

City Hall
80 Broad Street
December 4, 2018
5:00 p.m.

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember White

C. Pledge of Allegiance

D. Presentations and Recognitions

E. Public Hearings

1. 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.
2. 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.
3. An ordinance to make appropriations to meet the liabilities of the City of Charleston for the fiscal year ending December 31, 2019.
4. An ordinance to raise funds for the fiscal year ending December 31, 2019 and to meet the appropriation of \$222,765,207 authorized by Ordinance 2018-_____ ratified the 18th day of December, 2018.
5. 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.

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. November 13, 2018
2. November 27, 2018 (*Deferred*)

H. Citizens Participation Period

I. Petitions and Communications:

1. STR Ordinance Update - Legal and Planning Departments

J. Council Committee Reports:

1. **Committee on Public Works and Utilities: (Meeting was held on Monday, December 3, 2018 at 5:00 p.m.)**

a. Miscellaneous Business (Action may or may not be taken on any of the below items):

- i. Update on the Calhoun West Drainage Project
- ii. Update on King and Huger Streets
- iii. Update on Orleans Woods
- iv. Status of Drainage Easement in Ardmore

2. **Committee on Ways and Means:**

(Recommendations of State Accommodations Tax Advisory Committee that met and approved both of the attached budgets on 11/9/18

- 2018 Amended State Accommodations Tax Budget
- 2019 Proposed State Accommodations Tax Budget

(Hospitality Fee Budget

- Approval of amended 2018 Hospitality Fee Budget
- Approval of proposed 2019 Hospitality Fee Budget

(2019 Municipal Accommodations Fee Ordinances for Capital Projects and Operating Expenses (2 Ordinances) Refer to Public Hearings – City Council Agenda Items #E1-E2)

(2019 General Fund and Enterprise Funds Expenditure Budget (Ordinance) (Refer to Public Hearings – City Council Agenda Item #E3)

(2019 General Fund and Enterprise Funds Revenue Budget (Ordinance) (Refer to Public Hearings – City Council Agenda Item #E4)

(Public Service: Acceptance of the 2016 FEMA HMGP grant award (FEMA-4286-DR-SC-0034) to acquire and demolish three residential structures subject to repetitive flood losses. The total project cost is \$754,380. The amount requested is local funding match of 25%. Funds will be requested from the State. Alternatively, funds will be from the drainage fund.

(Planning, Preservation and Sustainability: 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.

(Public Service: Approval of an Indefinite Delivery Contract (IDC) with VacVision Environmental LLC, for a not to exceed amount of \$300,000 and no individual delivery to exceed \$100,000 for stormwater system cleaning and inspection services. The contract term is for one year with the option to extend for no more than a total of four years. These services are budgeted for each year in the Stormwater Utility 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.

(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 \$8,222,213). The funding source for this work is the State Infrastructure Bank (SIB), the Drainage Fund, and the King Street Gateway TIF.

(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).

(Public Service: Approval of a NPDES Plan Review Professional Services one-year contract extension with Johnson, Lachober & Associates in a not to exceed amount of \$250,000 for the preparation of designs, drawings, specifications, studies and reports for NPDES plan review and stormwater construction permits. This is the first contract extension of a max 2 allowed per the original contract. Funds for these services are budgeted in the Stormwater Utility Fund.

(Request authorization for the Mayor to execute the SCE&G Easement for an underground electrical line to be placed across the City's property and across property that will be deeded to the City in the future [CRB District, west of Nassau between Lee and Cooper Streets; TMS: 1) 459-05-03-005; 2) 459-05-03-001; 3) 459-05-04-207] The property owners are 1) Edward K. Pritchard, III, 2) City of Charleston, and Charleston Housing Authority.

(Executive session in accordance with S.C. Code Section 30-4-70(a)(2) to discuss contractual negotiations involving potential amendments to various agreements between the City of Charleston and RB Charleston, LLC ("RBC"), affecting the property of RBC (Charleston County TMS Nos. 458-01-02-064 and 458-01-02-067) and the City's aquarium parking garage property (Charleston County TMS No. 459-13-04-001). Upon returning to open session, the Real Estate Committee may take action on matters discussed in Executive Session.

