

**CITY COUNCIL MEETING
COUNCIL CHAMBER**

Regular Meeting
July 19, 2022

The one hundred twenty-sixth meeting of the City Council of Charleston was held this date convening at 5:00 p.m. at City Hall and over video conference call (Zoom).

A notice of this meeting and an agenda were made available on the City’s website July 14, 2022 and appeared in the Post and Courier on July 18, 2022.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember Gregg	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Sakran	District 3	Councilmember Shahid (<i>virtual</i>)	District 9
Councilmember Mitchell	District 4	Councilmember Bowden	District 10
Councilmember Brady	District 5	Councilmember Appel (<i>virtual</i>)	District 11
Councilmember Gregorie	District 6	Councilmember Parker	District 12

Mayor Tecklenburg called the meeting to order at 5:00 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, “Please note that Councilmembers Shahid and Appel are present, but they are joining us virtually this evening. Now, if you all would like to join us, Councilmember Mitchell will lead us in an [invocation and the Pledge of Allegiance.](#)”

Councilmember Mitchell opened the meeting with an invocation.

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

Mayor Tecklenburg said, “Alright. Thank you. So, our first order of business this evening is a [proclamation recognizing Ashley Pennington](#) who has served as the Ninth Circuit Public Defender. I’d like to invite Ashley and his family and Councilmember Bowden to join us up here on the podium. You’re all welcome to come up, if you will, Robin and his daughter, Joy, and Sean, his son. Now, my children were in grammar school with Sean and Joy, and, Sean, your beard is a little longer than it was when you were in grammar school. Good to see you again, and this was requested by Councilmember Bowden, but I must share with the public that there are many strong relationships here with Ashley and his family, and we’re so proud of his service. May I also introduce and ask to join us Judge Markley Dennis who came to attend, as well, and one of the many judges that Ashley has served under.”

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Ashley."

There was applause in the Chamber.

Mayor Tecklenburg said, "Please come forward if you'd like and make a remark, and then we'll ask Councilmember Bowden also if he would like to make a remark."

Ashley Pennington said, "I'll limit my remarks to about 30 minutes, so you all just settle back."

There was laughter in the Chamber.

Mr. Pennington said, "Mr. Mayor and members of Council and friends and guests, Judge Dennis, Mr. Bowden, of course, you know, I'm humbled and grateful and actually a little embarrassed. I've done the work that I've loved all of my career, and I'm just lucky to be here. People that know me know that the secret to the success of my life has been that I started out marrying up someone that's smarter and better than I was. I've continued that process throughout my entire career hiring folks who have been able to be both smarter and more capable than I and have gotten the job done. It's, I think, worthy of note that in this Chamber where we sit and the Chamber that's right across the street where I work, we are dealing with the most difficult struggles and challenges of our community. They are the problems that are the hardest to solve, and I really admire the courage of this body and the work that they do to promote healing for our community. The Criminal Justice System also has had that opportunity, but it took it over 350 years before Charleston County was prepared to start providing representation for low income citizens in its criminal courts. I was born at a time when it was brand new. In 1980, I was a baby public defender learning the ropes, and it had been a joy for me to help young lawyers grow into, what I believe, to create a sense of credibility for our legal system. Now, we don't garner applause or put out there every time we win a case. Maybe that was an error on our part, but we have a young, bright, new Circuit defender, Cameron Blazer, who is going to do an outstanding job that's going to be taking office next month. I just want people to know that something wonderful is happening in Charleston County with criminal justice. It's not just that the courts are here and that people have lawyers, but the City of Charleston, the Chief of Police, representatives of the Police Department, have worked together with the Sheriff's Office and other departments to create a magnificent Criminal Justice Coordinating Council that has been working diligently to examine the disparate impacts of criminal justice, and also ways to promote healing. So, I pledge to continue to work in that Council in that capacity and also with our State prison systems and jails where we need to promote healing there, as well. I think it's the only way forward, and it represents, in my view, what democracy is which is that every person matters, but I am intensely grateful to this body for this recognition today. Thank you, again, Mr. Mayor."

Mayor Tecklenburg said, "Councilmember Bowden."

Councilmember Bowden said, "Thanks, everybody, and this is a very cool moment for me because how often do you meet somebody in life who is so authentically good, who lives their faith every day in a way that you just can't deny? How much rarer still to be able to work for that person and have that person serve as a mentor and truly support, like he said, young lawyers? Nobody can ever say it better than Ashley Pennington said himself. I just couldn't possibly pass up this opportunity to say how grateful I have been to work for Ashley and how

incredible it is to be standing here today with the opportunity to make sure that he gets the recognition that he deserves. Thanks, Ashley.”

Mayor Tecklenburg said, “Good stuff.”

There was applause in the Chamber.

Councilmember Shahid said, “Mr. Mayor.”

Mayor Tecklenburg said, “You all want to get a picture together?”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “Yes, sir. Thank you, and Ashley, and Robin, and family. I’m terribly sorry that I could not be there in person with you all this afternoon, but you have touched on a great example of what it is to be a public servant, Ashley, and the community will never know your contributions to our City and to our County and to our State. What you have done, and Judge Dennis will attest to this, we cannot do the work of the Criminal Justice System without people like you. You made the system better, more efficient, and fairer. Your service to your clients and to all of those who came through that office was always at the highest caliber. We wish you well. We will miss you as you go on to your next career. God bless you, and God bless your family, and thank you, Ashley. Thank you for all of the work that you did on behalf of your community.”

Mr. Pennington said, “Thank you.”

There was applause in the Chamber.

Mayor Tecklenburg said, “Ashley, here, this is for you.”

Mr. Pennington said, “Thank you.”

Mayor Tecklenburg said, “Yes. So, you all, we have yet one more [proclamation](#) for an amazing citizen of our City on the occasion also of his retirement. I’m going to ask Dr. Quattlebaum and his family to come forward and also Councilmember Seekings to join us up here on the podium. So, you all, this is Dr. Thomas Godfrey Quattlebaum. This was requested by his local Councilmember, Councilmember Seekings, but once again Dr. Quattlebaum is known and beloved in our community.”

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, “Doc.”

Dr. Thomas Quattlebaum said, “I won’t be 30 minutes. I’m surprised, and I’m very honored. Thank you.”

Mayor Tecklenburg said, “Councilmember Seekings, would you like to make a comment?”

Councilmember Seekings said, "Very briefly, so, what makes a good and great community, Mayor? It's the good and great people that are in it and those who take pride of and ownership in it and, boy, does Dr. Quattlebaum personify that in spades. I mean, it's incredible what he has done in this community. As I look at him, I was asking him now that he's retired, what's he going to do? Dr. Quattlebaum, there is a certain elected official here that has sort of upped the local demand for piano playing, so I suspect there are some gigs out there for you, but I know that this isn't the end for you. This is the beginning and we're going to look forward to see everything you do in our community going forward in keeping it good and great because of people like you. So, thank you for your service."

Dr. Quattlebaum said, "Thanks."

Mayor Tecklenburg said, "Alright. So, this was not on the agenda, but I did want to share with Council and the public that I know a few of you participated in the Municipal Association meeting that was held in Charleston over the last few days and this past weekend. By the way, they are going to be back in Charleston next year, but Saturday morning I represented the City, and they gave us an award, so I wanted to share this with you. This was presented to the City of Charleston for municipal achievement, superior performance, and innovative program leading to an improved quality of life for its residents presented by the Municipal Association. We get to hold onto this for the next year, and the award was for our communications strategy and just to note the wonderful staff that worked on this, Tracy McKee, our Information Technology folks, IT, and also the Clerk's Office to provide more ways for the public to engage with the City during COVID and while we had virtual meetings and all like that. So, I do want to quote this one statistic that they used which I think is notable. We've created this portal, by the way, where the public can offer comments to the City, not just at City Council, but to other public meetings by way online, e-mail, and other ways that we weren't doing before the pandemic, so the portal enhanced public engagement. In 2019, before the portal's development, Charleston City Council received 319 comments in person and by phone, and from April 2020 to February 2022 Council received 2,810 engagements and that was a combination of all of the ways that folks could give us their comments and their input since we added the portal, so we were recognized for that and given this award. So, I wanted to share that with Council, and I thank the Municipal Association. They really are a great resource to us and to towns and cities across the State, and their theme this year, by the way, was civility of promoting the fact that we can disagree sometimes, but still be agreeable, and I like to think we practice that here in this Chamber, but it's something we need to continue always to work on and to show civility, respect, and solutions. They asked all of the public officials from throughout the State of South Carolina to take this pledge this past Friday when they had representatives from all over the State of South Carolina, and I'll read you the pledge. I think it's worthy to pledge to do.

'I pledge to build a stronger and more prosperous community by advocating for civil engagement respecting others and their viewpoints and finding solutions for the betterment of my city or town.' So, that's a very noteworthy goal for the Municipal Association, all of the towns and cities, to build more civic engagement. That was what, in essence, we got our award for to respect others and find solutions for the betterment of all. So, that's the good work that's going on with our Municipal Association, and I wanted to share that.

Alright. Next on the agenda is our [public hearings](#). I think Mr. Christopher Morgan will lead us through those. We have just five of those this evening. The first one is kind of a perfunctory one that we are required by a grant application to have every year, but of course, if anybody has any comments on it, we would be glad to hear them. Mr. Morgan."

The Clerk said, "The first item is the [police grant](#), and we did have I think some people sign up to speak. Do you want to set a time limit?"

Mayor Tecklenburg said, "Yes, a minute-and-a-half."

The Clerk said, "Mr. Bryant."

Mayor Tecklenburg said, "Did we want to make any presentation about the matter first other than what I just stated? This is regarding a 2022 Justice Assistance Grant Fund. We submitted an application in the amount of \$42,980. It's for purchase of software which combines data stored in the Police Department, Records Management System, and helps with investigations. Yes, sir."

1. Anthony G. Bryant said a complaint was filed in 2009 and 2021 regarding the use of someone's name, and if they shared a person's name, they should have the ability to FOIA their name. Under SLED, SLED only provided info to the Sheriff, Police Department, and Attorney General. They only could receive complaints. The citizens' complaints could be made to the Department of Justice. He said if the City of Charleston was a grantee under the State of South Carolina, the Federal and State governments worked together to block that complaint and could retaliate against a person, could make them a law breaker, and use force on them. That had happened because across the street they had over 200 people who had been in conspiracy investigations with no camera. There was a person that complained about the conditions in the Charleston County jail, and two weeks later two people had a fatal incident in the Charleston County jail. He was there and saw it. The grants were important in terms of the 1st Amendment, the 4th Amendment, the 6th Amendment, and the 8th Amendment.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Mr. Idris. Mohammed Idris."

Mayor Tecklenburg said, "He must have walked out."

The Clerk said, "Those were all of the speakers that we had signed up for that item."

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

No one else asked to speak.

Mayor Tecklenburg said, "Alright. Do we have to take any action on this or just have the hearing? Do you know, Madam Clerk?"

The Clerk said, "It will actually come back up during the Ways and Means Report and will get approved during the Ways and Means Report, so we don't have to take action now."

Mayor Tecklenburg said, "Alright. Thank you so much. So, on to [number two](#)."

