

COUNCIL CHAMBER

Regular Meeting

August 20, 2019

The seventy-ninth meeting of the City Council of Charleston was held this date convening at 6:30 p.m. at Providence Baptist Church.

A notice of this meeting and an agenda were mailed to the news media August 14, 2019 and appeared in The Post and Courier August 18, 2019 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 6:30 p.m.

The Clerk called the roll.

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

Councilmember Lewis opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Alright, first I'd like to introduce a couple of new members to our team Charleston, Amber Johnson, who is our new Diversity Racial Reconciliation Office Manager, and Leigh Bailey, who will serve as the City's new Director of Real Estate. She's back over here. Would you all remain standing? Amber Johnson is a Charleston native. She received a Bachelor's Degree in Political Science from Hampton University and a Juris Doctorate from Florida AM University College of Law. She is a licensed attorney with both South Carolina and Florida Bar Association and has been practicing for seven years. In South Florida, she represented lenders in foreclosure and eviction proceedings, and most recently, worked as a staff attorney in South Carolina Legal Services representing low income residents throughout the State.

Leigh Bailey earned a Bachelor of Arts in Political Science from Furman University in 2003 and a Juris Doctorate from the Charleston School of Law. She is a member of the South Carolina Bar and the State Bar of Georgia. Ms. Bailey has concentrated her legal practice in real estate related transactions and commercial and residential real estate development. Following graduating from law school, Ms. Bailey joined the Atlanta Office of a national firm representing

mortgage servicing, entity bank investors, and hedge funds. Ms. Bailey returned to Charleston several years later and continued to represent corporate clients in real estate matters with two local firms and most recently was in house General Counsel for a real estate development company. She also has extensive experience assisting clients with compliance issues, financing and corporate transactions. Please welcome both Amber and Leigh.”

There was applause in the Church.

Mayor Tecklenburg continued, “So, next, I did want to announce that this Sunday, at the Gaillard Auditorium, at 6:30 will be a fundraiser, a concert, for our Homeless to Hope Fund. All of Council has been invited, and I think you may have gotten an e-mail today. If not, you’ll get it tomorrow, but if you go to Homelesstohope.com, we welcome you to come check out a good time and some music and help those who are experiencing homelessness in our community.

Next, we have a few public hearings that we will consider and have public input. Mr. Morgan, are you going to present these? He’s right over here, and we’ve got a screen. I guess we’ll just pass the microphone to you, and anyone who would like to address these matters, just come forward to me, and I’ll give you the microphone and ask you to please limit your remarks to the subject at hand and to two minutes. Mr. Morgan.”

Mr. Morgan said, “Thank you, Mr. Mayor, members of Council. The first item, E-1, is a rezoning request at 1150 Folly Road. This is a request to go from (RO) Residential Office to CT zoning in the City. It is across the street from a small strip shopping center that has (LB) zoning on it. It is adjacent to some other offices in the area to the north. There are other residences to the south and vacant land further to the northwest across Folly Road. Here’s a close up aerial of the property, and here’s a view from the western side of Folly Road, and here’s a closer view there. That is a street view of the office to the north. There are some other offices in the surrounding area. There’s also a restaurant a little bit further to the north. That’s actually in the Town of James Island. Both staff and Planning Commission recommend approval of this request.”

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

No one asked to be heard.

Councilmember Waring said, “Move for approval.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “Thank you, Mr. Morgan. I was just hoping that you could remind us, which part of the Folly Road Overlay section is this considered to be a part of?”

Mr. Morgan said, “I think it’s the South Village, but it would meet all of the Folly Road Overlay standards with redevelopment here. I don’t have those in front of me now, but that would be evaluated upon those and all the other uses that are coming. Also, we’ve got some other CT in the area that has to meet those same standards.”

Councilwoman Jackson said, “If I can just make a going forward suggestion, I think that anywhere we have an overlay that might impact how a developer or a property owner might be using their land, it would be helpful for us to know that when you get an item like this. Do you have any idea if the property is going to be up for sale once the rezoning has been decided?”

Mr. Morgan said, "I don't know that. They just requested the rezoning and said that they were interested in uses that were beyond the RO."

Councilwoman Jackson said, "Can you just give us an example of what those might be?"

Mr. Morgan said, "You could have a retail store, you could have a restaurant. There are limits on hours of operation. The retail and restaurants are really the main things. You couldn't have something like a drive-thru, but you could have retail or restaurant that RO does not allow."

Councilwoman Jackson said, "I know that this is our property or city property here, and the next one isn't. There are a few houses in between. Do you know if those houses in between are being used as residences today, or are they all commercial uses?"

Mr. Morgan said, "We've got a map here. It looks like they are Residential use, yes."

Councilwoman Jackson said, "Thank you."

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

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Can a gas station go there?"

Mr. Morgan said, "No, not in CT. No, sir."

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

No one else asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1150 Folly Road (James Island) (0.47 acre) (TMS #425-13-00-030) (Council District 12), be rezoned from Residential Office (RO) classification to Commercial Transitional (CT) classification. The property is owned by McGrew Living Trust.

The vote was not unanimous. Councilwoman Jackson voted nay.

Mayor Tecklenburg said, "We have one no vote from Councilwoman Jackson. Mr. Morgan."

Mr. Morgan said, "Item E-2 was before you all last month, and it was deferred, 49 Archdale Street, a request to go from the (LB) Limited Business zoning to Urban Commercial. It's a portion of the larger triangle site that's here. I think there was some confusion at the last meeting that it was the entire triangle site, but it's just a portion of it that already has buildings on it. You can see the buildings here. Here is the existing parking that is not part of the rezoning. It's where the existing building is, and there is just a little bit of parking to the rear of it. The applicant, I believe, has had some further discussions with the neighborhood, some nearby neighbors. It is a former restaurant site, and it's had Commercial use in the past and, I think, the interest is to have some of the Mixed-Use nature of the Urban Commercial District, but also allow for a more Residential use on the property. Again, it was recommended for approval by both staff and the Planning Commission. The Comprehensive Plan also shows this as our Urban Core which would justify the Urban Commercial use."

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

No one asked to speak.

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

Councilmember Seekings said, "Move for approval."

Councilmember Mitchell said "Second."

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

Mayor Tecklenburg recognized Councilmember White."

Councilmember White said, "I'm just curious based on the use, and I don't think that all those spaces are City metered spaces, with the change in zoning, does it, in fact, then change? Are they grandfathered in having to build parking requirements? How are they going to park that site for any particular use in that area?"

Mr. Morgan said, "They would have to meet the current parking requirements for whatever new uses they put on there. So, if they build or add onto the building, they would have to meet the parking requirements for that new use, and it's my understanding that there are leased parking spaces there. So, they could potentially lease some other spaces nearby as our ordinances allow for within 400 feet."

Councilmember White said, "So, they're within that distance of that garage there?"

Mr. Morgan said, "They would have to be within 400 feet for any leased spaces they would come up to buy."

Councilmember White said, "Understood. Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just very briefly, I want to thank the applicant and the representative who actually did come to see me. We did talk about, Councilmember White, parking. That is a very challenging little piece of property right there. They're going to build something fairly small and have to park it on site, so they know they're going to meet the parking requirements in a tough neighborhood. It's going to be a challenge, so we'll see what comes of it."

Mayor Tecklenburg said, "Would anyone else like to be heard or have a question?"

No one else asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, 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 49 Archdale St (Peninsula) (0.175 acre) (TMS #457-04-03-071, 073, 074, and 054) (Council District 8), be rezoned from Limited Business (LB) classification to Urban Commercial (UC) classification. The property is owned by Yellow Dog Design and Development LLC.

Mayor Tecklenburg said, "E-3."

Mr. Morgan said, "This is a very minor ordinance change within our special exception clause for parking, and it relates to just a couple of words that our Zoning Administrator has had

some issues with when parking special exceptions have been granted. It would change a subsection of the ordinance. The phrase 'when the proposed use is an allowed use to a permitted use in the applicable zoning district,' and this relates to when the special exceptions are given for parking. So, there are several different levels of parking variances. There is an overall parking variance where there is just a special exception that's much more minor, and this is changing the language in that area slightly to make it more defensible in a manner that our Administrator feels makes the ordinance stronger."

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

1. Anthony G. Bryant questioned if this was going before the Board of Zoning Appeals (BZA), Planning Commission, or Council as far as the variances for parking.

Mayor Tecklenburg said, "This is a comment period but, I think, we can allow an answer there. Where will it go? To the Planning Commission?"

Mr. Morgan said, "The BZA decides the special exceptions for parking as this relates to. Yes, sir."

Mr. Bryant said in terms of the limited parking and the number of tickets being written in the City, a lot of senior citizens who paid taxes didn't have the means to pay the tickets and he didn't think this was right. He said the people who lived in Charleston should get some benefits from the parking variances in the future.

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

No one else asked to speak.

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

Councilmember Shahid said, "So moved."

Councilwoman Jackson said, "I'll second."

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

No one asked to speak.

On a motion of Councilmember Shahid, seconded by Councilwoman Jackson, 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 Section 54-511 to clarify the type of use that may qualify for a special exception that reduces the number of parking spaces required by Chapter 54 of the Code of the City of Charleston (Zoning Ordinance)

Mayor Tecklenburg said, "Before we go to the next one, I just forgot an item to start with. I know one of our staff members is a member of the congregation here. Is anyone else here representing our host tonight, Providence Baptist Church?"

No one asked to speak.

Mayor Tecklenburg continued, "I just wanted to thank them for their hospitality. So, Chip, please convey our thanks to your church here for letting us meet out here this evening."

Chip McQueeney said, "Yes, sir."

Mayor Tecklenburg said, "Thank you. Back to you."

Mr. Morgan said, "Yes, sir. This is Item E-4, 1732 Elm Road. It's a recent annexation in the City. It's a request for SR-1 zoning on the property that meets the most compatible district for the County's R-4 that it was previously. Both staff and Planning Commission recommend approval for SR-1 on this property."

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

No one asked to speak.

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

Councilmember Lewis said, "Move for approval."

Councilmember Mitchell said, "Second."

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

No one asked to speak.

On a motion of Councilmember Lewis, seconded by Councilmember Mitchell, 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 1732 Elm Road (West Ashley) (0.49 acre) (TMS #355-11-00-120) (Council District 10), annexed into the City of Charleston July 16, 2019 (#2019-062), be zoned Single-Family Residential (SR-1) classification. The property is owned by Carol L. Jackson-Powell.

Mr. Morgan said, "Item E-5 is 1617 Jessamine Road. It is another recent annexation, Single-Family property. It was R-4 in Charleston County. In this area, because of the lot size, SR-2 actually works better to meet our current ordinances in comparison with the County's and in comparison with the size of the lot. So, both staff and the Planning Commission recommend SR-2 for this property."

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

1. Anthony G. Bryant asked if the owner was on Council.

Councilmember Shahid said, "It's my son."

Mr. Bryant said he just wanted to make sure.

There was laughter in the Chamber.

Councilmember Shahid said, "I have recused myself from voting on this, Mr. Mayor."

The Clerk said, "I was about to say that he has recused himself, and I have the recusal form."

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

No one else asked to speak.

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

Councilmember Seekings said, "Move for approval."

Councilwoman Jackson said, "I'll second."

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

No one asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1617 Jessamine Road (West Ashley) (0.14 acre) (TMS #351-12-00-081) (Council District 9), annexed into the City of Charleston July 16, 2019 (#2019-063), be zoned Single-Family Residential (SR-2) classification. The property is owned by Albert Peter Shahid, III and Sarah Assemany Shahid

The vote was not unanimous. Councilmember Shahid abstained from voting and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.

Mayor Tecklenburg said, "E-6."

Mr. Morgan said, "This is one that had been deferred for a good while, and the applicant is bringing it back now. It involves an annexation. It's in Berkeley County, Clements Ferry Road Corridor, the southern portion of Clements Ferry Road south of I-526 and south of St. Thomas Island Road. We've had a couple of other annexations in this area adjacent to it, and this one is moving along now, as well. It was R-1 in Berkeley County, and in the City, based on our plan, it would need to be RR-1, which is 3.5 units an acre. That matches the zoning of the other parcels that are in the City to the south and to the north of it. It has been recommended for approval by both staff and Planning Commission, and this is a second reading on this related to the annexation, as well."

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

Phil Dustan said, "Yes."

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

1. Mr. Dustan questioned how large the property was.

Mr. Morgan said, "How large? It is 14 acres."

Mr. Dustan said it was ripe for a PUD.

Mr. Morgan said, "It could be developed with a PUD, but they are not choosing that zoning. They are choosing the RR-1 zoning."

Mr. Dustan asked how many units were in the RR-1 zoning.

Mr. Morgan said, "3.5 units an acre."

Mr. Dustan said it could be a densely developed area that was probably very low land. He said it could probably be filled in, and that would help drive the flooding crisis Charleston had.

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

No one else asked to speak.

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

The Clerk said, "Well, Mayor, we need to hold the vote on that until we--"

Mayor Tecklenburg said, "This is just for second reading. We can take second, and maybe we can come back for the third. You want to come back and do both?"

The Clerk said, "I think it's for ratification."

The Assistant Clerk said, "It's for ratification. We have to have the annexation approved first."

The Clerk said, "That's right."

Mayor Tecklenburg said, "Okay. We're going to come back on this after we annex it."

Councilmember Seekings said, "Move for a deferral, Mayor."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I was wondering what is their zoning now while they're in Berkeley County?"

Mayor Tecklenburg said, "Hold on a second."

The Clerk said, "Councilwoman, wait for the microphone."

Councilwoman Jackson said, "What is the applicant's current zoning while they're in Berkeley County?"

Mr. Morgan said, "It's R1-NM, which I believe is somewhere in the neighborhood of three units an acre. They're zoning is quite different from ours, but I've been told that essentially it's about a three units per acre category."

Councilmember Seekings said, "How many units when they come into the City?"

Mr. Morgan said, "It's in RR-1, and it will be 3.5 units an acre, and that does meet for what our Comprehensive Plan calls for in this area which is four units or less per acre in this area of Clements Ferry Road."

