until August and expect to work with you all and see you all over the next six weeks or eight weeks, but hopefully not in front of me in court. If I may just take one second, Mayor. This is very bittersweet for me. I have been absolutely honored and privileged to work with all of you, some of you as many as 20 years, which is when I first came here. Several of the Councilmembers were on Council at that time. If I can share just one quick story with you, I came in July 2001, and about six weeks later or so, the 9/11 attacks occurred. All the City employees were frightened and terrified. We weren't even sure if we should go out of our office. Mayor Riley called us up, and he gathered us at the Gaillard, and he said, 'Don't be afraid. We're here. We're a family.' To this day, I'll recall that day because it turned out to be so true. We are a family. I have had a wonderful opportunity and privilege to work with all of you, Mayor Riley and his staff, the wonderful department heads and their people, and my lawyers, the lawyers of our law firm who work tirelessly. I am very enthusiastic and happy to sit down and talk about how we can make their lives a little bit better. Every day they come to work, and they are here as great public servants who want to do a good job for you and the City. Again, thank you for your support. This is an opportunity that I have longed for since graduating from law school. I will miss all of you, but I'll be here, hopefully not having to give COVID reports for much longer. Councilmember Waring, Councilwoman Jackson did remind me that I may owe at least one pizza dinner before I go. I'll try to make that commitment. In any event, thank you again."

So, what we have is an Emergency Ordinance extending certain Emergency Ordinances. We are actually down to just four proposed Emergency Ordinances. One is the one regarding the physical presence of Councilmembers at Council meetings. This is 2020-040. I think the hope is that this would be extended. It would be for another 60 days, but during this time, staff will be coming back with some recommendations on what to do starting in the fall. 2020-049 has to do with temporary procedures for public hearings. We've talked to staff at Planning and other places, and they would like to continue this ordinance as we wind down and get back to full recovery. We may be coming back to you with some recommended permanent ordinances in connection with that one. We've talked to Geona Johnson, and she would like to continue 2020-056, which is the Emergency Ordinance on allowing affordable housing units to be approved by the administrative

officer. Again, for another 60 days with the idea, as we wind down and get to full recovery, that we may come back with a permanent proposed ordinance for you. One of the good things that have happened as a result of COVID is that we've looked at a lot of these temporary ordinances and think improvements can be made on a permanent basis. The other one is 2020-092, which the Police Department has asked us to continue for another 60 days, which is keeping the parade permit limit to 25 or more. I can tell you we are working on some substantive changes to our ordinances relating to parade permits and special events permits, and hopefully, we will get that to you sometime this summer. There's one other one that's up for second and third reading tonight, and that is the one having to do with the parking on King Street. I did not include that in this ordinance because my understanding was that there was full support for that, so that should get second and third reading tonight, so it did not need to be included in this. I'm happy to answer any questions you might have, but we're asking for approval of just these four Emergency Ordinances for the next 60 days. Thank you."

Councilwoman Jackson said, "Mayor, I move for approval."

Mayor Tecklenburg said, "Any questions?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I can understand extending these Emergency Ordinances, but the fact of the matter is the State of Emergency has been lifted in our State. I don't understand why we need another 60 days to continue these Emergency Ordinances. It's time we get back to normal, especially because these are things that impact a lot of our contractors and the way they do their business. We have to get some sense of normalcy back. I know that it's convenient to do it this way. We've been doing it this way for a while. When you do things for quite a while, it becomes the norm, but this was never the norm. These were Emergency Ordinances put in place due to the pandemic, and the pandemic is winding down to 3 cases. I can maybe see 30 days, but 60 days more is just, I'll even vote for 60 days tonight, but after this we've got to have some sort of precedent that we're not going to keep extending these over and over again. It's time to get back to normal."

Mayor Tecklenburg said, "Well, thank you. We have been whittling these down. I mean, we used to have 8 or 10 different subject matters. We haven't gotten all our Planning Commission, all our other boards and commissions, back to regular meetings. Our commitment is to do that in the next 60 days. The affordable housing thing is a convenience, as was the last one, which was ---."

Ms. Herdina said, "The Police parade permit."

Mayor Tecklenburg said, "The parade permits. We wanted to limit that at 25."

Councilmember Seekings said, "I don't think there was a second, by the way, Mr. Mayor. I'll second that."

Mayor Tecklenburg said, "Okay. Any other questions or discussion?"

No one asked to speak.

On a motion of Councilwoman Jackson, seconded by Councilmember Seekings, City Council voted unanimously to approve the following Emergency Ordinance:

**2021-080 - *An Emergency Ordinance Extending Certain Emergency Ordinances related to COVID-19***

Mayor Tecklenburg said, "Thank you, Susan. So, next up is a [Resolution in support of Peace in the Holy Land and the City of Charleston](#) requested by Councilmember Ross Appel. I know you've read it, and Councilmember Appel read an earlier version of it to us last month. But, for the record, would you all mind if I asked Councilmember Appel to read the current version of the Resolution into the record?"

Councilmember Appel said, "Thank you, Mayor Tecklenburg. I would be honored to, and I appreciate all the support from the community coming out here this evening on a perfectly serviceable Tuesday evening to support this Resolution in strong support of peace and in harsh condemnation of anti-Semitism and all forms of racism and prejudice. It's been a tough few years in the City of Charleston and around the world. Conflicts around national, political, racial, and religious lines seem to be running hotter than ever, and that's a shame. It cannot ever become accepted as the new norm. Last month, as bombs and rockets were falling in Israel, I felt compelled to bring forward a resolution calling for peace and tolerance both here in Charleston and in Israel. Israel is a special place for me and many in this community, both Jew and non-Jew alike. It hurts our community when our Israeli friends and their neighbors suffer. It also hurts to see the rise of anti-Semitism here and all other forms of prejudice, racism, and hate against anyone. So without further ado, I'm humbled and honored to read my proclamation, and I appreciate all the support from my fellow Councilmembers on this issue."

Councilmember Appel read the Resolution:

WHEREAS, the City of Charleston, known to the world as the Holy City, has for centuries treasured religious tolerance.

WHEREAS, the Charleston Jewish community traces its roots to 1695 and has played an important role in Charleston's history.

WHEREAS, both Jews and non-Jews in Charleston have a deep and abiding connection to the State of Israel.

WHEREAS, the United States and Israel have long been close allies with strong bipartisan support.

WHEREAS, the City of Charleston unequivocally rejects anti-Semitism and all other forms of racism, religious intolerance, and other prejudices both here in Charleston and around the world.

WHEREAS, the City of Charleston expresses strong support for Israel and its Jewish, Muslim, Christian, Druze, and other citizens.

WHEREAS, the City of Charleston also supports a peaceful future for the Palestinian people living in the West Bank and Gaza.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF CHARLESTON, IN CITY COUNCIL ASSEMBLED THAT, Charleston, the Holy City, supports peace in the Holy Land and here in Charleston.

Councilmember Appel said, "Thank you."

There was applause.

Mayor Tecklenburg said, "Any discussion or comments?"

Councilmember Shahid said, "Second the motion, Mr. Mayor."

Councilmember Appel said, "Oh yeah, I'll move to adopt this resolution."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

On a motion of Councilmember Appel, seconded by Councilmember Shahid, City Council voted unanimously to approve the following Resolution:

*Resolution in support of Peace in the Holy Land and the City of Charleston*

Mayor Tecklenburg said, "Thank you, Councilmember."

Councilmember Shahid said, "Mr. Mayor?"

Mayor Tecklenburg said, "And thank you all for being here this evening in support."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I just want to congratulate Councilmember Appel for putting this together. I just think it's worthy to note that racism and anti-Semitism impacts all of us throughout our community. Councilmember Appel said Israel is a special place for all of us. We need to be very strong in support of this Resolution, not just by our words tonight but also by our actions. That's critically important for all of us today, and I hope this sends a very strong message to the community that we not only stand behind Israel, but we stand against any acts of violence because of someone's sexual preference, because of their race, because of their religious beliefs. This is an important declaration from the City as to our stance that we would not tolerate this kind of violence and this kind of racism or intolerance of any sort in our community. So, thank you, all, for the support of this, and thank you for bringing this forward tonight, Councilmember Appel."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Councilmember Appel, I want to thank you for stepping up. That's something easy to say someone else should do or suffer in

silence sometimes as we all do and have done. Sometimes you wonder how you can have an effect on a world stage. It starts with one effort, just like what you did. You know, the sentiments were so strong at the last meeting that it would have been added to the floor and passed last month. It was much more effective for you to have it on the agenda, as you and the Mayor have done, have it out there for the better part of two, three weeks for citizens in the region who go online and read our paraphernalia to say that Charleston doesn't stay quiet on the world stage. So, I thank you for doing that because it means it matters. What you said matters. I know you said you threw it together quickly the last time, but those words were profound. Thank you for what you do, and I look forward to serving with you as we go forward. Thank you."

Mayor Tecklenburg said, "Any other comments? Thank you again, Councilmember Appel. I had the honor earlier this year to meet the new Ambassador from Israel to the United States, and I will personally send a copy of this Resolution to him and let him know of our support. Okay, next we go to our Council Committee Reports. First up is our [Committee on Community Development](#). Councilmember Mitchell?"

Councilmember Mitchell said, "Yes, the Community Development Committee met on May 26<sup>th</sup> at 4:30 p.m. We had six different items on the agenda, and all of them were for information only, so there's no action to be taken. That's my report."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "We have an acceptance."

On a motion of Councilmember Mitchell, seconded by Councilmember Griffin, City Council voted unanimously to accept for information the Committee on Community Development Report as presented:

**a. New Business:**

- (i) Update and presentation – Rental Assistance Demonstration Program – Charleston Housing Authority
- (ii) Presentation – Charleston Redevelopment Corporation (iii) Presentation – Homeless to Hope Center
- (iv) Laurel Island Workforce Housing
- (v) Update – Laurel Island Development Agreement and Infrastructure Agreement
- (vi) Director's Report: Department of Housing & Community Development

**b. Old Business**

Mayor Tecklenburg said, "Next up is our [Committee on Human Resources](#). Councilmember Jackson?"

