

City Hall  
80 Broad Street  
December 18, 2018  
5:00 p.m.

## CITY COUNCIL

### A. Roll Call

### B. Invocation – Councilmember Shealy

### C. Pledge of Allegiance

### D. Presentations and Recognitions

1. Presentation on the City of Charleston Trident United Way and American Red Cross Campaigns and announcement of Southwest Airlines tickets winner – Russell Binder

### E. Public Hearings

1. An ordinance to adjust the boundary line between the City of Charleston and the Town of James Island as it pertains to certain property owned by the James Island Public Service District located at 1104 Folly Road, Charleston, SC 29412 and designated as TMS Parcel No. 425-09-00-007. **(SECOND READING)**
2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 52 Line Street (Peninsula) (approximately 0.90 acre) (TMS #459-05-03-139) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Norfolk Southern.
3. 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 on F Street (Peninsula) (0.71 acre) (TMS #460-04-04-118) (Council District 4), be rezoned from unzoned right-of-way to Mixed-Use/Workforce Housing (MU-1/WH) classification. The property is owned by the City of Charleston.
4. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 89 Romney Street (Peninsula) (0.10 acre) (TMS #463-16-02-005) (Council District 4), be rezoned from Diverse Residential (DR-1F) classification to Residential Office (RO) classification. The property is owned by Mary A. Boags Life Estate.
5. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2026 Clements Ferry Road (Cainhoy) (30.50 acres) (TMS #271-00-01-035) (Council District 1), be rezoned from Light Industrial (LI) classification to General Business (GB) classification. The property is owned by Clements Ferry Properties LLC.

6. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 217 Ashley Avenue (Peninsula) (0.33 acre) (TMS #460-11-04-080) (Council District 6), be rezoned from Diverse Residential (DR-2F) classification to Limited Business (LB) classification. The property is owned by Trust of Robert J. Lowe, Jr. & Trust of Gwendolyn M. Lowe. ***(The Planning Commission recommends disapproval.) (DEFERRED)***
  
7. 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. **(SECOND READING)**
  
8. An ordinance to amend the Zoning Ordinance of the City of Charleston, by amending Ordinance No. 2016-005, establishing the Village at Fenwick Planned Unit Development Guidelines, so that property owned by 1776, LLC, located on Johns Island, in the City of Charleston, Charleston County, South Carolina, consisting of (1) approximately 12.645 acres on River Road (TMS No. 346-00-00-004); (2) approximately 22.91 acres on River Road and Maybank Highway (TMS No. 346-00-00-076); (3) approximately 4.947 acres (a portion of TMS No. 346-00-00-258); and (4) approximately 4.389 acres (a portion of TMS No. 346-00-00-259) (Council District 5) be subject to the Amended and Restated Planned Unit Development Guidelines for the Village at Fenwick. **(SECOND READING)**
  
9. An ordinance to amend Section 54-943(c) of the Code of the City of Charleston (Zoning Ordinance) to provide that, in case a proposed amendment, supplement, or change to the Zoning Ordinance or Zoning Map be disapproved by the Planning Commission, or in case of a valid protest by certain adjacent property owners to such proposed amendment, supplement, or change, that such amendment, supplement, or change shall not become effective except by the favorable vote of at least eight (8) of the members of City Council present and voting. **(SECOND READING) (The Planning Commission recommends disapproval; requires ¾ vote of Council.)**

**F. Act on Public Hearing Matters**

**G. Approval of City Council Minutes:**

1. November 27, 2018

**H. Citizens Participation Period**

**I. Petitions and Communications:**

**J. Council Committee Reports:**

1. Committee on Ways and Means:

(Bids and Purchases)

