CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Waring

C. Pledge of Allegiance

D. Presentations and Recognitions

E. Public Hearings

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:
   1. February 26, 2019

H. Citizens Participation Period

I. Petitions and Communications:
   1. Report from the Resiliency and Sustainability Advisory Committee – Mark Wilbert, Chief Resilience Officer

   2. Board and Commission Appointments and Reappointments:
      a. Resiliency & Sustainability Advisory Committee
      b. Commission on Disability Issues
      c. Accommodations and Tax Advisory Committee
      d. Board of Architectural Review – Large
      e. Commission on Women
      f. Municipal Judges

J. Council Committee Reports:
   1. Committee on Community Development: (Meeting was held on Thursday, March 7, 2019 at 4:30 p.m.)
a. **Old Business:**
   Opportunity Zone Proposal for the City of Charleston

b. **New Business:**
   Community Development Block Grant Timeliness Requirement and Reallocation of Funds

2. Committee on Public Works and Utilities: (Meeting was held on Thursday, March 14, 2019 at 2:00 p.m.)

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

   (i) Dedication and Acceptance of Bennett’s Bluff, Phase 2- Elliott’s Cut Drive (50’ r/w, 1093 LF), Charming Nancy Road (50’ r/w, 1682 LF), Rivers Cotton Drive (50’ r/w, 1266 LF), Captain Rivers Drive (50’ r/w, 1062 LF). All infrastructure with the exception of sidewalks has been completed, inspected and accepted. The sidewalks have been bonded. *(To be sent under separate cover by the Department of Public Service)*

   - Title to Real Estate
   - Affidavit for Taxable or Exempt Transfers
   - Exclusive Stormwater Drainage Easement Agreement
   - Map

   (ii) Concrete sidewalk, brick pavers, lights and street trees. Approval to notify SCDOT that the City intends to accept maintenance responsibility for the above reference items to be constructed in conjunction with the Charleston Technology Center at 999 Morrison Drive on Morrison Dive (US 52), Conroy Street (S-219) and Romney Street( S-126) *(To be sent under separate cover by the Department of Public Service)*

   - Letter
   - Map

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

   (i) Updates from Project Managers
   (ii) Update from Floodplain Manager
   (iii) Update on pursuit of Easements for Drainage Improvements

3. Committee on Ways and Means:

   (Budget Finance and Revenue Collections: Approval of the 2019 Master Lease Purchase Financing Agreement in the amount of $7,923,270 with Banc of America Public Capital Corp., Richmond, VA; Solicitation #19-B002C [Ordinance]
(Bids and Purchases)
(Office of Cultural Affairs: Approval to apply for $2,000 in funding from the Jerry and Anita Zucker Family Endowment Fund of the Coastal Community Foundation. Funds will be used to support outreach programming of the 2019 Piccolo Spoleto Festival. No City match is required.
(Police Department: Approval to submit the FY19 SCDPS Edward Byrne Memorial Justice Assistance Grant application to fund the salary of one (1) Forensic Criminalist for the purpose of plant material analysis in the CPD Forensic Laboratory. The application for this grant is due 3/15/2019. This grant requires a City match of 10%. ($66,357 - $41,666 salary, $20,248 fringe benefits, and $4,443 equipment – City match of $6,636)
(Mayor’s Office for Children Youth and Families: Approval to accept the AmeriCorps VISTA Grant award to place 26 VISTA members at agencies/organizations serving the Charleston community, and 2 VISTA Leader positions to serve with MOCYF. No City match is required. This is an after-the-fact approval.
(Police Department: Approve contract between the City and Turning Leaf Project. Turning Leaf provides a post release reentry program for recently released inmates. The amount to be paid by the City is $85,000.
(Parks-Capital Projects: Approval of International African American Museum Construction Manager at Risk (CMAR) Fee Amendment #1 in the amount of $95,000 for value engineering and extended pre-construction services and extends the contract completion date by 138 days. Approval of Fee Amendment #1 to the professional services contract will obligate $95,000 of the $12.5 million design and engineering phase of the project funded by the City Council’s previously approved accommodations tax bonds.
(Parks-Capital Projects: Approval of the Louis Waring, Jr. Senior Center Fee Amendment #5 to the Professional Services Contract with Lioiio Architecture in the amount of $45,000 for an additional 213 days of construction administration through April 1, 2019 due to delays in construction. The Construction Contractor has agreed to issue a change order credit for these services upon completion of the project. This is formatted as a not-to-exceed fee in the event the contractor limits the amount of construction administration work needed. This approval will result in a budget transfer of $45,000 to the Professional Services Contract from the Project Contingency. Approval of Fee Amendment #5 will result in a $45,000 increase to the Professional Services Contract (from $709,044.20 to $754,044.20). The funding sources for this project are: 2012 General Fund Reserves, 2014 GO Bond, 2013 General Fund Reserves, 2014 General Fund Reserves, and Capital Contribution from Roper St. Francis.
(Public Service: Approval of High Battery Stone Revetment Repair Change Order #1 with S.J. Hamill Construction Company, LLC in the amount of $35,000 for additional Class B rock to finish work along the high battery revetment. Additional extension of contract time of 21 days due to the tidal nature of the job and inclement weather days and an extension of the repair work by an additional 50ft. Approval of Change Order #1 will increase the construction contract by $35,000 (from $935,506 to $970,506). Funding for this is from the Emergency Fund.
(Public Service: Approval of Low Battery Seawall Repairs Change Order #1 with Palmetto Gunite Construction Co., Inc. in the amount of $116,816 for the repair of continued
concrete damage along 298 linear feet of the low battery wall including several damaged posts that were identified in a February 19, 2019 site visit. This extends the contract completion date by 45 days. Approval of Change Order #1 will increase the construction contract by $116,816 (from $359,976 to $473,792) which will be paid with funds currently reserved for the Seawall Project.

(Public Service: Approval of emergency repair work with B&C Land Development, LLC, in the amount of $55,218 due to the failure of a brick arch on Lamboll St. causing a sinkhole to form adjacent to a residence with potential to cause further damage to the street and property. The funding source is the Drainage Fund.

(Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code to receive legal advice regarding pending litigation involving the annexation of properties in the Plantation District, off Ashley River Road, in West Ashley. The Committee may or may not take action after returning to open session.

