

City Hall
80 Broad Street
February 25, 2020
5:00 p.m.

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Brady

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Recognition of the Rotary Club of Charleston's \$50,000 grant to the City of Charleston Police Department to establish a Leadership Development Institute

E. Public Hearings

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 276 Coming Street (Peninsula) (0.07 acre) (TMS #460-04-04-003) (Council District 3), be rezoned from Diverse Residential (DR-2F) classification to Commercial Transitional (CT) classification. The property is owned by Matthew Black Lineberger. **(The Planning Commission recommends disapproval.)**
(DEFERRED AT THE REQUEST OF THE APPLICANT)
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 23 Felix Street (Peninsula) (0.04 acre) (TMS #460-12-01-011) (Council District 4), be rezoned from Diverse Residential (DR-2F) classification to Commercial Transitional (CT) classification. The property is owned by Laura Paris Paton and Christopher Paton. **(The Planning Commission recommends disapproval.)**
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 a portion of 1320 King Street Extension (Peninsula) (approximately 0.94 acre) (a portion of TMS# 464-14-00-191) (Council District 4), be rezoned from 8 and 2.5 Old City Height Districts classification to 4-12 Old City Height District classification. The property is owned by the BCDCOG. **(SECOND READING)**
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 previously unzoned rail right-of-way located at 1320 King Street Extension (Peninsula) (approximately 1.50 acres) (TMS #464-14-00-191) (Council District 4), be zoned Upper Peninsula District (UP) classification. The property is owned by the BCDCOG. **(SECOND READING)**
5. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to add to Sec. 54-299.4.b of the Zoning Ordinance a requirement for the installation of a twelve foot (12') wide multi-use path along the frontage of parcels within the Folly Road (FR)

Overlay Zone; to authorize the Design Review Board to reduce the minimum required buffer plantings adjacent to a right-of-way and/or reduce the minimum required width of the multi-use path in certain circumstances; and to amend Sec. 54-120 of the Zoning Ordinance to add definitions for the terms "bikeway" and "multi-use path." **(AS AMENDED) (SECOND READING)**

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 114 Tall Oak Avenue (West Ashley) (0.24 acre) (TMS #418-13-00-092) (Council District 9), annexed into the City of Charleston January 14, 2020 (#2020-010), be zoned Single-Family Residential (SR-2) classification. The property is owned by Myrtle Graves Rahn Mixson.
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 previously unzoned right-of-way located at the north end of Bender Street (West Ashley) (approximately 0.13 acre) (TMS # to be assigned) (Council District 3), be zoned Single-Family Residential (SR-2) classification. The property is owned by the City of Charleston. **(SECOND READING)**

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. January 28, 2020

H. Citizens Participation Period

I. Petitions and Communications:

- (i) A Resolution opposing further 5G restrictions and legislation on local governments
- (ii) A Resolution urging South Carolina's U. S. Senators and members of the House of Representatives to request the Federal Communications Commission to work in cooperation with other relevant Federal agencies to revisit and update studies on potential health effects arising from RF Wireless Emissions associated with 5G Technology.
- (iii) Report from the Resiliency and Sustainability Advisory Committee

J. Council Communications:

K. Council Committee Reports:

1. **Committee on Community Development: (Meeting was held Tuesday, February 25, 2020 at 4:00 p.m.)**
 - a. Resolution to certify pursuant to South Carolina Abandoned Buildings Revitalization Act three (3) building sites located at 286-288 King Street, Charleston County, TMS #457-04-04-042.
2. **Committee on Public Safety: (Special Meetings were held Thursday, February 13, 2020 at 9:30 a.m. and 1:00 p.m.)**

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

candidates for Municipal Judge

3. Committee on Traffic and Transportation: (Meeting was held Tuesday, February 25, 2020 at 2:30 p.m.)

- a. SCDOT Projects and Processes Overview (information only)
- b. Traffic Calming Update
- c. Director's Update

4. Committee on Public Works and Utilities: (Meeting was held Monday, February 24, 2020 at 4:00 p.m.)

a. Acceptance and Dedication of Rights-of-Way and Easements: (TO BE SENT UNDER SEPARATE COVER BY THE PUBLIC SERVICE DEPARTMENT)

