

October 13, 2020
5:00 p.m.
Conference Call:
1-929-205-6099
Access Code:
912096416

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Waring

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Proclamation recognizing Quintin Washington (*Requested by Councilwoman Marie Delcioppo and Councilmember Harry Griffin*)
2. Proclamation recognizing the 230th anniversary of Carolina Youth Development Center (*Requested by Councilmember Karl Brady*)

E. Public Hearings

(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.)

Please use one of the following methods to request to speak at the meeting or provide comments for City Council. Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, October 13th:

- 1. Request to speak (via Zoom or telephone) or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;**
- 2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at <http://innovate.charleston-sc.gov/comments/>.**
- 3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401**

1. Approval to accept the 2020 Justice Assistance Grant for \$27,875 to fund overtime costs for the CIU and training related to police-mental health collaboration. There is no match required for this grant.

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. September 22, 2020

H. Citizens Participation Period

Please use one of the following methods to request to speak at the meeting or provide comments for City Council. If requesting to speak, you must join by telephone using the conference call number listed at the top of the agenda. Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, October 13th:

1. Request to speak or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;
2. Sign-up to speak or leave comments for City Council by completing the form at <http://innovate.charleston-sc.gov/comments/> by Tuesday, October 13th at 12:00 p.m.
3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

I. Petitions and Communications:

1. Approval of Appointments:

i. Tourism Commission:

Barry Kalinsky (Reappointment)

Ernest Long (Reappointment)

James Saboe (Reappointment)

Alphonso Brown (Reappointment)

Chad Yonce (Reappointment)

Elizabeth Fort (New Appointment)

Angela Drake (New Appointment)

Victoria Moore (New Appointment)

Darryl Wade (New Appointment)

Yvonne Broaddus (New Appointment)

ii. Commission on Women:

Jennifer Brown (Reappointment)

Kendra Snipe (New Appointment)

Claire Gibbons (New Appointment)

Trischia Khouri (New Appointment)

Tina Singleton (New Appointment)

2. Update on the City's response to COVID-19 - *Mayor John J. Tecklenburg, Dr. Michael Sweat, MUSC, Shannon Scaff, Emergency Management Director, and Tracy McKee, Chief Innovation Officer*
3. An Emergency Ordinance amending Emergency Ordinance 2020 -100 by deleting language in Section 6 requiring occupancy limits for restaurants and bars and incorporating restrictions and conditions of Governor's Executive Order No. 2020-63 on restaurant and bar operations
4. An Emergency Ordinance amending Emergency Ordinance No. 2020-60 by extending effective date and staff to provide recommendations for amendments to City ordinances expanding outdoor dining areas and sidewalk dining on permanent basis **(To be sent under separate cover by the Legal Department)**
5. Report on in-person Council and Committee meetings – *Tracy McKee, Chief Innovation Officer, Wes Ratterree, Chief Information Officer, and Rick Markiewicz, Director of Safety*

J. Council Communications:

1. Discussion regarding administrative decisions made by the Mayor in regards to the increase in property taxes *(Requested by Councilmember Harry Griffin)*
2. Discussion on the placement and the enforcement of business and political signs in the City of Charleston *(Requested by Councilmember Peter Shahid)*

K. Council Committee Reports:

1. License Committee: (Meeting was held on Thursday, September 24, 2020 at 3:00 p.m.)

a. Old Business

b. New Business:

An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2021

Give first reading to the following bill from License:

An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2021.

2. Committee on Public Safety: (Meeting was held on Thursday, October 8, 2020 at 2:00 p.m.)

- a. Presentation and discussion of the CPD After Action Report. Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code may or may not be necessary.

(An additional Public Safety Committee meeting will be held within the next two weeks to receive public comments.)

3. Committee on Community Development: (Meeting was held on Thursday, October 8, 2020 at 4:30 p.m.)

a. Old Business

- (i) Discussion and recommendation to City Council on whether and to what extent the City's ordinances governing cluster developments should be modified or amended. A memorandum and draft ordinance are attached solely for the purpose of facilitating the discussion.

b. New Business

- (i) TD Bank Housing for Everyone Grant Opportunity
- (ii) Resolution to Certify a Building for an Abandoned Building Tax Credit (Legal Department to send under separate cover) (*DEFERRED*)
- (iii) Review/Amendment of the Cooper River Bridge TIF allocations
- (iv) Discussion: Review of Minimum Parking Requirements for Commercial Corridors

Give first reading to the following bill from Community Development:

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by changing Part 16 (Cluster Development) of Article 2 (Land Use Regulations) to add a new Sec. 54-299.16, providing that cluster developments will no longer be permitted for new developments.

