

City Hall  
80 Broad Street  
March 10, 2020  
5:00 p.m.

## CITY COUNCIL

### A. Roll Call

### B. Invocation – Councilmember Gregorie

### C. Pledge of Allegiance

### D. Presentations and Recognitions

1. Proclamation recognizing American Red Cross Month

### E. Public Hearings

1. 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) (THIRD READING)**

### F. Act on Public Hearing Matters

### G. Approval of City Council Minutes:

1. February 11, 2020

### H. Citizens Participation Period

### I. Petitions and Communications:

1. Report from the Health and Wellness Advisory Committee
2. Appointments:
  - (i) Planning Commission:
    - Harry Lesesne (reappointment)
  - (ii) West Ashley Revitalization Commission
    - Justin Ferira (Reappointment)
    - Charlie Smith (Reappointment)
    - Ashley Jackrell (New appointment)

- Mary Peters (New appointment)
- Kenneth Mordalda (New appointment)
- Reverend Demett Jenkins (New appointment)
- Councilmember Karl Brady (New appointment)
- Councilmember Keith Waring (New appointment)

3. Update on Comprehensive Plan – Jacob Lindsey

**J. Council Communications:**

- (i) Discussion of current laws regulating use of handheld cell phones while driving and to authorize the Legal Department to draft a Resolution asking the South Carolina State Legislature to enact distracted driving legislation. *(Requested by Councilmember Harry J. Griffin)*

**K. Council Committee Reports:**

**1. Committee on Public Works and Utilities: (Meeting was held Monday, March 9, 2020 at 4:00 p.m.)**

**a. Acceptance and Dedication of Rights-of-Way and Easements:**

- (i) Request authorization for the Mayor to accept a temporary right-of-entry and construction easement from the Housing Authority of the City of Charleston to facilitate drainage and maintenance improvements within the new easement areas acquired along the subdivision lines between Ardmore, Sherwood Forest, and the Housing Authority's property known as Juniper Arms Apartments. Upon approval, the Mayor would be authorized to execute the attached easement agreement on behalf of the City of Charleston without further action by City Council.
- (ii) Acceptance and Dedication of a portion of Oak Bluff Avenue (30' R/W), a portion of Tangles Trail (30' R/W), and associated drainage easements, all as shown on Plat Q at Page 94h, recorded on January 11, 2018, in the ROD Office for Berkeley County, South Carolina.
  - Title of Real Estate with Affidavit for taxable or Exempt Transfers
  - Exclusive Stormwater Drainage Easement Agreement (with plat attached as Exhibit A).
- (iii) Acceptance and Dedication of a portion of Henry Tecklenburg Drive, as shown on Plat L19 at Page 0470, recorded on November 4, 2019, in the ROD Office for Charleston County, South Carolina.
  - Title of Real Estate with Affidavit for taxable or Exempt Transfers
  - Plat

**b. Stormwater Management Department Update:**

- (i) Cooper/Jackson Drainage Evaluation Project – Professional Services Work Authorization #6 on the Stormwater Program Management Contract with AECOM for \$432,136.00 for survey, modeling, evaluation, and public engagement for potential drainage improvement options in the Cooper and Jackson Drainage Basins on the Eastside of the Peninsula. These funds are available in the Cooper River Bridge TIF.
- (ii) Approval of Change Order #1 on the Lord Calvert Drainage Improvement Project with Gulf Stream Construction for \$35,013.36 for additional catch basins due to utility conflicts. Approval of this change order approves a budget amendment increasing funding for the Project from \$217,508.46 to \$237,430.30 with the addition of \$19,921.84 from the Stormwater Operations Account Small Project Budget.
- (iii) Discussion of Small Project Budget Allocations for FY2020.
- (iv) Church Creek Task Force Discussion (*Requested by Councilmember Harry J. Griffin*)
- (iv) Stormwater Management Project Updates
- (v) Floodplain Management Project Updates

c. Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice related to contractual construction matters on the Spring Fishburne Project

d. Discussion and review of 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 substantial improvement of all residential structures, effective July 1, 2020. (*See also City Council Agenda Item #N-1*)

**2. Committee on Special Facilities: (Meeting was held Tuesday, March 10, 2020 at 3:00 p.m.)**

a. Presentation by the South Carolina Aquarium on the Charleston Maritime Center.