- (i) Acceptance and Dedication of Swygert's Landing Phase 4, a portion of Sarnoff Street (60' & 50', 2150LF).
 - Title of Real Estate
 - Affidavit for Taxable or Exempt Transfers
 - Exclusive Stormwater Drainage Easement Agreement
 - Plat
- (ii) Acceptance and Dedication of Bennett's Bluff Phase 1, a portion of Elliott's Cut Drive (50'RW, 1254.77LF).
 - Title of Real Estate
 - Affidavit for Taxable or Exempt Transfers
 - Exclusive Stormwater Drainage Easement Agreement
 - Plat
- (iii) Acceptance and Dedication of Marshes at Cooper River Phase 2 at Maddux Alley (20', 152LF).
 - Title of Real Estate
 - Affidavit for Taxable or Exempt Transfers
 - Exclusive Stormwater Drainage Easement Agreement
 - Plat
- (iv) Acceptance and Dedication of Marshes at Cooper River Phase 2 at Mountaineer Landing Drive (35', 265LF).
 - Title of Real Estate
 - Affidavit for Taxable or Exempt Transfers
 - Exclusive Stormwater Drainage Easement Agreement
 - Plat
- (v) Acceptance and Dedication of Marshes at Cooper River Phase 2 at Ocean Drive (35', 216LF).
 - Title of Real Estate
 - Affidavit for Taxable or Exempt Transfers
 - Exclusive Stormwater Drainage Easement Agreement
 - Plat

- (vi) Acceptance and Dedication of Farr Street in Daniel Island at Lime Lane (589').
 - Title of Real Estate
 - Affidavit for Taxable or Exempt Transfers
 - Exclusive Stormwater Drainage Easement Agreement
 - Plat

- (vii) Dedication and Acceptance of a portion of Henry Tecklenburg Drive, as shown on Plat L19 at Page 0470, recorded on November 4, 2019, in the Register of Deeds Office for Charleston County, South Carolina. Title to Real Estate and Plat attached.

b. Stormwater Management Department Update:

- (i) Stormwater Plan Review Services – Increase in Not to Exceed Fee from \$75,000 to \$125,000 with Johnson, Lachober & Associates.
 - (ii) Stormwater Design Standards Manual – Discussion of February 20th Public Outreach Meeting
- c. Recommend approval of 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 certain building construction operations during stated hours. (AS AMENDED)**

5. License Committee: (Meeting was held on Tuesday, February 25, 2020 at 3:30 p.m.)

- a. Review of legislation regarding SC Business License Tax Reform Act H4431

6. Committee on Recreation: (Meeting was held on Monday, February 24, 2020 at 5:00 p.m.)

- a. Presentation of the Parks and Recreation Master Plan
- b. Discussion regarding Lowline funding
- c. Additional Items for Discussion as requested: *(Action may or may not be taken on any of the below items)*
 - Update: 1099 King Street, the Reverend Alma Dungee Community Center;
 - Update: Renovations at the Municipal Golf Course;
 - Update on the Charleston Battery;
 - City property on Woodland Road;
 - Golf Course Commission and Recreation Commission (citizen advisory boards);
 - Brantley Park;
 - Longborough Exchange Agreement;
 - Stoney Field;
 - WPAL;
 - Status of the ongoing Cultural Planning Process;
 - Status of Cannon Street Arts Center (134 Cannon);
 - Corrine Jones Community Garden proposal;
 - Fallen Oak Park;
 - Ferguson Village;
 - Wellness and Aquatics Center Complex;