Councilwoman Jackson said, "Thank you, Mayor. The Human Resources Committee of the Council met on Thursday, June 3<sup>rd</sup>. We had the majority of our items for information only. We had some excellent reports that were done by the Human Resources staff. I will recommend them to you. I think the majority of them will be very interesting as we get into our budgeting season beginning this next week, I think. I will make sure that we can forward, especially to the Ad Hoc Committee, getting started on some of the things like the employee compensation and turnover updates and demographics and our healthcare and supplemental. Then, this should say employee leave/paid family life leave discussion, which you all know we had a resolution last year

in support of the City beginning a paid family life leave benefit program, but we also determined that we were going to defer it for at least this year looking at budget opportunities for 2022. That was an incremental plan that would start at a very minimal number of weeks and then go to the full 12 paid weeks that the Federal government and the nation is actually moving into. We'll be able to talk about that during budget. We did have one new business item that was a resolution that was recommended to the Council by a unanimous vote of the Human Resources Committee. The only discussion before we recommended that was from Councilmember Gregorie, who asked that the 'whereas' actually be a little more specific about Charleston's history of supporting equality. So, with your approval, I would like to read this resolution. I think it might be the only time that the community put it forward to us asking us to adopt this resolution and then send it forward to our variety of governments, the State and the Federal. It was the organization that represents the lesbian, gay, and transgender, queer plus community, LGBTQ+ community, and that organization is AFFA. I would like to read the resolution, and then I would like to ask for a vote of the Council to take the actions that are resolved in the 'therefore' statement."

Councilwoman Jackson read the resolution:

WHEREAS the City of Charleston prides itself on being welcoming, affirming, and inclusive for all residents, including all members of the LGBTQ+ community; and

WHEREAS the City has resolved to be a leading community in the protection of civil rights and preventing discrimination; passing the Hate Crime Ordinance which punishes people for bias motivated crimes; launching the first in the state Safe Place Program designating locations as a secure refuge for LGBTQ victims to receive support; and

WHEREAS in 2020 Charleston received an 81 out of 100, its highest score ever, on the Human Rights Campaign Municipal Equality Index, an index value that evaluates how inclusive cities' laws, policies, and services are of lesbian, gay, bisexual, and transgender people; and

WHEREAS the transgender community is recognized as a valued, important segment of our city entitled to equal treatment in all facets of life; and

WHEREAS transgender youth are among the most misunderstood and marginalized within our community; and

WHEREAS legislation excluding or curtailing the rights of the transgender community has been filed in at least 25 states, including South Carolina, as part of a coordinated campaign; and

WHEREAS adopting state legislation curtailing the rights of the transgender community has previously led to millions of dollars of economic losses, including from NCAA tournament relocations and boycotts; and

WHEREAS businesses with strong diversity and inclusion commitments, particularly in the sports and hospitality industry, may be forced to locate events outside the state to align with their values; and

WHEREAS the City has the responsibility to promote equality and prosperity for all members of the transgender community; and

WHEREAS the City is proud to stand against the discrimination of transgender people;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF CHARLESTON strongly supports the transgender community; and directs the City Clerk to send a copy of this Resolution to the Governor, the Senate President, and the House Speaker.

Councilwoman Jackson said, "Thank you. I would like to move that we adopt this Resolution, and I direct the City Clerk to send it forward."

Mayor Tecklenburg said, "We have a motion and a second. Any discussion?"

Councilmember Sakran said, "I'll second."

On a motion of Councilwoman Jackson, seconded by Councilmember Sakran, City Council voted unanimously to approve the following Resolution:

*A Resolution of the Mayor and the City Council of Charleston, South Carolina, in support of the transgender community; and directing the City Clerk to transmit this Resolution to the Governor, the Senate President, and the House Speaker.*

Councilwoman Jackson said, "That concludes my report."

Mayor Tecklenburg said, "Thank you very much for that report and very much in harmony with our prior resolution against hate and prejudice of any kind."

Councilwoman Jackson said, "Yes, sir."

Mayor Tecklenburg said, "So, thank you for that. Next up is our [Committee on Public Safety](#). Councilmember Shahid?"

Councilmember Shahid said, "Thank you, Mr. Mayor. The Public Safety Committee met twice. Once was on June 10<sup>th</sup> to interview two candidates for the full-time Municipal Judge position. Again, congratulations to Susan Herdina. We have to call her Chief, I guess, from here on out. Now, our second meeting occurred on Monday, June 14<sup>th</sup>. The first item of business was a submission of a letter of support for MUSC's application to the OJJDP FY21 Comprehensive Youth Violence Prevention. While we didn't actually get the letter in hand at the time of the meeting, we voted unanimously to support that letter. The second item of business was a presentation of \$100,000 from LENS Foundation. LENS stands for Law Enforcement Neighborhood Support. The money would be used in conjunction with the City's Police Department for its outreach programs, such as mentoring, basketball programs, and things of that nature. We voted unanimously to accept that money and lend our support to that, as well. The third item of business was the amended street vendor ordinance, which is before us tonight. I think it comes up for second reading. While we technically did not need to vote on that because it's up for second reading, as amended, the Committee did lend its support for the amendments to that vendor ordinance.

Finally, this was for information purposes only, we discussed the ordinance regarding Section 3-16. This dealt with the service of beer, wine, and now alcohol. We're not presenting this for Council's consideration tonight, but we did bring it up for discussion for further review as it impacts the service and sale of alcohol up until 1:30 at night. Some of the discussion around that was to stop the sale of beer, wine, and alcohol at 1:30 a.m., so that when establishments close at

2:00 a.m. there would be a 30 minute grace period for the patron to consume and enjoy that alcoholic beverage before there's a hard close at 2:00 a.m. That's the essence of it. We did receive some historical background on this particular ordinance as to whether or not there was some State law that preempted or had an impact on this. There was the mini bottle beverage law that was in effect at one point when this ordinance was passed. So, that was the general discussion we had concerning this proposed amendment to 3-16. That's my report, and I would recommend that we adopt the recommendations that we put forward as to items 3 and 4 and 5."

Mayor Tecklenburg said, "Alright. Is that in the form of a motion?"

Councilmember Shahid said, "Yes."

Councilmember Griffin said, "Second. Are we going to wait and take up the vendor and second reading?"

Mayor Tecklenburg said, "Correct."

Councilmember Griffin said, "So, we're just moving for the adoption of the report?"

Mayor Tecklenburg said, "Right."

Councilmember Griffin said, "Okay, thanks."

Mayor Tecklenburg said, "At this point, we're just receiving a report from your Committee. We'll actually vote on the food vendor ordinance when we get to second readings."

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

(Executive Session in accordance with S.C. Code Section 30-4-70(a)(1) to interview candidates for Municipal Judge

**Monday, June 14th:**

- a. Notice of submission of a Letter of Support for MUSC's application to the OJJDP FY21 Comprehensive Youth Violence Prevention and Reduction Program to provide hospital based violence intervention services as well as community level street outreach mentorship services through Youth Advocate Programs. (To be sent under separate cover by the Police Department)
- b. Presentation of proposal by Lens Foundation. Lens Foundation is a non-profit that will provide funds to community members and organizations in need that are identified by CPD to strengthen CPD's relationship with community.

***(Recommendation by the Committee to approve amendments)***

Mayor Tecklenburg said, "Next up is our Committee on Traffic and Transportation. Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. Fellow Councilmembers, the Committee on Transportation met, I guess that was yesterday. It seems like a lot longer ago, yesterday afternoon. I'm hoping that Ms. McKee, Ms. Scheer, and Mr. Benjamin are still

somewhere out there. I know Ms. Scheer was around because I'm going to need some help to get through this. First and foremost, we had a conversation with Mr. Benjamin. As you all know, he's retiring from being our Director and is moving onto what he hopes are greener pastures. We in Charleston are a little bit protective of that, but we wish him the best of luck. He is on his way. Some big shoes to fill, and we'll see where that all goes in the future.

We got a report from Josh Johnson from the DOT, District 6 Manager at the DOT, about King Street road safety, and I used the wrong word. I said 'audit.' It's actually 'study.' That was a study that was precipitated among other things but, not exclusively, by the tragic events of some number of months ago on King Street in front of the Recovery Room. We actually had a meeting on site with Mr. Johnson where a number of people attended, including Councilmembers. I believe there will be some recommendations and some action that will come as a result of that study, but it's not in the form of an audit or anything final yet. Mr. Benjamin, please jump in if I say anything wrong, but more to come on that. There's some help that is needed in that area, in that corridor. It was not part, by the way, of the original DOT audit that went on a number of streets downtown, including King Street. That audit stopped south of where the Recovery Room is, so we need to make sure that we make all of our streets safe and, my goodness, that one in particular needs some help. So, we're going to look to the DOT, with input from the City, to make sure that we keep all of our streets safe, including and not limited to that little stretch of King Street.

Next, as I reported last month, our last meeting, we did take up, by way of ordinance discussion as opposed to information, the right-of-way permit and Traffic and Transportation permit fees ordinance. You'll recall, we had a fairly lengthy discussion about it last time. Just by way of reference and history, we permit people to block our right-of-ways to two different departments, the Traffic and Transportation Department on the roads and our Public Service Department on our sidewalks. What we're discussing tonight is only roads. Sidewalks are to come and to be filled in. Historically, we have charged very little, if nothing, to block our roads in the City of Charleston, and many of those roads are blocked, for not months, but literally years at a time. So, through the hard work of Ms. McKee, Ms. Scheer, Mr. Benjamin and others, they have worked very hard on an ordinance that keeps us between the ditches pursuant to State law, and I know it's something we've all looked at.

There's a State law that requires if we raise use fees in the City, they have to be based on some formula that includes the cost of permitting and the cost of managing the permit that is actually issued. So, they went through a very long and involved process of figuring out what the cost is of putting permits out there and keeping an eye on the street closures. Currently, under existing fee structure for closing roads, street blocking permits, there is no fee. Currently, zero. Dumpster permits are \$10/day, and many of those are in an area where there are parking meters. You can't park for \$10/day if you go to a dumpster there. Meter bag and meter bag permits, same thing, \$10/day. It costs you a lot more to just park in those areas. We have no fees for construction parking or moving permit fees.

If you look, the number of permits, and I told you all this last time, but just so the record is clear, in 2019, pre-pandemic, we issued a total of 2,243 permits between street blocking, dumpster permits, meter bags, construction parking, and moving permits. 2,243 permits. Think of the effort that it takes just in terms of our staff to get those out there and then to go and follow-up on all those permits, all of which represent something pretty major on our streets, like a complete street closed. You brought up last time, Mr. Mayor, the example of Cumberland Street, which was actually closed for a period of time, and we didn't even know it, for free. That represented, by the way, through those 2,243 permits that were issued, we only collected a total of about \$375,000.