Christopher Morgan said, "Mayor and members of Council, we'll go to the slides here. This is Item #E-2 under public hearings. It's a request to rezone the property at 24 N Market Street to change the Height District in that location. It's TMS #458-05-04-023, 031, and 029. It is

a request to go from the current 3 Story and WP Old City Height District to a 4 Story Height District, and it's owned by the Carroll Building LLC commonly known as the Carroll Building. Just to orient you all, the property is at the corner of Market and East Bay. There currently is an older structure as part of the property, and then the newer Carroll Building that's at the very corner. There's a development team that's looking at a new concept on the property that would involve Mixed-Use. When we pulled up our maps to look at what heights were on the property, what you see in front of you is what was there. This was part of the issue with transfer from old paper maps to digital maps over the last 10, 20 years. It wasn't exactly in line with the way it should have been, so that's why you see the City listed as the applicant because we're essentially correcting some of what was going on here. A portion of the property was already in the 4 Story District, and then a portion at the northern end was the WP District which is our Waterfront District which wouldn't have worked for this type of Commercial building. So, the request is to take the entire parcel to the 4 Story District, and we have some other images of the property. It's in our City Center recommended land use in the new Comprehensive Plan, and that's what does call for the most intense uses in taller buildings in that district. Here is an aerial image of the property at present. Here is an image that shows it. You all know the building. Historic Charleston Foundation does own an easement on the entire property, anything vertical on the property, anything that's built, the use of it and all of that, so they will be monitoring future uses on the site, as well, here. They have not really taken a position on this request because they have the power through their easement over the property. The historic structure is to the far left. It's a two-story structure that was incorporated into the Carroll Building, and here you are looking at it towards the west. You can see how there is a 4 Story District across the street, so it's not uncommon to have 4 Story here on East Bay. Looking to the north, there is a 4 Story District across the street there, as well, and the Planning Commission did review it and recommended approval 6 to 0."

Mayor Tecklenburg said, "Alright. Did anyone sign up to be heard on this matter?"

The Clerk said, "Yes. Anthony Bryant."

Mayor Tecklenburg said, "Mr. Bryant."

1. Anthony Bryant said under the Administrative Procedures Act for South Carolina, their mission and vision was public health. Homeland Security provided civil liberties and rights complaints in terms of FEMA, so the question was if there were issues with flooding in the area Council should consider. From June to November was hurricane season, so until the City got the funding together, they needed to consider not having any zoning and planning questions before the body from June to November until Council figured out the flooding question.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Mohammed Idris."

No one asked to speak.

The Clerk said, "And those were all of the speakers we had signed up."

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

No one else asked to speak.

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

Councilmember Seekings said, "So moved."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Alright. Any discussion or questions from Council?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Shealy, 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 24 Market St (Downtown- Peninsula) (approximately .67 acre) (TMS #458-05-04-023, 031 and 029) (Council District 1), be rezoned from 3 Story and WP Old City Height District classification to 4 Story Old City Height District classification. The properties are owned by Carroll Building LLC.

Mayor Tecklenburg said, "[Number three.](#)"

Mr. Morgan said, "E-3. This is a request to rezone property that is on Travis Lane in the Honey Hill area of the Cainhoy Peninsula. The subject property is shown in yellow on this image here. It's immediately adjacent to the Cainhoy Development PUD that is in the pink color on most of the map there. It's off of Clements Ferry Road. So, Clements Ferry Road is in the bottom left corner of the map here before you. The request is to rezone from the SR-1 classification to the Diverse Residential (DR-9) classification. We'll show you some images that give you a sense of the character of the property. The portion of the property that's closest to Clements Ferry Road is in our Neighborhood Edge designation whereas the rest of the property that gets lower and is more wet is in our Natural and Wetland coverage designation, so that portion of the property would not be developed. It would just be the highland portion of the property and, of course, the Neighborhood Edge recommendation is for a mixture of uses. Density is of 6 to 20 units an acre, so the DR-9 which is essentially 9 units an acre would be in line with that. The property is currently undeveloped. The plan is for a development on it with a little bit smaller lots on that portion that is out towards the Clements Ferry Road side of the property and then the wetland areas would remain unfilled and in their natural state. The Planning Commission did recommend approval 7 to 0 for this."

Mayor Tecklenburg said, "Alright."

The Clerk said, "Mr. Bryant."

1. Anthony Bryant said it was almost like a protest. He thought from June to November Council should not have any zoning coming before the body because the FEMA map may be adjusted. He made his public comment to the City regarding redistricting and the PUDs, annexations, and infill developments that led to dilution in his opinion. He said Shelby County, Alabama vs. Holder had deemed certain aspects of the Voting Rights Act of 1965 as unconstitutional, and he believed those types of zonings led to that problem.

The Clerk said, "Mr. Idris."

Mayor Tecklenburg said, "Thank you, sir."

No one asked to speak.

The Clerk said, "Garry Lesesne."

2. Garry Lesesne said he was a Charlestonian, and it was a pleasure to be there. Having spent from 2002 to 2018 in Nicaragua doing tours in development, he was happy to be before Council in Charleston back at home. He was on the ownership side, and he wanted to present himself because he felt it was good to be able to put a face with a name. He said they appreciated having the opportunity to present the zoning of the property understanding that it was within the Comp Plan. He said they were glad to be there and looked forward to working with the City however they could.

Mayor Tecklenburg said, "Thank you."

The Clerk said, "Grace Wachowski."

3. Grace Wachowski said she was also there representing the developer. She worked for SeamonWhiteside which was a civil engineering firm, and she was there to answer any questions that Council might have on the rezoning or on the property.

Mayor Tecklenburg said, "Alright. Thank you."

Ms. Wachowski said, "Thank you."

The Clerk said, "Mr. Idris, did you need to speak, as well?"

Mayor Tecklenburg said, "Did you say Mohammed? Mr. Idris, would you like to address this matter?"

Mr. Idris said, "Which matter?"

Mayor Tecklenburg said, "You signed up for it. It's the rezoning of a property out on Travis Lane out in the Cainhoy area."

Mr. Idris said, "No, sir."

Mayor Tecklenburg said, "Okay. Thank you. Alright. Anyone else like to be heard on this matter?"

No one else asked to speak.

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

Councilmember Waring said, "Move for approval."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "We have a motion to approve. Any discussion, comments?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Shealy, 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 properties on Travis Lane (Honey Hill- Cainhoy Peninsula) (approximately 11.4 acres) (TMS #268-00-00-005 and 039) (Council District 1), be rezoned from Single Family Residential (SR-1) classification to Diverse Residential (DR-9) classification. The properties are owned by Coles Emily Barnes.

Mayor Tecklenburg said, "[Number four.](#)"

Mr. Morgan said, "This is an amendment to a Planned Unit Development in this area, the Barre/Halsey PUD in Harleston Village by rezoning property located at 65 Barre Street. It's about two-tenths of an acre, from Single-Family (SR-2) to the PUD and increasing the maximum number of dwelling units allowed in the PUD by two. So, the PUD is the area in pink, pinkish/purple, towards the middle of the bottom of the screen there, and then the subject property that would be added to it is outlined in green. It's an existing residence on Barre Street at present. We have some other images here that will give you a little bit better sense of this. This is, of course, in our Neighborhood designation in our new City Plan, so the densities of this PUD are in line with that, and that's what the neighborhood calls for. This is the subject property. Again, it's an existing Single-Family residential structure on Barre Street that would be added into the new PUD that's already been built to the south. The applicant had given us some of these images that were shown at Planning Commission. They give a sense of what the PUD looks like and the purpose of adding in these two lots here. This is just some of the history of the PUD here. They have had endorsement by the HOA of the PUD, and I don't know if somebody from the applicant team is here tonight to talk to that, but the subject property shown here with the garage entrance on the right there and then the PUD itself is on the left, and then the image shows the trees that screen that existing building, and then where the new lots would be formed there. The two new lots will be formed where the existing one lot was, and then there's one additional lot that was already planned as part of the PUD. So, it is two new lots as part of the PUD addition and just the benefits that were discussed with the HOA and the HOA's letter of endorsement. Here is just an image of the subject property that would be added, and that's the existing PUD to the south of that subject property, and these are the other properties to the north along Barre Street. The Planning Commission did recommend approval of this 7 to 0."

Mayor Tecklenburg said, "The existing property is the one with the garage-looking structure?"

Mr. Morgan said, "Yes, sir. It's the residential structure with the garage facing the street."

Mayor Tecklenburg said, "Gotcha. Thank you."

The Clerk said, "Anthony Bryant."

Mayor Tecklenburg said, "Mr. Bryant."

Mr. Bryant said, "No."

The Clerk said, "Mr. Idris."

Mayor Tecklenburg said, "Mr. Idris."

Mr. Idris said, "No."

Mayor Tecklenburg said, "Alright. Would anyone else like to be heard on this matter, 65 Barre Street?"

No one asked to speak.

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

Councilmember Seekings said, "So moved."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Any discussion or questions?"

No one asked to speak.

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Planned Unit Development (PUD) Master Plan and Development Guidelines (Barre/Halsey PUD – Harleston Village) by rezoning the property located at 65 Barre Street (approximately 0.19 acre) (TMS# 457-02-04-025) from Single-Family Residential (SR-2) to PUD and by increasing the maximum number of dwelling units allowed in the PUD.

Mayor Tecklenburg said, "And, lastly, [number five.](#)"

Mr. Morgan said, "This is a recent annexation in the Riverland Terrace neighborhood. It's 2157 Fort Pemberton Drive. It was a R-4 in Charleston County and the closest compatible district in the City is our SR-1, so the recommended zoning would be SR-1 here. It's in our Suburban recommended land use from the Comp Plan, and SR-1 fits in that, and here is an image of the property. Planning Commission recommended approval for this zoning."

The Clerk said, "Anthony Bryant."

Mayor Tecklenburg said, "Mr. Bryant? He's good."

The Clerk said, "Mr. Idris."

No one asked to speak.

Mayor Tecklenburg said, "Alright."

The Clerk said, "That was all."

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

1. Joel Sadler said he was a downtown resident and business owner, and later he would be speaking about the King Street BID. He wanted to save himself some time during that by introducing himself and that would buy him another 10 seconds.

Mayor Tecklenburg said, "Alright. Anyone else?"

No one else asked to speak.

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

Councilmember Waring said, "Move for approval."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. Any questions, comments?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Shealy, 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 2157 Fort Pemberton Drive (Riverland Terrace-James Island) (approximately 0.23 acre) (TMS #343-01-00-104) (Council District 11), annexed into the City of Charleston May 24, 2022 (#2022-076), be zoned Single Family Residential (SR-1) classification. The property is owned by Jennifer Moggenberg and Jack Narusevich.

Mayor Tecklenburg said, "Next up is our [approval of City Council minutes](#). We have both of these Madam Clerk, the May 17th Special Meeting and June 21st meeting."

Councilmember Shealy said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any additions, deletions, corrections?"

No one asked to speak.

On a motion of Councilmember Shealy, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes of the May 17, 2022 Special Meeting and the June 21, 2022 City Council Meeting.

Mayor Tecklenburg said, "So, next up is our [Citizens Participation Period](#). Thank you all for coming out and sharing with us. Let's see how many folks we've got."

The Clerk said, "So, we have 16 people who have signed up to speak."

Mayor Tecklenburg said, "Since we got a late start, let's do a minute-and-a-half each."

The Clerk said, "Alright. The time is a minute-and-a-half. Anthony Bryant."

Mayor Tecklenburg said, "Mr. Bryant. Thank you."