(Request approval of the Memorandum of Understanding whereby the term of the City’s leased space located in the MUSC Children’s Hospital for police forensics is extended to May 31, 2020 in the amount of $1,905.50 per month. The property is owned by The Medical University Hospital Authority (MUHA). (TMS: 460-15-01-043; 171 Ashley Avenue)

(Request approval of the Second Amendment to Lease Agreement whereby the term of the Lease for City Fire Station #20 is extended to December 31, 2021, with the option to renew for two additional terms of one year each. The property is owned by Hidden Cove Associates, Inc. The rent will be $5,701.13 for the first year. (TMS: 271-00-01-084; 1006 Pinefield Drive)

(Request approval of Bus Stop License Agreement with the Charleston Area Regional Transportation Authority for CARTA Stop ID No. 567-201 President Street (TMS: 460-07-03-001; 201 President Street)

(Request approval of Bus Stop License Agreement with the Charleston Area Regional Transportation Authority for CARTA Stop ID No. 589 – Savannah Highway at Wappoo Road (TMS: 350-05-00-073; Savannah Highway at Wappoo Road)

(Request approval of the First Amendment to Lease whereby the City is extending its Lease with 160 St. Phillips St., LLC to allow for the Leased Premises to be used as a construction laydown area for the installation of the shaft of the Calhoun West Drainage Project. The property is owned by 160 St. Phillips St., LLC. (TMS: 460-12-02-052, 460-12-02-054, 460-12-02-055, 460-12-02-056, 16 Morris Street, 158-160 St. Philip Street, 162 St. Philip Street and 164 St. Philip Street)

(Request authorization for Mayor to execute an Easement Agreement, together with appropriate easement drawing, under which the City will grant a permanent easement to Flyway, LLC, at property designated as Charleston County TMS Nos. 458-09-02-068, to install, maintain, replace and repair certain personal property servicing the grantee’s property. The property is owned by the City of Charleston. (TMS: 458-09-02-068; adjacent to City Parking Structure and to 5 Cumberland Street)

(Request approval of a Parking Lot Agreement between the City of Charleston and The United States Golf Association in the amount of $5,000 for the rental and exclusive use of the Municipal Golf Course as a parking lot during the 2019 U.S. Women’s Open Championship. [Ordinance]
Give first reading to the following bills from Ways and Means:

An ordinance to authorize the execution and delivery of Lease/Purchase Agreements with Banc of America Public Capital Corp. in order to provide for the acquisition of certain Police, Fire, Public Service, Fleet, Stormwater and various other vehicles and equipment; to provide the terms and conditions of such Lease/Purchase Agreements; to provide for the granting of a security interest to secure all obligations of Lessee under the Lease/Purchase Agreements; to authorize the execution and delivery of all documents necessary or appropriate to the consummation of such Lease/Purchase Agreements; and to provide for other matters related thereto.

An ordinance authorizing the Mayor to execute an Agreement with the United States Golf Association for the use of the Municipal Golf Course as a Parking Lot during the 2019 U.S. Women’s Open Championship at the Country Club of Charleston. Said Parking Lot Agreement is attached hereto as Exhibit A and incorporated herein by reference.

K. 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 1004 Physicians Drive (West Ashley) (0.84 acre) (TMS #309-00-00-075) (Council District 7), be rezoned from General Office (GO) classification to Commercial Transitional (CT) classification. The property is owned by Dr. Marcelo Hochman.

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 41 and 41½ Line Street (Peninsula) (0.077 acre) (TMS #459-03-00-113) (Council District 4), be rezoned from Light Industrial (LI) classification to Mixed-Use/Work Force Housing (MU-2/WH) classification. The property is owned by Scott W. Kay.

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 Magnolia Road and Live Oak Avenue (West Ashley) (0.36 acre) (TMS #418-13-00-057, 418-13-00-292 and 418-13-00-293) (Council District 9), be zoned Single-Family Residential (SR-4) classification. The property is owned by Nathan and Michelle Hertel.

4. An ordinance to provide for the annexation of a vacant lot on Stinson Drive (0.99 acre) (TMS# 350-05-00-095), 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 Rale MGMT LLC.

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 a vacant lot on Stinson Drive (West Ashley) (0.99 acre) (TMS #350-05-00-095) (Council District 11), be zoned Diverse Residential (DR-1F) classification. The property is owned by Rale MGMT LLC.

6. An ordinance to provide for the annexation of property known as 214 Rice Mill Place (0.24 acre) (TMS# 269-01-05-023), 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 Matthew Hunter Baker and Chelsea Baker.

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

8. An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to Article 2, Part 15 – Mixed Use 1 – Workforce Housing district and Mixed Use 2 – Workforce Housing District. (DEFERRED FOR PUBLIC HEARING)

9. 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)

10. 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)

11. 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. (DEFERRED FOR PUBLIC HEARING)

12. 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)

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 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)

14. An ordinance to provide for the annexation of property known as 1389 River Road (10.94
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)

16. 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)

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 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)

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 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)

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 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)

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 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)

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 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)

22. 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)
23. 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)

L. 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 200 Spring Street (Peninsula) (0.412 acre) (TMS #460-11-01-011) (Council District 3), be rezoned to be included in the Accommodations Overlay Zone (A) classification. The property is owned by 200 Spring Street Development LLC. (DEFERRED)

2. An ordinance to amend the Stormwater Design Standards Manual in accordance with Sec. 27-28 of the Code of the City of Charleston, by adding interim requirements for stormwater systems and facilities for new developments within all areas of the City other than the Church Creek Drainage Basin; to provide for exemptions; and to provide for an expiration date. (Requested by Councilwoman Jackson) (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 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)

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)

M. Miscellaneous Business:

1. Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code to receive legal advice related to the proposed bill:

An ordinance to amend Section 3.1.2.d of the Stormwater Design Standards Manual, adopted in accordance with Section 27-28 and Section 27-102 of the Code of the City of Charleston, by identifying certain developments to which the Special Stormwater Standards in Ordinance No. 2018-115 do not apply because of prior approvals and because of the previous installation of necessary improvements. (Requested by Councilmember Moody)

City Council may or may not take action after returning to open session.