7. Committee on Ways and Means:

- (Parks: Approval to accept the Palmetto Pride – Keep South Carolina Beautiful Grant in the amount of \$9,000 for use by Keep Charleston Beautiful. No City match is required.
- (Office of Cultural Affairs: Approval to apply for \$15,000 from Charleston County Local Accommodation Tax Funding, to support the 2020 MOJA Arts Festival. The project period is 9/24/20 – 10/4/20. No City match is required.
- (Office of Cultural Affairs: Approval to apply for \$15,000 from Charleston County Local Accommodation Tax Funding, to support the 2021 Piccolo Spoleto Festival. The project period is 5/28/21 – 6/13/21. No City match is required.
- (Office of Cultural Affairs: Approval to apply for \$25,000 from Charleston County Local Accommodation Tax Funding, to support the Charleston 350 Commemoration. The project period is 7/1/20 – 11/8/20. No City match is required.
- (Office of Cultural Affairs: Approval to apply for \$10,000 from Charleston County Local Accommodation Tax Funding, to support 2020 Holiday Magic in Historic Charleston. The project period is 12/1/20 – 12/31/20. No City match is required.
- (Office of Cultural Affairs: Approval to apply for \$10,000 from Charleston County Local Accommodation Tax Funding, to support the 2020 Free Verse Poetry Festival. The project period is 10/11/20-10/18/20. No City match is required.
- (Parks-Capital Projects: Approval of Stoney Field Renovations-Benches, Rails, Fences, and Gates Construction Contract in the amount of \$479,182 with H2I Group to install new benches, railings, fencing, and gates at Stoney Field. Approval of a Construction Contract will obligate \$479,182 of the \$4,268,480.50 project budget. Funding sources for this project are: 2005 GO Bond (\$399,048), 2018 GO Bond (\$2,600,000), Hospitality Funds (\$1,250,000), and Capital Contribution (\$19,432.50).
- (Parks-Capital Projects: Approval of St. Julian Devine Improvements Change Order #1 with Satchel Construction, LLC in the amount of \$78,266.03 for repair and replacement of damaged window and door lintels and brickwork that were not included in original documents, a credit for finished hardware allowance, and an elevator repair allowance overage. Approval of Change Order #1 will increase the Construction Contract by \$78,266.03 (from \$520,800 to \$599,066.03). Funding sources for this project are 2015 General Fund Reserves (\$250,000), 2018 General Fund Reserves (\$400,000), Cooper River Bridge TIF (\$2,250,000), and Capital Contribution (\$210,000).
- (Parks-Capital Projects: Approval of a Construction Contract with Southern Energy Resources, LLC, in the amount of \$328,000 for the removal and replacement of generators at 4 fire stations (FS 2/3, FS 8, FS 12, FS 17). 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 project budget of \$460,583 of which the \$328,000 construction contract will be funded. Funding sources for this project are: FEMA Hazard Mitigation Grant (\$345,432), 2012 General Fund Reserves (\$62,864.74), 2013 General Fund Reserves (\$30,858.26), and 2015 General Fund Reserves (\$21,428).
- (Parks-Capital Projects: Approval of a Construction Contract with Bohicket Construction in the amount of \$98,202 to furnish and install a standby generator for CPD Team 4 office. 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 project budget of \$120,001.09 of which the \$98,202 construction contract will be funded. Funding sources for this project are: FEMA Hazard Mitigation Grant (\$75,923), and the Police Operating Budget (\$44,078.09).
- (Parks-Capital Projects: Approval of a James Island Recreation Center Generator Construction Contract with Bohicket Construction in the amount of \$91,733 to furnish and install a standby generator for the James Island Recreation Center. 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 project budget of \$113,589.41 of which the \$91,733 construction contract will be funded. Funding sources for this project are: FEMA Hazard Mitigation Grant (\$74,795) and the Police Operating Budget (\$38,794.41).

(Stormwater Management: Approval of a \$50,000 increase to the existing NPDES Stormwater Plan Review Services Contract with Johnson, Laschober, and Associates. This will increase the contract amount from \$75,000 to \$125,000. The original contract was previously approved in the 2020 Stormwater Budget. *(Pending recommendation of the Public Works and Utilities Committee.)*

(Review of legislation regarding SC Business License Tax Reform Act H4431

(Consider the following annexations:

- 340 & 342 Woodland Shores Road (TMS# 343-11-00-112; 343-11-00-111) 0.7 acre, James Island (District 11). The property is owned by Jennifer Finger Krause.
- 513 Arlington Drive (TMS# 310-07-00-090) 0.51 acre, West Ashley (District 11). The property is owned by Vaughn Loeffler and Sylvia De Jong.
- 1384 Joy Avenue (TMS# 352-10-00-015) 0.45 acre, West Ashley (District 9). The property is owned by Gary H. Seel and Hope E. Seel.

Give first reading to the following resolutions and bill from Ways and Means:

An ordinance to provide for the annexation of property known as 340 & 342 Woodland Shores Road (0.7 acre) (TMS# 343-11-00-112; 343-11-00-111), 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 Jennifer Finger Krause.