1. Anthony Bryant thanked the Clerk as she had done a great job during the pandemic as well as the Clerk's staff. He also thanked Councilmember Mitchell and Councilmember Waring. He thanked God that Councilmember Waring's father brought West Ashley into the City because the redistricting would have been horrible, but they did their level best as a community. He was young and very proud to come to Council and see six African American Councilmembers. Based upon what he could see, that was not what his family would see. They were great people and cared about the community, but there were a lot of dynamics. He wrote his public comment to Councilmember Mitchell to let him know how he felt about the annexations, the PUDs, the redlining, and the insurance redlining. Council had nothing to do with that. That's just the way it was for them unfortunately. He said to look out for those left behind. African Americans were left behind in the City. They deserved representation, and they deserved to be treated fairly. They had been there forever and the way it looked, they weren't not going to be there which was unfortunate.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Mohammed Idris."

2. Mohammed Idris said it was July, and it was the month the Constitution was signed. The Founding Fathers did a wonderful job finding something, and they put it into office. As the judge said earlier, they were a little behind time in trying to get the justice that was due. He said they wanted the Old Slave Market on Cumberland Street to be named not just the Slave Market, but the Enslavement Market as people didn't go there willingly. They were forced into it. He said they were asking the Mayor, Council, and all civilized people to do the historical thing, not be hypocritical, and put the right kind of name on that building to show that people didn't willingly enslave themselves. They were put into slavery and robbed of all knowledge of themselves.

The Clerk said, "Time."

Mayor Tecklenburg said, "Thank you."

The Clerk said, "Brian Costello."

Mayor Tecklenburg said, "Just to let you all know, we don't transfer time from one speaker to the next, so if you want to make comments, please use your time."

The Clerk said, "Brian Costello."

No one asked to speak.

The Clerk said, "Reverend Patricia Jones."

Mayor Tecklenburg said, "Good evening."

3. Reverend Patricia Jones said she was the Pastor of Hebron Zion Presbyterian Church on Johns Island and a member of the Charleston Area Justice Ministry. She said according to Mayor Tecklenburg, in an article as recent as Sunday, Charleston was the perfect place to be a leader in addressing issues of race and reconciliation, and it may seem ironic in a way to some people, but that added to the beauty of pursuing it and doing it here. She said they wholeheartedly agreed, which was exactly why they continued to call on the City to recognize the Gadsden Creek issue for what it was, an issue of race and reconciliation. Despite elevation of Gadsden Green homes, a predominantly Black community, was less than five feet above sea level. Nichols Chapel AME Church, a community place of worship, was even lower than that. The entire low income, predominantly Black community presently depended on the Gadsden Creek tidal salt marsh to drain its storm water out to the Ashley River. In addition, the community had already suffered generations of abuse and neglect. They asked that Council save and preserve Gadsden Creek. She said what would be a more perfect place to be a leader in addressing issues of race and reconciliation.

Mayor Tecklenburg said, "Thank you."

The Clerk said, "Joy Smith."

4. Joy Smith said she was a member of CAJM, and she worshiped at St. Stephen's on Anson Street. Last week the Post and Courier published an article discussing the City's flooding priorities. The City's most recent Comprehensive Plan called for the Zoning Maps which serve as the guides for what could be built and where to be based on the elevation of the land. That would mean that low lying areas and wetland would be restricted to little or no use at all. The elevation of Gadsden Green homes and the creek was less than five feet above median sea level. Regardless, the City was working with WestEdge to develop on top of it. Gadsden Creek was exactly the kind of wetland that the City Comprehensive Plan should protect. She asked why the City would proceed with a project that violated its own plan to alleviate flooding. She said they didn't know, but they did know that because it was Charleston, a City with a long and distinguished history of what some would call stubbornness and others tenacity, they would continue to urge Council to reconsider those plans. They asked Council to save Gadsden Creek and preserve the historical resource that was a part of their Charleston home as there really was no place like home.

Mayor Tecklenburg said, "Thank you."

The Clerk said, "Lin Kuhl Jay."

5. Lin Kuhl Jay said she was with Charleston Area Justice Ministries and was an advocate for the community work of Friends of Gadsden Creek. The City continued to be vocal about understanding the impact of overdevelopment intersecting with the realities of sea level rise and other climate change factors. She quoted the Mayor, 'It's up to us to take the Comprehensive Plan and re-work our Zoning Ordinance to reduce density and reduce development rights in our low lying areas.' She said the WestEdge's next phase was along one of the lowest low-lying areas, Hagood Avenue. It would concentrate on constructing more elevated hotels and apartments

that were unaffordable to a workforce population, additional office space, and parking, that would result in an abundance of concrete paving over nearly four acres of the earth's natural drainage systems found in Gadsden Creek and the surrounding wetlands. If the flooding solution proposed by WestEdge involved the Spring/Fishburne drainage project, they had doubts. She asked why keep chasing more complicated fixes when they had a natural buffer right there. She found it ironic that WestEdge's sales pitch touted a cutting edge slab space, but their approach practically, and simultaneously, denied environmental science and hydrology.

The Clerk said, "Time."

Mayor Tecklenburg said, "Thank you."

The Clerk said, "Reverend Cress Darwin."

6. Reverend Cress Darwin said he was the Pastor of the Second Presbyterian Church of Charleston and its suburbs when it was formed in 1809. He spoke in favor of an effort to right the wall that surrounds their graveyard. It had been leaning for a long time. He had been there 18 years, and it had only gotten worse. No matter how much they talked about it and to whom, nothing would be done until it made sense for everyone. Now it seemed that it did make sense for everyone, in terms of Mr. Dewberry, the neighborhood association, and for Second Presbyterian Church, but more importantly, for the safety of the people in the community and the people who came into the community expecting not just a lovely City, but safety. As Council considered the Plan put forth, he advocated and asked that Council support it as it was something that had to do with a matter of safety. He said there were two ways to tell time, one was Chronos and one was Kairos. Kairos was a moment of time they couldn't contemplate not imagining for themselves, but just came together through God's grace and through the hard work of individuals. He believed that was where they were right now, and there was an opportunity to do a legacy for the safety and the goodness of Charleston.

The Clerk said, "Patterson Smith."

7. Patterson Smith said he was the Vice-President of the corporation of Second Presbyterian Church, the owner of the real estate. He said the corporation had reviewed the draft of the three-way agreement between the City, Mr. Dewberry and his foundation, and Second Presbyterian Church, and the corporation supported the agreement. He said they hoped for the City's support, as well.

The Clerk said, "Trenholm Walker."

8. Trenholm Walker said he was there on the Dewberry settlement matter. In April, the neighborhood association had presented a memo to Council with certain conditions, and Council authorized Legal Counsel to proceed with drafting a settlement agreement. He had worked with Julia (Copeland) and Magalie (Creech), and they had folded in the recommendations of the neighborhood association memo, which was a condition of that instruction. There was also another gaffe in that there wasn't a binding written agreement for the repair of the wall, but that had been done, signed, delivered, and the City had a right of enforcement, so it was basically

guaranteed. He asked Council to take advantage of the opportunity as litigation had run its course. The City had won both in principle and law, and it was time they worked together. The hotel was a great marquee asset for the City and asked that they could put the litigation behind and look ahead.

The Clerk said, "John Paul Huguley."

9. John Paul Huguley said he had lived in Mazyck-Wraggborough directly behind the Dewberry, and he lived around the corner on Charlotte Street. He couldn't say enough great things about the Dewberry in terms of development, architecture, and the way it was run. Any city, from Chicago to New York, would be proud to have it, and he was proud to have it in Charleston, but it didn't always work that way. He had been able to work with the manager of the Dewberry. He had previously been the chair of the Dewberry Committee for the neighborhood, but he was there to express his own personal interest because he felt like there had been a lot of water under the bridge. It was time to move forward in the City to work well with those who were doing a good job and push them to do a little bit better. Mr. Walker and the Council got the neighborhood's recommendations from the Committee that were voted on by the Board, and they agreed to keep them in the agreement. He just wanted Council to know he was in full support and hoped that other hotels could run efficiently as the Dewberry.

Mayor Tecklenburg said, "Thank you."

The Clerk said, "Joel Sadler."

10. Joel Sadler said recently they put a plaque to the workhouse that was a couple of blocks from King Street. Workhouses were where white property owners took the enslaved to be beaten and tortured into submission, only to be picked up later, hopefully more docile, by those white property owners. He said that sounded dramatic, but he needed to draw a straight line from that dynamic to the way Council was making decisions today, by prioritizing those who would have done the dropping off over those who would have been beaten while there. The King Street BID was an example of that. He knew it had already been approved and that compromises had to be made with the 'tourism mafia.' He proposed two modifications that would mitigate against major risk. He said not to allow the \$3.5 million ambassador program grant to be included, as it was a human pest control program that would shoo off the street anyone that wasn't good for business, and they should not allow funding from anything outside of the property owner input. That would create a financial juggernaut that would be well beyond the City's control, and the City wouldn't be able to control it later.

The Clerk said, "Denise Smalls."

No one asked to speak.

The Clerk said, "Alright. We'll move on to our online list, and if you're joining online, you can press *6 to unmute yourself when I call your name. Tony Daniell."

No one asked to speak.

The Clerk said, "Donna Daniell."

No one asked to speak.

The Clerk said, "Zac Viscidi."

Mayor Tecklenburg said, "That's fine. Please come forward."

11. Zac Viscidi said he was there about the pedicab issue. One year ago Council said they were going to auction off six new medallions. Traffic and Transportation met yesterday, and the Mayor wisely brought up how there was an abundance of cars, and it was almost like a rubberstamp process of entrepreneurs who wanted to start a transportation business. He said that seemed like a perverse incentive where the City allowed as many cars as they wanted to run a transportation business, but an entrepreneur, an innovator, an individual who wanted to run an environmentally friendly, clean, local business could not start their own entity. He had gone through months of hurdles trying to start a transportation business to include a BAR meeting, Citizen Participation, getting a neighborhood association on board, insurance, bikes, and it seemed difficult and unreasonable to believe that the Council would rubberstamp polluting, traffic congestive cars at every opportunity and not provide a basic framework for pedicabs.

The Clerk said, "Time."

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Tamika Gadsden."

12. Tamika Gadsden said she was a resident of West Ashley and called to comment on the King Street BID. She observed her elected officials, Councilmembers, engage with the public in a way that was somewhat disconcerting. She said they would like Council to pay attention to their constituents. She understood that perhaps other interests captivated them more, but the constituents' input mattered especially their input regarding the BID and Gadsden Creek. Regarding the BID, she asked that Council make sure to contain the parameters around the BID and that they did not create an entirely new system run by non-profits and millionaires backing those non-profits. They relied upon their duly elected officials to do their job in making the streets safer. If there were any concerns regarding access to commercial spaces and public safety, that was why they elected Council. It was Council's job to do it and not some sort of secret vest-wearing collective who were turning Charleston into private property. She lifted up the comments made earlier by Joel Sadler and said that his piece on Medium about the BID was something Council should read.

The Clerk said, "Time."