Councilwoman Jackson said, "So, I just wanted to ask you to repeat what you said to us most of the time that we're dealing with an annexation and then a rezoning to go along with that, Mr. Morgan, that we normally don't do any sort of different type of zoning. We try to find the most comparable density that the applicant has in the County by which they're asking to be annexed away from into the City. That's our practice, right?"

Mr. Morgan said, "Yes, and we also look at our Comprehensive Plan, and we look at the surrounding zoning, and all of the surrounding zoning in the City in this area is the RR-1, and the Comprehensive Plan calls for it to be no more than four units an acre. So, the 3.5 of the RR-1 meets that criteria, as well."

Councilwoman Jackson said, "Okay. Thank you."

Mayor Tecklenburg said, "Is there anyone else?"

No one else asked to speak.

Mayor Tecklenburg said, "Okay. Next is approval of City Council minutes from June 18th and July 16th."

Councilmember Shahid said, "Move for approval."

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

Councilwoman Jackson said, "I'll second."

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

Councilmember Gregorie said, "The same comment I had on Ways and Means regarding the minutes. We need to get our Clerk of Council more staff."

Mayor Tecklenburg said, "Thank you very much."

On a motion of Councilmember Shahid, seconded by Councilwoman Jackson, City Council voted unanimously to approve the minutes of the June 18, 2019 and July 16, 2019 City Council meetings.

Mayor Tecklenburg said, "Next is our Citizens Participation Period. Did we have a Sign-Up Sheet? We'll have to go retrieve that. Does anybody know they're on list? I'll entertain you to come on forward. We're going to see how many folks are registered."

The Clerk said, "Ten."

Mayor Tecklenburg said, "Ten. Okay. I'm going to ask you to please keep it to two minutes, and I'm going to respectfully ask that you keep the banter low, and you're welcome to say whatever you would like. It's a comment period."

The Clerk said, "Peter Nemeth, Anita Koszyk, and Anthony Bryant followed by Mohammed Idris and Colin Williams."

Mayor Tecklenburg said, "Next, is the appointment of Erin Stevens to our Design Review Committee. Do I hear a motion?"

Councilwoman Jackson said, "I move to accept your appointment of Erin Stevens to go on to the Design Review Board to fill the vacancy of Mr. Tarkany."

Councilmember Seekings said, "Second."

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

No one asked to speak.

Mayor Tecklenburg said, "She is so well qualified and a wonderful lady."

Councilwoman Jackson said, "Yes, she is."

Mayor Tecklenburg said, "Absolutely."

On a motion of Councilwoman Jackson, seconded by Councilmember Seekings, City Council voted unanimously to approve the appointment of Erin Stevens to the Design Review Board.

Mayor Tecklenburg said, "Next is a Council Communication to initiate a discussion somewhat related, maybe, to the Freeboard discussion but this is just a discussion on changing

the method of valuation for the purpose of determining 'substantial damage' based on assessed value to change it to the appraised value of the property."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Last month at our Public Works Committee Meeting, I asked our Floodplain Manager, Mr. Julka, what is the methodology that is used by the City to determine substantial damage. In other words, the actual value, and he said we use the assessed value of the City with the County's assessed value. Then I asked, 'Is land included in that?' He said, 'No, the land or the lot value is subtracted out of it.' Now, that's a huge flaw if we were to do it that way. Properties are assessed in Charleston County somewhere around every five to seven years. I don't know a bank in the Country that will accept an appraisal on the valuation of a property that's five to seven years old. Now, if you have damage to your house, and I go back to Hugo, you have a tree falling through your house or something like that, the City is going to say, 'Before you can repair your home, well, we've got to see whether you have substantial damage.' I've got thousands of people, and I'm not being magnanimous about that. If you go to Ardmore, if you go to Orleans Woods, if you go to Maryville, if you go to a number of homes now, in particular the district that I serve, and it's just not to my district, it's all over, frankly, you'll see a number of houses in those areas assessed at less than \$100,000, and you'll see the lot value is assessed at about \$20,000 to \$25,000. So, now, if you've got a house that assessed at \$100,000, and the lot is assessed at \$20,000, and you back out \$20,000, substantial damage would be \$40,001. Then, the City is going to tell you, you can't repair your home, and you have to lift it up right now to afford the FEMA +1. So, basically 14 ½ feet.

A person who is living in a house that's assessed at \$100,000 or less, you're going to hit substantial damage at an accelerated pace. Now, what that will do in a huge storm is that it's going to change Charleston. The people who cannot afford to raise their homes are going to have to move, and the people who can afford to scrape and rebuild or move in, that's going to change the fabric of the City of Charleston. So, we don't want a false way, we want an accurate way to be able to determine the valuation, what's the value of a house, what's the value of a home, accurately before we can determine whether you have reached substantial damage or not.

So, I am proposing that before the City of Charleston can determine whether a house has reached substantial damage that a proper appraisal be done. Now, maybe the homeowner has to pay for that. That's okay. I'll tell you why, because if my home is damaged, I don't want to be put out my home by mistake. I don't want the building permit to be not issued so I can repair my home or you can repair your home to get your family back in the house. So, that's why that's on here. I won't belabor that point, but I will say this. When we address this, Mr. Mayor, I am so happy to see you, Ms. Zimmerman, and I'm so happy to see Mr. Johnson because we have not had enough people to comment on this Freeboard +2. No, let me say this. I put it on the agenda, so I'm going to ask Council to withdraw it from the agenda because I would like to hear from the people of James Island. I'd like to hear from the people from Johns Island, and I'd like to hear from more people on this to actually comment on it."

Councilmember Griffin said, "Second."

Councilmember Waring continued, "People don't realize how much this is impacting, in most cases, the largest asset that most families have. I will pull that back, so we can have public comment, but on this particular point that I'm supposed to be addressing, I appreciate you all letting me step outside of Robert's Rules of Order to withdraw that from the agenda. I know we'll need to vote on that, but we need to change from the assessed value to the appraised value, and that is not codified. I've talked to our Legal counselor about that. That should not be a discretion on behalf of our Building Department or on behalf of our Floodplain Manager. That should be a

requirement that the highest and best value would be utilized prior to somebody reaching substantial value. So, that's the extent of my comments, and I will await to hear my colleagues commenting on the issue."

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

Councilmember Gregorie said, "The only thing that I'd like to say is we talked about gentrification. How? Let's have one flood."

Councilmember Shahid said, "So, Mr. Mayor, is there a workshop scheduled for September 7th?"

Mayor Tecklenburg said, "A workshop for the Freeboard."

The Clerk said, "No, not to my knowledge."

Councilmember Shahid said, "Do we have that in the works?"

Mayor Tecklenburg said, "Councilmember Griffin said he got a call from somebody."

Councilmember Griffin said, "Yes. I'm not the only one. Do we?"

Councilmember Moody said, "I got a call, and I have it on my calendar for the 29th, but I'm just told here tonight that it was canceled, but I was never told it was canceled."

The Assistant Clerk said, "So, we were polling the Councilmembers to see if you were available on August 29th. We had some Councilmembers that were scheduled to be out of town, so we can't have a workshop on that date. I have not heard about September 7th. That's the first time I've heard of that date."

Councilmember Griffin said, "I've got so many dates going through my mind."

The Assistant Clerk continued, "That's okay. So, we're still trying to find another date for the workshop. We did call about August 29th, but we had some Councilmembers that were going to be out of town."

Councilmember Griffin said, "Before the next meeting."

Mayor Tecklenburg said, "Alright. So, we will poll you all to still have this workshop on Freeboard. So, Councilmember Waring, this discussion here on this matter, there is the assessed value, and you've got that on everybody because the County sets it, right? But we don't have an appraised value unless somebody pays an appraiser to have one done. So, at whose cost? I believe the way it works right now, if someone is at substantial damage, and they wanted to contest it based on the assessed value, they're free to pay for an appraisal and base it on the appraised value but, I think, it's up to the citizen to pay for the appraisal. Are you recommending that continue on or that the City of Charleston take that liability?"

Councilmember Waring said, "Listen, if a citizen is about to be put out of their home and not be able to repair their house in place, the cost of an appraisal is a smaller value. We should not be using the assessed value at all. I think anybody involved with real estate will know the assessed value is an obsolete number."

Councilmember Griffin said, "It's way low."

Councilmember Waring continued, "We should be using the highest and best value prior to a person's home being determined as achieving substantial damage."

Mayor Tecklenburg said, "Right. Well, I will give our County officials a little credit. I believe over the last 10 to 15 years, over the last two or three reassessments, that it's been their goal to get the assessed value closer to appraised value than it ever was because the County gets more property taxes, right? So, it also happens whenever there is a sale of the property or a legal transfer of some kind of a property. So, I hear you loud and clear, but it's not as bad as it used to be."

Councilmember Waring said, "It's not as bad, but it's still bad."

Mayor Tecklenburg continued, "But it can still be off, and people have the right to get an appraisal. So, we'll just have to discuss that in our workshop, whether we want to facilitate that for people automatically."

Councilmember Waring said, "Mr. Mayor, what I'm asking is, for this discussion in particular, I'm asking our Legal Counsel to come back with an ordinance that would mandate that from our staff, and we vote that up or down. This is something that shouldn't be hard to decide. Why would we determine a house having reached substantial damage without having the highest and best value? We have a number of realtors in here right now. How many of them would voluntarily put their property up for sale for the assessed value? None of us will. I'm not a realtor, by the way, but I do own real estate, and I won't do that, and I don't think you would either. So, I am asking that Legal Counsel remove that being a discretion, come back with an ordinance, hopefully at the next meeting, that directs our Floodplain Manager, our Building Inspection Department Head that, prior to that be determined, a current appraisal be done."

Councilwoman Jackson said, "Mr. Mayor."

Councilwoman Jackson said, "Thank you, Councilmember Waring. I don't disagree, but I think our expectation after last meeting was that we were going to have a thorough workshop that would give us some of these conclusions that would lead us to improving this process and deciding once and for all the Freeboard questions, so let's have the workshop. I would be happy to support you in saying we should not be using assessments. We don't want the inaccuracy. We want people to have every opportunity to get the best process out of any disaster or flood event that they would be suffering. So, I don't think we really have any disagreements here. Let's do the workshop."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "What he's asking to do though is completely different from this argument here, and if he wants it put on the agenda for us to vote on, then he's a Councilmember. We have to give him that opportunity. But, the perception is when you go by the County assessed value, what we're saying is 'Hey, either FEMA is going to buy your property or that scenario, so just take what you can get.' But we should give these people an opportunity to get an even better offer, and if you get it appraised, chances are it's going to be significantly higher. Now, the problem is when you get something appraised, a couple years later then when the actual scenario occurred, like, for, with the situation we just had. We had to go with the 2015 pre-storm value, and how could an appraiser really go back and do that this many years later? I'm just thinking out loud here with different scenarios. So, I definitely think we should talk about that at the workshop, but I totally agree, Councilmember Waring. If you want to put something on the agenda for an up or down vote, you can put that. The City should pass on that. The sky is green, and we should have that opportunity."

Mayor Tecklenburg said, "Well, I would just suggest that we come up with some kind of trigger at which point an appraisal be done, so we don't have to demand or pay for an appraisal

for every property in the City. Maybe when it gets to 40 percent of the assessed value, then it triggers an appraisal. What do you think about that?"

Councilmember Waring said, "My point is, and I think it's very simple, if our Building Inspection Department and the Floodplain Management Department, Stormwater, or anybody says that you have damage to the point of substantial damage, before that final determination is made, a current appraisal needs to be done, even an appeal process to that. I've got to be frank, in the African American community, our properties have always been subject to discriminatory appraisals, always. I've got some in my file right now that I hold onto for that purpose. We don't have one African American MAI appraiser in the City of Charleston. I don't know one in the County, and that's a small community. You have maybe 25 to 30 of them that's going around assessing property in the City of Charleston privately. So, I can't tell you how many times we've had an office on a property, a willing buyer, a willing seller, and the appraisal comes in woefully low. So, when it comes to our appraised value, or assessed value, I will eagerly go on the County website right now and run down a string of African American homes with people who have been living 40, 50, or more years that's assessed at less than \$75,000, including the land. So, with the next storm, and we will have another major storm, you're going to look at a major displacement of people.

Mr. Mayor, and I'm not saying this to jab you. You were accurate when you and I talked in the office one day and said, 'Keith, they're kind of in that trap already.' You had nothing to do with that. But any members of the Council in 2015, and I was one of them, when we passed FEMA +1. I understand the rationale, but the people in the older neighborhoods, they don't know the jeopardy that they're in. They really don't. They're one storm away from not being able to repair their homes, whereas after Hugo, people could repair their homes in place. They didn't have to jack their houses up. Everybody cannot afford to do that. Now, I appreciate the newspaper who initially had some of the talking points you and Mr. Julka here. If it's a 2,000 square foot house, it costs about \$2,400 to jack it up a foot. Well, that's not the case anymore, but the newspaper has come through with more accurate information. So, no, we need an accurate way for everybody. There shouldn't be any discretion on that to get a County appraisal for highest and best value. Thank you."

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

No one else asked to speak.

Mayor Tecklenburg said, "Alright. Hearing none, we'll go to our Council Committee Reports. First, is our Committee on Public Safety, Councilmember Shahid."

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

Councilmember Gregorie said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Would you like to make a report at all?"

Councilmember Shahid said, "I would. If I can just call on the Chief to give us an update on the Racial Bias Audit."

Chief Reynolds said, "The main thing that I want to say is that we are concluding the audit that we funded for this year. It is really the beginning though. I see this as a five-year process. September 18th is a date that we'll be coming out to everybody here. Please mark your calendars. It will be an all day visit from the audit company, CNA. They'll be here all day September 18th. They're going to also do some visits in different communities and briefings on the 19th. When they

get here on the 18th, the first thing they are going to do, and I've been requested this on numerous occasions by the Public Safety Committee and by most of the Councilmembers, is that you get briefed first. So, first thing in the morning on the 18th, they're going to meet with the Mayor briefly, and then the first thing they're going to do is meet with the Council. So, there will be a briefing with the Council. We're kind of finalizing the time around 8 o'clock in the morning on the 18th, and then following that, there will be a briefing of the entire Police Department. There will be a briefing of our Command, there will be a briefing of stakeholders, and there will be a community briefing in the afternoon or Friday of other things. But, again, beginning in the morning with our Councilmembers.