An ordinance to provide for the annexation of property known as 513 Arlington Drive (0.51 acre) (TMS# 310-07-00-090), 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 Vaughn Loeffler and Sylvia De Jong.

An ordinance to provide for the annexation of property known as 1384 Joy Avenue (0.45 acre) (TMS# 352-10-00-015), 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 Gary H Seel and Hope E Seel.

L. Bills up for Third Reading:

1. *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 for all new residential and non-residential construction and from one foot to two feet for substantial improvement of all commercial, industrial or other non-residential structures, effective July 1, 2020 (AS AMENDED). (TO BE SENT UNDER SEPARATE COVER BY THE LEGAL DEPARTMENT)*

M. 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 providing for the issuance and sale of a not exceeding \$7,900,000 Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2020, of the City of Charleston, South Carolina, and other matters relating thereto.
2. 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 certain building construction operations during stated hours. **(AS AMENDED) (SECOND READING ONLY – A PUBLIC HEARING AND THIRD READING WILL BE HELD AT THE MARCH 10TH CITY COUNCIL MEETING)**
3. An ordinance amending the Stormwater Design Standards Manual as set forth in “Exhibit I,” attached hereto and incorporated herein by reference, to provide updates reflecting advances in technology and experience related to stormwater management and to increase the fees associated with stormwater plan review, stormwater inspections, and transfers. **(AS AMENDED)**
4. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220 Accommodations Overlay Zone to correct a scrivener’s error. **(DEFERRED FOR PUBLIC HEARING)**
5. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to Planning Commission composition to establish commission member alternates and to update other applicable sections related to Planning Commission Rules and Procedures. **(DEFERRED FOR PUBLIC HEARING)**
6. An ordinance to amend Chapter 27, Stormwater Management and Flood Control, of the Code of the City of Charleston, to add a new Article IV to provide fill requirements for all new construction, developments, and redevelopments within the City. **(DEFERRED)**
7. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to the Design Review Board in order to establish board member alternates, prioritize placement of affordable/workforce housing projects on agendas, and limit the number of agenda items. **(DEFERRED)**
8. An ordinance to amend Chapter 29, Article V1, Sec. 29-240 of the Code of the City of Charleston pertaining to the procedure of accident reporting. **(DEFERRED)**
9. 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. **(DEFERRED FOR PUBLIC HEARING)**
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 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)
12. 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)

N. Bills up for First Reading

1. An ordinance to amend Chapter 2, Administration, Article IX, Department of Housing and Community Development, of the Code of the City of Charleston, to amend Section 2-286 to increase membership on the Redevelopment and Preservation Commission from twelve (12) to thirteen (13) members.
2. 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.
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 1815 Beechwood Road (West Ashley) (0.65 acre) (TMS #354-07-00-101) (Council District 2), be rezoned from Single-Family Residential (SR-6) classification to Diverse Residential (DR-6) classification. The property is owned by Matt and Angela Chambers. (DEFERRED)
4. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is part thereof, so that property located on River Road, Summerland Drive, and Oakville Plantation Road (Johns Island) (126.95 acre) (TMS #317-00-00-007, 317-00-00-011, 317-00-00-012, 317-00-00-075, 317-00-00-076, and 317-00-00-089) (Council District 5), be zoned, and existing Light Industrial (LI) classification be rezoned to Planned Unit Development (PUD) classification. The property is owned by Keith W . Lackey, Gail Grimball, and Gary S. Worth. (DEFERRED)
5. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to make rooftop eating and drinking places subject to the approval of a special exception in the GB, UC, MU-2, MU-2/WH, and UP base zoning districts, adopt regulations for rooftop eating and drinking places in the GB, UC, MU-2, MU-2/WH, and UP base zoning districts, and prohibit rooftop eating and drinking places in all other base zoning districts. (DEFERRED)
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 a portion of former Summerville Avenue right-of-way (Peninsula Neck) (approximately 1.4 acres) (Unzoned Right-of-Way) (Council District 4), be zoned General Business (GB) classification. The property is former right-of-way deeded to adjacent property owners. (DEFERRED)

O. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, March 10, 2020 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.