2. The next regular meeting of City Council will be Tuesday, March 26, 2019 at 5:00 p.m. at TBA.

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.
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: March 14, 2019
RE: Resiliency & Sustainability Advisory Committee

The committee shall act as an advisory board to city council on all matters related to resiliency and sustainability, and shall consider and discuss resiliency and sustainability proposals which may be considered by city council.

The commission shall be appointed by the mayor with the approval of council. The committee shall be comprised of thirteen (13) voting members consisting of three (3) members of city council, the mayor, one representative of the metro chamber of commerce, one representative of South Carolina Electric & Gas Company, one representative of the South Carolina State Ports Authority, one person selected to represent the collective group of the home builders' association, the Trident Board of Realtors and the real estate development community, one representative of the Berkeley-Charleston-Dorchester Council of Governments, one technical expert on resilience, one technical expert on sustainability, one representative of a higher education institution committed to advancing resiliency and/or sustainability, and one community member who shall be a resident in the City of Charleston and be representative of community interests conducive to promoting and enabling resiliency and sustainability in Charleston. The mayor shall be a permanent member of the committee. Members of city council on the committee shall serve for a term of two (2) years. The community member shall serve for a term of two (2) years and all other members shall serve for terms of three (3) years, or until their successors have been appointed and qualified.
I am recommending Mark Messersmith as the representative from the SC State Port Authority. Mr. Messersmith holds a bachelor’s degree in Biology and Oceanography from Old Dominion University and a Master’s degree in Environmental Studies from the College of Charleston. He has been working as the Environmental Permitting Manager for the State Port Authority for 2 years. Before that he worked for the Army Corp of Engineers for 9 years.

I would like to thank Barbra Melvin for her time and dedication to serving on the board for as long as she did.

I am recommending the following individuals for the Resiliency & Sustainability Advisory Committee be reappointed:

- William Dudley Gregorie – **reappointment** - Councilmember – term expires 02/28/2021
- Carol Jackson – **reappointment** - Councilmember – term expires 02/28/2021
- Kevin Shealy – **reappointment** - Councilmember – term expires 02/28/2021
- Mark Messersmith – **new appointment** – SC Port Authority – term expires 02/28/2022
- Andy Barber – **reappointment** – Home Builders Assoc.– term expires 02/28/2022
- Danny Kassis – **reappointment** – SCE&G – term expires 02/28/2022
- Ian Scott – **reappointment** – Metro Chamber of Commerce – term expires 02/28/2022
- Ron Mitchum – **reappointment** – BCDCOG – term expires 02/28/2022
- Rick DeVoe – **reappointment** – Technical expert resilience – term expires 02/28/2022
- Christine von Kulnitz – **reappointment** – Technical expert sustainability – term expires 02/28/2022
- Kendra Stewart – **reappointment** – Higher education institution – term expires 02/28/2022
- Stewart Weinberg – **reappointment** - Community member – term expires 02/28/2021
MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: March 14, 2019

RE: Commission on Disability Issues Appointments

The Commission on Disability Issues shall comprise fifteen (15) members. The commission membership shall be primarily persons with disabilities and inclusive of different disability groups, including physical, sensory, and mental disability and shall be representative of gender, age, and racial groups in the community. The mayor and/or his designee shall serve as an ex officio member of the commission.

I recommend Rick Magner for appointment. Mr. Magner is the former Director of the Disabilities Board of Charleston, former Director of the Dorchester Disabilities Board, and former District Director of the SC Dept. of Disabilities and Special Needs and has served on various other committees relating to individuals with disabilities. I am recommending all other members be reappointed as they have served the commission faithfully and with dedication.

I would like to thank Veneka Jasper for her outstanding service and commitment to the City of Charleston while on the Commission on Disability issues.

The following are my recommendations for the Commission on Disability Issues:

- Rick Magner – new appointment – term expires 2/28/2022
- Annette Nielsen – reappointment – term expires 2/28/2022
- Clay Seim – reappointment – term expires 2/28/2022
- Maria Saxon – reappointment – term expires 2/28/2022
- Leah Farrell – reappointment - term expires 2/28/2022
Memorandum

To: City Councilmembers
From: John J. Tecklenburg, Mayor
Date: March 14, 2019
Re: Accommodations Tax Advisory Committee Appointments

The Accommodations Tax Advisory Committee consists of seven (7) members with a majority (4) being selected from the hospitality industry of the municipality receiving the revenue. At least two of the hospitality industry members must be from the lodging industry. One member shall represent the cultural organizations of the municipality receiving the revenue. The remaining two (2) members consist of one at-large representative and one City Councilmember. The City Councilmember serves as Chairperson of the Committee.

I am recommending all members be reappointed as they have served the commission faithfully and with dedication.

The following are my recommendations for the Accommodations Tax Advisory Committee:

- William Dudley Gregorie – reappointment – (City Councilmember) – term expires 2/29/2020
- Patricia Agnew – reappointment – (At-Large) – term expires 2/29/2020
- Edward Farnell – reappointment – (Lodging) – term expires 2/29/2020
- Charlton Singleton – reappointment – (Cultural) – term expires 2/29/2020
- Ben D’Allesandro – reappointment – (Food & Beverage) – term expires 2/29/2020
- Sunju Patel – reappointment – (Lodging) – term expires 2/29/2020
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: March 14, 2019

RE: Appointment to the Board of Architectural Review—Large

The Board of Architectural Review—Large shall consist of five (5) members and two (2) alternates who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, or non-citizen’s owners or principals of businesses located in the City. The board shall include two (2) registered architects, an attorney, a licensed professional involved in construction or engineering and a Layperson. The members and alternates shall have a demonstrated interest in historic design or preservation and at least one of the following fields: fine arts, architecture, structural engineering, landscape architecture, civil engineering, urban design, city planning, preservation, construction, real estate development, law or associated disciplines.

I am recommending Lyudmila Sobchuck, AIA for the architect position. She is a highly-skilled, detail-oriented architect as well as a fine artist. A partner of SGA | Narmour Wright Design, she also serves as the firm’s Design Principal. Luda’s depth of experience spans numerous market sectors: residential, commercial, multi-use, multi-family, municipal, and master planning. She has completed many projects in Downtown Charleston, including Majestic Square, the Franke Building (renovation and residential addition), McCrady’s Tavern, the Madren Building, and the Morris Square urban infill.