Had we had in place what we're about to talk about tonight, and I'm hoping passes, that number would be somewhere close to \$5 million. So, the spread is extreme, and it is time for us to do something. This is not something that is onerous to anybody out there. You'll see in your packets, there is, in fact, a fee schedule, and if there are any questions, I know that Ms. McKee is out there somewhere in Zoom land and could come in and talk to you about it. The review of the fees, we think, is compliant with South Carolina State law. It's something we need to put in place. We're going to give it first reading tonight. If we get it through second reading in July, we will actually have those fees in place. The schedule can be revisited, but I would certainly recommend, well, first off, thank staff for what they did on this one. This was a big lift, much needed, probably long overdue. With that, that is something that's going to need action of this Council for first reading, and I would highly recommend it to you. It came through our Committee not only unanimously, but enthusiastically. It is actually the only thing that needs action tonight. I would move that we adopt for first reading the Traffic and Transportation Permit Fees for Streets recognizing that behind that is going to come the Public Service fees for assignments."

Councilmember Brady said, "Second."

Mayor Tecklenburg said, "We have a motion. We have a second over here from Councilmember Brady."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Councilmember Seekings, can you just clarify for me, are we going to be looking at just how we're collecting or are we also raising the fees? Can you just give me an example, like dumpsters?"

Councilmember Seekings said, "Yes, we're going to raise those fees. If you look on your schedule, what we're going to do for parking space obstructions, we're going from \$10 to \$18.50. So, you're going to pay a little bit more than you would pay if you put that meter on \$18, unless we go back to 10:00 p.m. then it would be cheaper, so \$18.50. That's an increase. For blocking streets it's a 100,000,000% increase because we don't charge anything, so we're going up major streets, a review fee of \$401, a daily inspection fee of \$35, again, the metered space. The one fee that's going up is the blocking of the metered space. The rest is fees going in place that we otherwise didn't collect. Do I have that right, Tracy? Please tell me if I said something wrong. I don't think I have the actual –"

Mr. Benjamin said, "You have that right, sir."

Ms. McKee said, "Yes."

Councilmember Seekings said, "Double affirmation. Thank you."

Mayor Tecklenburg said, "They're out there watching us."

Councilmember Seekings said, "They are."

Mayor Tecklenburg said, "Any questions or comments on this one? It's really a no-brainer, and I think I used the example, as you mentioned, of Cumberland Street last month when we talked about this and when it was all clogged up, and I had complaints about it. I asked Mr. Benjamin and our Public Service department to just review the encroachment permit that we had

given out, and I asked a question when we were talking 'well, how much are they paying us?' Nothing. It's just consistent with your comment earlier tonight, Councilmember Griffin. Where it's appropriate, I mean, there are some cases where, as a government, we want to help people who are serving our citizens, but a private developer building a building ought to reasonably pay for use of the public right-of-way, and this is one of those cases that we're limited by State law as to a reasonable fee, and we believe we've proposed that to you tonight."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I wanted to thank Councilmember Seekings and his Committee, as well as Mr. Benjamin and his team, for acting as quickly as you have on this one. We spoke about this over at James Island, and a couple of weeks later here we are taking action steps. We have an opportunity to include, potentially, not a whole lot, but potentially some of this revenue in this fiscal year as opposed to debating it, kicking it down the road, and it being something that's factored into fiscal year 2022. Thank you for your work."

Mayor Tecklenburg said, "Absolutely. This was mentioned. This was a heavy lift by a lot of staff members. Any other questions?"

Councilmember Seekings said, "I might just add one more thing for Council's benefit. One of the things that we think that this ordinance is going to do is it's going to hurry projects along. If you're paying to block streets, you're naturally going to try to move along more than if you are just out there for free. Typically, they're 180 day permits. Now, we think people will get permits, and they'll be incentivized to get things done a little bit quicker."

Mayor Tecklenburg said, "That's right."

Councilmember Seekings said, "I think that's going to be a huge benefit to those who are looking at streets that are closed regularly. There's plenty of good examples of that right now in downtown."

Councilmember Griffin said, "Can we try to get the permit center to start pushing out some literature to the contractors? They're going to have to add this into their costs, too, so the sooner the better."

Councilmember Seekings said, "They'll know about that, so I don't think there's any issue with that. We'll make sure that this is well publicized. We've given it first reading. We'll make sure the permit center puts a notice up. 'Coming to a permit center near you: fees for closing down the streets. Not free anymore.'"

Mayor Tecklenburg said, "Alright. Any other questions or comments?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Brady, City Council voted unanimously to give first reading to the following bill from the Traffic and Transportation Report:

*An ordinance to amend Chapter 19 of the Code of the City of Charleston by amending Article XVII, Section 19-493, to update dumpster permit fees; to add a new Article XX*

*providing an amended definition for Right-of-Way Obstructions, a new fee for full street closures and partial street obstructions, and other right-of-way obstruction fees such as metered parking space and non-metered parking space permit fees; and adopting a fee schedule therefor, attached hereto and incorporated herein by reference as Exhibit 1.*

Mayor Tecklenburg said, "Thank you, Councilmember Seekings."

Councilmember Seekings said, "So, there are a few more things, none of which are urgent. We did have a Director's update on a number of things, maybe the last one we got from Mr. Benjamin. We, again, wish him good luck. We had a little update on the pedicab ordinance. More to come on that. No action taken."

Mayor Tecklenburg said, "So, thank you very much. Next up is our [Committee on Public Works](#). I'm going to call on Councilmember Griffin."

Councilmember Griffin said, "Yes, sir. I filled in for Councilmember Waring. He celebrated his wedding anniversary. Congratulations to you and Donna. We had a 12-minute meeting, and we're going to beat that tonight. Under Item A, the \$181,000 was already approved by the Ways and Means Committee. Other than that, we had a brief update on Forest Acres and King and Huger. We can get that now, or you can talk to Mr. Fountain offline. That is the extent of the report, and I would move for adoption."

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

Councilmember Mitchell said, "Second."

On a motion of Councilmember Griffin, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the Committee on Public Works and Utilities Report as presented:

**a. Stormwater Management Department Update:**

- (i) Spring Fishburne/US17 Tunnel Project – Approval of a professional services contract with Salmons Dredging Corp. in the amount of \$181,875.00 for providing access support to the 1-year warranty inspection of the deep tunnel system installed in Phase 3 of the project.
- (ii) Forest Acres – Update on 5th Ave water quality/bulk object screen replacement.
- (iii) King/Huger – Update on Project Construction Activity

Mayor Tecklenburg said, "Now I know where you went last night. I didn't know that. That makes sense. Congratulations. Next up [Committee on Ways and Means](#). Councilmember Gregorie?"

Councilmember Shealy said, "Move for approval."

Councilmember Mitchell said, "Second."

Councilmember Waring said, "Mr. Mayor, I have a point of order. Are we going to have a report on the Real Estate Committee, or is that included in Ways and Means?"

Mayor Tecklenburg said, "We had that during Ways and Means."

Councilmember Waring said, "So, why are we not having that during City Council?"

Mayor Tecklenburg said, "Sir?"

Councilmember Waring said, "Why are we not approving it on City Council like we normally would?"

Mayor Tecklenburg said, "We are approving it here on City Council."

Councilmember Waring said, "Where is it? Normally, we have it separate, just as we do all the other standing committees."

Councilmember Seekings said, "Ways and Means."

Mayor Tecklenburg said, "It's under Ways and Means, right?"

Councilmember Waring said, "Normally, we have it separate. That's okay. I have my question. I'll entertain my question on Ways and Means because we're in the discussion phase."

Mayor Tecklenburg said, "And that's where we are right now."

Councilmember Waring said, "Okay."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "It's been moved and seconded."

Mayor Tecklenburg said, "We have a motion and a second to approve the report and actions of the Ways and Means Committee, and now I'm going to recognize Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. I appreciate the time that the Chairman of the Real Estate Committee afforded me yesterday. We have an issue on Council today to lease, albeit short-term, the Northbridge Piggly Wiggly site for the use of CARTA to basically help their drivers practice on driving CARTA buses. I want to go back to when City Council purchased that property. It was controversial. As a matter of fact, City Council voted to invoke eminent domain to give the Mayor an extra tool in his toolkit in negotiating that parcel. I happen to think it worked. We didn't have to invoke eminent domain although the property was appraised, I believe, in the high \$2 million, \$2.8 or \$2.9 million. We paid a premium for the property. That's how aggressive the City went after this site. After we got the property, there was an excitement. West Ashley Revitalization was on the move. Since that time, that property has been used as a utility site. We have stored debris from storms. We didn't take White Point Gardens. We didn't take Harmon Field. We didn't take Brittlebank Park. We didn't take Hampton Park to store refuge. We brought some of that in West Ashley, and it was abhorrent.

Perception becomes reality. Since that time, again, our Fire Department uses it as a maintenance blow-off. Now, we're going to use it as a driving site for CARTA, which has been around in excess of 20 years, to practice driving before they go out onto the street. That's not why we spent \$3.1 million of the taxpayers' dollars to buy it. That's not why we spent how many

hundreds of thousands to tear down a 40,000 square ft. building and haul it off. West Ashley deserves better. Now, when that trash went up there, we had no say so in there. The Chairman of West Ashley Revitalization Committee had no choice in that. We saw it, and Mr. Mayor, we had to address that with our constituents. How did that happen? We had to address that individually. We deserve better, West Ashley. That would never happen on Daniel Island, debris being stowed at a gateway.

This is the gateway to the birthplace of South Carolina. Charlestowne Landing is less than 2 blocks away. We don't have the equivalent of Marion Square anywhere in West Ashley. We don't have an attractive White Point Gardens anywhere in the gateway, our main focal point in West Ashley. The second class status and the mediocrity, and it should be storming. West Ashley should be crying about what's happening here. The mediocrity that we have placed at that site, to the tune of almost \$4 million of taxpayer dollars. Shame on all of us. I include myself in that. Shame on all of us. Not the new people who came, I'll give you all a reprieve because you didn't know, Councilmember Appel, Councilwoman Delcioppo, Councilmember Sakran, Councilmember Brady. The rest of you? You're guilty. We can do better.