The audit itself, there is not going to be, I think, a lot of surprises. We've been getting some updates throughout the audit process, and I'll just say, we have a lot of work to do. That's not surprising. There are a lot of things that have been identified. There's an extensive body of work that is already ongoing. This five-year plan, that I believe will come out of this, will be a continuation of what we've learned, areas for improvement and, I think, the 18th will be a good discussion for all of us."

Mayor Tecklenburg said, "Thank you, Chief, and any further report, Councilmember Shahid?"

Councilmember Shahid said, "The only other issue was the Memorandum of Understanding on the Facial Recognition. We voted to approve that and have that signed, and Steve Ruelin is prepared to answer any questions regarding that matter. Other than that, that's going to be our report."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Just a question for the Chairman, K.1.a. is something that Councilmember Seekings and I have been discussing literally for years, the need for such a Committee. Can you give me the extent of that discussion?"

Councilmember Shahid said, "Yes, sir. So, that has been on our agenda, and I went back and looked at Section 2-56 of our Ordinance under Public Safety, and it says 'The responsibilities of the Committee of Public Safety shall involve recommendations to Council on all matters pertaining to and includes the following matter: Municipal Penal Ordinances and Court Services.' So, we think that implicit with the existing ordinance is our ability to provide Council with recommendations regarding court services. What we've agreed to do is, at our next Public Safety Committee meeting, to invite the Court Administrator and the Chief Administrative Judge to give us an update on matters pertaining to the administration of that Court system including the backlog of cases, the number of Judges, and things of that nature pertaining to the Court services. I'm concerned about the number of cases that are backlogged on that docket. So, at our next meeting we'll get a report on that matter, and we were going to see how this pans out and, I think, that satisfies our concerns and inquiries as to Court services, whether or not we do need to include a separate Judicial Committee. I will tell you this, as well, that the consensus would be to maybe rename the Public Safety Committee to a Judicial and Public Safety Committee instead."

Councilmember Gregorie said, "Thanks for that answer."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I would like to commend and thank the Chief for the way he has conducted and his leadership team conducted or participated, I should say, in this Racial Bias Audit. It's ironic that we're back at Providence Church because, if you all remember, it was here that we voted in a unanimous way to go along with the company that is now conducting this audit. We had more controversy selecting a company than the company actually going out and doing the audit and, I think, in part, it's because you've got great leadership, Chief, and your Management Team has been wonderful through this. So, all I have are praises and salutations. Now, we don't know what's in the report, but I feel that whatever comes out of that report, I think, the Mayor and Council stand to hopefully enact a positive change. So, thank you very much because you could have fought it, and you didn't."

Councilmember Shahid said, "To echo that, Councilmember Waring, the Chief has fully embraced this process. He and his team have worked with the Audit Committee very closely and, I think, we are all very anxious to see where this leads us in moving forward. So, I commend the Chief and his staff for their fine work on this. Thank you, Chief. That would be the extent of my report, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, I think this was probably a little over a year ago. It was at the Gaillard, and there was a discussion about people not coming to the meetings and calling in on the telephone. Somehow we agreed with that, but since I've been on this Public Safety Committee, we have never had a full Committee together. It's always somebody calling in on the phone. I wish City Council would change that. If you can't come to the meeting, then you call and say, 'I can't come.' But, I'm sitting there, and you're on the phone, and five minutes later they're asking you a question, and you're gone, so we don't have a full Committee. So, we need to change that. Either you come or you don't come. You're present, or you're absent in body and mind, not on the telephone. That's not the way City Council was elected to do business. It really upsets me. If I've got to get up there and catch that King Street 20 Bus and ride downtown to City Hall to get to the meeting, everybody else needs to do it, too. If I can't come to the meeting, I'm going to call the Clerk's Office and tell the Clerk that I'm not going to be here today. Either I'm sick, or I can't come, but I'm not going to call and say I'm going to be on the phone, and five minutes later, I'm gone. No, it's not the full Public Safety Committee, and I just don't agree with a lot of things on that Public Safety Committee because it's never a full Committee. So, usually we have a full Committee, and City Council needs to suspend that rule that they approved about a year ago when we were at the Gaillard about you can call in on the phone. We don't conduct business that way, and I'm going to tell you, I am a member of the Committee, but if this continues, I'm just not going to participate. I'm not going to come to the meetings, and that's just the way I feel."

Mayor Tecklenburg said, "Alright. Well, just to address that matter, our City Council rules allow Committee attendance by teleconference, but not City Council meetings."

Councilmember Lewis said, "Committee meetings, we need to change that. We changed that because there was a discussion, but one person who was allowed to do it, and then other people wanted to do it, but we need to change that. That's not the way you do business. You either come to a Committee meeting, or you don't come. That's just it."

Mayor Tecklenburg said, "I understand. If it's the prerogative of this Council, and you want to change your--"

Councilmember Lewis said, "I'll put a motion on the floor that at the next City Council meeting that this item be placed on the agenda and that City Council either vote it up or vote it down. Thank you, Mr. Mayor."

Councilmember Shahid said, "Second to that motion."

Councilmember Seekings said, "We don't need a motion. He can just request it."

Mayor Tecklenburg said, "Alright. Do you have any further comments from your Committee, Sir?"

Councilmember Shahid said, "No, sir."

Mayor Tecklenburg said, "Alright. I think that was all just for information, so I don't think there is a vote required."

The Assistant Clerk said, "Well, the Memorandum."

Councilmember Shahid said, "You skipped the Memorandum, Mr. Mayor."

The Clerk said, "You need to accept the Memorandum."

Mayor Tecklenburg said, "We have a motion to accept the report of the Committee?"

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

---INSERT COMMITTEE ON PUBLIC SAFETY REPORT---

- a. Discussion of Amending Ordinance Section 2-56 to include a Judicial Committee
- b. Update on Racial Bias Audit
- c. Municipal Buildings Security (in wake of Virginia Beach shooting)
- d. Approval of a Memorandum of Understanding by and between the City of Charleston and the South Carolina Law Enforcement Division (SLED) for use of SLED's criminal facial recognition system

The vote was not unanimous. Councilmember Lewis voted nay.

The Clerk said, "Thank you, Councilmember Lewis. I'll record it."

Mayor Tecklenburg said, "Committee on Traffic and Transportation, Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. The Committee on Traffic and Transportation met this afternoon at 2:30 p.m. We took up one item that needs approval by this Council, and that is a revised Memorandum of Understanding between the South Carolina Department of Transportation, Berkeley County, and the City of Charleston. It's just short of a miracle we could get those three together on anything, but we have. This Memorandum of Understanding is regarding a traffic control device at the corner of Beresford Run and Clements Ferry Road. There's been a lot of input from a number of different sources, including the neighborhoods that are involved. Mr. Benjamin has been heavily involved in this and has, I think, really been the liaison between the three parties that are a part of this Memorandum of Understanding. We did, this afternoon, approve it unanimously with one small amendment, and that is the access issue around that intersection to the neighborhoods behind has been something that we've been doing a lot of talking about. So, in paragraph four, if you all have

been paying attention to this Memorandum, what we did is we limited the access to adjacent properties shall be provided through a single, just one 20 foot minimally, publicly access travel way which is that access into the neighborhood. So, with that, we approved it to be then sent on to the County, which still has to take it up. If there are only minor additions, deletions, or changes, it will go directly to the Mayor's desk. If there is anything major, including that access and accessibility, it will come back to Traffic and Transportation. So, I'd ask for approval of this Memorandum as presented to the Council."

Councilwoman Jackson said, "I'll second it."

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

No one asked to speak.

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

---INSERT COMMITTEE ON TRAFFIC AND TRANSPORTATION REPORT---

- a. Revised Memorandum of Understanding between the South Carolina Department of Transportation, Berkeley County and the City of Charleston to allow the installation of a traffic control signal at the intersection of Beresford Run and Clements Ferry Road and shared desire for improved access management along Clements Ferry Rd. (S-8-33).

Mayor Tecklenburg said, "So, next is our Audit Committee Report, Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. The Audit Committee met yesterday, August 19th, at 3:00 p.m. We met for three hours. We had a number of items we took up. We received the final Internal Audit Report which was requested by this Council of the Mayor's Office. Mr. Majernik presented it. There were some addenda that were included in there. As a result of some of the additions to that report, there was a request by the Committee for additional information. That information was requested to be provided to this Council by tonight. I think we'll have to take a report from our Legal Counsel as to where that request stands. We deferred acceptance of the report from our Internal Auditor as presented pending information received by the Council tonight, really the Audit Committee, which is a Committee of the whole. So, I guess as I'm presenting this, I would ask Ms. Herdina whether or not the information requested has been provided or whether it exists, and then I will continue my report."

Mayor Tecklenburg said, "Ms. Herdina."

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

Susan Herdina said, "Thank you. I looked over my notes from the meeting last evening, and it looked like there were three questions that were asked, and they were all related to Mr. Willey. The first one, 'Was there any kind of a contract between the City and Mr. Willey?' The second one had to do with the work product. 'Was there work product that existed as a result of his work?' Then, the third question had to do with the scope of work, 'Was there any documentation or any indication of his scope of work?' I would just like to briefly address each of those and am happy to answer any questions that I can about them. As far as a contract, we did

not have a contract in our files. There was no retainer agreement or any kind of representation agreement with Mr. Willey.

I will say a couple of things about that. As a general matter, the Legal Department has a retainer agreement for contingent arrangements because if we didn't, as Council knows, we could be charged 50 or 60 percent by a lawyer, so we wouldn't want to be in that circumstance. So, we always have one with a contingent agreement on an hourly fee. I can't say that we have had one in every case. We usually get retainer agreements from lawyers, however, there are circumstances where someone may have been working for us for quite a while, and the original scope changed, and maybe we didn't go back and change that retainer agreement. But in this particular case, we knew his hourly rate was \$150 an hour, which was commensurate with his years of experience, and we had his bills to show what his work was. So, from a legal perspective, we would have paid him on a quantum merit basis. Again, as I said, the fact that we didn't have a retainer agreement with him, I can't say this was the only situation where we didn't have one.

The second issue is with regard to the work product. With respect to that question, I think that we know that the majority of work that was done here was largely with the Mayor and through the Mayor's Office. Corporation Counsel had some work that we, the Legal Department, did with Mr. Willey but, I think, the thing to keep in mind here is that not all legal work produces a work product. A lot of what we do is give advice, which doesn't necessarily create a work product and, I think, looking at Mr. Willey's invoices, that's largely the type of work that he did here. I can't say that there is a document that I could locate in our file of a draft work product but, again, I think given the nature of the work, that was something that if there was a work product created, it would have been with the Mayor's Office and the Mayor. Again, a lot of the work that lawyers do for us does not necessarily translate to a product. It's largely advice.

Finally, as far as the scope of work, I understand that there was a meeting with Ms. Cantwell at some point early on when Mr. Willey started working for the City. They talked about a scope of work. She understood that he was going to be working a lot at the request of the Mayor, and she felt that the Mayor was certainly entitled to retain Mr. Willey to do whatever work he was requesting. It's within the scope of the Mayor's authority to do that and, again, we had very detailed time records from him as far as his work, and those were approved by the Legal Department. That was another way to keep up with what work he was performing for the City. The only other thing I would note is the fact that the Mayor reached out to an attorney and asked that they work with the Legal Department is not unheard of. After the Sofa Super Store fire, Mayor Riley reached out directly to two attorneys who could assist with OSHA and some other matters. So, it's not unheard of or totally unusual that the Mayor reached out directly and worked with an attorney as opposed to it coming through the Legal Department. I'm happy to answer any other questions I can."

Councilmember Seekings said, "So, if I can just finish. Then, I think, this is your meeting to call for people who are raising hands, but I think that the last piece of work that needs to be done in order to move forward with this Audit Committee, and the closeout of the Internal Audit Report is acceptance of the report. So, to that extent I think it is appropriate, Mr. Mayor, at this point, that those who have questions should ask them."

Mayor Tecklenburg said, "It is appropriate what?"

Councilmember Seekings said, "That those who might have questions as a result of the report we just got should ask them, so we can either accept or not accept the Internal Auditor's Report and then be able to move this forward."

Mayor Tecklenburg said, "It certainly seems appropriate if there is a question on what has been presented here. That would certainly be fair."

Councilmember Seekings said, "I saw some hands up."

Councilmember Griffin said, "I've just got a couple of questions, but first, I want to make a statement that I don't think it's appropriate to compare Mayor Riley asking for an attorney to come speak about OSHA with the Sofa Super Store fire to what kind of services Mr. Willey provided. I think those are two completely separate circumstances, and those should not be lumped together in any way, shape, or form. My first question is Mr. Willey's invoices because you just made the statement that what he provided would be considered a work product. Can we make that public, so that everybody in the City of Charleston can see what his work product was? What he submitted for those invoices? Because I have a feeling if our general public looked at what he said he did and that little two or three words 'Ate lunch with somebody for \$150', 'Met with Mayor', that to me is not a work product. That is a summary. That's just a way to get paid. Do you feel like there is any legal obligation to him to keep those private, or can we make those part of the audit?"

Ms. Herdina said, "Well, let me answer that in a couple of ways if I can. First, to clarify with regards to his invoices, in addition there were two things that were submitted. There was his cover invoice that generally described what he did, and then there was something called a detailed timesheet. I don't know if you've seen them or not, but that fleshed out more of what he did. Now, I'm not saying that that's his work product. I'm just saying that that described the work that he did and that when we talk about a work product people are going to think, Councilmember Gregorie referred to this as a document that is created at the end of a legal service. What I was trying to say is that not all legal work ends up with a physical work product. A lot of times a lawyer will give advice, and I do it a lot, and I don't necessarily create a memo or a contract or a document, so that's the first thing. The other thing I would say is I think those invoices can be produced. I would like to go back to them and make sure there isn't anything that's personal in there, and I would obviously like to have the chance to look at it more closely, but I think that they could be made available."