**3. Committee on Traffic and Transportation: (Meeting was held Tuesday, March 10, 2020 at 3:30 p.m.)**

a. Appeal – Denial of District I Residential Parking Decal, 63 South Street, Apt. B

b. Traffic Calming Speed Humps for Approval (*Committee approval only*)

- Eastside Neighborhood – Aiken Street
- North Central Neighborhood – Magnolia Avenue

c. Director’s Update

d. Discussion

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

(Bids and Purchases)

- (Budget Finance and Revenue Collections: Approval of the 2020 Master Lease Purchase Financing Agreement in the amount of \$9,523,702 with TD Equipment Finance, 40 Calhoun St., Charleston, SC; Solicitation # 20-B001C. 2020 Lease Purchase funds will be used. (Ordinance)
- (Budget Finance and Revenue Collections: Approval of renewal of Workers Compensation Excess Insurance with Safety National in the amount of \$417,015. The 2020 policy renewal rate is flat but the premium is increasing due to the increased payroll (over 2 years). This policy runs April 1, 2020 to April 1, 2022. Safety National is offering a two year rate lock. Total cost for 2 years is \$834,030.
- (Mayor's Office for Children Youth and Families: Approval to accept the AmeriCorps VISTA Grant Award of 27 AmeriCorps VISTA members to be allocated to City Projects and to non-profits and organizations in the community. There is no fiscal impact for the City. Per the Memorandum of Agreement with Corporation for National and Community Service, the City will provide \$61,555 in Cost Share Payments that will be covered by site payments received from organizations receiving VISTA placements.
- (Mayor's Office for Children Youth and Families: Approval to submit a grant request to the Walmart Foundation for \$2,500 to fund a series of workshops aimed at informing seniors and their families on issues and topics affecting seniors-including avoiding frauds and scams, brain health, and general health and wellness. There is no fiscal impact to the City. This is an after-the-fact request.
- (Police Department: Approval to submit the 2020 SCDPS JAG Application to fund the acquisition of one handheld analyzer for narcotic and pharmaceutical drug identification. The application for this grant is due 03/13/2020. This application requests \$29,500 and requires a 10% cash match.
- (Police Department: Approval of a Fourth Amendment in the amount of \$20,000 renewing the Agreement between Charleston Dorchester Mental Health Center ("CDMHC") and Charleston Police Department ("CPD") wherein CDMHC provides CPD with a full time mental health professional who provides services to children and families in domestic violence cases.
- (Parks-Capital Projects: Approval of CFD Savannah Highway Fire Station #11 Change Order #13 with NBM Construction Company, Inc. in the amount of \$0.00 which modifies the contract by: adding 5 weather days for a new substantial completion date of 12/26/2019, if NBM achieves substantial completion by June 5, 2020, all liquidated damages are waived, however, if this date is not achieved the City is entitled to recover all liquidated damages, the City reserves the right to issue joint checks to contractor and subs/vendors/supplies or design professionals. Approval of Change Order #13 will increase the Construction Contract by \$0.00. The funding sources for this project are the Installment Purchase Revenue Bond (\$7,989,524), Proceeds from Sale of Real Estate (\$1,135,607.64), Surplus Sales (\$1,130.02), and Hospitality Funds (\$380,000).
- (Stormwater Management: Approval of Cooper River Bridge Drainage Basin Study Work Authorization #6 with AECOM in the amount of \$432,136 for the Cooper Street/Jackson Street Watershed hydrologic and hydraulic model development and system improvement analysis. Approval of Work Authorization #6 will obligate \$432,136 of the \$750,000 set aside in the Cooper River Bridge TIF for Cooper River Drainage Basin Study.
- (Stormwater Management: Approval of Lord Calvert Drive Drainage Improvements Change Order #1 with Gulf Stream Construction for \$35,013.36 for additional catch basins due to unanticipated sewer service conflicts. Approval of this Change Order will also approve a project budget amendment increasing funding for the project from \$217,508.46 to \$237,430.30 with the additional \$19,921.84 coming from the Stormwater Fund. This change order will increase the substantial completion date by

120 days. Approval of Change Order #1 will increase the Construction Contract by \$35,013.36 (from \$197,734.96 to \$232,748.32). Approval of the amended project budget will also approve a budget transfer of \$19,921.84 from Small Project line-item (193010-52240) in the Stormwater Fund. Funding sources for this project are: Drainage Fund (\$217,508.46) and the Stormwater Fund (\$19,921.84).