Now, we were shown a drawing or rendering of what could happen, a civic center being placed there. That was not what we told the people about when we bought this thing. We wanted the creative juices of the private sector to come back and create. What we should do is rezone that property, put it in a pot, and put it back out to the public. If we want to keep it for public space, we could. Truthfully, the symbolism of this crime on West Ashley with this heavy rain is symbolic of what's being done at that site. We wedded ourselves to one developer: Landmark. During one of the greatest real estate booms in the history of this City, absolutely nothing has happened at that site. Nothing. We took it off the tax rolls. The County received less revenue, the school board received less revenue, and the City received less revenue for less. No imagination. Now, when I talked about the refuse being stored there, as I said, we had no say so on that. But, on this, our Chairperson of the West Ashley Revitalization Committee deliberated this, thought about this, and you, Mr. Mayor, you did the same. You voted in favor of doing less. When people came up with the moniker 'West Trashley' that's exactly what they're talking about. Somebody has to stand up and not make a political vote, but do what is right. All we have done is stall on that subject for four years. If somebody asks you if your life depended on it 'what's going to happen at that site', there's no definitive answer. No definitive answer. What kind of leadership is that?

Look at what happened on West Edge during that four-year period of time. Look at what's been built. Look at what's been built up and down Morrison Drive. Look at the Jasper. You had old Jasper. Look at the new Jasper today. Look at the gateway coming into where tens of thousands of people traverse every day. We all are better than that. I'm not saying you all are better than that. I'm in here with you. We are all better than that, Mr. Mayor. We are all better than that, the Chairman of the West Ashley Revitalization Committee. We shouldn't go along and get along on this one. I'm not going to vote to go along to get along.

I talked to Mr. Mitchum on the way here. He was kind enough to give me a call. CARTA is vital to this region. Mass transit and affordable transit is vital to this region. We, along with the City of North Charleston, Mt. Pleasant, and the County, are to find a long-term solution for CARTA, not a temporary solution like we're talking about here, not something we can pull the plug on in 30 days. We have to do that, and you mean to tell me that the only place, Mr. Mayor and all my colleagues on Council, will be at the gateway coming into the birthplace of South Carolina. Now, look at what this City helped encourage at South Windermere. It was dead. Look at what we helped encourage, as a City, at Avondale. Look at what we've helped encourage at St. Andrew's

Shopping Center and Westwood Plaza. Look at the Northbridge Piggly Wiggly site. We all are better.

On this item, I would like that to be pulled out separately from the Ways and Means report, and I would ask the Clerk for a roll call vote on that. Now that may not matter, but the people in West Ashley need to know when it comes to having a political vote vs. standing up for them and standing up to making West Ashley revitalization real and not pontificate about it, some place down the line we should be held accountable, not 'you all.' We all should be held accountable. All 13 of us. It took North Charleston, they fooled around with a developer for 10 years on something called the Noisette project. They had beautiful drawings and ended up belly up. They hand selected a developer. My friends up there in North Charleston, I'm sure they would do it differently. We've already put 4 years, maybe not all 4 years with this developer, but we put 4 years into this. The next thing you know, we'll have a decade and we'll still be using it, potentially, for refuge. I respectfully ask that we separate the vote on using the Northbridge site as a temporary bus driving practice lot for CARTA. I respectfully ask that we look for a longer-term solution and be a meaningful part of CARTA's advancement practicing at another location. I ask for a roll call vote on that specific item. Thank you, Mr. Mayor and Council."

Mayor Tecklenburg said, "Thank you, Councilmember."

Councilmember Shahid said, "Thank you, Mr. Mayor. The issue tonight that we're debating about on the Ways and Means Committee from the Real Estate Committee's Report is whether or not to enter into this agreement to allow CARTA bus drivers to use this site for practice. Sorry, training. And that's it. That's the issue before us tonight. That's the only issue tonight as to this particular item as to whether or not to use this site for protective drivers to use this site for training. The question has now become a referendum on the West Ashley Revitalization Commission, on me, and the efforts that we have entertained and energized on revitalizing this very important spot of West Ashley. It is the birthplace of Charleston. It is the birthplace of South Carolina. The very first act that I took after being elected on City Council was to address the 'dead Pig,' as we called it. There were efforts to place a 20-pump gas station on there, and the community rallied against that. We appeared before the Design Review Board, and that got defeated. In August of 2017, we purchased this property for \$3.02 million. Later, it was demolished, in May of 2018, and our investment at that time was just under \$200,000. So, our investment in this property is close to \$3.2 million.

What have we done since then? We have opened up this process to the public. Since then we have opened up this process to allow the citizens of the community to tell us what they wanted on this property. We held several charrettes, several meetings, several West Ashley Commission meetings to receive input from the community. From that, we came up with a design that we eventually presented to City Council in 2019 to give an idea of what the community wanted for the use of this property. We then sent out bids for a company, for a developer to take those designs and mold into an idea, a process of presenting to us, and one company bid on it, and one company got awarded. It was Landmark. In 2020, they came up with a plan consistent with what the community wanted. That plan was shown to the members of the West Ashley Revitalization Commission. There's public information as to what they wanted.

In conjunction with that, simultaneous with all this development and proposals and conceptual designs of this property, we were working with Charleston County, and the South Carolina Department of Transportation asked to do a redesign of what was called the 'suicide merge.' With that, we came up with ideas and plans. The first plans got defeated, and we had to

go back to the drawing board and look at other plans for what we wanted to do with this particular intersection of Highway 7 and 171, Orange Grove Road, Donahue, and Old Towne Road. Because of those delays, we had to hold off on presenting more concrete plans on what to do with this property. Finally, we came to fruition with Landmark and, hopefully, with all due respect to the work that our staff has done, those plans and that contract as to what we want to have done with Landmark will be presented to us at our July 20<sup>th</sup> meeting. So, we are working on this. We have been working on this diligently for the past 4 years. We've had a couple of hiccups. We've had a couple delays, but we can't design this property in a vacuum. We're doing it consistent with Plan West Ashley. We're doing it consistent with the work, with South Carolina Department of Transportation, and the County Transportation Development Board as we redesigned this area for traffic concerns, as well.

Now, it is true that there's been some lag time behind us, but we've got the momentum now, and whether or not we approve this contract, this agreement with CARTA, it's immaterial as to how we're going forward with developing this site. We are working towards that. I've spent a whole lot, I've put my last 4-5 years of my efforts behind this, and I will continue to do this, regardless of what we do with CARTA. That's just immaterial as to the development of this particular site. As I said earlier this afternoon when I gave my report, we literally have one shot at this property, and we've got to do it right, and we've got to do it with patience, and we've got to do it with collaboration and coordination with other departments. That's our goal here, and that's what I think we'll end up doing when the day is done. Thank you, Mr. Mayor."

Councilmember Griffin said, "Let's call the question, Mr. Mayor."

Mayor Tecklenburg said, "I would like to call the question, and the record will reflect, Councilmember Waring, that Councilmembers Shealy and Griffin voted against this in the Ways and Means Committee. Of course, you're welcome to vote 'no' at this time."

Councilmember Waring said, "No, Mr. Mayor, I'm asking for a point of order on that to split that out separately. We do it all the time. The people of West Ashley need to know, and with all due respect to my colleagues down there, we have not rezoned this property. We have not put it in a PUD, and when we got back, we put it up for the public, and we got one bid back. What did that tell you? In one of the most active real estate markets this side of Mississippi, we got one bid back? We need to go back and rethink it. We need to go back--"

Mayor Tecklenburg said, "Councilmember Waring, your point of order is on procedure, not on--"

Councilmember Waring said, "My point of order is bringing it out to vote on it separately. Yes, sir, you're correct."

Mayor Tecklenburg said, "We have a motion on the floor. Unless it's withdrawn, I'm going to call this question."

Councilmember Waring said, "Wait a minute. Point of order. Who made the motion?"

Mayor Tecklenburg said, "Councilmember Shahid made the motion. Councilmember Waring, can we have one meeting here please? Councilmember Shahid made the motion to accept the deliberations of the Ways and Means Committee, and it was seconded."

Councilmember Waring said, "So, as presiding officer, you have taken your position to not separate this out? I'm asking. This happens all the time."

Mayor Tecklenburg said, "I'm asking the person who made the motion if he would like to withdraw it. He may, but if not, we have a motion that stands on the floor."

Councilmember Seekings said, "As a matter of procedure, Mr. Mayor, I would like to point out that in the Ways and Means Committee after the Real Estate report was given, we did separate this out, and we did vote on it separately."

Mayor Tecklenburg said, "We did vote on it separately. You were welcome to be here earlier today."

Councilmember Waring said, "I'm here now, Mr. Mayor, and I'm asking that we do it now."

Councilmember Griffin said, "Mr. Mayor?"

Mayor Tecklenburg said, "Well, you're welcome to vote 'no' now."

Councilmember Griffin said, "Mr. Mayor?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I thought for Roberts Rules of Order, anybody can ask for a roll call vote, though."

Mayor Tecklenburg said, "Correct."

Councilmember Griffin said, "So, he's asking for a roll call vote."

Mayor Tecklenburg said, "We can have a roll call vote---"

Councilmember Griffin said, "That's all he's asking for."

Mayor Tecklenburg said, "On the acceptance of the motion."

Councilmember Griffin said, "Yeah."

Mayor Tecklenburg said, "Absolutely."

Mayor Tecklenburg said, "We'll have a roll call vote on the motion that's on the floor. Let's call the question, Madam Clerk."

Councilmember Waring said, "What's the motion on? What's the question?"

Councilmember Seekings said, "Accepting the Ways and Means Report."

Mayor Tecklenburg said, "Accepting the Ways and Means Report."

Councilmember Waring said, "What about my question about--"

Mayor Tecklenburg said, "It's out of order."

Councilmember Waring said, "Explain to me how it's out of order."

Mayor Tecklenburg said, "Because we have a motion on the floor. We have a motion on the floor. Madam Clerk, please call the roll."

The Clerk said, "Councilwoman Delcioppo."

Councilwoman Delcioppo said, "Yes."

The Clerk said, "Councilmember Shealy."

Councilmember Shealy said, "Nay."

The Clerk said, "Councilmember Sakran."

Councilmember Sakran said, "Yes."

The Clerk said, "Councilmember Mitchell."