I am also recommending James Meadors for the engineer position. James is a native South Carolinian, and has lived and worked in Charleston, SC for over thirty-five years. He has dedicated his life to his community and historic preservation. James founded Meadors, Inc. in 1984 to focus on the conservation and restoration of historic structures by not only preserving and restoring them, but also by conserving the historic building methods from which we continue to learn.
I recommend we reappoint Jay White and Ed Fava as they have served the board faithfully and with dedication throughout their years of service. Ms. Alexander and Mr. Faust have selflessly served the Board for several years providing valuable and insightful feedback and guidance to applicants developing large scale projects in the City.

I would like to thank Janet Alexander and Bob Faust for their many years of outstanding service to the City of Charleston while on the BAR.

The following are my recommendation’s for the Board of Architectural Review—Large:

- James Meadors – new Appointment – (Engineer) – term ends 12/31/2021
- Ed Fava – reappointment – (Alternate) – term ends 12/31/2021
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: March 14, 2019
RE: Commission on Women Appointments

The commission for women shall be comprised of fifteen (15) members. Individuals from the following groups shall be appointed to the commission; any one member of the commission may be representative of more than one group: (1) Homemakers; (2) Indigent women; (3) Civic workers; (4) Non-professional working women; (5) Women with legal expertise; (6) Young women; (7) Social service workers; (8) Senior citizens; (9) Educators. The commission shall also include a member of city council, appointed by the mayor with the approval of city council.

I am recommending the appointment of Carolyn Wright Porcher. Ms. Porcher worked for the New York City Department of Education as a School Social Worker for 25 years before retiring to Charleston, SC. She is a life member of Delta Sigma Theta Sorority, Inc. the NAACP, and the League of Women Voters.

I would like to thank Antoinette Barnes for her service and commitment to the City of Charleston while serving on the Commission on Women.

The following are my recommendations for the Commission on Women:

- Carolyn Wright Porcher – new appointment – term expires 2/28/2022
- Nick Mercer – reappointment – term expires 2/28/2022
- Denise M. Fugo – reappointment – term expires 2/28/2022
- Janet Segal – reappointment – term expires 2/28/2022
- Andrea Schenck – reappointment – term expires 2/28/2022
- Carol Jackson – reappointment – term expires 2/28/2022
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: March 14, 2019
RE: Municipal Court Judges Appointments

The municipal court shall be presided over by the chief judge of the municipal court and such associate judges as provided for in the annual budget of the city council, who shall be elected by the city council and shall serve for a term of four (4) years or until his or her successor is elected and qualified.

I would like to reappoint Michael A. Molony, he has a wealth of experience and has provided stellar service to the City. I am pleased to recommend his reappointment. I would like to nominate Kelsey Willey as Associate Judge. Kelsey Willey is extremely civic minded and is very involved the local community. Apart from owning her own law practice that specializes in civil litigation and probate law matter, Ms. Willey is a devoted public servant serving on the boards of both the YMCA of greater Charleston and the Center for Women. It is for these reasons that I believe Ms. Willey will make an excellent Associate Judge.

I would like to thank Judge Thomas P. Morrison for his years of dedicated service and hard work to the City of Charleston.

The following are my recommendations for Municipal Court Judges:

- Kelsey O. Willey – new appointment (Associate Judge) – term expires 2/28/2023
- Michael A. Molony – reappointment (Associate Judge) – term expires 2/28/2023
Mayor John J. Tecklenburg
and Members of City Council
Charleston City Hall
80 Broad Street
Charleston, SC 29401

Dear Mayor Tecklenburg and Members of Council:

I am pleased to submit my application to serve the City of Charleston as an associate municipal judge for the upcoming term. As a long time resident of the City of Charleston I love our City and look forward to serving all of its residents through the municipal court.

Currently, I run my own law firm where I focus on civil litigation and probate law matters. As you will see from my resume, however, my experience is not limited to those areas. I have served Solicitor Scarlett Wilson as a juvenile arbitrator hearing and deciding sentences for juvenile offenders. I have also served as an advocate for domestic violence victims through South Carolina Legal Services, as a volunteer guardian ad litem, and been awarded by Charleston Pro Bono Legal Services for my volunteer activities representing individuals in need.

In addition, I am very involved in the community and currently serve on the Boards of both the YMCA of Greater Charleston and the Center for Women.

My background, passion for community and the law, and professional experience make me well suited to serve as one of our four municipal court judges and I look forward to submitting any additional information or speaking with you as you deem necessary regarding the position.

Sincerely,

Kelsey O. Willey, Esq.
PROFESSIONAL EXPERIENCE

WILLEY LAW FIRM
Owner & Managing Attorney
Charleston, SC
October 2015 – Present

THE LOKEY LAW FIRM
Civil & Probate Attorney
Charleston, SC
June 2015 – October 2015

BABB LAW FIRM
Law Clerk
Charleston, SC
August 2014 – June 2015

COLLEGE OF CHARLESTON
Director of Greek Housing
Charleston, SC
December 2011 – May 2014

COMMUNITY INVOLVEMENT

YMCA of GREATER CHARLESTON
Board Member
Charleston, SC
Present

CENTER FOR WOMEN
Board Member
Charleston, SC
Present

HISTORIC ROTARY CLUB OF CHARLESTON
Membership Committee
Charleston, SC
Present

JUNIOR LEAGUE OF CHARLESTON
Training Council Member & Past Chair for Social and Cultural Inclusion
Charleston, SC
Present

NINTH CIRCUIT SOLICITOR’S OFFICE
Juvenile Arbitrator
Charleston, SC
September 2012 – September 2015

CHARLESTON COUNTY GUARDIAN AD LITEM PROGRAM
Guardian Ad Litem
Charleston, SC
May 2012 – May 2014

SOUTH CAROLINA LEGAL SERVICES
Domestic Violence Clinic Volunteer Advocate
Charleston, SC
September 2012 – February 2013

CHARLESTON COUNTY PROBATE COURT
Judicial Observation Clerk
Charleston, SC
June 2012

EDUCATION

CHARLESTON SCHOOL OF LAW
Juris Doctor
Charleston, SC
May 2014
Student Bar Association Senator, Vice-President of Alternative Dispute Resolution Society, Member of Phi Delta Phi- International Legal Honors Society, President Children’s Advocacy and Family Law

LONGWOOD UNIVERSITY, Cormur Honors College
Bachelor of Science in Psychology & Bachelor of Science in Sociology: Pre-Law
Farmville, VA
May 2011
President of Senior Class, Treasurer of Judicial Board, Member Cormier Honors College Student Assoc.