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

An ordinance providing for the distribution of funds for Fiscal Year 2019 generated by the Municipal Accommodations Fee as required by Ordinance No. 1996-18.

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.

An ordinance to make appropriations to meet the liabilities of the City of Charleston for the Fiscal Year ending December 31, 2019.

An ordinance to raise funds for the Fiscal Year ending December 31, 2019 and to meet the appropriation of \$222,765,207 authorized by Ordinance 2018-_____ ratified 18th day of December, 2018.

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 establishing the Church Creek Drainage 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. (AS AMENDED)*
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 95 Line Street (Peninsula) (0.07 acre) (TMS #460-08-01-049) (Council District 3), be rezoned from Diverse Residential (DR-2F) classification*

- to Commercial Transitional (CT) classification. The property is owned by Ivan Brooks.*
- 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 Old Towne Road (West Ashley) (4.0 acres) (TMS #415-00-00-054) (Council District 9), be rezoned from Single-Family Residential (SR-1) classification to General Office (GO) classification. The property is owned by Ashem LLC.*
 - 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 1621 Donnie Lane (James Island) (0.54 acre) (TMS #427-00-00-029) (Council District 6), annexed into the City of Charleston October 23, 2018 (#2018-135), be zoned Rural Residential (RR-1) classification. The property is owned by Gregory Payton and Donna Payton.*
 - 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 1310 North Edgewater Drive (West Ashley) (0.62 acre) (TMS #349-14-00-009) (Council District 11), be zoned Single-Family Residential (SR-1) classification. The property is owned by Grant and Jennifer Zinkon.*
 - 6. An ordinance relating to the recovery of collection costs as a part of delinquent debts collected pursuant to the Setoff Debt Collection Act.*
 - 7. 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.*
 - 8. An ordinance to provide for the annexation of property known as property on Bentgrass Court (0.57 acre) (TMS# 334-03-00-009), 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 12. The property is owned by Linda G. Ketner.*
 - 9. An ordinance to provide for the annexation of property known as 2115 Saint James Drive (0.24 acre) (TMS# 343-02-00-090), 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 Catherine G. Galloway.*
 - 10. 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)*
 - 11. 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)

12. *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)*
13. *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)*
14. *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)*
15. *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. (DEFERRED FOR PUBLIC HEARING)*
16. *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. (DEFERRED FOR PUBLIC HEARING)*
17. *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. (DEFERRED)*
18. *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. (DEFERRED FOR PUBLIC HEARING)*

19. *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)*
20. *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)*
21. *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)*
22. *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)*
23. *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)*
24. *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)*
25. *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 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)**
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 54 of the Code of the City of Charleston (Zoning Ordinance) to modify the existing regulations applicable to Short Term Rental uses in the City of Charleston by creating a new Short Term Rental Overlay Zone called the King Street Corridor, KSC Overlay Zone; by permitting Commercial Short Term Rentals as a conditional use on large lots in certain Residential Zoning Districts; by permitting nearby public parking lots and public garages to satisfy the additional off-street parking requirements applicable to Residential Short Term Rentals; by removing any maneuverability requirements for these additional off-street parking spaces; by eliminating the requirement that residents in Category 1, 2 and 3 Short Term Rentals remain on the property while guests are present; and by eliminating the requirement that Category 1 Short Term Rentals be located within an existing structure or accessory building that is individually listed on the National Register of Historic Places **(Requested by Councilmember Perry K. Waring)** *(DEFERRED)*
4. 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)*
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 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)*
6. 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*)

7. 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*)
8. 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. Change to the Rules of Council re: Standing Committees (*Councilmember Perry K. Waring*)
2. Amendment to the 2012 Drainage Bond to include: (*Councilmember Perry K. Waring*)
 - i. Church Creek Drainage Basin
 - ii. Second outfall to the Stono River in Windermere
 - iii. Reconnecting Dotterer Lake to the Stono River water shed
3. A joint meeting of City Council and the Planning Commission will be held December 6, 2018 at 3:00 p.m. at 2 George Street, First Floor, Public Meeting Room.
4. A City Council Workshop will be held December 11, 2018 at 4:00 p.m. at the Charleston Maritime Center.

5. The next regular meeting of City Council will be Tuesday, December 18, 2018 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 three business days prior to the meeting.