- (Police Department: Approval to establish a contract in the amount of \$158,556.26 for a Racial Bias Audit of the Charleston Police Department with the CNA Corporation, 3003 Washington Blvd, Arlington, VA 22201
- (Budget Finance and Revenue Collections: Approval of the Amended 2019 State Accommodations Tax Budget
- (Budget Finance and Revenue Collections: Approval of the Amended 2019 Hospitality Fee Budget
- (Approval of Year 2019 proposed Stormwater Utility Budget
- (Office of Cultural Affairs: Approval to apply for \$5,000 in funding from the Walmart Foundation Community Grant Program. Funds will be used to support outreach and festival programs off of the peninsula during the 2019 Piccolo Spoleto Festival. No City match is required.
- (Office of Cultural Affairs: Approval to accept funding from the Gaylord & Dorothy Donnelley Foundation Lowcountry Artistic Vitality Grant in the amount of \$60,000 to support programming of OCA Festivals through 2020. Due to time constraints, the grant conditions form was submitted on November 30, 2018. No City match is required.
- (Parks-Capital Projects: Approval of Louis Waring, Jr. Senior Center Change Order #14 to the Construction Contract with Howell & Howell Contractors, Inc. in the amount of \$48,668.56 for the repainting of the Nichiha outside panels to match the doors and gutters and the installation of a 2" conduit for site lighting and street lights. Approval of Change Order #14 will result in a \$48,668.56 increase to the Construction Contract with Howell & Howell Contractors, Inc. (from \$8,012,491.97 to \$8,061,160.53) The funding sources for this project are: 2012 General Fund Reserves, 2013 General Fund Reserves, 2014 General Fund Reserves and Capital Contributions from Roper St. Francis.
- (Public Service: Approval of Ashley Hall Manor Drainage Improvement Change Order #1 with Lowcountry Sitework, LLC, in the amount of \$5,600 for the rebuilding of an inlet to connect to the proposed outfall pipe and the use of flowable fill to close an existing driveway culvert. Approval of Change Order #1 will increase the Construction Contract by \$5,600 (from \$245,000 to \$250,600). Funding for this project is from the Drainage Fund.
- (Public Service: Approval of Spring-Fishburne US 17 Phase 4 Fee Amendment #17 with Davis and Floyd in the amount of \$505,688 to include additional design elements moved from Division IV, project enhancements, design revisions due to as-built conditions and other ancillary items, value engineering, mitigation support, and program administration. Fee Amendment #17 will increase the Phase 4 portion of the overall Professional Services Contract by \$505,688 (from \$879,065 to \$1,384,753). The funding source for this work is the State Infrastructure Bank (SIB), the Drainage Fund, and the King Street Gateway TIF. (DEFERRED)
- (Public Service: Approval of Spring-Fishburne US 17 Phase 4 Fee Amendment #18 with Davis and Floyd in the amount of \$6,831,772 to provide construction engineering and inspection (CEI) services to support the construction of the Phase 4 pump station wet wall and outfall. Fee Amendment #18 will increase the Phase 4 portion of the overall Professional Services Contract by \$6,831,772 (from \$1,384,753 to \$8,722,213). The

funding source for this work is the State Infrastructure Bank (SIB), the Drainage Fund, and the King Street Gateway TIF. *(DEFERRED)*

(Public Service: Approval of Spring-Fishburne US 17 Phase 4 Construction Contract with Conti Construction, Inc., in the amount of \$51,933,757 to construct the Pump Station, Wet Wall, and Outfall of the Spring-Fishburne Drainage Project. 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. The Construction Contract will obligate \$51,933,757 of the \$65,909,935.70 project budget. The funding sources for this work are the State Infrastructure Bank (SIB) (\$39,000,000), King Street Gateway TIF (\$8,500,000) and the Drainage Fund. (\$18,409,935.70). *(DEFERRED)*

(Public Service: Approval of Spring-Fishburne Drainage Improvements Phase 3 Change Order #5 to the Construction Contract with Jay Dee Construction in the amount of \$397,558.02 with the funds coming from the Owner's Contingency Cash Allowance resulting in a \$0.00 Change Order. Change Order #5 was for negotiated settlement for costs associated with additional work at the Lockwood Drive Access Shaft including mitigation of hydrogen sulfide gas and cement and chemical grouting at the site. Approval of Change Order #5 will obligate \$0.00 of the project budget. Costs for the change order (\$397,558.02) will come out of the approved Owner's Contingency Cash Allowance of \$2,000,000 (balance of OCCA for the project is \$1,259,154.50).

(An ordinance to amend Chapter 2, Administration, of the Code of the City of Charleston to provide that expenditures of proceeds from Municipal Hospitality Tax shall be reviewed and approved by the Ways and Means Committee of Council; to provide that expenditures of proceeds from Municipal Accommodations Tax shall be reviewed and approved by the Ways and Means Committee of Council; and to provide that use of funds in the Municipal Hospitality Tax Account shall be subject to City Council approval.

(Request authority for the Mayor to execute the attached Facilities Use Amendment between the City and Pure Theatre, the term of the Agreement for three years with two (2) additional one (1) year options. Pure Theatre will pay the City facility fee charges on single tickets sold and rental fees for use of facilities. The City will share in cost of improvements to Performance Hall, not to exceed \$37,500 over three-year period.(TMS: 460-11-04-155; 134 Cannon Street)

(Request authorization of the Easement agreement with South Carolina Electric and Gas Company for installation of underground electrical lines to facilitate the street lights on the new Elliott's Cut Drive through Bayview Soccer Field Park and electrical needs of the Bennett's Bluff neighborhood. (TMS: 428-00-00-040, 428-00-00-042 & 428-00-00-043; Fort Johnson Road and Elliott's Cut Drive) ***(To be sent under separate cover by the Real Estate Department)***

(An ordinance authorizing the Mayor to execute on behalf of the City a Lease between the City, as Landlord, and the International African American Museum, as Tenant, pertaining to property owned by the City Located at 10 Wharfside Street, Charleston, South Carolina 29401, known as the Charleston Maritime Center. ***(The Lease will be sent under separate cover by the Legal Department.)***

(Consider the following annexation:

- Three lots on Magnolia Road and Live Oak Avenue (TMS# 418-13-00-057, 418-13-00-292 and 418-13-00-293) 0.36 acre, West Ashley (District 9). The property is owned by Nathan C. and Michelle P. Hertel.