MEMBERSHIPS
AMERICAN BAR ASSOCIATION; CHARLESTON COUNTY BAR ASSOCIATION; SOUTH CAROLINA ASSOCIATION OF JUSTICE
City of Charleston Opportunity Zone Pilot Program Proposal

Program Overview:

In order to take advantage of the Opportunity Zone designations that now exist in the City of Charleston, a pilot program of Zoning Ordinance Amendments is proposed.

This program would stimulate the development of affordable and workforce housing, while also increasing the overall housing supply and helping to keep down costs for rental housing at market rates as well.

There are several aspects of the program, in two categories: Housing Affordability and Small Business Development. By packaging them together, the City’s proposal can benefit property owners, renters, investors, and businesspeople, and improve vitality and quality of life in our beloved city.

In order to take full advantage of these proposals, projects would need to meet the Federal definition of a “Qualifying Project” and be funded at least in part through a Qualified Opportunity Fund. Using the funding mechanism as a trigger avoids triggering a variety of levels of review, speeding approvals through the process pipeline.

Housing Affordability Proposals:

Upper Peninsula District Affordable Housing Requirement:

In addition to recent Affordable Housing changes made to the UP criteria, projects making use of the Opportunity Zone provisions would also receive 4 UP points, and would be able to double the points they received through affordable housing provisions of the UP ordinance.

Automatic Workforce Housing Opt-In:

Allow any commercial property owner to receive the benefits of MU/WH in any underlying commercial Zone District. No rezoning would be required. The property owner would only have to demonstrate to the Zoning Administrator that the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund. Detailed restrictions would apply.

Up to the base allowed density of the zone district, require the standard MU/WH ratio of a minimum of 20% rental workforce housing, without allowing commercial substitution. Over and above that, require a 50% rental Opportunity Zone workforce housing ratio in additional units.

Limitation on density would be a natural result of building envelope limits and parking requirements, as it is in the MU/WH districts.

In the Unit Bonus accrued from the Opportunity Zone, a workforce housing unit are capped at 60% of AML. Workforce Housing units in the regular count (up to the allowed density of the base district) are capped at 80% of AML.

Increased fee-in-lieu, adjusted parking, and reduced AML textual changes to keep in conformance with the rest of the section.

Commercial uses appropriate to the base zone district would still be allowed.

Small Business Development Proposals:
Business Parking Changes:

For most business types, a significant reduction in parking requirement would be offered in the opportunity zone. The reduction would be 50% for uses that would require four or more spaces, and a 100% exemption from parking requirements for uses that would require three or less spaces. Restrictions would apply; and only certain categories of business would be able to take advantage of this provision. This would encourage smaller commercial spaces that are inherently and naturally affordable to small businesses with a community focus.

Second-floor units would be exempt from all parking requirements, except that this exemption wouldn’t apply to residential, accommodations, or office uses. This would allow more commercial use of second floor spaces, which are inherently more affordable than first-floor spaces, and would likely stimulate new businesses.

Business Zoning Corner Opt-in:

This final portion of the pilot program would allow any corner property in a DR or SR zone district that is normally eligible for two or fewer dwelling units to have any of the uses allowed in the RO or GO zone district subject to the restrictions of the Zoning Ordinance as appropriate to the proposed use, as long as it also maintains at least one dwelling unit on the property. This would recapture the character of old Commercial Corners for property owners who wanted that, but would require that housing supply was not substantially reduced and would help with the shortage of smaller office spaces on the Peninsula.
MU/WH Changes:

Amend Sec. 54-299 to read:

The MU-1/WH and MU-2/WH districts, being incentive based, are only available to property owners who apply for the district designation, except that any property owner may receive the benefits of these districts without applying for the district designation subject to restrictions outlined in Secs. 54-299.1-54-299.7 by demonstrating to the Zoning Administrator that the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund and the project lies wholly or in part within a federally-designated Opportunity Zone, and the property in question has a zoning of LB, GB, CT, GO, LI, or HI.

Add Subsection g to Sec. 54-299.1 as follows:

G. Opportunity Zone workforce housing unit: In a development taking advantage of the Opportunity Zone provision of Sec. 54-299, a dwelling unit, where occupants have, in the aggregate, household income less than or equal to sixty (60%) percent of the area median income (AMI). Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.

Amend Sec. 54-299.1, subsection c to read:

c. Qualified household: Households where occupants have, in the aggregate, a household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units, and a household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units, and a household income less than or equal to sixty (60%) percent of the area median income (AMI) for Opportunity Zone units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.

Add Subsections j and k to Sec. 54-299.2 as follows:

J. In a development taking advantage of the Opportunity Zone provision of Sec. 54-299, the number of rental workforce housing units per development shall be the greater of: (1) one unit; or (2) twenty (20%) percent of the number of residential units in the development, rounded up to the next whole number, whichever is greater. This ratio shall apply to all residential units built up to the maximum number of residential units that would be legal under the base zone district of the property. The workforce housing units shall be sized, in terms of square footage and number of bedrooms, comparable and proportional to the square footage and number of bedrooms of the market rate units in the development as a whole. The smallest workforce housing unit by bedroom count shall not be smaller than the smallest market rate unit with the same number of bedrooms. The workforce housing units shall be integrated and intermixed within the market
rate units in a development and not clustered together or segregated from the market rate units. Developments that contain multiple buildings shall incorporate in each building workforce housing units comparable and in proportion, square footage and bedroom wise, to the number of market rate units in the building. Exterior finishes of workforce housing units shall be the same type and quality as the development's market rate units.

While a development taking advantage of the Opportunity Zone provision of Sec. 54-299 would be eligible to provide commercial space legal under the base zone district of the property, such space cannot be substituted for providing residential workforce housing units.

K. In a development taking advantage of the Opportunity Zone provision of Sec. 54-299, and exceeding the number of dwelling units that would be legal under the base zoning of the property, the number of Opportunity Zone workforce housing units per development shall be the greater of: (1) one unit; or (2) fifty (50%) percent of the number of residential units, rounded down to the next whole number, whichever is greater. This ratio shall apply to all residential units built in excess of the number of residential units that would be legal under the base zone district of the property.