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

The Clerk said, "We did receive some comments online. One person hand delivered a public comment regarding the Charleston City Council Redistricting Plan. They said the 1965 Voting Rights did not factor in local land use policies based upon banking and insurance companies. The Justice Department was to ensure that the district was truly race neutral based

on established policies and practices. The Federal government failed and Congress must make the policies clear based upon the maps. The Sixth Congressional District had lost 85,000 residents based upon past concerns. One person said there was no legal or rational basis to keep Frampton and Fairway Drive closed. The City Attorney stated the roads were to be temporarily closed, not permanently. Only 38 out of 93 families were impacted and sided with the closure. Traffic could be reduced by 30% by allowing access to the existing gate on Inverness Drive. One person said the restoration of Gadsden Creek and the surrounding wetlands was critical for flood mitigation. Filling in the creek and covering it did not follow the science, and the City had a history of neglect towards the citizens on the Westside. It had forced homeowners out, installed the landfill, and forgot about the needs of the residents. Developers were being allowed to take one of the Peninsula's last remaining tidal creeks. All of the development was funded by a TIF which took money out of local schools. They asked Charleston City Council and Mayor Tecklenburg to protect Gadsden Creek. One person said they were opposed to the King Street BID. One person asked City Council to oppose the King Street BID because it had negative effects on small businesses and neighborhoods. One person said they objected to the BID because it would be detrimental to the Downtown community and that BIDS caused policing of the homeless and could cause greater gentrification in Charleston. They also said Charleston needed to protect local, small businesses and protect all of their citizens. One person opposed the King Street BID and said they ruined neighborhoods. They said there was evidence of the process that was adopted in Canada which showed it empowered the powerful and took away local control from the citizens that cared about the City. They also said there was a better way to improve the City. One person said they opposed the implementation of a BID because it did not only facilitated delocalization, but also forced exclusion of marginalized people. BIDs gave too much power for a few people without transparency and accountability and destroyed diversity within the community. One person said they were disappointed the City prioritized developers and upper income citizens over marginalized citizens. Organizations in Charleston had legislation which limited their first amendment rights. They said the City was in need of affordable housing, but they allowed developers to pay a fine instead of requiring them to build a certain percentage of affordable units. The City never funded the effort or accepted the findings of the Racial Conciliation Commission and changed it to a Commission that wasn't able to affect real change. They stated that when businesses wanted to start a BID on King Street, the City passed it with little to no research, and the City was not focused on the interest of regular citizens, and those were all of the comments we received."

Mayor Tecklenburg said, "Thank you. So, thank you, all, for being with us this evening and taking the time to be with us and offering your comments to us this evening, both here in person and online. So, that concludes our Citizens' Participation Period tonight, and next we proceed with our [Petitions and Communications](#), the first of which is the [appointment of three Code Enforcement Officers](#)."

Councilmember Seekings said, "So moved."

Councilmember Gregorie said, "Second."

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

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to approve the appointment of the following Code Enforcement Officers:

1. Appointment of Code Enforcement Officers:
 - a. Travis Galli -- BAR/DRB Enforcement Officer
 - b. Isabella Gordineer -- Preservation Planner
 - c. Ernest Muhammad -- Zoning Associate Planner

Mayor Tecklenburg said, "Next is the [appointment of Councilmember Seekings to the Human Affairs and Racial Conciliation Commission.](#)"

Councilmember Shealy said, "Move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Any discussion?"

On a motion of Councilmember Shealy, seconded by Councilmember Shahid, City Council voted unanimously to approve the appointment of Councilmember Seekings to the Human Affairs and Racial Conciliation Commission.

Mayor Tecklenburg said, "Next up, I'm going to call on Eric Pohlman. I believe he's going to come forward and share with us an [update on our Sumar Street Development](#), and he may have an assist from Jonathan Oakman with Landmark Enterprises. Eric."

Eric Pohlman said, "Good evening, Councilmembers. I'm here to provide you with a visual update for the Sumar Street Redevelopment parcels. I was last here in May to show you the visual update. So, this is going to be kind of the same overall view, however, it has advanced a little bit since then. We've been working very diligently to address the comments from both the Design Review Board, as well as the community members around West Ashley. To reorient you a little bit, the Sumar Street Redevelopment parcel is the two-and-a-half acre triangle that is between Sam Rittenberg Boulevard and Old Towne Road. Sam Rittenberg Boulevard is on the left side of this image here. With this, the project will contain about 4,800 sq.ft. assembly space area along with 7,800 sq.ft. of City offices. Those would be located at the TIF portion in between the two roads. Further down would be a private sector investment with Landmark Enterprises. They would get out of this, 8,000 sq.ft. of restaurant, 3,000 sq.ft. of retail, and another 8,000 sq.ft. of private leasable office space. What we're doing at this location we've also put the challenge to them to accomplish the Charleston RISE's criteria, so it will be a Charleston RISE certified project when it is done.

We've also had some of the most extensive public input for a project of this caliber. We've hosted, I think, at my last count about eight different public meetings, maybe nine even, not including this one tonight. And, we've had public workshops that allow the community to come in and actually draw what they wanted to see on site to start out with, and then we moved along with the program from there. We have had check-ins at the West Ashley Revitalization Commission, as well as then City Council and the Design Review Board when we finally got to this stage of the Public-Private Partnership. Something that we are doing at this location is creating public meeting space West Ashley. So, at this point we have a lot of small community rooms at our Parks and Rec buildings, mostly cinder block, painted, rough interior. What this

would be doing is actually creating a location that could be used by City staff, as well as the public, people to come in and use conference room, board room and then of course that 4,000 sq. ft. flex assembly area.

In addition, I'll get to this in a second or two is, the inspiring redevelopment along Sam Rittenberg Boulevard, just discussing this and getting to this point of the program. This is the relative footprint of what would be the civic building that would come out of this process. I wanted to touch on this really quickly to just really kind of give a size comparison for this, because especially when you look at the location, it's hard to see what we're talking about out there. That large square in the middle there, that would be the 4,000 sq.ft. flex assembly auditorium space. To give you an idea of its size, we're currently in about 1,800 sq. ft. from window to window, so it would basically be a publicly owned and operated auditorium, flexible. That means we could have City Council meetings such as this, we could have Spoleto events in there, we could be having small conferences come in. It's something that we don't really have around here. To give you another comparison, the Town of Mount Pleasant when they redid their Council Chambers, upped it to 3,200 sq. ft., and I believe Charleston County for their public meeting space has about 3,000 sq.ft. So, this would bring a publicly owned and operated auditorium up to those levels.

Some of the innovative stuff that we're going for at this location is subsurface parking. So, what this is allowing us to do by putting the majority of the surface of the parking underground is we are allowing it to become a much more compact and vibrant location. So, at current, this is the configuration that I believe Landmark, Liollo, and their engineering consultants have landed upon. It would allow for 180 subsurface spaces and 64 on the surface with additional parking along Sumar Street itself also. This also allows us to have some very large underground cisterns for stormwater and during the event of say a hurricane or tropical storm, this has also been designed that all that underground area can be used for additional stormwater capacity. This would be the main entry view for coming in from Sumar Street, so the majority of people coming to this location would be arriving by vehicles. This is what they would be turning into for the site, and you can see the underground parking there to the left and then the regular field parking would be to the right. That building there is the office structure, so that would have two-and-a-half stories of offices. The first ground floor would be retail, and I believe right now they are proposing a café/coffee shop at the ground level. Once you get onto site, you would see stormwater worked into every component that you're viewing. For example, this is the plaza that would be along Sumar Street containing rain gardens and local vegetation. Again, trying to achieve some of that Charleston RISES which says that we need to not just put our stormwater away out of sight, we actually want to celebrate it, and show it off, and show how we're dealing with it.

Then, once you walk through the site, you would come to this area, this is actually a 10,000 sq. ft. outdoor public gathering location. It would have about 2500 sq. ft. of lawn and the remainder of that 10,000 sq. ft. would be paved location that you could have posts. As you can see in the image here, you would have tables and chairs, you can host music nights, you could also host Piccolo Spoleto events outside. Some of the other activities that Landmark is proposing, they would run community nights with movies, with food trucks, barbecues, and of course, you know, just having a leisurely evening with the family and friends out at this location because it would be accessible from the private side kind of melding of the two.

A lot of what we've listened to when it came to the public was how the overall building looked in terms of the linear nature of it, or as one or two people said, motel style. So, what we did was really break up how strong the horizontals were, so we have newer, taller verticals that

would be having high detailed woods and then having some different handrails and really trying to just work in a care of material and detail throughout. And this, of course, would be the welcoming location for both West Ashley and the City of Charleston when you're coming in. This is at a location that connects to I-26 along with Cosgrove, North Charleston. Coming in from the airport this would be what you would first see, and as we redevelop along Sam Rittenberg, as we work through West Ashley, and really bringing it up in vibrancy, this would be the first thing welcoming and inspiring people coming in. We also have a video that's going to run here in a second that kind of gives you a better idea because in this view it looks really flat. This video that they put together really helps, I think, sell this entry point because you can start to understand the depth and the nature of this area.

So, while that's running, I'll go over kind of what the next steps are. So, the next steps are going to be, we'll be at the TRC on August 4th. At that, we're going to be reviewing the site plans and other engineering work to make sure that it's in line with City codes and all that, well, technical items. After that, we will then be able to turn it back over to Liollo who is going to go through with their construction development team and start doing the contract, or not contract, construction estimates in terms of what it will cost to build this complex. We have been working with our City Corporate Counsel and Landmark legal representation to develop a development agreement, a ground lease, and a commercial lease. Those are all set and ready for those construction estimates to be put into it, and then we can start entering into the actual negotiation. I would like to thank you all for allowing us a second extension of the MOU. That's going to give us some padding in there, so we can let the construction team really look at the materials and figure out, at a more detailed pace, how much this is going to run us. And, then, we will, of course, be bringing that to the Mayor and you all very shortly."

Mayor Tecklenburg said, "Does anybody have any questions or comments?"

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Mine is more of an observation. As I look at a lot of this modeling, I see no one that looks like me and, I think, that when you do that, it sort of says that I'm not welcome. So, I think that it should as you move forward. I think it's very important, if we're truly one Charleston, that we make sure that what we present looks like that."

Mr. Pohlman said, "Yes, sir. I'll make sure that our entourage is much more inclusive."

Councilmember Gregorie said, "Thank you."

Councilmember Shahid said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Parker followed by Councilmember Shahid.

Councilmember Parker said, "Thank you, Mr. Mayor. Just to follow up, we own the property?"

Mayor Tecklenburg said, "Correct."

Councilmember Parker said, "And we are looking, the City of Charleston, we are going to build this or we're going to look at those ground leases and other things of other developers?"

Mr. Pohlman said, "So, what is going to be occurring is a public/private partnership with this where there will be a cost-sharing measure to it. So, we are not going to fund and construct the entire project, neither is the private sector going to fund and construct the entire project. So, that's where some of the development agreement and ground leasing comes into play, is figuring out kind of who's paying for what and how we're going to navigate through that."

Councilmember Parker said, "Okay, and you said, when will you have some construction prices?"

Mr. Pohlman said, "So, we're going to get those construction prices after August 4th. August 4th is when we go through the TRC, and then that will solidify what we have to change out in terms of material, and cost of construction, and engineering. So, probably late September to October is when we'll get those back and be able to plug them in and start negotiating with them."

Councilmember Parker said, "Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. Excuse me, can you all hear me okay?"

Mayor Tecklenburg said, "Yes, sir."