Councilmember Griffin said, "Just one more follow-up question, and just to follow up, I can understand that there may be advice given here or there, but when you are giving advice over and over, and there are no notes to produce, we were given a list of different things that he did. Council meetings, how would you not take notes on that? Legal research, one or two lines. His detailed notes were one or two lines, no more. There was never a paragraph, never any notes presented, nothing. You're an attorney who has done a lot of great work over the years. Could you imagine working for somebody for 18 months and never producing one note to that?"

Ms. Herdina said, "Again, I can't speak to his services individually or what he did or not, but I will say when the Legal Department looked at the invoice, there was enough detail there to show that he had been doing work, and he had been attending meetings and giving advice and so we could sign off on those invoices."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I don't know if there are any other questions."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Yes, I don't have a question, but I would move that we defer any vote on the Audit Committee Report until Ms. Herdina can get a chance to go back and look through her files and see if she can get us some information, because we still don't have the information that we asked for last night. So, she may be able to find something else, and I think I'm going to ask that we give her some more time before the next meeting and just don't vote on the Auditor's Report."

Mayor Tecklenburg said, "Well, I believe the matter was deferred last night."

Councilmember Lewis said, "It was deferred until tonight hoping that we would take some action tonight, but we can't take any action because we still don't seem to be satisfied with what she's giving us, so I will defer until the next meeting."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I think we need to lay off our Corporation Counsel. I know she is just doing what she is supposed to do but there are some things to me, regardless of what Corporation Counsel provides to us, there are for me, just some glaring issues here. Nine thousand dollars to sit in City Council meetings. Come on, guys. We have a Clerk of Council that takes the minutes. We have cameras in the room that tape the sessions. What can a Special Assistant to the Mayor provide from a City Council meeting for \$9,000 that is different from what could be gleaned from the video or Clerk of Council minutes? If there are differences, I'd like for it to be shared. I'd like to see it to really look at it. Again, I think we need to lay off of Corporation Counsel. The questions being raised should go to the person that Mr. Willey reported to, not Corporation Counsel. We should be asking the Mayor for the evidentiary information, not Corporation Counsel, in all fairness. Because, first of all, she inherited this. This was there before she became Corporation Counsel. I admire her standing and trying to defend something that, technically, she had absolutely nothing to do with, nothing. Our questions should go directly to the Mayor, period."

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

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. I agree wholeheartedly, and we asked a question. That question was 'Was there an engagement letter or any kind of scope document', and the answer was 'no'. 'Were there any reports written?' The answer is 'no'. You've got some invoices, that's all you've got. I'm not sure where to go with this. I'm willing to accept the report because I think it is what it is. I think Mr. Majernik has done a great job. He's done what we asked him to do. But I'm going to tell you, this \$83,000, it is almost criminal the way this was handled. In my past life as a CPA, and I alluded to it earlier, there was something called the Triangle of Fraud, and it starts out with opportunity. In other words, there is an opportunity to steal. You don't have controls in place to do things or the controls are in place, and people go around those controls to do things. Our budget process, basically everybody at the Counsel's Office has to have a budget and has to stay within that budget. The Counsel's Office, because of the nature of that, they have to go hire attorneys, and we give them money to spend without coming back to Council. So, here we have a situation where, rather than this budget item as an advisor to the Mayor, rather than it being in the Mayor's Office coming back to us for a budget process and budget approval, it goes over to the Legal Department where it doesn't have to go through that. That's red flag number one. The opportunity, you start to go around your controls to do things. The second thing of the Audit Triangular or the Fraud Triangle deals with rationalization. In other words, you look at something, and you know it's wrong, and this is obviously wrong the way it was set up, and then you start rationalizing that it's okay. That's flag

number two. So, we've got flag number two here. I mean, the questions have already been addressed to the Mayor. I think the Mayor has given his rationalization of what's going on here. The third part of that Triangle deals with pressure, or there is a lack of, or somebody's under duress to do something. They need money to pay a medical bill or something. There is a duress there that forces them to rationalize and go around and do that stuff. So, those are the three flags of the Fraud Triangle, and I see all three of them in this particular item, and it bothers me. I don't think our Internal Auditor can take care of it. It's almost to the point, I think the only way you're going to find out something about this would be to go investigate Mr. Willey, and I don't know that I'm ready to go there or not, but to find out what else he was doing. Is there some conspiracy here? Is there something in this that gets way out of bounds, but that's about the only way you can go check this out. This is not something we can do as a Council. This is way beyond our scope. I don't think the Mayor can do this. I know that Robert Majernik can't do it. The only thing is to call for a SLED investigation, and I don't even want to go there, but this bothers me. We have allowed something to go on here that is just unconscionable."

Mayor Tecklenburg said, "Thank you very much. So, we have a Committee Report of the Audit Committee. We asked for questions to be answered. You may or may not be satisfied with the answers, but she has given an answer."

Councilmember Moody said, "No, I'm ready to vote on her report."

Mayor Tecklenburg said, "So, I don't think the intent here was to re-open the Audit Committee for another multi-hour session. If you all would like to reconvene the Committee, we should do that at another time and accept the report or not and move forward with the agenda. So, is there another question regarding the answers that have been asked of Ms. Herdina?"

Councilmember Waring said, "I have a question, Mr. Mayor."

Mayor Tecklenburg said, "I was just going to recognize you."

Ms. Herdina said, "May I? I just wanted to clarify one point. Councilmember Griffin brought up about trying to compare the Sofa Super Store to this. My point there was just the one that we've underscored at the Audit Committee meetings, that strong Mayor form of government has the authority to hire lawyers, anyone whom he chooses. So, I didn't mean to --."

Councilmember Griffin said, "I want to apologize. I think you do a great, great job. I'm frustrated at him, not you. Trust me."

There was laughter in the Chamber.

Ms. Herdina continued, "I appreciate that, but I just didn't want you to think that I was equating that serious incident with this. I just think it underscores that the Mayor has the ability to hire Counsel whom he chooses. Thank you."

Councilmember Griffin said, "I know. I'm sorry."

Mayor Tecklenburg recognized Councilmember Lewis followed by Councilmember Waring.

Councilmember Lewis said, "I'm going to withdraw my motion, and I really agree with Councilmembers that we accept this report from the Audit Committee last night. We also mentioned that if they wanted the Ethics Commission to investigate, they can investigate. Anybody who we want to investigate, a Councilmember individually can initiate the investigation or get City of Charleston to initiate an investigation, but I think Mr. Willey reported to the Mayor. He was a member of the Mayor's staff, just like any individual answers to the Mayor on a day-to-

day basis. He is responsible for the day-to-day operations of this City, and that's why I said what I said earlier also about the Public Safety Commission. Now, we're saying we want the Courts to report to us. The Judges always reported to the Mayor. The Clerk of Court reported to the Mayor, not to City Council. So, why should we pass an ordinance that the Court now has to report to the Public Safety Commission? I think we just sometimes step into things before we think, and I don't think we need to step in that. Because if there is a problem with that Court, Mr. Mayor, you're the Mayor of the City, and the Clerk of Court and the Judges have to report to you. They shouldn't have to report to the Public Safety Committee. If there was a problem that came out, and it was reported to you, and you've done nothing, and the report comes to City Council or a Councilmember. Then, that's the responsibility of the Councilmember to find out why we have a problem on there, Mr. Mayor. We heard that you heard about it and didn't do anything about it, that's when it comes to City Council. I think sometimes we want power, and we get power, but we don't know what kind of power we're getting. I just don't think we need to step in to the Court system. That's just my opinion, and I've told you all that before. We do not need to step in the Court system. I just don't think the courts need to have to report to us. The Judges report to you for the 24 years that I've been here. The Clerk of Court and the Judges report to you on the day-to-day operations at the Municipal Court, and I think it should stay that way."

Mayor Tecklenburg said, "Well, that's correct. We did look back at the ordinance that empowers the Public Safety Committee, and it did give them some review oversight over the Municipal Court. It had never been exercised apparently to speak of, but it was there in the ordinance."

Councilmember Lewis said, "Well, I think we need to look at the ordinance again. We need a newly written ordinance, but we're not going to go through all of that tonight. I withdraw my motion. We're going to accept the Auditor's Report that we did last night. If anybody has any other concerns, then they can do what they need to do. Thank you."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I want to commend Mr. Majernik. I want to commend our entire Legal staff because, frankly, they've been under duress. It's almost unfair. I said this a couple of times now, but this audit should have been done independently. Mr. Majernik, you did it scholarly. Our Legal Department did it with the highest level of integrity, even to the tune of not wanting to have fingerprints on an opinion going out, and getting an independent Legal Counsel. Now, we may disagree or agree with that, but that was a step towards higher integrity, so I commend you for that, Ms. Herdina, and your team because I know you don't work alone. What we don't like is we don't like the answers. Our people have given us the answers. Now, we are the leaders to say, 'What do you do with them?' I'm going to vote to accept the report, but I am also going to request on the September agenda that there be a vote to take the results of Mr. Willey's work working with Chernoff Newman to the tune of \$38,000, coming to Council meetings the tune of an excess of \$40,000 just to attend various meetings, Council meetings, staff meetings, Committee meetings, and, respectfully, and you know, Councilmember Lewis, I respect you highly. You've seen the Mayor on this Council, but Mr. Willey was not a staff member. When you're a member of staff, you are subject to the Employee Handbook. Mr. Willey wasn't subject to that. How do you get approved to be paid \$150 an hour to sit at home and look at City Council meetings on television? Who approves that?"

So, we're looking at our Legal Department. They're in a precarious position. This is a chosen person by the Mayor. They work at the pleasure of the Mayor. The Mayor gives Mr. Willey the directions on what to do. Even if they disagree, they're subject to be reprimanded or

either terminated. You realize what kind of pressure that is for a person who has a family. It is up to us. We have the oversight on this situation. So, I am going to request that we have an up or down vote to request a SLED investigation on the spending of Mr. Willey and the Mayor on this, and I'll tell you why. When you begin to connect the dots, a campaign worker gets a consulting contract that provides no contract, provides no scope, provides no accountability for the Internal Auditor to verify, did you do what the contract said you're supposed to do? There is nothing like that for our Legal Counsel to go and pull to say, 'Here it is. That's what he was supposed to do'. Mr. Majernik can say every time he did something that fell within the guidelines of the scope of the agreement and the contract that was approved. He couldn't do it. So, he tried, he summarized the invoices, and for that I thank you. But when you connect the dots, a campaign worker gets, it's not even a contract, and we don't have a written contract. Then, Council finds out about it to the tune of having an explosive Executive Session, and then he is not included. Why? Frankly, the budget would not have passed if Mr. Willey was in the budget. That's why he is no longer there. I extrapolated his numbers. If you took the numbers that he billed for just over the 16-month period, had he still been on and his workload not increased, the figure would have approached \$250,000 had Council not stepped in when we did. Now, Councilmember Griffin said this at the last Audit meeting. He had six months worth of invoices that he forgave or donated. I think that was a term he used."

Councilmember Griffin said, "Out of the grace of his heart."

Councilmember Waring said, "Well, my point is Mr. Willey is very litigious. He sued the City over a ticket for being cited for a short term rental. Now, after this election, suppose he files a lawsuit for uncollected fees for those six months. He's looking at this, I'm sure, on live feed. I saw his comments in the paper. He's aware of what was being said. Suppose he changes his heart and says, 'You know what? That \$30,000 or \$40,000 that I didn't bill, the City should pay me.' Now, we're in Court fighting something that should have been investigated. So, that is why, connect the dots, a lucrative contract, no accountability. Yes, we have a strong Mayor government, but these are taxpayers' dollars. These are not our monies. We are stewards of the taxpayer dollars, and we should use the prudent man or woman rule when it comes to spending those dollars. You didn't do that, Mr. Mayor, not on this one, and we can't investigate you, Legal can't investigate you. Sure, anybody can file an ethics complaint, but this contract actually led to the current Judge of 30 years' experience on the Municipal Court possibly being replaced. Connect the dots, ladies and gentlemen. Contribute to your current campaign, hold fundraisers for you, and literally a month later or six weeks later, recommend his wife to the Municipal Court that has no experience. You actually approached Council to say we're going to replace a Judge with 30 years' experience with someone who had never had any experience on the Municipal Court, and but for Council push back, she would be on the Court, and the Judge of 30 years' experience would not be there. Let me tell you how important these are. Judges with ruling can keep a city from exploding, and we've been there. Mr. Roof, Mother Emanuel. Can you imagine what would have happened if the Judge had let that man go on his own personal recognizance? What do you think would have happened in this community? It would have exploded. What would have happened if the families didn't say, 'We forgive you?' So if, I need to put some of my people in place, at least have them be qualified. If you connect the dots on this, a campaign worker, his contract is unaccountable, raises funds for you, 'appoint my wife Judge'. That may be the way you do business. That's not the way the City should do business, strong Mayor form or not. You don't get to spend money without accountability. Now, it is our responsibility, not somebody out in the public, to stand up and say 'yea' or 'nay', and that's why I want that on the agenda at the next meeting for an up or down vote to ask for a SLED investigation on the Willey situation. Thank you very much."

Mayor Tecklenburg said, "Alright. Can I entertain a motion to accept the Audit?"

Councilmember Moody said, "So moved."

Councilwoman Jackson said, "Second."

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

No one asked to speak.

Mayor Tecklenburg said, "All in favor, please say aye."

Councilmember Griffin said, "No, Mr. Mayor, I've got my hand up. I've got some further discussion."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Thank you. Once again, Ms. Herdina, I just want to apologize. In no way, shape, or form am I upset with you. I think you have been put in the most difficult position I've really ever seen. Mr. Willey said last night to the newspaper that he was a volunteer on the campaign. He volunteers on campaigns all over many jurisdictions, but I would like to see how many other jurisdictions are paying him \$80,000. If he was a volunteer to the campaign, and we voluntarily gave him \$84,000 and on top of that, I asked you a question in this Chamber last night, I asked you about that short term rental ordinance that he was paid to help draft. You told me to put it in writing. Well, he put it in writing in the paper last night that you said you hired him and wanted to bring him on because he sued the City. He has so much knowledge on it that he would help us draft the ordinance. That is the worst case of bad judgment I've ever seen."