Amend Sec. 54-299.2 c to read

c. Fee payment in lieu of units (rental units only): In lieu of providing on site rental workforce housing units, a developer may choose to contribute a fee, on a per unit basis, to the City's Affordable/Workforce Housing Account for any or all of the number of workforce housing units required for the development.

The fee, per unit, shall be a sum equal to the number of gross square footage in the development, whether residential, retail, commercial or otherwise, and inclusive of all heated and unheated spaces (but excluding parking garages) multiplied by $5.10, then divided by the number of required workforce units in the development. Square footage initially used solely as a grocery store or pharmacy may be excluded from gross square footage for purposes of calculating the fee; provided however, if at any time during the period of twenty-five (25) years after the issuance of a certificate of occupancy for the development, the use of the square footage as a grocery store or pharmacy lapses for a period of twelve (12) consecutive months, or is utilized for any other purpose, the then owner of the development shall be required, as a condition of occupancy of such space, to pay a sum equal to the difference between fee per unit that would have been payable had the space not been excluded from the per unit calculation and the fee per unit initially.

Fees shall be calculated at the time of building permit application, and paid in full prior to the issuance of a certificate of occupancy for any part of the project.

Fee payment in lieu of units for projects taking advantage of the Opportunity Zone provisions of Sec. 54-299 shall be ten million dollars ($10,000,000) for the first Workforce Housing unit not provided, and shall be doubled for each additional Workforce Housing unit not provided.
($20,000,000 for the second unit not provided, $40,000,000 for the third, et. seq.) The fee for each unit shall be tripled if it is not paid before the issuance of a building permit.

Amend Sec. 54-299.3 to read in part:

Parking requirements for an owner occupied workforce housing unit or rental workforce housing unit shall be one (1) space per two units. Parking for an Opportunity Zone workforce housing unit shall be one (1) space per six (6) units.

Parking requirements for an owner occupied market rate housing unit or rental housing unit shall be one (1) space per unit, except that the parking requirement for a market rate housing unit built under the Opportunity Zone provision of Sec. 54-299 shall be one (1) space per three units.
Business Parking Changes:

Add Subsection c to Sec. 54-317 as follows

c. Opportunity Zones – Projects permitted as new construction or renovation and demonstrating to the Zoning Administrator that the project is a Qualifying Project funded wholly or in part by a Qualified Opportunity Fund and located wholly or in part within a federally-designated Opportunity Zone shall be exempt from these requirements in part, as follows:

1. Only uses in the categories of “Institutional and Community Service,” “Business, Entertainment, and Office,” “Industrial,” or “Recreational” in Table 3.3 may be exempted under the terms of this section. Restaurant and Bar uses may not be exempted from this section.

2. For uses requiring four or more parking spaces under Table 3.3, 50% of the square footage of the use shall be exempt from the parking requirements of this chapter.

3. For uses requiring three or fewer parking spaces, no off-street parking shall be required, except that no permit shall be granted that allows the exemption of more than fifteen parking spaces by this method.

Amend Sec. 54-316 to read in part:

Sec. 54-316. - Applicability of requirements.

At the time any building, structure, or outdoor commercial space (a use not utilizing a structure) is constructed, reused, enlarged, or increased in capacity by the addition of dwelling units, guest rooms, floor area, or seats, the required number of off-street automobile parking spaces with adequate provisions for ingress and egress by an automobile of standard size shall be provided for the new or enlarged use(s) pursuant to Table 3.3. Properties within the GP zoning district shall be exempt from all provisions of Part 4: Off-Street Parking Requirements, with the exception of Section 54-317, subsection b, relating to the maximum area of paved parking spaces and aisles. Uses on the second finished floor of any property within a federally-designated Opportunity Zone shall be exempt from all provisions of Part 4: Off-Street Parking Requirements, except that this exemption shall not apply to restaurant, bar, residential, or accommodations uses.
Business Zoning Changes:

Amend Sec. 54-203 to read:

Sec. 54-203. - Permitted principal uses.

Permitted principal uses for each base zoning district, except for Agricultural zoning districts, shall be as set forth in Part 3: Table of Permitted Uses, and as modified by special provisions, exceptions and conditions contained herein. For permitted principal and accessory uses in Agricultural base zoning districts, see Article 10. Principal use means the primary or predominant use or uses of a lot or parcel. The Table is based upon the 1987 Standard Industrial Classification Manual. Accessory uses, which for the purposes of this Chapter are defined as uses of land or of a building or portion thereof which are customarily incidental and subordinate to a principal use located on the same lot or parcel, are allowed, except that communication towers, home occupations, residential short term rentals, home day care facilities, and limited commercial uses within the GO district are only allowed pursuant to the requirements specified in Part 4: Accessory Uses, of this Article.

a. Symbols used in the Table are as follows:
   1. *bull*; means that the indicated use is permitted by right in the indicated district;
   2. † means that the indicated use is permitted in the indicated district, subject to the granting of a special exception by the Board of Zoning Appeals;
   3. ‡ means that the indicated use is permitted in the indicated district as a conditional use, subject to a finding by the Zoning Administration that the use satisfies specific conditions listed herein.
   4. H means that the indicated use is permitted but the hours of operation for that use are restricted to normal business hours for that district as listed in Section 54-204.

b. Any use not permitted in a district is expressly prohibited, except that within a federally-designated Opportunity Zone, any property in a DR or SR zone district that fronts on two or more public rights-of-way and contains or is eligible for two or fewer dwelling units may have any of the uses allowed in the RO or GO zone districts subject to the restrictions of Sec. 54-204, Sec 54-207e, and Sec. 54-207j as appropriate to the proposed use as long as the property also maintains at least one legal dwelling unit.

c. A section number following the use category means that the special exception or conditional use is allowed where indicated on the Table but must meet the conditions and requirements set forth in the referenced section of this Article.

d. The Zoning Administration may utilize the Standard Industrial Classification Manual to determine the appropriate classification of a land use.
MEMORANDUM

To: Mayor John J. Tecklenburg and members of the Community Development Committee of City Council
From: Geona Shaw Johnson, Director
       Department of Housing & Community Development
Date: March 6, 2019
Re: Community Development Block Grant (CDBG) Program – Timeliness Requirement and the Drawdown of additional funds

The City of Charleston has received Community Development Block Grant (CDBG) funding since 1975. The City of Charleston’s Department of Housing and Community Development has managed the funding and provided oversight of the grant and the organizations funded through the award. CDBG can be used on housing, infrastructure, economic development, public services, benefiting people and the neighborhoods that we serve, which we often refer to as Community Development Target areas. The Community Development Block Program has allowed the City of Charleston to leverage well-over $50M and assisted more than 20,000 households. We utilize CDBG funding in the City of Charleston primarily for the rehabilitation programs we manage, to fund non-profit organizations and to build/acquire affordable housing. The funding has made a tremendous impact to the Charleston community.