Councilmember Shahid said, "Eric, thank you, all, for that wonderful presentation and for Landmark for their continuing cooperation and work with us on this project. As you can tell, well, maybe you can't, but I certainly can through all the different models that we have seen on this project, the changes that we've gone through to make this a top quality project for the City of Charleston, and it just can't be understated what we're doing here with our footprint. This is going to be a major public facility for the public to have access to. Eric has talked about the auditorium component of this where we can have City Council meetings or other public oriented meetings can be held there. Also, it's going to afford an opportunity for our neighborhood associations and other non-profit organizations to meet where they are scrambling now to meet in different locations. So, this is going to be a major asset to the community, and it's going to be a welcoming site, the birthplace of Charleston, the birthplace of South Carolina. Eric said this rather quickly, but one other thing we just need to take recognition of, is that this project is already spurring activity along Ashley Landing. I met with Eric and some other folks this morning as to some discussion of what's taking place behind this building, behind this project. And we can see the fruits of this project being very positive in helping to revitalize all of West Ashley, so that is something that the City should be very proud of on our work and our efforts to moving this thing along and the positive impact it's going to have on the entire West Ashley project for revitalization. Thank you, Mayor."

Mayor Tecklenburg said, "Thank you, sir. Yes, sir. Eric."

Mr. Pohlman said, "I just wanted, Councilmember Shahid is right, I had forgotten to come back to that, that this is already inspiring redevelopment. At the September 14th meeting of the West Ashley Revitalization Commission, Ashley Landing Plaza will be coming to us to show us how they plan on repositioning and redeveloping their shopping center. They said one of the major selling points, when they were talking with the Publix anchor to get them to reposition

within the plaza and remain in the plaza, was the investment that the City was doing at this location. That energized them, and they wanted to be part of this redevelopment.”

Mayor Tecklenburg said, “Because there’s two sides to Sumar Street.”

Mr. Pohlman said, “Yes, sir.”

Mayor Tecklenburg said, “And the other side has been needing revitalization, as well. So, that’s great news. Yes, thank you. Any other questions or comments? This is a report only.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “Just one question, who is going to own and pay for the underground garage?”

Mr. Pohlman said, “That is part of what the negotiation of the development agreement is. We’re going to be looking at that very closely.”

Councilmember Waring said, “Just keep in mind, the City has done a number of private public partnerships very successfully. The \$142 million Gaillard project was a 50/50 part public/private partnership, the International African American Museum was a public/private partnership. \$25 million came from local government, \$25 million came from the State, and the balance came, frankly, nationally, and in some cases, internationally. The Tennis Center, a wonderful partnership between Mr. Navarro and the City of Charleston. On the private side, he put in an excess of \$40 million into it. So, I’m looking for excitement to see how much this private sector is going to come and put in on this one. I’m really waiting on this one. It’s been five to almost six years. I’m waiting on it. Thank you very much for your presentation.”

Mr. Pohlman said, “It’s my pleasure.”

Mayor Tecklenburg said, “Thank you, sir. Alright. Any other questions, comments?”

No one else asked to speak.

Mayor Tecklenburg said, “Thank you for the presentation, Eric. It looks like great progress being made and please thank Jonathan, or I see Jonathan online, and the Liollio design team, particularly, for being attentive to all of the public and City comments that we’ve been making along the way. I really appreciate that.”

Mr. Pohlman said, Thank you, sir.”

Mayor Tecklenburg said, “Alright. So, next up is a matter regarding the [King Street Business Improvement District](#). Now, this is separate from the MOU that was on our Ways and Means Committee. This is the matter regarding the objections that were made, and I’m going to ask both Robert Summerfield and maybe our outside counsel Jeremy Cook, to come forward and maybe give us a brief summary, again, of where we are with this particular item, and then we’ll allow Council to make any questions or comments.”

Robert Summerfield said, “Good evening, Mayor and members of Council. As you said Mayor, this is separate from the MOU or MOA discussion. This is just Council making a decision on the hearing of objections that was held a few meetings ago. Staff, after hearing those

objections, reviewing the written materials that we received, did not find that any of the objections were contrary to the ordinance that you passed, and so staff has recommended that none of the objections be upheld and that we continue forward.”

Councilmember Seekings said, “Move to adopt the recommendations of staff as to the objections on the BID.”

Councilmember Waring said, “Second.”

Mayor Tecklenburg said, “Second. Alright. Anybody have any questions or further comments? We have the experts here.”

No one else asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Waring, City Council voted unanimously to adopt the recommendations of staff as to the objections made for inclusion in the King Street Business Improvement District.

Mayor Tecklenburg said, “Thank you very much. And, next up, is our Council Committee Reports, first up is our Committee--”

The Clerk said, “Council Communications.”

Mayor Tecklenburg said, “I’m sorry. Yes, I missed one, [Council Communications](#). We are going to have a [discussion regarding abandoned and neglected structures](#) requested by Councilmember Jason Sakran.”

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, “Thank you, Mayor. I know this issue is not something new to this Council and to the City. So, first I’d just like to thank Livability, and the Mayor, and previous Councils on addressing these neglected and abandoned buildings. The number has gone from some reports of 500 close to 200. The reason I wanted to get this on tonight’s agenda, at least for initial discussion, would be to encourage my fellow Councilmembers to maybe get this onto a CD Committee meeting in August. I would like to hear about the Task Force that was created. I think prior to my coming on Council there was a Task Force created, I don’t know what the recommendations were. I’ve received several phone calls from constituents over the past two years about buildings that are close to them. They call Livability, Mr. Riccio comes out, and Mrs. Shaw Johnson gets involved. It seems like things just get nowhere. So, I guess my question and request would be for the Task Force to provide those recommendations and then having a discussion at Community Development about what additional supports they need to get some of these buildings remedied. Some are on heirs property, it’s not all of them, some are just absentee landlords, some are just waiting on the buildings to literally fall on top of each other because BAR has denied their demo permit. The reason for tonight is just encouraging fellow Councilmembers to agree to get this on a future CD Committee meeting where we can get a full report out.”

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, “Councilmember Sakran mentioned it. We’ve been dealing with this, I’ve been dealing with this, since I’ve been on Council since 2006. This is not anything

new, pertaining to all the properties that we have in this City even on the Eastside, even on the Westside, but the problem was the BAR. The BAR has these jurisdictions that we, as a City, can't even do anything about. Once they come and say you can't tear it down, you can't do this, you can't do that, so the people can't do it because they can't afford it. In the City of Charleston, the BAR has more power than the City of Charleston, than City Councilmembers have. We can't even do anything. The BAR has stopped us from doing a lot of things we wanted to do and even tearing down, changing windows in buildings, we couldn't even do it. This is a big problem that we're going to have. I don't know what is going to be really the solution to it because we've been dealing with this a long time. Even with different Councils we have now, we are still dealing with this and trying to look at these properties that were in the community.

Some of the properties we have on the Eastside, the City of Charleston gave it to a non-profit organization and gave them the opportunity to purchase these properties or give it to them, and then they had a certain length of time to repair it. If they didn't repair it at that time, it came back to the City, so that's how we got rid of some of the properties on the Eastside, during that time. All this was trying to get some of these properties that were falling down in the community where the people were complaining about it and trying to get rid of the City stock. But, now, a lot of these other properties are owned by private individuals, and they can't afford to fix it because the BAR had a stipulation to it. I don't know what is going to really be the remedy to this. We've been trying for a long time, but I don't know what's going to happen. We can bring it before the Community Development Committee, and we can discuss it, but I don't know how far we're going to be able to do it, because the City doesn't have the money to do it. I can tell you that right now. It is just the fact that it's going to cost, the fact of dealing with these properties that they call historical. It's the BAR. They can have a beam in there that's historical, and they'll stop you from tearing it down. I just don't understand it. Mayor, I remember one time, I don't know, Mayor, if you were here during that time, I told them I'm going to get a bulldozer and tear all of them down, run all of them down. Everybody said, 'Well, you can't do that, Councilmember Mitchell. I said, 'That's what I would do.' But I would rather have the clear land there, than have a house falling down in the area of the person already renovating their houses next door. But the BAR said you can't do it."

Mayor Tecklenburg said, "Understood."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor, for recognizing me, and I just want to applaud Councilmember Sakran for bringing this forward. I think this is a very important issue we ought to discuss. I fully support bringing this up at a future Community Development Committee meeting because every time I see one of these structures, I think of affordable housing that doesn't exist where these structures are. I think of generational wealth that's locked out from being realized by heirs property. Folks that may own that structure and their inability to develop it, and reap the value in that property due to these regulations, it's a major City problem we've got to address. To Councilmember Mitchell's comment, the BAR exists as long as we say it exists at City Council. We are in charge of the BAR. We are in charge of what they don't do. Right now they have a lot of power. It's always up for review. I've got a lot of respect for the BAR, I've got a lot of respect for historic preservation, obviously, but when you start talking about some of the problems that the City has right now around affordable housing and things of that nature, it's incumbent upon us, as Council, to periodically review and evaluate whether or not we have our priorities calibrated properly, and that is reflected in our ordinances in the way that they're set up.

We had a discussion at a CD Committee meeting, maybe a couple of months ago, where we talked about geography and zones of BAR authority when it comes to things like, you know, window replacements and things of that nature. I mean, these are all things that should be periodically evaluated and assessed, and if we as a Council, think the BAR has too much authority, we can roll it back. That's our job. It's not right. It's not correct to sit back and just say, that's just the BAR, that's what they've been doing for all of these years. I mean, we're in charge of that oversight, and so I applaud Councilmember Sakran for bringing this forward. I think that the balance is currently not set properly on this issue, and we need to be evaluating it critically. I think that starts through bringing this issue up tonight, sending it to Committee, doing our due diligence, gathering all of the information from all of the proper perspectives and us coming forward with some tweaks that we feel are appropriate. And, I think, the issue around these abandoned homes may be looking at some of the geographical scope issues, around some of these issues we've spoken about earlier. All ought to be on the table, because this all boils down to affordable housing, it boils down to equity issues, around wealth, preservation, and things of that nature. It's stuff that we need to be taking a critical look at, and today was a very important first step. So, I applaud you for that Councilmember Sakran, and I look forward to being a part of that discussion."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Bowden.

Councilmember Bowden said, "I don't have a ton to add, except that I wholeheartedly support giving Councilmember Mitchell a bulldozer. I'm just putting that out there."

There was laughter in the Chamber.

Councilmember Bowden continued, "But in all seriousness, when I send out things about the agenda to constituents, obviously, certain things get bigger responses than others, but I did put this on here because this has been something that's on my mind, as well. So, I thank Councilmember Sakran for bringing it up, but just for whatever it's worth, folks in outer West Ashley care very deeply about seeing these dilapidated structures and things, and so I'm really looking forward to hearing about the Community Development meeting, and I'll be there to listen and hear about that Task Force and see what we can do as far as a land use policy."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Thank you, Councilmember Sakran and certainly Councilmember Appel for your input. I think you all are spot on on that. We talk about gateways coming into West Ashley. One of the gateways coming into the Peninsula is getting unattractive by the day. You come in on Cannon Street where the Wendy's once was, you see graffiti where the bagel shop was. I think it used to be Kentucky Fried Chicken prior to that. You've got where the Hardee's is, I thought that was maybe a temporary use permit, they sell pots and rugs underneath a tent in the parking lot. I mean, really it's unattractive. Mr. Summerfield, does our zoning ordinance allow for that? You can come to the microphone."

Mayor Tecklenburg said, "We'll be happy to check on that. I mean, I presume they got a business license."