On a motion of Councilmember Moody, seconded by Councilwoman Jackson, City Council voted to accept the Internal Auditor's Report.

The vote was not unanimous. Councilmember Gregorie voted nay.

Mayor Tecklenburg said, "One nay over here. Next is our Committee on Public Works, Councilmember Waring."

Councilmember Seekings said, "Mr. Mayor, I think there are a couple of more things. We've just accepted the Internal Auditor's Report. We still then have to get through the rest of the Audit Committee Report because there is still one open-ended thing that I wanted to close out, if you don't mind. We did take a report from outside Legal Counsel. We did have the questions for you, and then there is still the discussion of next steps. I don't know. That's still an open-ended matter in the Audit Committee. I would ask that we accept the Audit Committee Report now in full and leave that matter open. We're going to have another Audit Committee meeting regularly scheduled in September. We will see if there is anything that comes from that. We'll put it on the agenda. We're also going to vote on the matter of Mr. Majernik's reporting, which I think everyone has asked for. I also want to echo the thanks to Ms. Herdina and, particularly, Mr. Majernik. This has been a brutal process for them. We put them in it, and they had no way to get out. So, I would now move for acceptance of the full report based on just those final close-out matters."

Mayor Tecklenburg said, "We have a motion to accept the Committee Report."

Councilmember Shahid said, "Second."

On a motion of Councilmember Seekings, seconded by Councilmember Shahid, City Council voted to adopt the Audit Committee Report:

---INSERT AUDIT COMMITTEE REPORT---

- a. Review Final Reports
 - Internal Audit Report
 - Outside Legal Counsel
- b. Council Questions for the Mayor
- c. Discussion: Next Steps

The vote was not unanimous. Councilmember Gregorie voted nay.

Mayor Tecklenburg said, "Now, for the Committee on Public Works and Utilities, Councilmember Waring."

Councilmember Waring said, "The Public Works and Utilities Committee met yesterday. The Acceptance and Dedication of Right-of-Ways were approved unanimously, and I so move."

Councilmember Griffin said, "Second."

Councilmember Waring said, "It's been properly moved and seconded, Mr. Mayor."

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

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Griffin, City Council voted unanimously to approve Item a of the Public Works and Utilities Report as presented:

- (i) Approval to notify SCDOT that the City intends to accept maintenance responsibility for 187 LF of sidewalk and 16 LF of granite curb on Meeting Street (US 52) and 136 LF of sidewalk to be installed on Romney Street (S-10-126) in conjunction with the project at Meeting and Romney Streets.
- (ii) Approval to notify SCDOT that the City intends to accept maintenance responsibility for 100 LF of granite curb and 500 SF of sidewalk on Congress Street (S-1821) to be installed in conjunction with the Greek Hellenic Center on Congress Street (S-1821).

Councilmember Waring said, "The only item I'll comment on before I turn it over to Mr. Fountain for the updates would be the matter that we discussed on the Low Battery that certainly has been previously reported did not pass Committee. Mr. Fountain."

Matthew Fountain said, "So, the vast majority of the discussion was on the 11 separate agenda items that were at Council tonight for Stormwater. Do we have any specific questions, or do you want me to run through the 11 items again?"

Councilmember Waring said, "If you can summarize them."

Mr. Fountain said, "So, the first item was the Weston & Sampson Amendment for the West Ashley Traffic Circle. The other new storage options which are the storage option between Bees Ferry Road and the CSX Railroad and the canal known as the Whitfield Canal extended backwards to the property on Savage Road. This task included performing the field survey, identify the Groundwater Table and measure infiltration to evaluate problem locations. H&H modeling work, conceptual cost estimates, and had an approximate completion date of October

2019. That bid was for \$99,900, and it was passed at Public Works and Utilities unanimously and then again at Ways and Means tonight, and it's now on the agenda for Council.

The second item was the Weston & Sampson Amendment for the Lake Dotterer Project. This was an amendment for \$21,780. If the amendment for the West Ashley Circle was to pass, this is an add-on amendment with the price that's proposed. This is modeling work primarily which is the hydrology and hydraulic for the work to modify the dam in Lake Dotterer, as well as the pipe under Glenn McConnell. We'll evaluate whether that has positive or negative impacts on both the Church Creek Basin and the downstream basins that the lake feeds into. This includes the conceptual scope to identify sizing of pipe and dam design work that would accommodate all of the tasks if there shows a benefit that it does not have a worse negative impact. This is also proposed for completion, hopefully, in October 2019.

The third Weston & Sampson Amendment was the Hickory Farms Diversion Channel Additional Work Amendment. This is for \$33,685. This included the survey to obtain construction easements and the intent to bring down the proposed costs on that project by having an easier construction method for canal modifications. It also includes cultural resource investigations for the Phase 1 and Phase 2 level investigations based on artifacts that were found in the initial site investigations. This has a completion date of the investigation by October 2019 for the cultural resources. We would hold off on the construction easements until we determine whether or not to move forward with the project based on those discussions from the Church Creek meeting which was previously discussed, as well.

The fourth item is the Davis & Floyd Contract, what we simply refer to as the Ehrhardt shaft. This is the Medical District deep shaft and tunnel connection to the Spring/Fishburne Project. It serves approximately 27 neighbors of the Medical District. It's a lump sum contract of \$286,922, and it is only the cost that would get us to a 30 percent design point. The design services to reach a final design are estimated at approximately \$750,000. This is enough money to basically take us to the end of the calendar year to determine whether or not we have the potential for funds to come in from the grant applications that we've applied for without compressing the project schedule to the point where it wouldn't be possible to construct the deep shaft and tunnel prior to the Spring/Fishburne primary tunnels coming online and becoming wet, which would change the way the project is designed and the construction project. So, there is a time schedule there. This project includes design work with JuneTek. Stakeholder coordination is being proposed as a sole source contract based on the competitive solicitation from the Calhoun West Engineering Report which dates it likely for in the short term this project identification being brought up again as another potential option and the fact that we have that timeframe for this project. The firm is already working on both the Calhoun West project and the Spring/Fishburne existing tunnel project for which this work has evolved.

So, the next item was AECOM Work Authorization. This is under your Program Management contract for the Special Protection Area Work. This is \$198,569. The primary work here is to identify and delineate the special protection areas from available data with the existing 1984 Master Plan for the City. The work we've done in Church Creek, Dupont/Wappoo, on Johns Island, and then other information we have for the flooding between us and Charleston County, as well as Berkley County, to identify any areas that have any flooding and infrastructure constrictions that would then lead to special protection areas who complied within the Stormwater Design Manual which is the second part of the test to evaluate our current proposals in the Design Manual and see if any adjustments need to be made or special areas need to be called out, as we did with the Church Creek for specialized watershed restrictions. We are trying to minimize

the number of restrictions we have to not have every, so basically have completely different requirements which then makes it harder on the communities.

The next item was the Orleans Road Repair Contract that was in the Bids and Purchases. This is a \$127,975 recommendation to award a construction contract for repair of the separated stormwater pipes on a public drainage easement off of Orleans Road. It's located on private property. We had the low bidder of B&C. They were significantly the low bidder on this project, and they do have good familiarity with City work, and we were comfortable in recommending them the award.

The next item was the Stormwater Fee Homestead Exemption. This was the work Legal had drafted to eliminate the Homestead Exemption due to the concerns relative to revenues being lost on that for stormwater projects. The utility fee is supposed to be applied to users based on the amount of the utility that they use rather than having special exemptions set aside. This comes from wherein discussed we have been asked to look at the work that CWS does with the rate payer discount, but basically the CWS program and just a short summary of what we discussed. The CWS program is actually funded by the rate payers, not by CWS. They have an option to add additional money into their bills to basically contribute to the Palmetto Community Action Partnership which then residents can apply to the Palmetto Community Action Partnership in order to have a forgiveness of debt on their CWS bills. They do provide about \$60,000 per year total to that program through those rate options for their repairs across the CWS service area.

The next item we discussed was the Low Battery Memorandum of Agreement with CWS. This was basically having formalized an agreement where CWS would contract the way the City for utility relocation and improvement work that they are doing as part of the Low Battery project. We would basically pay the contractor, and CWS would agree to reimburse all of the construction costs. They would also be responsible for inspection and certification costs associated with that work. It's estimated in the MOA, and we'll be paying on actuals, it's estimated at \$984,250. Of course, that's Phase 1 in the Low Battery Project. That still needs to be ratified by CWS and approved before it would be eligible for payment.

Next, we discussed the State Infrastructure Bank Application which I think we discussed in detail. The other one that we spent a decent amount of time on was the Lord Calvert Drive Drainage Improvement Project. This was the other recommendation for award. This is for replacement of a failed roadside drainage pipe on Lord Calvert Drive. It's a neighborhood just south of Highway 17 off of Markfield Drive. This is basically a twin pipes road to fail. We had a proposal to replace a 36 inch pipe and improve drainage in that. We have a recommendation to award to KTC Enterprises for \$171,035. The last item was the Dupont/Wappoo Drainage Study. The project recommendations and final site recommendations are scheduled to be presented at the West Ashley Revitalization Committee on September 11th. So, we want to make sure that everyone is available for that in the interest of timing."

Mayor Tecklenburg said, "Thank you, sir."

Councilmember Lewis said, "I've got one question."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "How close are you to getting a contract to City Council for Huger Street?"

Mr. Fountain said, "So, that contract was approved at City Council for King and Huger. The consultant is under way on the design."

Councilmember Lewis said, "I mean how close you are with the design?"

Mr. Fountain said, "So, King and Huger was split into two sections. The first section is basically the street surface level improvements to try to bring the water into the existing system. It extends for a few hundred feet in either direction of the intersection. That work is in design with the \$100,000 grant. That work should be completed from design and ready to bid by spring of 2020 and then in construction by spring to summer. Then, hopefully, completed by the fall of next year. The pump station or the pumping which is done in the second phase of that is in design now. That design will continue. We're looking at preliminary engineering for three different options, both for pump stations and for the pathways for permitting and then costs. That design level will get completed also probably just before spring, after January, of 2020 which will lead into that final design based on the option selected. So, we'll come back to Council for the amendment to do final design on that work and that will propose for construction likely in 2021 for the pump station, as that will have to go through the Board of Architectural Review for the site that it's located on. So, that's going to be something of a process."

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

No one asked to speak.

Mayor Tecklenburg said, "Councilmember Waring, is there any further report?"

Councilmember Waring said, "Good report, Mr. Fountain."

Councilmember Shahid said, "Thanks for the summary."

Mayor Tecklenburg said, "Thank you."

Councilmember Waring said, "That's the end of my report."

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

Councilmember White said, "I'll move for the adoption of the report."

Councilmember Mitchell said, "Second."

Councilmember Seekings said, "With recording of the votes, please."

The Clerk said, "Yes, we always do that."

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

No one else asked to speak.

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

---INSERT WAYS AND MEANS COMMITTEE REPORT---

(Bids and Purchases)

(CARTA FY2020 Budget

- (Mayor's Office of Resilience and Emergency Management: Approval to submit a Hazard Mitigation Grant application under Hurricane Florence that will continue the previously awarded Urban Flood Alert Project. This application will allow for the use of unused funds from the previously awarded grant project. Additional funding in the amount of \$10,437 will be required for the grant match. The match will be budgeted in 2020.
- (Mayor's Office of Resilience and Emergency Management: Approval to submit a Scope of Work change that will fund the construction and installation of 4 flood alert systems in the downtown area and will change the location of the flood sensor. This scope of work change request increases the cost of this project from \$149,196 to \$190,943, or \$41,747 and increases the City's match by \$10,437. The additional match will be budgeted in 2020.
- (Police Department: Approval to submit the FY19 Edward Byrne Memorial DOJ JAG Application that will fund the acquisition of one 3D Laser Scanner for use at crimes scenes and for traffic collision reconstruction. The application for this grant is due 8/23/19. This application requests \$28,553 and does not require a match.
- (Office of Cultural Affairs: Approval to apply for \$50,000 from the National Endowment for the Arts, Art Works Grant, to support Charleston 350 Celebrations. The project period is 6/1/2020 to 11/30/2020. Due to time constraints, this grant application was submitted on July 23, 2019. A 1:1 City match is required. Matching funds will come from corporate sponsorships, foundation support and paid admissions. This is an after-the-fact approval.
- (Office of Cultural Affairs: Approval to accept a grant award in the amount of \$2,750 from South Carolina Humanities (Fast Track Literary Grant) to support programs of the 2019 Free Verse Festival. A 1:1 City match is required. Matching funds will come from paid admissions and donations.
- (Police Department: Approve the extension of an agreement between CPD and Charleston Housing Authority. CHA pays CPD for five officers assigned to cover CHA properties.
- (Police Department: Approve an agreement between CPD and DEA regarding CPD's participation in the Charleston, SC Resident Office Task Force on narcotics trafficking and dangerous drugs.
- (Police Department: Approval of a Memorandum of Agreement between CPD and CCSD regarding SRO's for the 2019-2020 school year
- (Police Department: Approval of a Memorandum of Agreement between CPD and James Island Charter High School regarding SRO's for the 2019-2020 school year.
- (Police Department: Approval of the Memorandum of Agreement between the City of Charleston and Berkeley County School District regarding SRO's for the 2019-2020 school year. **(Councilmember Moody voted nay.)**
- (Parks-Capital Projects: Approval of the CPD Forensics Services Building Construction Contract with Hill Construction Services of Charleston in the amount of \$9,385,006 for the construction of the Charleston Police Department Forensic Services Building. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved budget. Approval of this will institute a \$12,392,186 project budget, of which the \$9,385,006 construction contract will be funded. The funding sources for this project are: 2015 IPRB Bond (\$7,392,186) and 2017 IPRB (\$5,000,000).
- (Resiliency: Approval for City Council to authorize the remaining \$50,000 of the \$100,000 budgeted for Dutch Dialogues as additional payment to Historic Charleston Foundation for the City of Charleston's contribution. City Council previously reduced the amount approved for the Dutch Dialogues by \$100,000. There would be no budgetary impact to increasing the funding by \$50,000, as the total amount was previously budgeted.