Councilmember Mitchell said, "Yes."

The Clerk said, "Councilmember Brady."

Councilmember Brady said, "Aye."

The Clerk said, "Councilmember Gregorie."

Councilmember Gregorie said, "Aye."

Councilmember Waring said, "Yeah, what are we voting on?"

Mayor Tecklenburg said, "We're voting to accept the report of the Ways and Means Committee, what we approved at Ways and Means earlier today. Councilmember Gregorie votes 'aye.'"

The Clerk said, "Councilmember Waring."

Councilmember Waring said, "I'm voting against the report."

The Clerk said, "Councilmember Seekings."

Councilmember Seekings said, "Aye."

The Clerk said, "Councilmember Shahid."

Councilmember Shahid said, "Aye."

The Clerk said, "Councilmember Griffin."

Councilmember Griffin said, "I want to vote exactly how I voted in the Ways and Means meeting. However we want to say that."

The Clerk said, "Councilmember Appel."

Councilmember Appel said, "Aye."

The Clerk said, "Councilwoman Jackson."

Councilwoman Jackson said, "Yes."

The Clerk said, "Mayor Tecklenburg."

Mayor Tecklenburg said, "Aye. The motion passes."

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

(Bids and Purchases

(Human Resources Department: Approval to submit the CDC Closing the Gap with Social Determinants of Health Accelerator Plan Grant in the amount of \$125,000 to address health disparities and chronic diseases. No City match is required.

(Recreation Department: Approval to submit a grant application to offer the USDA Summer Foods Service Program. The effective date will be June 21, 2021. Funding is provided through the SC Department of Education to the City of Charleston as the local sponsoring agency. Due to time constraints, this grant was submitted on June 1st. No City match is required. This is an after-the-fact approval.

(Budget Finance and Revenue Collections: An ordinance to amend the Public Infrastructure Improvements Agreement dated as of September 15, 2015, as amended, between the City of Charleston, South Carolina and Highland Resources, Inc., as successor to Ashley River Investors, LLC; and other matters relating thereto.

(Budget Finance and Revenue Collections: An ordinance providing for and approving a Public Infrastructure Improvements Agreement between the City of Charleston and Morrison Yard Owner, LLC, a Delaware Limited Liability Company and TKC-ODP Morrison LLC, a South Carolina Limited Liability Company; and other matters relating thereto.

(Police Department: Approval of an application to the FY21 Paul Coverdell Forensic Science Improvement Grants Program to fund \$55,512 for two (2) indirect contact narcotic and pharmaceutical drug identification instruments to be used in the field and in the forensics lab. This application is due on July 8, 2021. This project does not require a match.

(Police Department: Approval of an application to the FY21 Comprehensive Opioid Stimulant and Substance Abuse Site-based Program to embed a Peer Recovery Specialist in law enforcement. The grant is for three years. Positions will be eliminated at the end of the grant period. This application is due on June 21, 2021. This project does not require a match.

(Stormwater Management: Approval of a professional services contract with Salmons Dredging Corp. in the amount of \$181,875 for the 1-year warranty inspection of the

- Spring-Fishburne stormwater deep tunnel system. Approval of the professional services contract will obligate \$181,875 of the \$49,103,759.50 project budget. The funding sources for this project are: State Infrastructure Bank (\$49,000,000), Capital Contribution (\$61,759.50), and Drainage Fund (\$42,000).
- (Parks-Capital Projects: Approval of a Construction Contract with ICC Commonwealth in the amount of \$575,884 for the disassembly of the interior liners of the St. Julian Devine Smokestacks. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved Budget. Approval of this Construction Contract will obligate \$575,884 of the project budget \$3,098,069.36. Funding sources for this project are: 2015 General Fund Reserves (\$250,000), 2018 General Fund Reserves (\$400,000), Cooper River Bridge TIF (\$2,340,000), and Charleston Parks Conservancy Contribution (\$108,069.36).
- (Parks-Capital Projects: Approval of West Ashley Greenway Improvements (Stinson to Parkdale) Fee Amendment #2 with Jon Guerry Taylor & Associates, Inc., in the amount of \$20,500 for permitting and engineering services, design, coordination and construction administration services for the Phase 2 foot-bridge replacement portion of the project. Approval of Fee Amendment #2 will increase the professional services contract by \$20,500 (from \$34,800 to \$55,300). Funding sources for this project are: 2013 General Fund Reserves (\$214,016.57), 2016 General Fund Reserves (\$100,000) and 2018 General Fund Reserves (\$235,000).
- (Parks-Capital Projects: Approval of International African American Museum GMP Change Order #12 with Turner Construction Company in the amount of \$345,414 for the installation of the new Sony Display Walls, adding additional data infrastructure, adding additional exhaust fans, changes to the millwork and countertops to quartz, addition of 24 lockers, changing the height of toilet partitions and adding pocket doors. Funding is coming from the IAAM. Approval of Change Order #12 will increase the Guarantee Maximum Price (GMP) Contract by \$345,414 (contract total \$59,829,652). Funding sources for this project are: Accommodations Tax (\$13,200,000), Charleston County Accommodations Tax (\$12,500,00), State Funding (\$14,000,000), IAAM Contributions (\$53,000,000).
- (Parks-Capital Projects: Approval of CPD Forensic Services Building Change Order #9 with Hill Construction Services of Charleston, Inc., in the amount of \$166,052.296 for the addition of a door release/lock button and aiphone master station/pc station, additional rubber base for the vehicle bays, data drops in the mechanical rooms and to upfit the PRT room. Change Order #9 will add 259 days to the substantial completion date. Approval of Change Order #9 will increase the construction contract by \$166,052.29 (from \$9,537,486.76 to \$9,703,539.07). Funding sources for this project are: 2015 IPRB (\$7,392,186) and 2017 IPRB (\$5,000,000).
- (An ordinance to authorize the Mayor to execute a General Agreement between the U.S. Department of Interior; National Park Service; Fort Sumter and Fort Moultrie National Historic Parks; The South Carolina Aquarium and City of Charleston Department of Parks for Joint Operations at Liberty Square. (Liberty Square/Aquarium Site). The property is owned by the City of Charleston. [Ordinance]
- (Request for approval authorizing the Mayor to execute on behalf of the City an easement to Dominion Energy in order to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or

- desirable, upon, over, across, through and under land described as follows: a lot of land containing 4.42 acres, more or less, and being the same lands conveyed to Grantor by deed of 1776, LLC, dated and recorded 6/11/2020, and filed in the Register of Deeds office for Charleston County in Deed Book 0889 at Page 478. The property is owned by City of Charleston. (River Road and Maybank Highway) (TMS No. 346-00-00-813)
- (Request for approval authorizing the Mayor to execute on the behalf of City an easement to Dominion Energy in order to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a tract of land containing 11.73 acres, more or less, and being the same lands conveyed to Grantor by deed of 1776, LLC, dated or recorded 6/11/2020, and filed in the Register of Deeds office for Charleston County in Deed Book 0889 at Page 475. The property is owned by the City of Charleston. (River Road and Maybank Highway) (TMS No. 346-00-00-04)
- (Request approval for the Mayor to execute a Memorandum of Understanding with Transdev Services, Inc. regarding non-exclusive use of a parking lot for CARTA driver training purposes. The property is owned by the City of Charleston. (14 Sumar Street Parking Lot) **[Councilmembers Shealy and Griffin voted nay.]**
- (Request authorization for the Mayor to execute a Temporary Access Agreement between the City of Charleston and GMS Cannon, LLC, granting the City access to 144 and 146 Cannon St. as a temporary construction easement and laydown area to facilitate portion(s) of the Spring/Fishburne stormwater project. The property is owned by GMS Cannon, LLC. (144 Cannon St. and 146 Cannon St.) (TMS Nos. 460-11-04150 and 460-11-04-151)
- (Request authorization for the Mayor to execute the attached Easement Agreement between the City of Charleston and the Charleston Area Regional Transportation Authority (CARTA) for the installation and maintenance of a bus bench. The property is owned by the City of Charleston. (44 America St.) (TMS No. 459-09-04-025)
- (Request that the City of Charleston City Council authorize the Mayor to execute the necessary documents for the City's acceptance of 1.1 acres of donated land on Heriot Street from HR Charleston VI, LLC, in exchange for 48 housing credits. The property will be used for the development of rental workforce or for sale (homeownership) housing. (2112-2114 Heriot Street, Charleston, SC 29401) (TMS Nos. 464-13-00-008, 464-13-00-011, 464-13-00-012, 464-13-00-013, and 464-13-00-023) [Ordinance] **[Councilmember Griffin voted nay.]**
- (Consider the following annexations:
- 1351 Ashley River Road (0.25 acre) (TMS# 418-05-00-001), West Ashley, (District 7). The property is owned by Shubh Labh of Charleston, LLC. -- 1349 Ashley River Road (0.28 acre) (TMS# 418-05-00-002), West Ashley, (District 7). The property is owned by Graphic Glamour Holdings LLC.
  - 420 Arlington Drive (0.25 acre) (TMS# 310-12-00-083), West Ashley, (District 5). The property is owned by Olivia L. Vedad.
  - 2147 and 2151 River Road (4.78 acres) (TMS# 315-00-00-110; 315-00-00-048), Johns Island, (District 5). The property is owned by Abbi Lake Beckford. (Request approval for the Mayor to execute a Memorandum of Understanding with Middle Street Partners regarding the continued use of an area under the I-26 overpass for construction storage

(Executive Session pursuant to Section 30-4-70(a)(2) of the South Carolina Code, to discuss contractual negotiations for the purchase of a Greenbelt grant property.