Councilmember Waring said, "I mean, seriously, it looks terrible. I mean, who can feel pride in that? So, you bringing this up will help the Peninsula, West Ashley. There are places on

James Island that I'm sure the grass is growing up that Code Enforcement can get over there and help. So, anyway, thank you for bringing this up, but I would hope, I can't tell you how many times people from West Ashley come in on Cannon Street to get to the City. Every Sunday, I come down there to go to church. At first, I was going to assign it to Councilmember Seekings, but then I realized it's my good friend and colleague Councilmember Dudley Gregorie's District, so I know we're going to get something done about it right now. So, hopefully, we'll get something done about that. Thank you."

Mayor Tecklenburg said, "Do you want to be recognized again, Councilmember?"

Councilmember Sakran said, "Yes. Go ahead."

Mayor Tecklenburg said, "I just want to make a suggestion myself, and that's to review something that I'm aware that the City did some decades ago when I was a staff person at the City, and I've got to share with you at that point this was in the mid to late '90s. There weren't hundreds of dilapidated structures in the City, there were thousands of them then and so we have a much more manageable number, to tell you the truth, now than we did back then, but what Mayor Riley set up and I served on was what was known as a Code Enforcement Board. From what I understand, the framework for that Board still exists in City ordinance. So, what we had was a single staff member, his name was John Foster, he was great, and his sole job was to bird-dog dilapidated structures, who the owners were, and try to help them without it even becoming a legal or enforcement kind of issue. But those who did garner an enforcement issue got a ticket before they would go to Livability Court, which honestly sometimes the judges weren't so knowledgeable about all of the resources in place. We would bring the property owner to this Code Enforcement Board that included not just City staff that were knowledgeable about housing and renovation programs, but also some private citizens who were in the construction business and all like that, and we were offering advice to the property owner to try to get them to a better place. We made progress on hundreds of properties in the City. So, I can be happy, of course I'm a member of the CD Committee, to share more of that when we convene, but I believe there is a good model in place. I don't know when Mayor Riley quit using that Board. It was sometime after I left around 2000, but it really worked for a while. Now, don't get me wrong, there are some cases where the property has just gone to pot and the property owner really doesn't care or maybe they can't afford it, whatever the circumstances are, and that's when you get in those cases called demolition by neglect and the City has a right, also by ordinance, to come in and make repairs to that house and put a lien on it, but you're talking sometimes \$200,000 per house, and we would have to allocate some pretty good funding if you all want to get serious about doing more demolition by neglect repairs, but legally, we can do that. You can't force somebody who owns a piece of private property, other than the basic securing the property and by using this demolition by neglect, I mean, you can't force somebody to make a place completely habitable and all like that or maybe we could, but we would have to form some new ordinances to make that possible. But a good starting point, I don't mean to ramble, a good starting point might be to go back and reactivate with some modifications this Code Enforcement Board. Yes, sir."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, and I think we can get even more creative if we follow up on the recommendation from Councilmember Appel, with respect to 233. I think that we may be able, in my reading of 233, that there are a number of things that we may be able to do using that fee structure to deal with the issue of abandonment. I also think 233 could put us in a position to create some type of housing linkage, not just to housing programs, but to all

constructions in the City. I can't wait to sit and talk with Councilmember Appel a little more on 233 because, as I read it, it really gives us a lot of flexibility to deal with some of the issues that we're dealing with right now."

Mayor Tecklenburg said, "Absolutely. Alright. Anybody else?"

No one else asked to speak.

Mayor Tecklenburg said, "We'll take this up at the next meeting."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor, and thanks to my colleagues for indulging me in this. Two things that I just wanted to mention that I didn't mention were sometimes these houses are also public safety and public health issues. I have a personal experience before running for City Council. There is a house right next to me, and it still sits as it was ten years ago. Racoons, rats, animals, we have young children living next door to this. A hurricane comes through and, because the house has not been taken care of, knocked a tree down, roof panels flying onto my house. So this becomes a public safety issue at some point. Many of these houses do exhibit that, and the second thing I want to just talk about is this is not specifically on BAR, but I want to make it clear for those that are listening, the issues around BAR north of Line Street and it's coming back to CD at some point soon, and I appreciate the work on that, but BAR to Councilmember Appel's point, we give them the power. It's bestowed upon them. They are not elected. I answer to my constituents, not to some quasi board, and I want to make sure they're aware of that. So, we're going to have this discussion at CD regarding BAR north of Line Street. We're going to have this discussion around BAR with some of these abandoned buildings. We've got to put people first. Thank you."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "But for BAR we would not be the City that we are now. I just don't think that we need to take that, don't take it too lightly. I think it's the BAR that has protected the integrity and historical nature of this City. I don't want us to take it lightly because, but for them, I don't think that we would be what we are now. I can remember a discussion with Mayor Summey where he was making fun that we had a BAR. He was playing with words, but still, but for the BAR I don't think that we would be the City that we are, so we've got to be very careful when we talk about it."

Mayor Tecklenburg said, "As always, there is a balancing act."

Councilmember Gregorie said, "Yes, you've got to be."

Mayor Tecklenburg said, "We have the oldest preservation ordinance in America, and it's made a difference for the preservation of our City. I know Councilmember Sakran appreciates all of that, so we will find that balance beam as always."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “One last thing, all of those are good conversations, and actually both of you all are right, especially when you’re talking about going in the north part of town, Councilmember Sakran, but back to Spring Street. That’s right, that’s not BAR, that’s not heirs’ property, those are investments that’s allowed downtown to look that way, so I believe at the very least that’s a code enforcement issue to rule in the court. I would think that would be one of the quicker areas to get cleaned up over there, so hopefully, Mayor, by this complaint, code enforcement can get active, and then we’ll take it from there. Thank you.”

Mayor Tecklenburg said, “Right. Thank you, sir, and I was going to point out earlier, I think some of the issues you raise about Spring Street are different issues that can be addressed differently. One of my pet peeves is when a property is being planned for redevelopment, like there is a BAR-approved new building to go on the Wendy’s site, and it will be torn down when that finally happens, but that’s no excuse for a property owner not to follow code enforcement regulations until he is ready to start construction. He can’t just let the weeds grow. We still need to be writing the tickets even though he might be planning some great new building on that site. He’s still got to follow our ordinances. Alright. So, moving on now to our Council Committee Reports, first up is [Committee on Traffic and Transportation](#), Councilmember Brady.”

Councilmember Brady said, “Yes. Thank you, Mr. Mayor. The Committee on Traffic and Transportation met yesterday at 2:00 p.m., and we finished in a little over an hour. We had two limo applications that the Committee did approve unanimously, and then we moved into Executive Session to receive legal advice related to contract discussions for the provision of electric vehicle charging stations. There was action taken after coming out of Executive Session, and we encouraged staff to continue to pursue the contract discussions while looking at all available placement options for those charging stations, and that concludes my report, and I would move for its adoption.”

Councilmember Seekings said, “Second.”

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

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

- a. Ladiaonelimo, LLC --
Application for Certificate of Public Convenience and Necessity, Limousine
- b. South Carolina Lowcountry Limousine, LLC
Application for Certificate of Public Convenience and Necessity, Limousine
- c. Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code to receive legal advice related to contract discussions for the provision of electric vehicle charging services. Action may or may not be taken after coming out of Executive Session. ***(The Committee encouraged staff to continue to pursue contract discussions related to electric vehicle charging stations, while looking at available placement options.)***
- d. Discussion

Mayor Tecklenburg said, "Next is [Committee on Public Works](#). Councilmember Waring."

Councilmember Waring said, "I'm ready to vote for it, Mr. Mayor, but there is only one thing I would like Mr. Fountain probably just to touch on, well, just the improvements on the current phase of Low Battery. Beyond that, I move for approval."

Mayor Tecklenburg said, "Alright. We'll have a report on that. We've got more voids than we thought."

Matt Fountain said, "Mr. Chairman, is it the Phase III item you were looking for? So, the Phase III item was a change order on the Low Battery project. This is related to, basically, the expansive polyurethane grout that we inject into the pile casings in order to fill voids under the surface of the Battery, so there is void space from failures and structural issues in the Battery. We estimate that it's a price that's paid based on how much grout we're using. We estimated the current project phase based on what we had seen for use of grout on the previous two phases of the project. Unfortunately, the current phase has more void space under the wall than the previous two phases had. It's not unusual. We do see change in construction methodology and some changing storm damage as we move down the Battery. We're about half-way through the Battery with the current phase. We're estimating about twice the amount of grout for the current phase per foot of wall as we had on the previous two phases. We think that will be a little bit high, but that's what the change order request is for. Again, we will only pay based on the amount we actually inject and use as we track the contractor's work."

Councilmember Waring said, "Is it moving along slowly or briskly?"

Mr. Fountain said, "The current phase is going very, very well. It's actually going smoother at this point than the previous two phases. The contractors have worked out a really nice sequencing of how they form the rebar versus pour the wall where they have almost no breaks in the construction process, so it's actually on time, on budget, and going really well as a phase despite the difficult logistics in the area."

Councilmember Waring said, "Thank you, Mr. Fountain, and I call for the question."

Mayor Tecklenburg said, "Alright. Any further questions, comments?"

No one asked to speak.

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

---INSERT PUBLIC WORKS AND UTILITIES REPORT---

a. Public Service Updates:

- (i). Discussion of Encroachment request for 5 ½ Alexander Street

b. Stormwater Management Department Updates:

- (i). Low Battery Phase 3 – Recommend approval of Change Order #1 with Gulf Stream Construction Company, Inc., in the amount of \$221,680.00 for additional polyurethane injection needed to fill more voids found in the ground compared to previous phases of the project. These funds are available in the project budget of Hospitality Funds, Municipal Accommodations Tax Funds, Charleston County Accommodations Tax Fees, CWS Contributions, and the 2022 Hospitality Revenue Bond.
- (ii). Low Battery Phase 4 – Recommend approval of Fee Amendment #11 with Johnson, Mirmiran, & Thompson in the amount of \$48,718.00 for the conceptual study development of Phase 4 from King St to South Battery. These funds are available in the project budget of Hospitality Funds, Municipal Accommodations Tax Funds, Charleston County Accommodations Tax Fees, CWS Contributions, and the 2022 Hospitality Revenue Bond.
- (iii). Wappoo Creek Place Drainage Improvement – Recommend approval of a construction contract with First Construction Management, LLC in the amount of \$43,890 for the improvement of road drainage at the intersection of Wappoo Creek Drive and Wappoo Creek Place. Funds are available in the FY 2022 Small Project Allocation.
- (iv). Barberry Woods Drainage Improvement – Recommend approval to apply for a South Carolina Conservation Bank Grant in the amount of \$300,960 in grant funding with a City match of \$75,240 to acquire property for the Barberry Woods Drainage Improvement Project on Johns Island. Funds are available within the current project allocation from the Drainage Fund.
- (v). James Island Creek – Information Only – The City is participating in the Charleston County led Contract with Woolpert for Water Quality Sampling and Analysis work. This contract operates under the previously approved MOU between the Town of James Island, Charleston County, and the City of Charleston. The City contribution for the next year of monitoring is \$39,382 with funds available in the Stormwater Operations Budget.

Mayor Tecklenburg said, “Next on [Committee on Ways and Means.](#)”

Councilmember Gregorie said, “Move for approval.”

Mayor Tecklenburg said, “I would note that as amended.”

Councilmember Brady said, “As amended.”

Mayor Tecklenburg said, “As amended. Yes, there was that one amendment to the grant application for the Barberry Woods Drainage Improvement Project.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “I’d like to take the MOU out just for some discussion. I voted for it in Ways and Means, and I voted against the new part from the objections in an

expedited manner. There's just some wordsmithing that I think everybody needs to be on the same page on."