- (Parks-Capital Projects: Approval of the West Ashley Bikeway Resurfacing Construction Contract with Landscape Pavers LLC, in the amount of \$148,888 for the construction of 1,016 linear feet of a bike and pedestrian pathway from Playground Rd. to Wantoot Blvd. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved Budget. Approval of the Construction Contract will institute a \$480,000 project budget, of which the \$148,888 construction contract will be funded. The funding sources for this project are: 2015 General Fund Reserves (\$380,000) and the Hospitality Fund (\$100,000).
- (Parks-Capital Projects: Approval of the West Ashley Greenway Improvements-Stinson to Parkdale Construction Contract with Landscape Pavers LLC, in the amount of \$157,234 for the installation of an asphalt trail from the Stinson Dr. entrance to the east side of Long Creek and associated work with a raised crosswalk at the Arlington Dr. crossing. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000 to the extent contingency funds existing in the Council Approved Budget. Approval of the Construction Contract will institute a \$314,016.57 project budget, of which the \$157,234 construction contract will be funded. The funding sources for the project are: 2013 General Fund Reserves (\$214,016.57) and 2016 General Fund Reserves (\$100,000).
- (Parks-Capital Projects: Acceptance of Federal funding in the amount of \$3,096,659.75 for Phase 2 of the Fire Station #06 Retrofit Project (*FEMA-DR-4166-0010-R*). This would be matched with \$1,032,220 in City funding. This is for the purpose of retrofitting the historic fire station to address future hazards at the facility, protecting the building occupants and equipment and enabling emergency response to follow an incident. The current completion deadline is March 12, 2020. A request for a statutory 1- year extension will be submitted per program requirements due to the extended review period in Phase 1 of the grant. Anticipated bidding and contracting for the project will necessitate seeking an additional 1-year extension from FEMA. The approval of the grant award will institute a \$4,128,879.75 project budget. The funding sources for the project are: FEMA Hazard Mitigation Grant (\$3,096,659.75) and 2015 IPRB Bond (\$1,032,220).
- (Stormwater Management: Approval to apply for the SIB financial assistance program in support of the \$64,000,000 Low Battery Seawall project. The application is requesting \$32,000,000 in SIB funds with a 50/50 City match of \$32,000,000. The application will be submitted on August 29, 2019 to meet the deadline on September 1, 2019. The City currently has \$23,000,000 of the required match. With approval of this grant, City Council is committing future allocations of Municipal Accommodations Tax and Hospitality fees over the next 10 years to meet the total match requirement. *(Pending review by the Committee on Public Works and Utilities)* **(DEFERRED)(Councilmembers Jackson, Griffin, Seekings, and Mayor Tecklenburg voted nay.)**
- (Stormwater Management: Approval of Church Creek Drainage Basin Fee Amendment #2 with Weston & Sampson Engineers, Inc. in the amount of \$99,900 for hydraulic modeling of the West Ashley Circle storage facility, Mid-Basin Area storage facility, and the CSX/Whitfield Channel storage. Approval of Fee Amendment #2 will increase the Professional Services Contract by \$99,900 (from \$373,000 to \$472,900). Funding for this project is the Drainage Fund. *(Pending review by the Committee on Public Works and Utilities)*
- (Stormwater Management: Approval of Church Creek Drainage Basin Fee Amendment #3 with Weston & Sampson Engineers, Inc. in the amount of \$21,780 for additional hydraulic modeling of the Lake Dotterer Diversion project. Approval of Fee Amendment #3 will increase the Professional Services Contract by \$21,780 (from \$472,900 to \$494,680).

- Funding for this project is the Drainage Fund. *(Pending review by the Committee on Public Works and Utilities)*
- (Stormwater Management: Approval of Church Creek Drainage Basin Fee Amendment #4 with Weston & Sampson Engineers, Inc. in the amount of \$33,685 for additional cultural resource investigation and additional plats for the Hickory Farms Overland Flow Diversion due to the need for additional temporary construction easements. Approval of Fee Amendment #4 will increase the Professional Services Contract by \$33,685 (from \$494,680 to \$528,365). Funding for this project is the Drainage Fund. *(Pending review by the Committee on Public Works and Utilities)*
- (Stormwater Management: Approval of the Ehrhardt Street Tunnel Project Professional Services Contract with Davis & Floyd in the amount of \$286,922 for the preliminary design of the Medical District Flood Mitigation project to include 30% design of surface collection, a vortex structure, and a drop shaft near the sump of Ehrhardt St. and design of an additional tunnel connecting to the Cannon St. Shaft. Funding for this will come out of the Drainage Fund. *(Pending review by the Committee on Public Works and Utilities)*
- (Stormwater Management: Approval of the Lord Calvert Drive Drainage Improvement Construction Contract with KTC Enterprises, Inc. in the amount of \$171,035 for the installation of a new storm drain pipe along Lord Calvert Drive. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in the Council approved budget. Approval of the Construction Contract in the amount of \$171,035 will establish a project budget of \$188,138.50. The funding source for this project is the Drainage Fund. *(Pending review by the Committee on Public Works and Utilities)*
- (Stormwater Management: Approval of Work Authorization #3 with AECOM in the amount of \$198,569 to develop comprehensive mapping of Stormwater Special Protection Areas (SPAs), refining standards for stormwater development/redevelopment in SPAs, and supporting preparation a GIS dataset for making the information publicly available. Approval of this Work Authorization also approves a budget transfer of \$50,000 from the Stormwater Studies line-item (193010-52204). *(Pending review by the Committee on Public Works and Utilities)*
- (Budget Finance and Revenue Collections: An ordinance establishing the Morrison Drive Redevelopment Project Area; making certain findings of blight within the Redevelopment Project Area; designating and defining redevelopment projects consisting of public improvements within the Redevelopment Project Area; designating appropriate redevelopment project costs; approving an overall redevelopment plan; providing for notice and public hearing in connection with the foregoing; and other matters related thereto.
- (Public Service: Request authorization for the Mayor to execute on behalf of the City a Memorandum of Agreement (“MOA”) with the Commissioners of Public Works of the City of Charleston, South Carolina, d/b/a Charleston Water System (“CWS”), under which the City will include certain utility work within the scope of the Low Battery Seawall Repair and Reconstruction Project, including (a) the relocation of numerous lateral and longitudinal water and sanitary sewer conflicts between the proposed drainage infrastructure; and (b) the replacement of existing gravity sanitary sewer and water main infrastructure within Murray Boulevard, with CWS agreeing to reimburse the City for 100% of the costs of all construction items associated with such utility work. Upon approval of this Item by City Council and prior to execution by the Mayor, Corporation Counsel is authorized to consent to minor modifications of the draft MOA attached hereto that do not increase the costs or obligations of the City under the draft MOA, and the Mayor shall be authorized to execute such MOA without further action by City Council upon the consent of Corporation Counsel; provided, however, nothing herein shall permit Corporation Counsel or the Mayor to authorize future amendments or modifications to

- the MOA. *(Pending review by the Committee on Public Works and Utilities)*
- (An ordinance to amend Article III (Stormwater Management Utility) of Chapter 27 (Stormwater Management and Flood Control) of the Code of the City of Charleston, South Carolina, by eliminating the “Homestead Exemption” in Sec. 27-140(a), applicable to the payment of Stormwater Utility Fees; by deleting Sec. 27-132(j), (k), and (l), which contain certain findings associated with the adoption of the “Homestead Exemption” with respect to Stormwater Utility Fees; and to provide that the elimination of the “Homestead Exemption” in Sec. 27-140(a) shall not apply until January 1, 2020. **(AS AMENDED) Councilmember Gregorie voted nay.**
- (Request approval for the use of Charles Towne Landing Founder’s Hall in the amount of \$4,750 for MOJA Festival activities (1500 Old Towne Rd.)
- (Request approval for the use of Memminger Auditorium in the amount of \$2,750 for MOJA Festival Events (56 Beaufain Street)
- (Request authorization for the Mayor to execute an easement agreement, together with the appropriate easement drawing, under which the City will grant an easement for the relocation of a transformer and appurtenant facilities and equipment to Dominion Energy South Carolina, Inc. on the City's property commonly known as the Riley Waterfront Park, designated as Charleston County TMS No. 458-09-04-051. The Mayor will be authorized to execute the easement and drawing without further action by City Council upon approval of the final form of the agreement by Corporation Counsel.
- (Request approval of the Amendment to Greenbelt Grant Agreement Harbor Woods Tract whereby amending the January 26, 2009 Grant Agreement between the County of Charleston and City of Charleston to convey a .01-acre portion of the Harbor Woods tract and release it from the Greenbelt deed restrictions. **(Councilwoman Jackson voted nay.)**
- (Approval to authorize the Mayor to execute the Agreement of Purchase and Sale between the City of Charleston and Christina Ford Williams for the sale of 931 Fifth Avenue for \$174,837. Ms. Williams will receive \$50,000 in downpayment assistance from the City of Charleston, invest \$2,500 of her own funds, secure lender financing of \$119,837 and receive closing cost assistance from the Federal Home Loan Bank. This property is one of 7 new houses recently constructed in the Ashleyville-Maryville neighborhood and is targeted to individuals and/or families earning up to 80% of the Area Median Income. The property is deed-restricted, subject to the City of Charleston Single Family Affordable Housing Restrictive Covenants with an affordability period of 90 years. (TMS: 418-07-00-173; 931 Fifth Avenue) [Ordinance]
- (Approval to rescind Ordinance 2019-048 authorizing the sale of 919 Sycamore Street to Ms. Fredericka Ravenell [Ordinance]
- (Approval to authorize the Mayor to execute the Agreement of Purchase and Sale between the City of Charleston and Katrina L. Snow for the sale of 919 Sycamore Street for \$196,237. Ms. Snow will receive \$45,000 in downpayment assistance from the City of Charleston, secure lender financing of \$145,000, invest \$6,500 of her own funds for principal reduction and closing costs. This property is one of 7 new houses recently constructed in the Ashleyville-Maryville neighborhood and is targeted to individuals and/or families earning up to 80% of the Area Median Income. The property is deed-restricted, subject to the City of Charleston Single Family Affordable Housing Restrictive Covenants with an affordability period of 90 years. (TMS: 418-11-00-239; 919 Sycamore Street) [Ordinance]
- (Approval to rescind Ordinance 2019-045 authorizing the sale of 839 Minnie Street to Ms. Renee Fleetwood Lewis [Ordinance]; and

- (Approval to authorize the Mayor to execute the Agreement of Purchase and Sale between the City of Charleston and Cody Edward Shealy for the sale of 839 Minnie Street for \$201,637. Mr. Shealy will receive \$50,000 in downpayment assistance from the City of Charleston. Mr. Shealy will also apply for \$10,000 loan and \$2,000 in grant funds from the City's Employer Assisted Housing Program. This property is one of 7 new houses recently constructed in the Ashleyville-Maryville neighborhood and is targeted to individuals and/or families earning up to 80% of the Area Median Income. The property is deed-restricted, subject to the City of Charleston Single Family Affordable Housing Restrictive Covenants with an affordability period of 90 years. Mr. Shealy is an employee of the City of Charleston. (TMS: 418-11-00-074; 839 Minnie Street) [Ordinance]
- (Request authorization for Mayor to execute an easement agreement, together with appropriate easement drawing, under which the City will grant a permanent easement to Flyway, LLC, at property designated as Charleston County TMS Nos. 458-09-02-068, to install, maintain, replace and repair certain personal property servicing the grantee's property. (TMS: 458-09-02-068; adjacent to City parking structure and to 5 Cumberland Street)
- (Request authorization for the Mayor to accept a Proposal for Voluntary Cleanup Contract ("VCC") Services (Revision 1) Housing Parcel (VCC 17-6523-NRP) and Lowcountry Low Line (VCC 17-6524-NRP) from S&ME, Inc., relating to that certain parcel, containing 0.71 acres, more or less, located at the southern terminus of F Street (Charleston County TMS No. 4600404118) and the former railroad right-of-way purchased by the City from Norfolk Southern and to execute the attached Agreement for Services with S&ME, Inc., as a sole source provider, for a total fee of not to exceed \$76,945, said fee not to be exceeded without prior City Council approval. Funding will come from the 2018 Recreation Bond (\$51,980) and Franchise Fee (\$24,965).
- (Acceptance of a 2019 Charleston County Greenbelt Grant award for the purchase of an 0.46-acre waterfront property on James Island (Brantley Park). The award is \$467,000 in 'Urban' Greenbelt funds, with \$233,500 from the City of Charleston's allocation, and \$233,500 from the Town's allocation. The total purchase price of the property is \$500,000, with the balance of the funds to be provided by the Town of James Island. The City of Charleston will own the property, and the Town will be responsible for developing and operating the facility.
- (Request approval of a Termination of Lease between 160 St. Phillips St., LLC and the City pertaining to the parcel of land at the northeast corner of Morris and St. Phillip Street (TMS: 460-12-02-54), currently leased by the City for parking use.
- (Consider the following annexation:
-2591 Morning Dove Lane (TMS#355-05-00-132) 0.28 acre, West Ashley (District 2). The property is owned by Samuel and Kelley Mosley
- (Executive session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice relating to matters covered by the attorney-client privilege regarding the development plan for Ackerman Park, located at 55 Sycamore Avenue, in West Ashley, including possible need to condemn right-of-way easement for access to Park. Upon returning to open session, the Committee may take action on matters discussed in executive session.

First reading was giving to the following bills:

An ordinance establishing the Morrison Drive Redevelopment Project Area; making certain findings of blight within the Redevelopment Project Area; designating and

defining redevelopment projects consisting of public improvements within the Redevelopment Project Area; designating appropriate redevelopment project costs; approving an overall redevelopment plan; providing for notice and public hearing in connection with the foregoing; and other matters related thereto.