(Budget Finance and Revenue Collections: An ordinance providing for the issuance and sale of waterworks and sewer system refunding and capital improvement revenue bonds of the City of Charleston in one or more series in the aggregate principal amount of not exceeding \$220,000,000 and other matters relating thereto.

(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 installation of a pad-mounted transformer to Dominion Energy South Carolina, Inc. related to the construction of the Charleston Police Department forensics building. (TMS: 356-00-00-034; Bees Ferry Road and Foxhall Road) The property owner is the City of Charleston.

(Request authorization for the Mayor to execute an easement agreement, together with the appropriate easement drawing, under which the City will grant an easement to Dominion Energy South Carolina, Inc. to facilitate utility plans relating to 999 Morrison Drive. (TMS: 461-13-01-057; 999 Morrison Drive) The property owner is the City of Charleston.

(Authorize the Mayor to execute the Agreement of Purchase and Sale between the City of Charleston and Carol Jeane Lotz conveying the property located at 4 Grants Court for the purchase price of \$222,642. This property is being sold subject to the City of Charleston Single Family Affordable Restrictive Covenants with an affordability period of 90 years. (TMS: 460-07-02-222) (Ordinance)

(Consider the following annexations:

- Properties on Maybank Highway (TMS# 313-00-00-034; 313-00-00-035) 3.5 acres, Johns Island (District 5). The property is owned by William Stephen Harris.
- Property on Maybank Highway (TMS #313-00-00-306) 2.05 acres, Johns Island (District 5). The property is owned by LMC, LLC.

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

An ordinance to authorize the execution and delivery of Lease/Purchase and Security Agreements with TD Equipment Finance, Inc. in order to provide for the acquisition of various vehicles, information technology and other equipment and accessories; to provide the terms and conditions of such Lease/Purchase and Security Agreements; to provide for the granting of a security interest to secure all obligations of lessee under the lease/purchase and security agreements; to authorize the execution and delivery of all documents necessary or appropriate to the consummation of such Lease/Purchase and Security Agreements; and to provide for other matters related thereto.

An ordinance providing for the issuance and sale of Waterworks and Sewer System Refunding and Capital Improvement Revenue Bonds of the City of Charleston in one or more series in the aggregate principal amount of not exceeding \$220,000,000 and other matters relating thereto.

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 Carol Jeane Lotz the property located at 4 Grants Court (Charleston County TMS No. 460-07-02-222) (Peninsula) (District 3) (the "Property") for \$222,642.00, subject to the City of Charleston Single-Family Affordable Housing Restrictive Covenants, with an affordability period of ninety (90) years, together with a General Utility Easement for the benefit of the property, said General Utility Easement

encumbering the City's adjacent property located at 4 Nunan Street (Charleston County TMS No. 460-07-02-221) (Peninsula) (District 3).

An ordinance to provide for the annexation of properties on Maybank Highway (3.5 acres) (TMS# 313-00-00-034; 313-00-00-035), 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 properties are owned by William Stephen Harris.

An ordinance to provide for the annexation of property on Maybank Highway (2.05 acre) (TMS# 313-00-00-306), 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 LMC, LLC.

**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).(MOTION TO RENEW REQUESTED BY COUNCILMEMBER SAKRAN)*

**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 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.*
2. *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.*
3. *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.*
4. *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.*
5. *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.*
- 6. 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 FOR PUBLIC HEARING)*
  - 7. 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)*
  - 8. 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)*
  - 9. 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)*
  - 10. 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)*
  - 11. 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)*
  - 12. 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)*
  - 13. 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)*
  - 14. 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)*
  - 15. 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 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 new residential and non-residential construction and from one foot to two feet for substantial improvement of all residential and non-residential structures, effective July 1, 2020.
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 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)**
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. Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice relating to the WestEdge Development



2. The next regular meeting of City Council will be Tuesday, March 24, 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](mailto:schumacherj@charleston-sc.gov) three business days prior to the meeting.