Mayor Tecklenburg said, "Alright. Without objection, let's vote on everything but the MOU, and then we'll come back to that separately."

No one asked to speak.

Mayor Tecklenburg said, "Any comments or questions about any of those other items?"

No one asked to speak.

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

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(Approval of the CARTA-FY23 Budget

(Resiliency and Sustainability: Approval to accept the 2023 SC DHEC Solid Waste Reduction and Recycling Grant in the amount of \$12,000 to purchase composting equipment, supplies, and public outreach materials to support the City's composting program. There is no match required for this grant.

(Office of Cultural Affairs: Approval to accept a grant award of \$5,685 from SC PRT Tourism Advertising Grant Program to support the 2022 MOJA Festival. The match amount was waived by South Carolina Department of Parks, Recreation and Tourism.

(Office of Cultural Affairs: Approval to apply for a grant in the amount of \$50,000 from the National Endowment for the Arts to support public art initiatives in the second half of 2023 and the first half of 2024. This grant application will be submitted on July 19, 2022, as access to the NEA online portal is not yet available and the agenda has been set for City Council's July meeting. A 1:1 City match is required. Funding to meet the match requirement has been included in the FY23 budget request.

(Stormwater Management: Approval of the Low Battery Seawall Repairs-Phase III Change Order #1 in the amount of \$221,680.00 with Gulf Stream Construction Company, Inc., for additional polyurethane injection needed to fill more voids found in the ground compared to previous phases of the project. Approval of Change Order #1 will increase the construction contract by \$221,680.00 (from \$21,496,256.00 to \$21,717,936.00). Funding sources for this project are: Hospitality Funds (\$17,077,901.53), Municipal Accommodations Tax Funds (\$15,651,479.68), Charleston County Accommodations Tax Fees (\$400,000.00), CWS Contributions (\$4,874,746.00) and 2022 Hospitality Revenue Bond (\$37,417,402.35).

(Stormwater Management: Approval of the Low Battery Seawall Repairs-Phase IV Fee Amendment #11 with Johnson, Mirmiran & Thompson in the amount of \$48,718.00 for the conceptual study development relevant to the next phase of the Low Battery Seawall from King St. to South Battery (~1,200 lf). Approval of Fee Amendment #11 will increase the professional service contract by \$48,718.00 (from \$3,705,852.36 to \$3,754,570.36). Funding sources for this project are: Hospitality Funds (\$17,077,901.53), Municipal Accommodations

Tax Funds (\$15,651,479.68), Charleston County Accommodations Tax Fees (\$400,000.00), CWS Contributions (\$4,874,746.00) and 2022 Hospitality Revenue Bond (\$37,417,402.35).

- (Stormwater Management: **(AS AMENDED)** Approval to submit the SCCB grant application requesting \$100,000.00 in grant funds and a City match of \$276,200.00 for a total grant budget of \$376,200.00 to support property acquisition activities of the Barberrry Woods Drainage Improvement Project on Johns Island. The application is due by July 31, 2022. The match is not required, but it is recommended to be competitive. The proposed City match is available from the Drainage Fund.
- (Stormwater Management: Approval of a construction contract for Wappoo Creek Dr. in the amount of \$43,890.00 with First Construction Management, LLC. Funds are available within the FY22 Small Project Allocation. The \$43,890.00 is available within the Stormwater Operations Budget.
- (Parks – Capital Projects: Approval of a Memorandum of Agreement with Charleston County to reimburse the County for the installation of conduit and power line to the Susie Jackson Memorial Garden fountain. Approval of this MOA will obligate \$6,700.00 of the \$100,000.00 project budget. Funding sources for this project are: 2018 General Fund Reserves (\$100,000.00).
- (Parks – Capital Projects: Approval of the Johns Island Fire Station #23 Construction Manager at Risk Contract with Hill Construction Services of Charleston in the amount of \$71,390.00 for preconstruction services including schematic design, design development, and construction documents for the construction of a 3-bay fire station located at Maybank Highway at Johns Island. Approval of the CMAR Contract will obligate \$71,390.00 of the \$8,951,156.00 project budget. Funding sources for this project are: 2021 IPRB Bond (\$8,951,156.00).
- (Police Department: After-the-fact approval to apply for the FY22 Field Initiated: Encouraging Innovation – DOJ, OJP, BJA Grant to enhance and enlarge CPD's Electronic Monitoring Program. The grant will fund \$999,999 for a Violent Offender Electronic Monitoring Program. Due to time constraints, this application was submitted on July 11, 2022. This project does not require a City match.
- (Police Department: After-the-fact approval to apply for the FY23 Paul Coverdell Forensic Science Improvement Grants Program for technological enhancements to the Charleston Police Department Forensic Science Division. The grant will fund \$37,050 for a portable laser investigation device. Due to time constraints, this application was submitted on July 7, 2022. This project does not require a City match.
- (Police Department: Approval to apply for the FY22 Edward Byrne Memorial Justice Assistance Grant for technologic improvements to CPD information, identification and investigation efforts. The grant will fund \$42,980 for data-link software. This application is due on August 8, 2022. This project does not require a City match. (See also City Council Public Hearings – Agenda Item E-1)
- (Planning, Preservation & Sustainability: Approval of the NPS URC grant application submission requesting \$75,000 in grant funds with an optional City match of \$25,000 to support community education and outreach; and historic surveys of African American settlement communities interested in pursuing National Register nomination or other state/local historic designations. The application deadline is August 10, 2022. The requested match of \$25,000 has

been included in the PPS 2023 Budget Request to support the larger project for which this grant would provide additional support.

(Fire Department: Approval of the form Acquired Structures Agreement between the City of Charleston and homeowners.

(Executive Department: Approval of the James Lewis, Jr. affordable housing project undergrounding, Other Work in Progress (OWIP) Agreement in the amount of \$739,512 with Dominion Energy. \$500,00 of this amount will be paid from the Copper River Bridge TIF fund, as previously allocated and approved by Council. \$119,756 will be funded from the Non-Standard Service Fund. The remaining \$119,756 will be funded by Dominion. (To be distributed under separate cover by the Legal Department)

(Approval of a Second Amendment to Memorandum of Understanding and Agreement between the City of Charleston, South Carolina, and TMP Epic Center, LLC. (2070 Sam Rittenberg Blvd., Charleston, SC 29407) (TMS# 310-04-00-009, TMS# 351-05-00-043 & 044, TMS# 351-09-00-015 & 053)

(Approval of a Third Amendment to the Management Agreement between the City of Charleston and Charleston Digital Corridor Foundation for the lease space at 22 West Edge on a month-to-month basis for no more than 12 months.

(A Resolution to approve Amendment of the Agreement for Development of a Joint County Industrial Park, by and between Charleston County, South Carolina and Colleton County, South Carolina, so as to include additional property in the City of Charleston as part of the Joint Industrial Park.

(A Resolution to approve Amendment of the Agreement for the Establishment of a Multi-County Industrial/Business Park for properties located in a redevelopment project area, by and between Charleston County, South Carolina and Colleton County, South Carolina, so as to include additional property in the City of Charleston as part of the Joint County Industrial Park.

(Authorization for the Mayor to execute a Lease Agreement between Marina Variety Store, Inc., and City of Charleston.

(Approval of the permit with National Parks Service for the First Day Festival, scheduled for Sunday, August 7, 2022.

(Approval of a Second Amendment to the Memorandum of Understanding between the City of Charleston and Landmark Enterprises Services, LLC., extending the August 1, 2022 deadline to October 15, 2022. (14 Sumar Street, Charleston, SC 29407) (Final action will be taken at City Council on July 19, 2022.)

(Please consider the following annexations:

-- 1989 Maybank Highway (1.52 acres) (TMS# 343-03-00-208), James Island, (District 11). The property is owned by Maywood, LLC. **(Councilmember Appel recused himself from voting on this item.)**

-- 1978 Maybank Highway (0.38 acre) (TMS# 343-03-00-198), James Island, (District 11). The property is owned by Brian Tanner and George Vasilos. **(Councilmember Appel recused himself from voting on this item.)**

-- 22 Oakdale Place (0.24 acre) (TMS# 418-10-00-104), West Ashley, (District 9). The property is owned by Kayley Seawright.

-- 5 Oakdale Place (0.22 acre) (TMS# 418-15-00-042), West Ashley, (District 3). The property is owned by Allison and James Lutz.

-- 31 Avondale Avenue (0.35 acre) (TMS# 418-14-00-029), West Ashley, (District 9). The property is owned by James and Ashley Mackintosh.

-- 4 Tovey Road (0.17 acre) (TMS# 418-10-00-109), West Ashley, (District 9). The property is owned by John Bouvette.

First reading was given to the following resolutions and bills:

A Resolution to approve Amendment of the Agreement for Development of a Joint County Industrial Park, by and between Charleston County, South Carolina and Colleton County, South Carolina, so as to include additional property in the City of Charleston as part of the Joint Industrial Park.

A Resolution to approve Amendment of the Agreement for the Establishment of a Multi-County Industrial/Business Park for properties located in a redevelopment project area, by and between Charleston County, South Carolina and Colleton County, South Carolina, so as to include additional property in the City of Charleston as part of the Joint County Industrial Park.

An ordinance to provide for the annexation of property known as 1989 Maybank Highway (1.52 acre) (TMS# 343-03-00-208), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Maywood, LLC.

An ordinance to provide for the annexation of property known as 1978 Maybank Highway (.38 acre) (TMS# 343-03-00-198), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Brian Tanner and George Vasilos.

An ordinance to provide for the annexation of property known as 22 Oakdale Place (.24 acre) (TMS# 418-10-00-104), 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 9. The property is owned by Kayley Seawright.

An ordinance to provide for the annexation of property known as 5 Oakdale Place (0.22 acre) (TMS# 418-15-00-042), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 3. The property is owned by Allison and James Lutz.

An ordinance to provide for the annexation of property known as 31 Avondale Avenue (0.35 acre) (TMS# 418-14-00-029), 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 9. The property is owned by James and Ashley Mackintosh.

An ordinance to provide for the annexation of property known as 4 Tovey Road (0.17 acre) (TMS# 418-10-00-109), 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 9. The property is owned by John Bouvette.

Councilmember Appel recused from Items 21.h.(i) and 21.h.(ii) of the Ways and Means agenda, and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.

Mayor Tecklenburg said, "And now, we take up the matter of the MOU. Yes, sir."

Councilmember Waring said, "Thank you, Mr. Mayor. Number one, the workshop was very good."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "I had several questions after the workshop, and I've gotten answers on them. Number one, there was quite a debate on whether it was a fee or a tax."

Mayor Tecklenburg said, "It's a fee."

Councilmember Waring said, "It is a fee. Okay. Unanimous, right, it's a fee?"