First reading was given to the following bills:

*An ordinance to amend the Public Infrastructure Improvements Agreement dated as of September 15, 2015, as amended, between the City of Charleston, South Carolina and Highland Resources, Inc., as successor to Ashley River Investors, LLC; and other matters relating thereto.*

*An ordinance providing for and approving a Public Infrastructure Improvements Agreement between the City of Charleston and Morrison Yard Owner, LLC, a Delaware Limited Liability Company and TKC-ODP Morrison LLC, a South Carolina Limited Liability Company; and other matters relating thereto.*

*An ordinance to authorize the Mayor to execute a General Agreement between the U.S. Department of Interior; National Park Service; Fort Sumter and Fort Moultrie National Historic Parks; The South Carolina Aquarium and City of Charleston Department of Parks for Joint Operations at Liberty Square. (Liberty Square/Aquarium Site). The property is owned by the City of Charleston.*

*An ordinance authorizing the Mayor to execute, on behalf of the City of Charleston ("City"), a Donation Agreement under which HR Charleston VI, LLC will convey to the City approximately 1.1 acres of real property on Heriot Street, designated as Charleston County TMS Nos. 46413-00-008, 464-13-00-011, 464-13-00-012, 464-13-00-013, and 464-13-00-023, for the development of Workforce Housing Units to satisfy a land donation requirement in the Magnolia Development Agreement, adopted by Ordinance No. 2015-162, as amended by Ordinance No. 2018-005, and to receive forty-eight (48) credits toward the workforce housing requirement in the Magnolia Development Agreement.*

*An ordinance to provide for the annexation of property known as 2147 and 2151 River Road (approximately 4.78 acres) (TMS# 315-00-00-110; 315-00-00-048), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Abbi Lake Beckford.*

*An ordinance to provide for the annexation of a portion of the property known as 420 Arlington Drive (approximately 0.25 acre) (TMS# 310-12-00-083), 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 5. The property is owned by Olivia L. Vedad.*

*An ordinance to provide for the annexation of property known as 1349 Ashley River Road (approximately 0.28 acre) (TMS# 418-05-00-002), 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 7. The property is owned by Graphic Glamour Holdings LLC.*

*An ordinance to provide for the annexation of property known as 1351 Ashley River Road (0.25 acre) (TMS# 418-05-00-001), 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 7. The property is owned by Shubh Labh of Charleston LLC.*

The vote was not unanimous. Councilmember Waring voted nay. Councilmember Shealy voted nay on Item 15(d) of the report. Councilmember Griffin voted nay on Items 15(d) and 15(g) of the report.

Mayor Tecklenburg said, "Next up is our [bills for second reading](#). Number six is the item regarding the mobile street vendors."

Councilmember Griffin said, "I'll move that we take Items 1-8, minus 6."

Mayor Tecklenburg said, "Right. So, we'll take 1-5, 7, and 8 together."

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg said, "We have a second. Do we have any questions or comments on 1-5 or 7 and 8?"

No one asked to speak.

On a motion of Councilmember Griffin, seven (7) bills (Items L-1 through L-5, L-7, and L-8) received second reading. They 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 bills were immediately ratified as:

- 2021-081 -** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2012 MEETING STREET ROAD (PENINSULA) (APPROXIMATELY 0.32 ACRE) (TMS #466-16-00-012) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO LIGHT INDUSTRIAL (LI) CLASSIFICATION. THE PROPERTY IS OWNED BY MYRON H. HERRON.
- 2021-082 -** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1908 2ND DRIVE (WEST ASHLEY) (APPROXIMATELY 0.20 ACRE) (TMS #350-05-00-006) (COUNCIL DISTRICT 7), ANNEXED INTO THE CITY OF CHARLESTON APRIL 13, 2021 (#2021-054), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION. THE PROPERTY IS OWNED BY JOHN H. AND JOHN J. TECKLENBURG.
- 2021-083 -** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 738 SAINT ANDREWS BOULEVARD (WEST ASHLEY) (APPROXIMATELY 0.26 ACRE) (TMS #418-15-00-081) (COUNCIL DISTRICT 3), ANNEXED INTO THE CITY OF CHARLESTON APRIL 13, 2021 (#2021-053), BE ZONED GENERAL OFFICE (GO) CLASSIFICATION. THE PROPERTY IS OWNED BY ROBERT A. LIMEHOUSE, IV.
- 2021-084 -** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 3919 SAVANNAH HIGHWAY (WEST ASHLEY) (APPROXIMATELY 1.83

ACRES) (TMS #285-00-00-205) (COUNCIL DISTRICT 5), ANNEXED INTO THE CITY OF CHARLESTON APRIL 27, 2021 (#2021-058), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY LILLIE AND CARL SMALLS.

- 2021-085 -** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF FLOYD DRIVE (WEST ASHLEY) (APPROXIMATELY 0.22 ACRE) (PREVIOUSLY UNZONED RIGHT-OF-WAY) (COUNCIL DISTRICT 5), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY CITY OF CHARLESTON.
- 2021-086 -** AN ORDINANCE AMENDING ORDINANCE NO. 2020-007 BY AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY OF CHARLESTON ("CITY"), THE FIRST AMENDMENT TO THE TRANSFER AGREEMENT BETWEEN THE CITY AND JJR DEVELOPMENT, LLC, TO PERMIT THE CLOSING ON THE TRANSFER OF PROPERTY LOCATED AT 67 AMERICA STREET AND CURRENTLY DESIGNATED AS CHARLESTON COUNTY TMS NO. 459-09- 02-132 FROM THE CITY TO JJR DEVELOPMENT, LLC TO OCCUR ON OR BEFORE SEPTEMBER 30, 2021, AND BY AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY TO CONSUMMATE THE TRANSACTION DESCRIBED IN THE TRANSFER AGREEMENT, AS AMENDED.
- 2021-087 -** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON A PERMANENT EASEMENT BETWEEN THE CITY OF CHARLESTON AND THE COMMISSIONERS OF PUBLIC WORKS OF THE CITY OF CHARLESTON WHEREBY THE CITY GRANTS TO THE CHARLESTON WATER SYSTEM (CWS) A PERMANENT UTILITY/ACCESS EASEMENT ATTACHED TO THIS ORDINANCE AND INCORPORATED HEREIN FOR PROPERTY OWNED BY THE CITY ON MURRAY BOULEVARD IN THE CITY OF CHARLESTON, AS SHOWN ON ATTACHED EXHIBIT A, AND SUBJECT TO THE PERMITTED EXCEPTIONS SET FOR IN ATTACHED EXHIBIT B, FOR CONSIDERATION OF THE SUM OF ONE MILLION AND NO/100 DOLLARS.

Mayor Tecklenburg said, "Next up is number 6."

Ms. Herdina said, "Mr. Mayor?"

Mayor Tecklenburg said, "Which is our amended regulations for mobile street vendors. I see Ms. Herdina wanting to address us."

Ms. Herdina said, "Actually, I don't have a comment on that. I do have a comment when we get to number 10."

Mayor Tecklenburg said, "Oh, to number 10. It's deferred for public hearing."

Ms. Herdina said, "Right, and I'll go ahead and just tell you I misspoke. Before I thought it was getting second and third reading tonight, but it is being deferred, so we can have a public hearing before the Planning Commission tomorrow. What the impact of that is, is, there's basically going to be a 7-day lapse between the current ordinance and the new ordinance, the former and

the new ordinance. Now, I emailed Robert Summerfield who just told me there's no pending applications, so that 7-day period will have no impact on this ordinance or the practice. So, if anybody has any questions about that later when we get to that point, I'm happy to explain it. Basically, we're going to have a 7-day lapse between when the bill that's up for second reading and third reading is going to be approved by Council. Yes, sir?"

Councilmember Seekings said, "Mr. Mayor?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I recall when you were standing before us an hour ago when we were going through the Emergency Ordinances you didn't put this on there because of the assumption that it was going to get second and third reading tonight."

Ms. Herdina said, "Correct."

Councilmember Seekings said, "Can we just amend the Emergency Ordinance just in case to get rid of that lapse because who knows what might happen between now and two weeks from now."

Ms. Herdina said, "We can add it to the agenda if there's a two-thirds vote and a finding of an exigent circumstance. Then if we do vote that way, we add it to the agenda as an emergency ordinance. It would extend for 60 days, which would cover us until we come back for second and third reading in July."

Councilmember Seekings said, "Well, okay. I would move we put it on the agenda under an exigent circumstance that this emergency ordinance will expire before the permanent ordinance gets in there, and we didn't vote on it when we first had it before because of the assumptions, so I'll make that motion, Mr. Mayor."

Councilwoman Delcioppo said, "Second."

Mayor Tecklenburg said, "You have a second. Any further discussion? This is just to put it on the agenda, and then we'll vote on it."

On a motion of Councilmember Seekings, seconded by Councilwoman Delcioppo, City Council voted unanimously to add the following Emergency Ordinance to the agenda:

**2021-088 - AN EMERGENCY ORDINANCE EXTENDING CERTAIN EMERGENCY ORDINANCES RELATED TO COVID-19**

Councilmember Seekings said, "So moved."

Mayor Tecklenburg said, "Now we have a motion to accept the emergency ordinance that extends our parking allowance for King Street."

Councilwoman Delcioppo said, "Second."

Mayor Tecklenburg said, "We have a motion. We have a second. Any discussion on that?"

On a motion of Councilmember Seekings, seconded by Councilwoman Delcioppo, City Council voted unanimously to ratify the following Emergency Ordinance:

**2021-088 - AN EMERGENCY ORDINANCE EXTENDING CERTAIN EMERGENCY ORDINANCES RELATED TO COVID-19**

Councilmember Seekings said, "Thank you."

Ms. Herdina said, "Thank you."

Mayor Tecklenburg said, "Thank you for correcting us on that."

Councilmember Seekings said, "Look at the value she brings to us, Mr. Mayor. Look at that value. Look at that. That is value at its highest."

Mayor Tecklenburg said, "Bittersweet is a good word. So, number 6. Who wants to talk to us about the amendments that were made to this ordinance? Anybody want to make a motion regarding number 6?"

Councilmember Seeking said, "For purposes of discussion, so moved."

Mayor Tecklenburg said, "We have a motion for number 6 for purposes of discussion. Do we have a second?"

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Alright. Ms. Copeland, you want to share with us the amendments that have been made to this?"

Ms. Copeland said, "Sure, everyone. When we came to Committee, we brought the ordinance as it was adopted at first reading, which included the 100 ft. proximity, just so you're all aware. So, with staff recommendations presented to Committee, we had the 100 ft. proximity, so staff recommended having a special exception for special event permits. We included the business license requirement, peddler's permit, and the operational permit from Fire Marshal, which we require of all food vendors on private or public property. We included a requirement that they satisfy the noise ordinance requirements, and we also included in here responsibility for crowd control, including a 10 ft. setback from the right-of-way to ensure that people waiting in line with the food vendors are not crowding the sidewalks and forcing people into the right-of-way. That is what was adopted, I believe, or recommended by Committee."