In light of our need to expend on a timely basis, the CDBG funding the City is awarded; I wanted to provide background information related to the matter of timely expenditures and to request a reallocation of CDBG funding to ensure that we spend the appropriate amount of funding prior to April 2, 2019, which is 45 days before the end of the program year and when the Department of HUD conducts its assessment of the City of Charleston’s CDBG fund balance. Local jurisdiction, like the City of Charleston are required to have no more than 1.5% of its CDBG allocation on hand. Untimely expenditure of grant funds can result in a program not securing future awards or allocations of funds.

We are behind in the expenditure of CDBG funds for two primary reasons: the allocation of 2017 funds was not awarded until August 2017, approximately four months behind the normal schedule, which lent to a delay in the execution of contracts. HUD was on a Continuing Resolution and Congress delayed the release of funds. Additionally, we currently have forty-three (43) 2018 housing projects; which include Roof Replacements and Substantial Rehabilitations under review by the HUD Environmental Review Officer. In 2017, we were advised by the HUD Environmental Review Officer that we needed to revise the
Letter to the Mayor and the Community Development Committee of City Council
Community Development Block Grant Expenditures
March 6, 2019

manner in which we conduct environmental reviews. HUD Environmental Reviews are a procedural
Environmental Review process that includes contact with multiple internal and external partners to
determine whether the project you are undertaking has an adverse impact on the environment. We
instituted additional measures for a more comprehensive review and also hired ECS, a local firm to assist
with finalizing 2017 rehab projects. Recently, City Council approved a contract with Terracon
Environmental, a local environmental firm who assists local governments across the country with
compliance with HUD Environmental Review guidelines. Having Terracon assist the Department with this
process should expedite the approval of the use of funds and thus the expenditure of funds. Prior to hiring
Terracon, we were primarily conducting these reviews internally. Forthwith, these tasks will be
implemented by an outside firm. For your information, we have included a copy of an environmental
review report that is prepared when utilizing HUD funds. We believe that working in concert with
Terracon and more closely with BFRC, to conduct monthly draws of grant dollars, we will achieve the
required goal established by the Department of HUD.

To facilitate the expenditure of funds, HCD is requesting approval to reallocate funding amounts detailed
below. The funding will be reallocated to the Ashleyville/Maryville Development, which will decrease the
amount of funding from the Fee-in-lieu account, which can be applied to other affordable housing
opportunities in our community.

- Substantial Rehabilitation Line Item $170,573.40
- Property Acquisition 75,000.00
- EDC/HDO—Humphreys Court 30,000.00

Total funds Reallocated $275,573.00

Should you have questions regarding any of the information detailed herein, please advise. Thank you
for your ongoing support.

Enclosure: Timely Expenditure of Funds Informational Document
City of Charleston Environmental Review Record

Copy to: City of Charleston City Councilmembers
Budget, Finance and Revenue Staff
AN ORDINANCE

TO AMEND SECTION 3.1.2.d OF THE STORMWATER DESIGN STANDARDS MANUAL, ADOPTED IN ACCORDANCE WITH SECTION 27-28 AND SECTION 27-102 OF THE CODE OF THE CITY OF CHARLESTON, BY IDENTIFYING CERTAIN DEVELOPMENTS TO WHICH THE SPECIAL STORMWATER STANDARDS IN ORDINANCE NO. 2018-115 DO NOT APPLY BECAUSE OF PRIOR APPROVALS AND BECAUSE OF THE PREVIOUS INSTALLATION OF NECESSARY IMPROVEMENTS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Section 3.1.2.d of the Stormwater Design Standards Manual shall be amended to read as follows:

3.1 General Requirements

General requirements for all stormwater systems and facilities shall include, but may not be limited to, the following:

....

2. Stormwater quantity control:

....

d. Church Creek Drainage Basin Requirements. For projects in the Church Creek Watershed per the Stormwater Management Ordinance (Sec 27-102):

(1) Within the area of the City delineated as the Church Creek Basin in the Master Drainage and Floodplain Management Plan dated May 1984, on file in the offices of the Department of Public Service Stormwater Management, City Council finds that because of the topography and the limited stormwater infrastructure, homes and other developed properties in the basin have experienced severe flooding during rainstorms that did not exceed the design rainfall event. The infrastructure now in place is not sufficient to adequately handle the stormwater discharge of the
development that has occurred to date, and stands to be further adversely impacted as additional development occurs. It is evident that absent the implementation of reasonable regulations and specific criteria for the design and construction of permanent stormwater management systems associated with new development in the basin, both existing and planned development will be threatened.

(2) A special stormwater management area is established within which all new development must adhere to special stormwater management design standards, which shall be designated as the Church Creek Special Stormwater Management Area. This area shall be defined as that portion of the Church Creek basin that lies north of the existing railroad right-of-way, which is more specifically shown in the Master Drainage and Floodplain Management Plan dated May 1984 and the Stormwater Master Plan for the Church Creek Watershed on file in the offices of the Department of Public Service Stormwater Management (hereinafter referred to as the “Church Creek Special Stormwater Management Area”).

(3) Within the Church Creek Special Stormwater Management Area, all permanent stormwater management systems associated with new development shall be designed and constructed to maintain the postdevelopment peak flow rates at or below the pre-development peak flow rates, and to detain the excess runoff volume difference between the predevelopment and post-development conditions for the design storm having a duration of 24-hours and frequencies of 2, 10, 25, 50 and 100 years for a period of twenty-four (24) hours, with tolerances for a peak flow rate match for the 25- and 50-year storm events being plus or minus ten (10) percent, with all others matching pre-post-development conditions. Detention facilities meeting these standards shall be designed and constructed to contain the excess volume for the 24-hour period and the volume required to release the post-development peak flow rates at or below the pre-development peak flow rates, all as are more fully explained and specified in the Stormwater Master Plan for the Church Creek Watershed maintained on file in the office of the City Engineer Department of Stormwater Management, and which is incorporated herein by reference.