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "The second thing is does government pay any of this? In other words, will this be assessed to the City on any City-owned property or any County-owned properties? My understanding is that there may be a possibility on that, and according to the people on King Street, obviously, I don't feel that way. I think it ought to be written into the ordinance or whatever agreements we have that governments will not pay this fee. The second thing is non-profits that have triple-net leases should not pay this fee, and what's the rationale for that? They don't make a profit. Now, again, I think the thinking is, Mr. Price and his team, feels that that's not in the ordinance. What I'd like, I've sent several questions, and I got answers back, and it was kind of like a couple of them were 'maybe.' If it's not assessed, then it's not going to be charged, but this is our agreement, this is our ordinance. We should have that written in that those exclusions aren't there, and let me tell you why. I would hate for the County to get a bill for \$100, and I'll tell you why. We just had Mr. Ron Mitchum in here, and it's glorious when you have multiple government organizations having a hand-and-glove relationship. I would not want the County to get a bill thinking, 'Wait a minute, we're going to get a bill, and the City said nothing to us about that directly or indirectly.' So, I guess I'm not asking for an answer tonight because I'm going to vote for approval on this. There's too much goodwill in this room with Mr. Price, his legal counsel, and our Counsel here. I wouldn't want any religious organization to get a bill. St. Matthews, which is right across from the Lutheran Church, I think I have the right name, right across from the Bennett Hotel. They do a wonderful job on their streetscape. I don't think any religious organization ought to get a fee on this.

One reason I brought up the non-profit, they are not in it, but if this ever gets expanded, for example, the Dee Norton non-profit does a wonderful job on very difficult situations. We all know that. They have a triple-net lease on a parcel of City property. If that district is ever expanded, the body of work that we do tonight should protect a group like that from having a fee. So, non-profits should be exempted, government should be exempted, the City, the County, and you can say why, we aren't the problem. If we have something ugly and distasteful in front, we have a Public Works Department that we can dispatch people and get it taken care of, so does the County. I truly believe non-profits are not the problem, churches aren't the problem. So, why not have it memorialized in writing that whether the County assessed it or not, in our agreement, that fee is not going to be assessed to a non-profit group. The last thing I have is a micro-company property owners, people who have been there in excess of 50 years, and I don't think that there are many, but I'm familiar with one that is an African American-owned property that's been there since the days of Jim Crow. They don't have triple-net leases, they have mom and pop quick stops, I guess I'm just going to call it, that I don't know what name it is, but it would be great if they had triple-net leases. They're working with the City right now to put affordable housing, I think, on the second and third floor. Redlining, does it exist today? All I can tell you is they have to go out-of-town to get some of their money for the renovation. They

couldn't get it from any of the banks in this town. I would not want a fee or a tax or anything on that type of business off of King Street."

Mayor Tecklenburg said, "That tax is what?"

Councilmember Waring said, "That type of micro-business off of King Street, the unintended consequences, and I think there is goodwill in the room for that as well, but when it comes to our ordinance on this, and I know the MOU is in front of us right now, but will our ordinance have in there the exclusion of religious organizations, governmental organizations, and non-profit organizations? On this one, for example, in Councilmember Seekings' District, the Library Society will get an assessment out of this. I don't think the Library Society should pay an assessment, but I think this could be done without assessing those people, but, again, a non-profit exclusion should be written into our ordinance. If it's not there if we can get a report back on that at the next Council meeting, I'd be appreciative. Thank you."

Mayor Tecklenburg said, "Thank you. So, if I may just comment, and I agree completely, the governmental use, non-profit use, and religious use should not see the fee and, respectfully, and I'm all for adding some more language to codify this in this agreement, but just the way I understand it since this fee is set up on assessed value, if you're depending on the use of the property of government property, non-profits, and church properties, if they're used for those purposes, they're not assessed. They're not paying any property taxes and, hence, they wouldn't be assessed any fee under this MOU and this overall agreement. So, the only case I know of with that little nuance is, if it happens that a non-profit owns the property, but rents it out as a commercial use. In other words, if the Catholic church were renting to Saks 5th Avenue, they'd have to pay property taxes because they're not using it for church use."

Councilmember Seekings said, "The old CVB building is an example."

Mayor Tecklenburg said, "Sir?"

Councilmember Seekings said, "The old building where the CVB used to be is an example. That property is owned by the church next door."

Mayor Tecklenburg said, "Right. So, anyway, I hear you loud and clear, but for the most part, it's already so-to-speak covered just by the way the taxation works."

Councilmember Waring said, "I understand that, Mr. Mayor, but why not also have it in our ordinance?"

Mayor Tecklenburg said, "I'm all for it."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Yes, sir. I just thought that explanation would be good. Alright. Any other comments or questions?"

No one else asked to speak.

On a motion of Councilmember Gregorie, seconded by Councilmember Brady, City Council voted unanimously to approve Item #18 of the Committee on Ways and Means Report:

Planning, Preservation & Sustainability: Approval of a MOU with the Charleston Downtown Alliance for the administration of the King Street BID. (Final action will be taken at City Council on July 19, 2022.) (To be distributed under separate cover by the Planning, Preservation, and Sustainability Department

Mayor Tecklenburg said, "Thank you, all, very much and Chris, and Ellis, and Doug, thank you, all, for being here, and thank you for your work on all of this. Next up is our [bills for second reading](#). I believe we have a deferral request from the applicant on number--"

The Clerk said, "Nine."

Mayor Tecklenburg said, "Nine, right?"

The Clerk said, "Yes."

Mayor Tecklenburg said, "So, what we have on the agenda is one through eight and number ten."

Councilmember Seekings said, "One through eight and ten together, so moved."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Alright. So, is everybody good with that? Anybody got any questions or comments about any of those?"

No one asked to speak.

On a motion of Councilmember Seekings, nine (9) bills (Items L-1 through L-8 and Item L-10) received second reading. They passed second reading on motion by Councilmember Gregorie and third reading on motion of Councilmember Seekings. On further motion of Councilmember Shealy, the rules were suspended, and the bills were immediately ratified as:

- 2022-090 -** AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING A PORTION OF THE ESSEX FARMS VILLAGE CENTER PLANNED UNIT DEVELOPMENT MASTER PLAN AND DEVELOPMENT GUIDELINES TO AMEND SECTIONS RELATED TO LAND USE AND PERMITTED USES AND TO CHANGE THE PROPERTY BEARING TMS # 309-00-00-483 (APPROX. 2.39 ACRES) SO AS TO BE INCLUDED IN THE AREA ON THE PUD PLAN MAP DESIGNATED AS PUD-EFVC-LI (ESSEX FARMS VILLAGE CENTER PUD – WEST ASHLEY).
- 2022-091 -** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1804 ABLE STREET (TROTTY WOODS- WEST ASHLEY) (APPROXIMATELY 0.25 ACRE) (TMS #351-02-00-035) (COUNCIL DISTRICT 7), ANNEXED INTO THE CITY OF CHARLESTON MAY 10, 2022 (#2022-070), BE ZONED SINGLE FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY LANITA BROWN.
- 2022-092 -** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF,

SO THAT 2506 BIRKENHEAD DRIVE (SHAFTESBURY- WEST ASHLEY) (APPROXIMATELY 0.34 ACRE) (TMS # 309-13-00-051) (COUNCIL DISTRICT 2), ANNEXED INTO THE CITY OF CHARLESTON MAY 10, 2022 (#2022-071), BE ZONED SINGLE FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY CHRISTOPHER R. JEFFERIES.

- 2022-093 -** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1940 CAPRI DRIVE (CAPRI ISLES- WEST ASHLEY) (APPROXIMATELY 0.69 ACRE) (TMS #350-14-00-039) (COUNCIL DISTRICT 5), ANNEXED INTO THE CITY OF CHARLESTON MAY 10, 2022 (#2022-072), BE ZONED SINGLE FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY JEFFERY AND MEREDITH FOX.
- 2022-094 -** AN ORDINANCE TO AMEND CHAPTER 13-FIRE PREVENTION AND PROTECTION; ARTICLE III-CODES; SECTION 13-76-ADOPTED TO REFERENCE THE LATEST EDITION OF THE SOUTH CAROLINA FIRE CODE, AS ADOPTED BY THE STATE OF SOUTH CAROLINA AND PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.
- 2022-095 -** AN ORDINANCE TO DESIGNATE 91 HANOVER STREET AS A NON-STANDARD SERVICE DISTRICT IN ACCORDANCE WITH SEC. 30-171 THROUGH 30-178 OF THE CODE OF THE CITY OF CHARLESTON, SAID DISTRICT BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.
- 2022-096 -** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY OF CHARLESTON, AS GRANTOR, A QUIT CLAIM DEED CONVEYING THE CITY'S INTEREST IN A SQUARE WITHIN THE HAMPSTEAD MALL LOCATED IN THE CITY OF CHARLESTON TO THE CHARLESTON COUNTY SCHOOL DISTRICT, AS GRANTEE, PURSUANT TO THAT CERTAIN JOINT USE AGREEMENT ADOPTED BY THE CITY AND THE CHARLESTON COUNTY SCHOOL DISTRICT.
- 2022-097 -** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AN AMENDED AND RESTATED LEASE BETWEEN THE CITY OF CHARLESTON AND CHARLESTON WATER SYSTEM REGARDING THE USE OF THE RECREATIONAL GREENWAY.
- 2022-098 -** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 820 EAST ESTATES BOULEVARD (0.26 ACRE) (TMS# 310-02-00-152), 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 LEROY E. WARING, SR. AND SHELIA W. WARING.

Mayor Tecklenburg said, "Now, can I entertain a [motion that we defer number nine?](#)"

Councilmember Shahid said, "So moved."

Councilmember Waring said, "Second."

On a motion of Councilmember Shahid, seconded by Councilmember Waring, City Council voted unanimously to defer 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 Clements Ferry Road (Jack Primus - Cainhoy Peninsula) (approximately 105.11 acres) (a portion of TMS# 268-00-00-133) (Council District 1), be rezoned from Light Industrial (LI) classification to Single-Family Residential (SR-2) classification. The property is owned by McAlister Togratt Clements LLC etal. (DEFERRED)

Mayor Tecklenburg said, "Next, we have our [bills up for first reading](#). We need to change the address of our designated thermometer. Does anybody want to cover this? Dan Riccio is here if anybody has a question about it."

Councilmember Waring said, "Move for approval."

Mayor Tecklenburg said, "We've got a motion to approve."

Councilmember Gregorie said, "Second."

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

No one asked to speak.

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

An ordinance to amend Chapter 29, Article V., Section 29-212 of the City of Charleston Code of Ordinances amending a Section 29-212 (g) (8), setting forth the address of the City of Charleston's designated thermometers.

Mayor Tecklenburg said, "So, next up is an [Executive Session](#) regarding a proposed settlement regarding the Dewberry Hotel."

Councilmember Seekings said, "So moved."

Councilmember Gregorie said, "Second."

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

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to go into Executive Session at 6:55 p.m.

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to come out of Executive Session at 7:25 p.m.

Mayor Tecklenburg said, "Let the record show that no action was taken while we were in Executive Session. Do we have a motion?"

Councilmember Seekings said, "I have a motion, Mr. Mayor. I move that we, as a body, the City Council of Charleston, accept and agree to the settlement that was presented by our Legal Counsel and direct them to move forward with settlement documents to be executed by you, Mr. Mayor."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Alright. Any discussion?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted to accept and agree to the proposed settlement between the Dewberry Hotel and the City and direct Legal Counsel to move forward with settlement documents to be executed by Mayor Tecklenburg.

The vote was not unanimous. Councilmember Mitchell abstained from voting on this item.

Mayor Tecklenburg said, "We've got one abstention by Councilmember Mitchell and an approval. Is there any other business to come before us tonight?"

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, we stand adjourned."

There being no further business, the meeting was adjourned at 7:26 p.m.

Jennifer B. Cook
Clerk of Council