An ordinance to amend Article III (Stormwater Management Utility) of Chapter 27 (Stormwater Management and Flood Control) of the Code of the City of Charleston, South Carolina, by eliminating the "Homestead Exemption" in Sec. 27-140(a), applicable to the payment of Stormwater Utility Fees; by deleting Sec. 27-132(j), (k), and (l), which contain certain findings associated with the adoption of the "Homestead Exemption" with respect to Stormwater Utility Fees; and to provide that the elimination of the "Homestead Exemption" in Sec. 27-140(a) shall not apply until January 1, 2020.

An ordinance authorizing the Mayor to execute on behalf of the City of Charleston ("City") an Agreement of Purchase and Sale, in which the City agrees to sell to Christina Ford Williams the property located at 931 Fifth Avenue (Charleston County TMS No. 418-07-00-173) (West Ashley) (Maryville/Ashleyville) for \$174,837.00, with Williams to receive \$50,000.00 in down payment assistance from the City of Charleston, invest \$2,500.00 of her own funds, and secure lender financing of \$122,337.00 and closing cost assistance from the federal home loan bank, subject to the City of Charleston Single-Family Affordable Housing Restrictive Covenants, with an affordability period of ninety (90) years and also subject to a declaration of cross access and utility easements for Lot 473a, Lot 473b, and Lot 473c, Ashleyville, recorded in Deed Book 0807 at Page 342 in the Register of Deeds Office for Charleston County, South Carolina.

An ordinance repealing Ordinance No. 2019-048 and authorizing the Mayor to execute on behalf of the City of Charleston ("City") an Agreement of Purchase and Sale, in which the City agrees to sell to Katrina L. Snow the property located at 919 Sycamore Avenue (Charleston County TMS No. 418-11-00-239) (West Ashley) (Maryville/Ashleyville) for \$196,237.00, with Snow to receive \$45,000.00 in down payment assistance from the City, invest \$6,500.00 of her own funds for principal reduction and closing costs, and secure lender financing for the balance of the purchase price, subject to the City of Charleston Single-Family Affordable Housing Restrictive Covenants, with an affordability period of ninety (90) years, and also subject to a permanent, perpetual, and appurtenant private sewer line easement to be retained by the City of Charleston for the benefit of the adjacent property located at 915 Sycamore Avenue (TMS No. 418-11-00-205), owned by the City.

An ordinance repealing Ordinance No. 2019-045 and authorizing the Mayor to execute on behalf of the City of Charleston ("City") an Agreement of Purchase and Sale, in which the City agrees to sell to Cody Edward Shealy the property located at 839 Minnie Street (Charleston County TMS No. 418-11-00-074) (West Ashley) (Maryville/Ashleyville) for \$201,637.00, subject to the City of Charleston Single-Family Affordable Housing Restrictive Covenants, with an affordability period of ninety (90) years.

An ordinance to provide for the annexation of property known as 2591 Morning Dove Lane (0.28 acre) (TMS# 355-05-00-132), West Ashley, Charleston County, to the City

of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 2. The property is owned by Samuel and Kelley Mosley.

Mayor Tecklenburg said, "Next, bills up for third reading. Councilmember Waring, did you want to make a motion?"

Councilmember Waring said, "I'll move for deferral."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Deferral or withdrawal? You said you would withdraw."

Councilmember Waring said, "No, I said defer it. I didn't say withdraw it."

Mayor Tecklenburg said, "You did say that, but--"

Councilmember Waring said, "No. If I said that, I was mistaken. I said I wanted those people to be able to come to the meeting, and I said the September meeting, so I defer until September."

Mayor Tecklenburg said, "Alright. We have a motion to defer and a second. May I add that I've requested that when we have our workshop meeting that we have a public hearing, as well, which will allow the public to come?"

Councilmember Moody said, "At the workshop."

Councilmember Waring said, "That would be fine with me. Great idea."

Mayor Tecklenburg recognized Chip McQueeney.

Mr. McQueeney said, "I did want to point out, this is up for third reading. Under our ordinances, you can only amend on third reading by giving prior notice or by unanimous consent and, I think, the discussion when we went over the agenda is whether or not you could repeal second reading or do something along those lines, so that you can make amendments without having to follow the unanimous consent or the prior notice provisions. That was kind of the main reason, I think, that this stayed on the agenda. I don't think anybody expected it to get third reading, especially since it says it's effective August 1, 2019, and we can't put into effect August 1, 2019 but, I think, that was kind of the only issue is how you're going to address the amendment."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. The idea of having public comment at the workshop should allow us that time to give public notice to the extent there is going to be any change, right? So, that's actually a pretty good procedural way to do it. So, we won't need unanimity, but we'll have plenty of time to give notice to put it back because I suspect there will be some changes."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I would just request that as we format the agenda for the workshop/public hearing that we have the workshop portion first and then let the public be heard, so that we are all hearing the same set of parameters, factual information, and basically get to the same baseline. I think that was the reason we wanted to have the workshop in the first place because we were talking from different levels of understanding and confusing ourselves. So, I think, to do justice to the public that we should invite them to come hear from experts and our own

discussion and reaction to what we are learning and then let the public speak to us before we would decide to take a vote on anything.”

Mayor Tecklenburg said, “Alright. Is there any further discussion?”

No one else asked to speak.

Mayor Tecklenburg said, “We have a motion to defer.”

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

*An ordinance amending Chapter 27 of **the Code of the City of Charleston**, by amending Flood Hazard Prevention and Control Requirements in Section 27-117 to increase the Freeboard Requirement from one foot to two feet, effective August 1, 2019 **(AS AMENDED)(DEFERRED)***

Mayor Tecklenburg said, “Next bills up for second reading.”

Councilmember Griffin said, “Move to take M-1 through M-9.”

Councilwoman Jackson said, “Second.”

Mayor Tecklenburg said, “We have a motion to take M-1 through M-9 together. Is there any discussion on any of those items?”

No one asked to speak.

On a motion of Councilmember Griffin, nine (9) bills (Items M-1 through M-9) received second reading. They passed second reading on motion by Councilwoman Jackson and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Waring, the rules were suspended, and the bills were immediately ratified as:

2019-065 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS CLEMENTS FERRY ROAD (16.40 ACRES) (TMS# 275-00-00-005), CAINHOY, BERKELEY COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 1. THE PROPERTY IS OWNED BY IVO SANDS LLC.

2019-066 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 200 SPRING STREET (PENINSULA) (0.422 ACRE) (TMS# 460-11-01-011) (COUNCIL DISTRICT 3), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY 200 SPRING STREET DEVELOPMENT LLC.

2019-067 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 214 AND 216 SPRING STREET AND A PORTION OF 31½ ASHTON STREET (PENINSULA) (APPROX. 0.422 ACRE) (TMS# 460-11-01-016, 017 AND A PORTION OF 037) (COUNCIL DISTRICT 3), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING

(MU-2/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY BERGLAND INVESTMENTS LLLP.

- 2019-068** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 404 WOODLAND SHORES ROAD (JAMES ISLAND) (0.50 ACRE) (TMS #343-11-00-104) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON JUNE 18, 2019, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY NATHANIEL WEST.
- 2019-069** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2154 WAPPOO DRIVE (JAMES ISLAND) (0.24 ACRE) (TMS #343-06-00-185) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON MAY 28, 2019, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY TYLER COX AND GRAHAM COX.
- 2019-070** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON ("CITY") A TRANSFER AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO CONVEY REAL PROPERTY LOCATED AT 105 HANOVER STREET (CHARLESTON COUNTY TMS NO. 459-05-01-077) TO CHARLESTON COUNTY HUMAN SERVICES COMMISSION, DOING BUSINESS AS PALMETTO COMMUNITY ACTION PARTNERS, FOR \$68,090.95, FOR THE DEVELOPMENT OF AFFORDABLE RENTAL HOUSING, SUBJECT TO THE CITY'S HOME INVESTMENT PARTNERSHIPS PROGRAM GUIDELINES.
- 2019-071** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2951 BOLTON ROAD (0.32 ACRE) (TMS# 307-10-00-044), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 5. THE PROPERTY IS OWNED BY JOSHUA L. BETTINGER AND SHELBY R. WALLS.
- 2019-072** AN ORDINANCE TO AMEND THE FEE SCHEDULE FOR BUILDING AND TRADE PERMITS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT I, BY PROVIDING AN AMENDED DEFINITION FOR PLAN REVIEW FEE, BY PROVIDING A NEW FEE FOR PLAN REVISION REVIEW AND BY PROVIDING FOR ADDITIONAL PERMIT FEES ASSOCIATED WITH PLAN REVISIONS FOR UPDATED PROJECT SCOPE OF WORK THAT RESULT IN INCREASED CONSTRUCTION COSTS.
- 2019-073** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1707 MCLEOD AVENUE (0.46 ACRE) (TMS# 424-09-00-155), 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 MSA HOLDINGS LLC.

Mayor Tecklenburg said, "Now, finally, I want to thank some of our guests here for their patience. We now have an ordinance to amend the Zoning Ordinance regarding the Epic Center in West Ashley."

Councilmember White said, "Mr. Mayor, I think we've got to go back and handle that Clements Ferry Road property on the annexation."

Mayor Tecklenburg said, "Right. So, we just approved the annexation of the property on Clements Ferry Road. What number was that?"

Councilmember White said, "Well, I think we now have to take up the zoning."

Mayor Tecklenburg said, "Right. I'm just trying to refer to it. So, let's go back real quick to--"

The Clerk said, "We're going back to number six."

Mayor Tecklenburg said, "Number six on the public hearings. Now we can approve the zoning since they are now in the City for second reading. Do I have a motion to approve E-6?"

Councilmember Lewis said, "So moved."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Lewis, one (1) bill (Item E-6) received second reading. It passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Shahid. On further motion of Councilmember Waring, the rules were suspended, and the bill was immediately ratified as:

2019-074 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY ON CLEMENTS FERRY ROAD (CAINHOY) (APPROXIMATELY 16.40 ACRES) (TMS #275-00-00-005) (COUNCIL DISTRICT 1), BE ZONED RURAL RESIDENTIAL (RR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY IVO SANDS LLC.

Mayor Tecklenburg said, "Now, we have a presentation on a Planned Unit Development, a wonderful revitalization effort for West Ashley. Who would like to make the presentation on this? I would like to also invite the owner to make comments if they would like. Mr. Lindsey."

Jacob Lindsey said, "Mr. Mayor and Councilmembers, I'm going to speak very briefly on this matter. I think it's safe to say that this is the culmination of many years of effort on part of both the City, as well as the owners, to bring forward the new zoning to the Citadel Mall. This is a very impressive document, and it gives some flexibility to the owners to achieve their revitalization and redevelopment efforts. We know that there will probably be some work to be done in the future. On this PUD as it makes its way through the Planning Commission, however, we are overall very excited with the content. With that, I'll keep it brief and leave it to the applicants if they want to add any additional information."

Mayor Tecklenburg said, "I'm sorry. I was signing, and I wasn't paying close attention."

Mr. Lindsey said, "I just said, Mayor, that this indeed gives tremendous flexibility to the project moving forward, and we think that's a wonderful thing that helps to accomplish all of our revitalization goals. With that, if there's any additional, specific information, I'll look to the applicants to answer questions."

Mayor Tecklenburg said, "Mr. Bullwinkel."

George Bullwinkel said, "Mr. Mayor and Council, my name is George Bullwinkel, an attorney with Nexsen Pruet, working with the applicant. ABC Engineering is here, as well as the applicant and the owners of the property. I will be brief. You all have had a long meeting. We had a good time working with your staff. It is flexible. We think it's consistent with the Revitalization Plan. We look forward to going to the Planning Commission tomorrow night before having a presentation September 11th, I believe, the Revitalization meeting and coming back and answering any questions. If there are any questions tonight I can answer, I would be more than happy to do so."

Mayor Tecklenburg said, "Mr. Davis, would you like to make any remarks?"

Richard Davis said, "No, I'm good."

There was laughter in the Chamber.

Mr. Davis said, "First of all, I just want to remind everybody that this property was put out for a bid process in New York City. There are 14 institutional capital bidders and myself, and we were fortunate to get it in local hands for the first time since I've been building. So, we came to the City and said, 'Okay, we've got this in local hands, what do you want to do?' We've worked two and a half years side by side with the staff and with Council. So, we're excited about what we have. Do we have any engineering comments?"

The Engineers said, "No."

Mr. Davis said, "That's all I've got."

Councilmember Griffin said, "Thank you for sitting through our meeting."

Mayor Tecklenburg said, "We've got a question from Councilmember Gregorie."

Councilmember Gregorie said, "It's a Planned Unit Development, right? It's a PUD."

Mr. Davis said, "It's a PUD."

Councilmember Gregorie said, "Have you guys had any discussion with respect to the Aquarium being a part of the overall revitalization of that area? Not the Aquarium, I'm sorry, the Aquatic Wellness Center."

Mr. Davis said, "Yes."

Councilmember Gregorie said, "Could you give me just a few ideas of where you are on that?"

Mr. Davis said, "Well, I can just say this. We have been asked to be open minded about it. We've posted it eight or nine times, and we said, 'when you get your funding, come back, we'll find your space.' We haven't heard from them in a while."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilwoman Jackson and Councilmember Waring.

Councilmember Shahid said, "Mr. Mayor, I just want to point out my deep appreciation for the applicants and what they've done. They noted this in their summary, how much they've worked with City staff and the West Ashley Revitalization Commission. The Plan West Ashley book seems like a page out of this, and I just want to add this other comment that I remember going to a meeting that was held back, I think, in 2014, at West Ashley High School when this issue about Citadel Mall came up. It was a City generated idea of what to do with the Mall, and it was totally different from what we've seen here in which the City had made some implications as to what they wanted done with the mall without involving the owners, and the owners were upset with how that process was ongoing. This is the exact opposite. This is the owners coming forward, meeting with you, meeting with Planning Department, meeting with the West Ashley Revitalization Commission. This has been an effort that's been worked in tangent with every aspect of City government. I know they met with many members of City Council, including me, and I just want to tell you thank you. The vision on this is tremendous. This is the revitalization of West Ashley. The editorial in the paper said, 'Time for West Ashley to shine.' This is an example of what shining is going to look like. I just want to tell you thank you for the work that you all have done and the efforts that you have put into this and the vision that you have is right on point. So, thank you."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Waring.