(4) Subject to the exception set forth in Section 3.1.2.d(5), the following additional standards shall apply to development in the Church Creek Watershed per the Stormwater Management Ordinance (Sec 27-102):

i. The minimum required easement width for any open conveyance shall be 24 feet. This easement shall include a maintenance shelf accessible to a public right-of-way of 20 feet. For open conveyances greater than four feet wide and/or four feet deep, the easement width shall be increased by two feet for each foot of channel width or depth in addition to four feet. Main conveyance components shall utilize open drainage channels and ponds to move large volumes of stormwater over long distances. Culverts may be used where main conveyances cross topographical features. A main conveyance is defined as a drainage asset that serves 100 lots or more or
provides drainage for more than one subdivision or community or commercial project greater than 30 acres. Box culverts or pre-engineered spans or bridges shall be used in lieu of pipes for locations where main conveyance assets or channels cross roadways or trails. Channels shall be sized to operate at full capacity with reasonable vegetation growth. A channel opening dimension factor of safety of 1.25 shall be used for conveyance structures to account for normal accumulation of debris and sediment between maintenance cycles. The 1.25 factor of safety shall be based upon hydraulic capacity during the 50-year and 100-year storm conditions. Channel easement width shall be adequate for the channel as well as for access and maintenance. Access shall be sufficient to allow for loading and unloading of equipment and enable mowers and excavators to traverse the length of the conveyance asset. Access for loading/unloading equipment shall be within, adjacent to, and nearby to enable efficient maintenance activity. Main conveyance easements shall allow for a maintenance shelf on one side of the channel. Side slopes shall include a maximum slope of 2.5H:1V. Projects where alternate channel side slopes are proposed, such as a wall, bulkhead or hard scape will be considered on a case-by-case basis. The minimum width for a main conveyance channel easement shall be 50 feet. Access and shelf areas shall accommodate maintenance equipment such as excavators and other equipment required for effective operation to traverse, function, and freely move without risks associated with encroaching upon private property.

ii. For areas in the Church Creek Basin north of Bees Ferry Road, storm event volumes above predevelopment volumes shall be released over a minimum period of 72 hours. For areas located south of Bees Ferry Road, release rates shall be reviewed on a case-by-case basis to determine the optimum storage period based on conditions anticipated during a 100-year event. Release rates will be controlled to prevent downstream impacts.

iii. All discharges to tidally affected receiving waters shall be equipped with surge protection devices. Surge protection devices will not be required in areas located upstream of existing devices where protection is provided. All devices shall be located to facilitate maintenance and shall be constructed of stainless steel, aluminum, or other materials that are corrosion resistant and designed for installation in a marine, saltwater environment. The city reserves the right to standardize, develop standards for, and review designs associated with tidal surge protection devices. In some cases, maintaining tidal flow under normal conditions may be necessary. In these cases, a self-regulating tide gate shall be used to prevent storm surge in upstream areas. Tide gates and self-regulating tide gates shall be manufactured from non-corrosive material and shall be in accordance with the Waterman Industries SRT or an approved equal. The city reserves the right to continue to develop, amend, update, revise, and implement standards associated with devices as technology evolves.
iv. Conveyance culverts shall be sized to ensure operation at full required capacity under severe conditions common in the area of installation. Minimum sizes shall be determined to reduce the potential for fouling or clogging due to trapped debris. Culverts shall be sized with a 1.25 safety factor based on hydraulic capacity during a 50-year event to allow for normally occurring conditions. Maintenance access easements shall be provided on each side of culvert crossings parallel to the flow way to enable maintenance equipment to stage and operate without risk of inflicting permanent damage to improvements in the easement. Culvert headwalls shall include robust components not easily damaged by a backhoe or excavator bucket.

v. Floodplain storage impacts that reduce storage shall be prevented. In cases where floodplain impacts are proposed, impacts shall be mitigated on a minimum 1.25:1 basis based on storage volume to prevent deterioration of basin storage capacity during storm events over time. Mitigation shall be within the same basin having an effect on the same water surface elevations and hydraulics as the proposed impact.

vi. Basin Improvement Plan Participation

Where a project is located in a portion of the basin where capital improvements have been recommended to improve drainage or reduce flooding potential, property owners may incorporate improvements into site design plans, provided the drainage improvements shown on plans are consistent with the function, intent, and effect of the capital project recommended in the Church Creek Basin Study or any prior or subsequent study or evaluation commissioned by the City or their agent. These projects will be reviewed on a case-by-case basis and the City reserves the right to engage in collaborative and creative design efforts that result in improvements to drainage in the basin serving the best interest of the public.

vii. The soil characteristics of fill material placed on non-structural areas shall ensure that granular soils are used which promote infiltration and reduce runoff. Soil infiltration BMPs shall be incorporated into the site design where practical. Soils in non-structural areas shall have an infiltration rate of 0.3 inch per hour or greater. Infiltration BMPs must be consistent with the most current version of the Low Impact Development in Coastal South Carolina guide.

a) Home builders shall be encouraged to retain stormwater on site for re-use as irrigation water.
b) Low Impact Development aspects shall be considered during the design process to help mitigate stormwater runoff volume while improving quality.

(5) The additional standards for the Church Creek Watershed set forth in Section 3.1.2.d(4) shall not include multi-family developments in which each of the following requirements are satisfied: (a) prior to January 1, 2008, any stormwater plan required by the City for the development at that time was approved by the City; (b) such approval by the City has not been revoked as of January 1, 2019; (c) such approval by the City has not expired or otherwise terminated as of January 1, 2019; and (d) prior to January 1, 2019, acquisition, construction and/or installation of stormwater facilities or improvements has commenced in reliance upon and in accord with the City’s approval.

Section 2. This ordinance shall become effective upon ratification and shall apply retroactively.

Ratified in City Council this ___ day of ____________ in the Year of Our Lord, 2019, and in the ____ Year of the Independence of the United States of America

____________________________________________________
John J. Tecklenburg, Mayor

ATTEST:

____________________________________________________
Vanessa Turner Maybank,
Clerk of Council