*Give first reading to the following bills from Ways and Means:*

An ordinance to amend Chapter 2, Administration, of the Code of the City of Charleston to provide that expenditures of proceeds from Municipal Hospitality Tax shall be reviewed and approved by the Ways and Means Committee of Council; to provide that expenditures of proceeds from Municipal Accommodations Tax shall be reviewed and approved by the Ways and Means Committee of Council; and to provide that use of funds in the Municipal Hospitality Tax Account shall be subject to City Council approval.

An ordinance authorizing the Mayor to execute on behalf of the City a Lease between the City, as Landlord, and the International African American Museum, as Tenant, pertaining to property owned by the City Located at 10 Wharfside Street, Charleston, South Carolina 29401, known as the Charleston Maritime Center.

An ordinance to provide for the annexation of property known as three lots on Magnolia Road and Live Oak Avenue (0.36 acre) (TMS# 418-13-00-057, 418-13-00-292 and 418-13-00-293), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 9. The property is owned by Nathan C. and Michelle P. Hertel.

**K. Bills up for Third Reading:**

1. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of Single Family Detached Affordable Housing as a conditional use within multiple base zoning districts. (DEFERRED)*

**L. Bills up for Second Reading:**

***(City Council may give second reading, order to third reading, give third reading, and order engrossed for ratification any bill listed on the agenda as a second reading.)***

1. *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.*
2. *An ordinance providing for the distribution of funds for fiscal year 2018 generated by the Municipal Accommodations Fee as required by Ordinance No. 1996-18.*

3. *An ordinance providing for the distribution of funds for fiscal year 2019 generated by the Municipal Accommodations Fee as required by Ordinance No. 1996-56.*
4. *An ordinance to make appropriations to meet the liabilities of the City of Charleston for the fiscal year ending December 31, 2019. (AS AMENDED)*
5. *An ordinance to raise funds for the fiscal year ending December 31, 2019 and to meet the appropriation of \$224,392,219 authorized by Ordinance 2018-\_\_\_\_\_ ratified the 18th day of December, 2018. (AS AMENDED)*
6. *An ordinance authorizing the Mayor to execute, on behalf of the City of Charleston, a Development Agreement between the City and 1776, LLC governing the development of properties owned by 1776, LLC, located on Johns Island, in the City of Charleston, Charleston County, South Carolina, consisting of the following tracts: (1) approximately 12.645 acres on River Road, designated as TMS No. 346-00-00-004; (2) approximately 22.91 acres on River Road and Maybank Highway, designated as TMS No. 346-00-00-076; (3) approximately 4.947 acres, being a portion of TMS No. 346-00-00-258; and (4) approximately 4.389 acres, being a portion of TMS No. 346-00-00-259.*
7. *An ordinance adopting a revised fee schedule for applications involving the Department of Planning, Preservation and Sustainability, according to the fee schedule attached hereto and incorporated herein by reference as Exhibit 1.*
8. *An ordinance to provide for the annexation of property known as 1415 S Edgewater Drive (0.72 acre) (TMS# 349-13-00-095), 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 11. The property is owned by Robert F. Kauffmann. (DEFERRED)*
9. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1415 South Edgewater Drive (West Ashley) (00.72 acre) (TMS #349-13-00-095) (Council District 11), be zoned Single-Family Residential (SR-1) classification. The property is owned by Robert F. Kauffmann. (DEFERRED FOR PUBLIC HEARING)*
10. *An ordinance to provide for the annexation of property known as 1389 River Road (10.94 acres) (TMS# 311-00-00-025), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Knapp A Partnership. (DEFERRED)*
11. *An ordinance to provide for the annexation of property known as 1381 River Road (1.28 acres) (TMS# 311-00-00-097), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Knapp A Partnership. (DEFERRED)*
12. *An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Part 17 – Upper Peninsula District pertaining to strengthening Workforce Housing. (DEFERRED FOR PUBLIC HEARING)*

13. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1335 King Street Extension (Peninsula) (0.37 acre) (TMS #464-14-00-079) (Council District 4), be rezoned from Light Industrial (LI) classification to Upper Peninsula (UP) classification. The property is owned by Joe Singleton. (DEFERRED)*
14. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1335 King Street Extension (Peninsula) (0.37 acre) (TMS #464-14-00-079) (Council District 4), be rezoned from the 2.5 Old City Height District classification to the 4-12 Old City Height District classification. The property is owned by Joe Singleton. (DEFERRED)*
15. *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 on King Street Extension and Montford Avenue (Peninsula) (0.10 acre) (TMS #464-14-00-080) (Council District 4), be rezoned from Single-Family Residential (SR-1) classification to Upper Peninsula (UP) classification. The property is owned by Horace A. Rooke. (DEFERRED)*
16. *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 on King Street Extension and Montford Avenue (Peninsula) (0.10 acre) (TMS #464-14-00-080) (Council District 4), be rezoned from the 2.5 Old City Height District classification to the 4-12 Old City Height District classification. The property is owned by Horace A. Rooke. (DEFERRED)*
17. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 141 Meeting Street and 174 King Street (Peninsula) (1.061 acres) (TMS #457-08-04-003) (Council District 1), be rezoned from General Business (GB) classification to Urban Commercial (UC) classification. The property is owned by SCE&G. (DEFERRED)*
18. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to remove residential uses, nursing and personal care uses, and school uses from the Light Industrial (LI) and Heavy Industrial (HI) Zone Districts. (DEFERRED)*
19. *An ordinance to close and abandon Kinlock Court, a City right-of-way, said right-of-way running westerly approximately 200 feet from meeting street to the Interstate 26 right-of-way; and to further authorize the Mayor to execute Quit Claim Deeds and any other necessary documents, approved as to form by the Office of Corporation Counsel, to the owners of those properties abutting each side of Kinlock Court, conveying to each owner one-half of the width of Kinlock Court as said Kinlock Court abuts each owner's property, subject to any and all easements or other matters of record. (DEFERRED)*

**M. Bills up for First Reading**

1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-206 and Section 54-207 to make parking for churches a conditional use within the Conservation and all Residential Zoning Districts
2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 295 Calhoun Street (Peninsula) (2.10 acres) (TMS #457-02-02-001) (Council District 8), be rezoned from Limited Business (LB) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification. The property is owned by the Medical University of South Carolina. (*DEFERRED*)
3. An ordinance to amend Chapter 21, Article II of the Code of the City of Charleston by adding a new Section 21-17 that prohibits building construction operations during certain hours. (*DEFERRED*)
4. 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 on Sheppard Street and Saint Philip Street (Peninsula) (approximately 0.69 acre) (TMS #460-04-04-078, 460-04-04-080 and 460-04-04-086) (Council District 4), be rezoned to include it in the Short Term Rental Overlay Zone (ST) classification. The property is owned by Lowcountry Marketing Group LLC. (*DEFERRED*)
5. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220 Accommodations Overlay Zone, by inserting language to preserve Mixed-Use Districts; prohibit the displacement of housing by accommodations and consider the effects of housing units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the housing units should be attached to an accommodations special exception approval; prohibit the displacement or reduction of office space by accommodations to be located within areas on the peninsula designated "A-1" on the Accommodations Overlay Zoning Map and on streets with office use as a predominant use; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on streets with ground floor, store front retail as a dominant use; and prohibit an overconcentration of accommodations units within areas on the peninsula designated "A-1" on the Accommodations Overlay Zoning Map (*DEFERRED*)
6. An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Part 17 – Upper Peninsula District pertaining to incentive options and particularly strengthening Workforce Housing; and by amending Sec. 54-201 (V), Base Zoning Districts to correct Upper Peninsula District; and by amending Article 3, Part 2, Sec 54-305 (B) pertaining to Upper Peninsula District; and by amending Article 3, Part 1, Sec. 54-301, Table 3.1 Height, Area and Setback Regulations, footnote 24, pertaining to correcting the Section number; and by amending Article 4, Part 4, Sec. 54-420, Table 1.2 allowed sign types by Zoning District to add Upper Peninsula District; and by amending Article 1, Part 1, Sec. 54-102 (b), Base



Zoning District Classifications to add Upper Peninsula District. (*DEFERRED*)

7. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Article 9 thereof a new part 8 providing for a Temporary Moratorium on the issuance of development permits for Residential (Single Family and Multi-Family) Development on John's Island (*DEFERRED*)

**N. Miscellaneous Business:**

1. Executive session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice concerning annexation litigation.
2. The next regular meeting of City Council will be Tuesday, January 8, 2019 at 5:00 p.m. at City Hall, 80 Broad Street.

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to [schumacherj@charleston-sc.gov](mailto:schumacherj@charleston-sc.gov) three business days prior to the meeting.