Councilwoman Jackson said, "Thank you, gentlemen, for joining us and sitting through this meeting. I feel like I was probably the only person in Charleston that wasn't at the gathering meeting that you had last week as you walked into the public hearing. So, I knew that it was a very important and fully worked opportunity for all of us to do something amazing in a place that we've obviously been looking forward to through the whole West Ashley Revitalization Study. I live on James Island, so when you get done over there you can come over to James Island and make Folly Road beautiful. That would be amazing, as well. I guess you will hear as you go forward with your more detailed plans for the development, I'm trying to make myself into, as much as I can, a lay person who is highly educated about the opportunities that we have here in Charleston to be a model for all of the redevelopment and the retrofitting of stormwater management, that involves green infrastructure and the practices that people in this area are educating themselves as citizens. If you continue to hang around with us, you will hear from people out of all of the neighborhoods that are really studying how their water flows and how they want to be proud of protecting their neighborhoods from infill development, in particular. You're obviously in a place where infill, I mean, you're creating the atmosphere, so you're not trying to stick yourselves into the middle of something very constraining. You will be creating a whole new atmosphere for us. So, I guess on that basis I'm very hopeful. I like that the page 10 just sort of ends on an open-ended 'to be studied, to be discussed, to be worked through.' I think we have amazing water specialists that are flocking to Charleston to try to help the Lowcountry be resilient. So, I'm looking forward to everything that you could do to potentially retrofit the Citadel Mall into a place that has a lot more green, a lot more water, a lot more of what we hope for the whole Lowcountry in the future. So, thanks for that."

Mr. Davis said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Davis, for your team coming through with this one. Mr. Davis has been open on this, prior to even getting the bid. He was probably one of

the most excited people in this town to have the opportunity to bid on it, and he has been open about the Natatorium. But, I like to concentrate on successes that are ongoing. Getting that Medical University division over there is going to make a huge difference. Basically, you're going to have people on the sidewalk, create traffic over there, and now with the HBO division over there in the old Sears building, that's really thinking out the box. So, this is, I'm proud to say, in the district that I'm pleased to represent. A number of years ago we passed a TIF, and the TIF didn't generate a lot of the money, but it's a catalyst, just like this, that will eventually cause that TIF to generate funds. For West Ashley, this is our Charleston Place. You all remember when Charleston Place was an open field? You could look straight across from Meeting Street to King Street, and you had where Hyman's Seafood is, it's hard to imagine, we didn't call them homeless back then, but we had the term 'Hobos' that used to live in those shell buildings. Nobody can imagine that today. This is the opportunity we have if we invest along with Mr. Davis and his team, his wife, don't want to leave his wife out. So, we really appreciate what you're doing over there and certainly stand ready to help."

Mr. Davis said, "Thank you."

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

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Just a couple of specific questions, under parking and loading requirements recognizing there is a sea of parking lots right now, so it seems odd to even make this statement, but I'm trying to make a statement sort of being a little bit more forward thinking. It specifically states, and it says REA Agreement Parking Standards or the property has currently got that. Can you help me understand what that is? Because it goes further and says 'but there will be no minimum or maximum parking standards in the EPIC Center. Parking standards and loading requirements will be addressed by design principles. So, I just want to understand what REA is and stands for because it's in the PUD in a number of cases throughout, including down further it talks about all of these spaces and that it will be overseen again by the same. Is that an entity, or what exactly is that?"

Mr. Bullwinkel said, "Yes, sir. That's right. REA stands for Reciprocal Easement Agreement, and as you would imagine, it's the easement agreement throughout all of the Citadel Mall property, all approximately 90 acres, so every property owner is a participant. So, you can almost think of it if you want to in layman's terms it's almost like a Homeowner's Association on steroids. We've been working with Ms. Cantwell and Chip going through that agreement. At the end of the day, that is going to govern the redevelopment of Citadel Mall once we've set the standards. So, there will be things that we'll have to go back to all of the stakeholders and owners and Target to work out with them, but we have to go ahead and get the framework done and the vision of the City to then go into detail with them before coming forward with development plans."

Councilmember White said, "So, who are all the owners that are part of that REA, or do you know off the top of your head? I'm just curious. Obviously, Mr. Davis controls a significant portion of that, but I'm assuming there are other entities."

Mr. Bullwinkel said, "There are. The major stakeholders obviously would be Belk, Target, and Dillards are the major entities, if I'm correct."

Councilmember White said, "Okay. The other thing that I was going to ask, I think what I heard was this will going to the West Ashley Revitalization Committee after it goes through Planning. Is that the expectation?"

Mr. Bullwinkel said, "Yes. September 11th."

Councilmember White said, "So, the only question I had around that is, it almost seems like to me this probably should have gone to the West Ashley Revitalization Committee first, then come to this body because they could have given input directly because they're going to have input. So, to have gone through that exercise it just seems like it might have gone in the wrong direction process-wise. So, I didn't know if there was a reason that that was done that way or not? I know they were involved in some discussions, but they hadn't seen this specific PUD, so that was the question."

Councilmember Shahid said, "Councilmember White, we did have that very same discussion about whether or not this should go first in front of the Revitalization Commission. So, we wanted to get this on the agenda for Council and get it up for first reading. It's going to go through numerous review processes like they're going to go through the Planning Commission, and it will come through the Revitalization Commission. We'll hold a public comment period on it, as well, so we'll come back with reports to the full Council following those meetings. So, we are anticipating getting comments from the public and from the Commission members as to the details that they're going to submit to us if that's appropriate."

Mayor Tecklenburg said, "So, it goes to the Planning Commission where there will be public comment. It goes to the WARC where there will be public comment, and then it comes back to City Council for a public hearing. So, there are three opportunities yet for public comment."

Councilmember White said, "I get all of that. I guess my point is, is that the West Ashley Revitalization Commission was put together specifically for the revitalization. This is a bookend to the revitalization of West Ashley. It's certainly one of the most important projects that will happen as far as being a launch pad for the revitalization of that community, and they're going to have input. They're going to want to give input, and that means that it's going to morph and change. So, it just seems like to me it should have probably gone there first, so that you don't have to come back and go over this exercise two and three times. It just seems like there would have been a better, more formulaic process to this, so it came to us fairly fully baked at the end."

Mr. Davis said, "We have followed what they laid out exactly. We waited eight months. You guys paid \$600,000 for a report that we waited on, and we followed it. So, I know where you're coming from, but this is not the first time you've seen it. They basically helped write it, if you will."

Councilmember White said, "I guess my only concern is, as important as this will be to the redevelopment and revitalization of West Ashley and, I think, I won't speak for everyone but, I think, everybody would probably agree it's much more important to get it right than get it done quick."

Mr. Davis said, "Quick?"

There was laughter in the church.

Mr. Davis said, "No, seriously."

Councilmember White said, "So, I hear you. I guess my point is I just want to make sure that as this comes forward that everybody recognizes, and that it's fully baked as it can get when it's going through this process and not going to have to go through about six or seven different iterations and slow down once again, and get deferred because somebody doesn't like what they saw. I've seen this happen over and over again, and it's what happens. It gets to a public realm, it gets comments, it comes back, and all of a sudden it starts to stall out, and it takes it as deferred for maybe, how many pages of deferred items have we got? Again, it is what it is. It's going to

move forward in the process it's in. I just feel like that maybe it didn't go through the exact process it could have gone through, but we are where we are."

Mayor Tecklenburg said, "Alright. Are there any other comments?"

Councilmember Seekings said, "Yes, sir, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Very briefly. Thank you all very much for doing this. I know it's been a long road, and there is still a long road ahead. So, a couple of things, by the way, have you ever been out to the Citadel Mall and seen what's going on out there, especially if you're looking inside out? It's pretty cool. They've got a movie studio, they've got MUSC coming, they're really looking at transit-oriented development, they're looking at health and wellness initiatives, they're looking at families around town, and they're looking at entertainment. I want to make sure, Jacob, to sort of grip on with Mr. Davis' observations, that when this thing goes to the Planning Commission tomorrow, this PUD includes everything and all of the flexibility that they're going to need going forward. You and I have talked about this in the land and the days of anti-hotel development, are they going to be in or out Hotel Overlay Zone? Are they going to be able to build accommodations out there?"

Mr. Lindsey said, "Is it--"

Councilmember Seekings said, "It's not on here."

Mayor Tecklenburg said, "Come get this one."

Mr. Lindsey said, "So, the way that our system is currently structured is that in order to build a hotel, you need to be in the Accommodations Overlay. This property is not presently in the Accommodations Overlay. The PUD itself, of course, would allow it to be used just like any PUD as it's specifically called for. So, the way it currently works is that they would, in fact, have to go into the Accommodations Overlay. However, that can be modified by a PUD should that be the desire of Council or the Planning Commission to go forward."

Councilmember Seekings said, "I just, again, sort of to keep coming back and keep coming back, I do think part of your plan, and I know there are still some things to be talked about, is to have the Accommodations use out there. I just want to make sure, as we go through this process, when it gets back here finally, they've got everything they need. They've got some density, making it transit oriented, they can do Accommodations and go tall, and all of the things they want to do to make sure this is the best 100 acres it can be, plus or minus, which it needs to be. So, let's just make sure that it's all right when it gets back here, and they don't get caught in the crossfire of what we're about to do in September."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. Davis, I'm just so proud and honored at what you're doing over here. This is the best the Citadel Mall has ever looked, even right now, because we can see the light at the end of the tunnel. I just want to make sure, you've done such a great job and been so receptive and having your ears open, that's with getting first reading and ultimately second reading, you're going to keep doing that, right? There are some concerns, generally from people West of the Ashley, about very high density. So, I think that's going to be one thing that you're going to hear people say is, 'Well, how high are you going to go and that sort of thing', because right now you have a lot of options in this PUD. It's going to continue to develop, and it's going to get stronger, but you have a lot of room to work with right now. Are you going to continue to be part of that conversation and be working with residents and that sort of thing?"

Mr. Davis said, "Absolutely."

Councilmember Griffin said, "Well, I think you're an honorable and trustworthy guy, so I'm going to support this wholeheartedly. I just hope that we can all continue to have this dialogue because that truly is, like Councilmember White said, that is really a gateway to West Ashley, and we really only get one shot at this thing. I know you're going to do a good job of making sure this is a long lasting trademark for West Ashley, no pun intended."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I just want to add to make sure we're all clear on this as to what they have done. They have taken the page out of the Plan West Ashley Study, so they have already modeled this as to what the Revitalization Commission is concerned about, which the Revitalization Commission unanimously approved the passage of the Plan West Ashley. So, we're all on board. We're already consistent with what we've been talking about and where we're headed, and all of these other processes and all of these other Commissions and Boards will be vetted through the other particulars of this project."

Mayor Tecklenburg said, "Are there any further comments?"

Councilmember Wagner said, "No, a question, one quick question. The Revitalization Committee, have they gone through the Mall before, actually talked to you and come see?"

Councilmember Shahid said, "We could."

Councilmember Wagner said, "I know at one point in time you all were going to come over, the Revitalization Committee, three or four months ago, and then it never happened. So, I was kind of wondering--"

Councilmember Shahid said, "We're going to take it up on September 11th."

Councilmember Wagner said, "Okay. It's going to be over at the mall, or is it going to be elsewhere?"

Councilmember Shahid said, "I think we'll be at the Mall."

Mr. Davis said, "Yes, that's what we're hoping for."

Councilmember Wagner said, "Okay."

Mayor Tecklenburg said, "The meeting on the 11th will be at the EPIC Center."

Mr. Davis said, "Yes, sir."

Mayor Tecklenburg said, "Alright. Is there any further discussion for the first reading of this PUD?"

No one else asked to speak.

The Clerk said, "We need a motion?"

The Assistant Clerk said, "There was no motion."

Councilmember Waring said, "No, he moved."

Mayor Tecklenburg said, "We had a motion I thought."

Councilmember Shahid said, "I move."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Don't leave yet. We've got three more items."

On a motion of Councilmember Shahid, seconded by Councilmember Waring, 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 property located at Sam Rittenberg Boulevard and Orleans Road (Epic Center PUD – West Ashley) (approximately 53.029 acres) (TMS #310-04-00-009, 351-05-00-043, 351-05-00-044, 351-09-00-015 and 351-09-00-053) (Council District 7), be rezoned from General Business (GB) classification to Planned Unit Development (PUD) classification. The property is owned by TMP SRE I LLC, TMP SRE II LLC, and TMP SRE III LLC.

Mayor Tecklenburg said, "Thank you for your patience. Next--"

Councilmember Griffin said, "Move to take M-2 through M-4 together."

Mayor Tecklenburg said, "We've got a motion to take M-2 through M-4 together. Do we have a second?"

Councilmember Shahid said, "Second."

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

No one asked to speak.

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

An ordinance to amend Chapter 29, Article VI, Sec. 29-240 of the Code of the City of Charleston pertaining to the procedure of accident reporting.

An ordinance to amend Chapter 29, Article IV, Sec. 29-96 of the Code of the City of Charleston to update language regarding insurance requirements for private passenger automobile tours

An ordinance to amend Chapter 29, Article I, Sec. 29-2 of the Code of the City of Charleston to update the definition of private passenger automobile.

Mayor Tecklenburg said, "Our next Regular Meeting of City Council will be Tuesday, September 10 at 5:00 p.m. back at City Hall. Thank you everyone for your patience and endurance."

Councilmember Shahid said, "Move for adjournment."

There being no further business, the meeting was adjourned at 8:49 p.m.

Vanessa Turner Maybank
Clerk of Council