Mayor Tecklenburg said, "That's correct. I'll just put it out there like this, based on discussion we've heard this evening, does anybody have any further comments or amendments they would like to make to this matter?"

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. I have to say, I was pretty moved tonight by the speakers and the employees. We've spoken a lot over the past several months about the issues and the challenges that we've been having on upper King Street. We all want the same thing. We all want a safe King Street for our officers, for our citizens, for our residents, for tourists, of course. I'm worried about the proximity element here and the fact that it could

potentially just wipe huge swaths of this industry out of the market, frankly. I wonder if we could consider removing that element from the ordinance this evening and just go with the requirement to have these businesses close at the same time other businesses close so we get everybody out of King Street at a relative same time and see how that works and go from there. I really don't want to throw the baby out with the bathwater. I think these businesses provide an important role, an important service, and are important employers, frankly, for the community. That would be my motion here, if the individual who made the motion, I'm drawing a blank on who it was, would accept my--"

Mayor Tecklenburg said, "Councilmember Seekings made the motion."

Councilmember Seekings said, "I absolutely accept that."

Mayor Tecklenburg said, "He will accept an amendment that will remove the 100 ft. proximity requirement and would change the time to 2:00 a.m., which would be the same--"

Councilmember Seekings said, "1:30 a.m. is what the industry asked for. Their lawyer came before us and asked for 1:30 a.m., Mr. Mayor, and I think that is the time we should put in this ordinance."

Councilmember Mitchell said, "1:30 a.m."

Mayor Tecklenburg said, "To 1:30 a.m."

Councilmember Appel said, "That works for me. That will be the amendment. Eliminate proximity and make the closing time 1:30 a.m., but we'll leave everything else in the ordinance."

Councilwoman Jackson said, "I second that amendment."

Mayor Tecklenburg said, "We have a second to that amendment."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir. I just want to thank everybody that came out here tonight. Obviously, everybody has the same purpose. I mean, we've got different ways of getting there. Public safety is all we really care about. Some of us had a different way of getting to it, but at the end of the day, if we can all make a compromise like this. I look at some of the guys out here. Quan, man, I've been eating your Philly cheesesteaks for years. Trust me, there's been a night I've walked out of the bar, and I needed to wait on an Uber, and I came straight to your place. You took care of me and made sure I got home safe. Woody, I know you do the same thing at your place of business, the number of people that came up here to this microphone. This gentleman here to say he was able to buy a house after living in a car. We don't want to take away jobs. Every one of us on this City Council, a lot of us run our own businesses, and we know. I mean, I look at Councilmember Sakran. His business started out as a food vendor at the market, at the farmers' market down at Marion Square. We all have a very personal opinion about all of this, and we care about you guys, but we care about the people that are coming into our City. We can all agree that what we've seen over the last year is not the product we want to put out for our City. I humbly thank all of you for at least considering Councilmember Appel's suggestions. I think they're perfect. Let's put everybody on the same playing field. You don't have anybody staying open later other than there's a couple of brick and mortars that are still going to serve until later,

but we can address that as need be. We've got a couple of bars downtown that need to be handled, as well. I know that's coming, too. We have got to make sure that we have no illicit activity going on in our establishments. That has got to be addressed, and I know it will. We are not trying to pick on the food vendors, I promise you that. We care about you guys. We love you guys. You are a unique element to this City. We have just got to get the bad actors out of here. We've already seen what changing the time will do. Changing the time, it's a step in the right direction because like Momma used to say, 'nothing good happens after midnight.' We're getting there, but at the same time we saw what happened when we closed the bars earlier during the pandemic. It just caused a lot of people to drink earlier in the day. You can change the time all you want, but you're not going to change the activity until you really take a deep dive into it. I know that every one of the members on this Council are willing to work with every member of our community to figure out what's going on with King Street and get it back to where we used to love it again. We're going to get back to that point. I appreciate you guys bringing your support here tonight. If you guys hadn't showed up in droves, we might not be having this discussion. Thank you for that. I'm glad we can, hopefully, come to a very good compromise."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Sakran.

Mary Willis said, "Can I just clarify one thing for the record very quickly? In response to Mr.---."

Mayor Tecklenburg said, "Yes, ma'am. Please step up to the microphone."

Mary Willis said, "In response to Mr. Seekings, he said the industry was requesting a closing time of 1:30 a.m. That was based on my assumption that you all were also talking about an ordinance this evening with regard to the sale of alcohol from establishments also ending at 1:30 a.m. The request from the industry is to be treated the same as bars and restaurants and close at the same time. I just wanted to clarify that point, so we didn't get too far from there."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. I had some points I was going to make, but I think Councilmember Appel and Councilmember Griffin really nailed it. I feel like this is a commonsense, practical approach, and I'm really encouraged that my two fellow Councilmembers could see this is commonsense. I want to thank Woody and his team for coming out. I think it helps tremendously to hear from you all. We talk a lot about helping small business owners. Tonight, this vote is helping small business owners. This is keeping folks employed and keeping small business owners able to keep churning the economy. Not everyone is Stars, and not everyone is Halls Chophouse. This guy's a veteran, started this several years ago, is going to build this business, and it's going to grow. We don't want to be part of the story that prevented that. We want to be part of the success story, so I want to thank you all for coming tonight, and hopefully my fellow Councilmembers will approve Councilmember Appel's amendment. I do want to say one last thing about any additional conversations about a curfew for bars and restaurants. They do have questions about 1:30 a.m. Is it last call or last consumption? We don't have to have that discussion now, but it's a big difference. Last call at 1:30 a.m. is different than someone

having a drink in their hand and having to finish it by 1:30 a.m. Millions of dollars of revenue over the course of the year just with that decision, so I just want us to be aware.”

Mayor Tecklenburg said, “That’s right.”

Councilmember Sakran said, “Thank you.”

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, “Yes, Mr. Mayor and Councilmembers, my colleagues, all the young people, and the owners of the small businesses that came up. I was part of the Public Safety Committee. I’ve lived on King Street 36 years, and I’ve seen the changes that are on King Street. Even I drive King Street every Thursday, Friday, and Saturday. I see what’s going on. I’m out there until 1:00 or 2:00 a.m. I know things that need to be changed. My thing is they’re trying to keep everyone safe. Young people, some people, come up and say ‘no, they’re not thinking about safety. They just want to close down the place.’ That’s not true. My thing was about a safety net because I have kids and young people that are going down on King Street. My grands, they’re hanging out down on King Street themselves. I have stopped that, too. There are a lot of things going on on King Street, and a lot of the businesses know about it, but they are not saying anything about it, so they’re letting it go on. It’s causing a lot of problems down on King Street, and I see it, too. I know what’s going on, too. I’m going to be monitoring King Street more, and if I see it, I’m going to call it up. I’m not afraid. Some people might be afraid, but I came from a different house of different colors, so it’s no different. I’m not afraid, and I’m going to pull the coattail on it when I see you doing things down there. I would bring it up. If you have to close, you’re going to have to close. The business license will be taken away because you have some of the businesses that are selling to these young people that come down there. They are selling drugs down there. They are doing these things down there right on King Street. Some of the other businesses know about it, too. Now, they don’t have to come out and tell everybody they do it, but they can come to me secretly and tell me. Now, I’ll expose them because we have to get changes, and we want to keep everyone safe.

Summer months are just starting. We have the rest of this month to go. We have July and August to go. We have a lot of young people that are going to be coming down on King Street. They pass my house about 10 and 12 every night from Huger Street to King Street. That’s what they’re doing, back and forth from every bar that’s there. I have all the bars. We have Leon’s and Little Jack’s. They’re right next to where I live, so I’ve seen this all the time. We’re thinking about safeness and still trying to have the businesses stay there to make money, to make their living for the people who are working at those businesses. We all have to work together with this. I was going to make that same suggestion of closing at 1:30 a.m. because I’m the one that put it in there. For anybody who wants to know, I’m the one that put it in there for 1:00 a.m. I did it at Public Safety at the time when all the incidents were happening there. I want to make an amendment, too, for 1:30 a.m., and that’s what I would have done.”

Mayor Tecklenburg said, “I think the amendment is already on the floor.”

Councilmember Mitchell said, “I know. I’m saying that I was going to do it, but my colleague beat me to the punch on that particular one. After speaking with Councilmember Sakran, I kind of thought about it, and I was going to do it. This is what we have to do. We have to work together to keep this place safe. The businesses on King Street now are something new to the City of Charleston. It’s new to the City of Charleston. We never had an entertainment district before, what

they're calling it now. We have to work hand in hand to try to find out all the kinks that we have there. Thank you."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Mr. Mayor?"

Mayor Tecklenburg said, "Yes, sir?"

Councilmember Gregorie said, "When we initially voted on this, and I think it was Councilmember Seekings, we had the Chief who told us what he thought was required for us to make sure that our City is safe. Most of us voted on that initial piece as a result of what our Chief told us was in the best interest of safety. Again, I think it was Councilmember Seekings who said, 'here we have a Chief telling us, based upon his experience, what is the best way for us to make our entertainment district safe.' Is all that out the window now? I mean, I'm going to support the amendments, but I think it's very important for us to be consistent with the public. We were very clear at our last meeting that the reason why we were supporting the ordinance was because our Chief of Police said it was necessary to maximize public safety. What has changed? I think we owe not only the public an explanation but each other an explanation. We're being very inconsistent as a body. I know the Chief reports to the Mayor. The Chief is not here, so I would like to ask the Mayor what is different."

Mayor Tecklenburg said, "Well, the big difference is that prior to this ordinance coming to you, these folks could serve all night long. It created an environment where people continued to gather on King Street."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Gregorie said, "Mr. Mayor, we're in the same place on this."

Councilmember Seekings said, "Councilmember Gregorie, I was the one who encouraged everyone at this table to listen to the Police Chief, and I would encourage us to do the same. You ask what's changed. I'd say some things have changed. It's a fluid and organic situation. If you go up onto King Street every night, and you see what's happened, things are getting better. Some of the other things that we've implemented have worked. It is better. It's not perfect. I think if the Police Chief was sitting here tonight, and we asked him is this 30 minutes now, as opposed to a month ago, something that gives you heartburn, I suspect he would say no."

Chief Reynolds, "I am on the call."

Councilmember Seekings said, "Okay, Chief, I don't want to speak for you, but I'm predicting you're going to tell us that 30 minutes, in the grand scheme of things, given what's happened in the last month or so, is not the worst thing in the world. To go beyond that, we still have some work to do, and there's still more to come on this, by the way. Chief, you're there, so I'm going to be quiet. I do think, Chief, that you will verify to this group and particularly to Councilmember Gregorie who's asked the question 'what's changed,' that the adjustments that we've made on Thursday, Friday, and Saturday nights on King Street have made a difference for the better. With that, I'll turn it over to you, Chief."

Mayor Tecklenburg recognized Chief Reynolds.

Chief Reynolds said, "Thank you. I've listened to everything, and I concur, I think, with just about everything that's been said and couldn't say it probably as well as everybody has said it already. I think it was a fluid, ongoing discussion following the meeting that we had, our last Council meeting. We've had an extensive discussion with the business community. We've looked at each one of our weekend's progress reports, if you will. I get a report every morning from overnight from King Street. There's been extensive discussion about solutions. I'll tell you frankly, we've been very sensitive to not harm good businesses, which is the majority of the businesses downtown, and to create solutions that are going to help with the experience, that are going to make it a safe, family-friendly environment, and to do that without causing great harm to the good businesses. There's been an ongoing, iterative, substantial discussion. I think to Councilmember Gregorie's point, nothing has changed in terms of we do have a significant problem. I think we all are in agreement on that. I do think, as Councilmember Seekings said correctly, we are making progress. I think everything that has been discussed tonight is helpful to that progress. I appreciate the support. I think this is a step in the right direction."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Delcioppo.

Councilwoman Delcioppo said, "What was the reasoning behind the 100 ft. rule? They can't be within 100 ft., where did we come up with that and why? I'd just like to understand the whys behind some of these things."

Ms. Copeland said, "I believe, originally, we did take from Greenville. They have a similar mobile vendor ordinance, and I believe theirs was 500 ft. I think it was to prevent crowding around different businesses and the rights-of-way, and then it was shrunk down to 100 ft. during your discussions."

Councilwoman Delcioppo said, "Do we feel, since part of this ordinance is that they can't obstruct the right-of-way, they do need to manage crowd control? Maybe this is a question that's best for the Chief and maybe for the Fire Marshal. I don't know if he's out there or Chief Curia. Do you feel as though we can reduce that 100 ft. based on some of these other things that are in the ordinance? The amendment that Councilmember Appel made was to get rid of that. I just want to understand."

Mayor Tecklenburg said, "It's removing the 100 ft. requirement."

Councilwoman Delcioppo said, "Not the version that we still have. Councilmember Appel's, that's the motion that's on the floor."

Mayor Tecklenburg said, "That's correct."

Councilwoman Delcioppo said, "Right, so that's what I'm asking. Why did we have the 100 ft. in there to begin with, and do we feel, with some of these other things in the ordinance, that we can eliminate the 100 ft. before I decide how I'm going to vote on this. That's what I would just like to know. What's the sense out there?"

Mayor Tecklenburg said, "Okay, well the amendment would remove the 100 ft. requirement."

Councilwoman Delcioppo said, "Correct."

Mayor Tecklenburg said, "So it won't be there anymore. Honestly, I think part of the reason it was in there was when we looked at other cities who had done similar measures, they had that requirement in there, and it came along with it."

Councilwoman Delcioppo said, "Right, but to that point, again, in the interest of public safety and managing the flowing of folks on sidewalks and things like that, I want to make sure that we feel if we get rid of that 100 ft. that that's still okay. I don't want to create more chaos. I just want to clarify that."

Mayor Tecklenburg said, "Maybe Chief Curia will come speak for the Fire Marshal because they reviewed what we discussed last month, and that's why they have the little setback."

Chief Curia said, "Good evening. I talked to Chief Julazadeh this afternoon about this. From the Fire Department's perspective, if the 100 ft. provision goes away, we are fine with that."

Councilwoman Jackson said, "I think we sort of talked around it, but we do have a new insertion in the amended draft that was put before us, and now we've amended it again. We have a 10 ft. setback now, so that we're not pushing people out into the street. My understanding of what the Chief was advising us against last month was just that by the vendors being in the places where they were, and now we're making them be 10 ft. off the public-way, as they call it. Before that, they were creating crowds around them that then made the people who were trying to pass by walk onto the curb and out in the street. I think that's a very important little insertion. It's very practical. I think that will really turn the trick."

Mayor Tecklenburg said, "I believe that was recommended by the Fire Marshal, as well. Councilmember Shahid, did you have a remark?"

Councilmember Shahid said, "Just very briefly, Mr. Mayor. Thank you. Our responsibility, our number one responsibility, to you folks who are here tonight, those who are listening in, to our community at large, is public safety. You can have the best establishment in the world, you can serve the best food, the best beverages in the world, but if our streets are not safe, people are not coming down to King Street. The goal here is not to be punitive in any measure whatsoever. The goal here is to ensure our citizens and you are safe. That's the whole purpose behind this. We can tweak this in any way that we need to accomplish that goal, but we're not here to hurt your businesses. We're not here to punish you. We're here to make sure that our streets are safe. I'm a small business owner. I have a small, one-man law office. I understand what you all are going through. My family grew up on King Street. You can go down to 493 King Street and see our name that's marked right on that sidewalk at Shahid's Department Store. I know the issues that you are going through, and I appreciate the problems that you have to go through, the challenges that you have to go through. We're not here on deaf ears at all, but we all have to work together to find a solution to this issue. The Chief has made it very clear to us. It's a huge problem. We'll work collaboratively, and we'll make the adjustments we need to make to satisfy this issue and get this thing resolved once and for all. Thank you."

Mayor Tecklenburg said, "Julia, did you have something to add?"

Ms. Copeland said, "Yes, sir. We just want to point out that if you intend to have second and third reading on the ordinance, as amended, we need to have a unanimous vote per the Code."

Mayor Tecklenburg said, "Okay, thank you. Terrific. Alright. Any other questions or comments? I think just third reading. We're giving second reading right now to number six, as amended, and then further amended tonight to remove the 100 ft. vicinity requirement and to reset the time, rather than 1:00, to be 1:30 a.m., correct? Alright."

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

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

The vote was not unanimous. Councilmember Gregorie voted nay.

Mayor Tecklenburg said, "We had one 'nay' down here, Councilmember Gregorie. So, do we wait for third reading?"

Councilmember Seekings said, "Wait for third reading, yes."

Mayor Tecklenburg said, "We'll come back to you in July for third reading. Thank you very much for your input and being here tonight. I'm going to make one comment on an observation from the many comments that were made about how these vendors help sober people up. Maybe we need to focus also, I know we are already, on over serving. If people are that intoxicated that they can't get to their Uber without stopping to get a Philly cheesesteak, then that's an issue."

Councilmember Griffin said, "Mr. Mayor, to that point as well though, if you order an Uber, if you go out on King Street right now and order an Uber after the bars are closing, you will wait for an hour. We have got to establish some safe zones where people can go and wait on their rides. We have to."

Mayor Tecklenburg said, "We do have some of those, I believe."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Can I ask a question? Because we passed first reading, this ordinance is still not in effect though, correct?"

Mayor Tecklenburg said, "We've given it two readings now."

Councilwoman Jackson said, "Correct."

Mayor Tecklenburg said, "But it is still not in effect yet."

Councilwoman Jackson said, "Okay. So, it's going to be wide open. There's no regulation on vendors for another month?"

Mayor Tecklenburg said, "That's correct. This is not in effect yet because we haven't given a third reading."

Councilmember Seekings said, "Can I just make a comment about that? It just seems a little counterintuitive to not give this third reading if one of the issues is public safety, and one of the things that we're about to do is make it safer out there on the street. I don't get that, and I would certainly ask that you all look inside and say let's give this thing third reading recognizing that we're going to be talking about this for a long time. A long time."

Councilwoman Jackson said, "I agree."

Mayor Tecklenburg said, "We have a dissenting vote."

Councilmember Griffin said, "Maybe we can work it out right now."

Mayor Tecklenburg said, "Councilmember Gregorie, is there something specifically about the way the ordinance--"

Councilmember Gregorie said, "The inconsistency bothers me. You don't come to me at the last meeting and tell me, even if I was going to perhaps vote against it, we need this for safety blah, blah, blah, blah, blah. That was the argument, and it changed and swayed my decision because we said the Chief wants it. What I'm saying now is I'm a bit confused over what in the heck is going on. It's the inconsistency that bothers me a bit, so my position hasn't changed. It's 'nay.'"

Mayor Tecklenburg said, "Alright. Well, I would just respectfully remind you that they were serving until 3:00 – 4:00 a.m., and that's after the rest of the brick and mortar places had closed is what we were trying to particularly curtail. Alright. We're going to move on to [items for first reading](#). We have a zoning for 1349 Ashley River Road. We have a motion to approve."

Councilmember Griffin said, "Move for approval."

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

Councilmember Brady said, "Second."

Mayor Tecklenburg said, "Was there any discussion on this?"

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Brady, 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 1349 Ashley River Road (West Ashley) (approximately 0.28 acre) (TMS #418-05-00-002) (Council District 7), to be annexed into the City of Charleston, be zoned General Business (GB) classification. The property is owned by Graphic Glamour Holdings LLC.*

Mayor Tecklenburg said, "Now for number 2, a zoning for 1351 Ashley River Road."

Councilmember Shahid said, "So moved."

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

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "And a second. Any discussion?"

No one asked to speak.

On a motion of Councilmember Shahid, seconded by Councilwoman Jackson, 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 1351 Ashley River Road (West Ashley) (approximately 0.25 acre) (TMS #418-05-00-001) (Council District 7), to be annexed into the City of Charleston, be zoned General Business (GB) classification. The property is owned by Shubh Labh of Charleston LLC.*

Mayor Tecklenburg said, "The next regular City Council meeting is going to be July 20<sup>th</sup>, and we will have a special meeting between now and then. Have we determined that date, yet?"

The Clerk said, "It's going to be June 30<sup>th</sup>."

Mayor Tecklenburg said, "June 30<sup>th</sup> we're going to have a meeting to review our recommendations for the Comprehensive Plan revision. Any further business to come before us tonight? Hearing none, we stand adjourned. Thank you very much."

There being no further business, the meeting was adjourned at 8:36 p.m.

Jennifer B. Cook  
Clerk of Council