4. Committee on Recreation: (Meeting was held on Monday, October 12, 2020 at 2:00 p.m.)

a. Old Business

b. New Business

- (i) Municipal Golf Course Proposed Rates
- (ii) Poet Laureate Ordinance Amendment
- (iii) Update on the Parks and Recreation Master Plan – Tom O'Rourke

Give first reading to the following bill from Recreation:

An ordinance to amend Chapter 2, Sections 398 and 399, to expand the responsibilities of the Poet Laureate, to clarify the term of service to include multiple terms, to include public funding as a funding source, and to provide an annual stipend.

5. Committee on Public Works and Utilities: (Meeting was held Monday, October 12, 2020 at 4:00 p.m.)

a. Stormwater Management Department Update:

- (i) King/Huger Drainage Improvement – Approve a Memorandum of Agreement with Charleston Water System agrees to reimburse at 100% the costs of all construction items associated with the relocation of lateral and longitudinal water and sanitary sewer conflicts and the replacement of existing water main infrastructure within project area.
- (ii) Church Creek Drainage Improvements - Approval to accept the National Fish and Wildlife Foundation Grant for the Church Creek Habitat Restoration and Flood Protection Project. The grant implements nature based solutions and green infrastructure to protect critical infrastructure in and around the Church Creek Basin, promote community resilience and enhance ecosystem services and hydrological function. The grant provides \$1,345,000.00 of Federal Funds and requires a local match of \$1,355,825.00. Matching funds are budgeted in the Drainage Fund and available in In-Kind Local Donations (\$16,541.00).
- (iii) Central Park Drainage Improvements – Discussion of Project Plans (*Requested by Councilmember William Dudley Gregorie*)
- (iv) Signal Point/Grimball Drainage Improvements – Project Update
- (v) An ordinance amending Chapter 27 of the Code of the City of Charleston, by amending the Flood Hazard Prevention and Control Requirements in Article II, Division 3, Section 27-103, to add a new definition for “violation.”

Give first reading to the following bill from Public Works and Utilities:

An ordinance amending Chapter 27 of the Code of the City of Charleston, by amending the Flood Hazard Prevention and Control Requirements in Article II, Division 3, Section 27-103, to add a new definition for “violation.”

6. Committee on Traffic and Transportation: (Meeting was held on Tuesday, October 13, 2020 at 3:00 p.m.)

- a. Glenn McConnell Parkway Maintenance Agreement
- b. Folly Road Maintenance Agreement
- c. Resolution for Approval: To establish the Johnson Street quiet zone at the highway rail grade crossing known as Johnson Street (USDOT Crossing ID 841159R) and to authorize the Mayor to execute a Memorandum of Agreement (“MOA”) and other necessary documents between the City of Charleston and all necessary parties to govern the funding, design, permitting, construction, installation, repair, and maintenance of necessary improvements to establish the Johnson street quiet zone upon approval of the final form of the MOA and other necessary documents by Corporation Counsel and the Director of the City’s Department of Traffic and Transportation.
- d. Director’s Update
- e. Discussion

7. Committee on Ways and Means:

(Bids and Purchases)

(Budget Finance and Revenue Collections: Year 2020 Amendment to General Fund and Enterprise Funds Expenditure Budget [Ordinance])

(Budget Finance and Revenue Collections: Year 2020 Amendment to General Fund and Enterprise Funds Revenue Budget [Ordinance])

(Fire Department: Approval to accept the HMEP grant in the amount of \$10,500 for the Charleston FD Haz-Mat Team to attend specialized training. A 20% in-kind match is required for this grant. Salaries of personnel attending classes will be used as the match.

(Fire Department: Approval to accept the DHEC grant amendment in the amount of \$603,362.50 for the Lowcountry Healthcare Coalition to support the Charleston Fire Dept. to purchase Drive Through RX/Vaccination Shelter Trailers. A 20% in-kind match is requested. The grant is being increased by \$378,092.

(Mayor's Office for Children, Youth, and Families: Approval to apply to the Cities Financial Empowerment Fund to initiate a Bank On Initiative in Charleston in the amount of \$5,000 to provide financial resources and banking resources to un/underbanked individuals. There is no match or fiscal impact associated with this grant.

(Police Department: Approval to accept the 2020 Justice Assistance Grant for \$27,875 to fund overtime costs for the CIU and training related to police-mental health collaboration. There is no match required for this grant. *(See also City Council Agenda – Public Hearing Item #E-1).*

(Police Department: Approve a MOU between CPD and FBI regarding CPD's participation on the FBI's Joint Terrorism Task Force and Cost Reimbursement Agreement wherein subject to availability of required funding FBI will reimburse CPD for overtime payments made to officers assigned to and working on JTTF matters.

(Stormwater Management: Approval to accept the National Fish and Wildlife Foundation (NFWF) Grant for the Church Creek Habitat Restoration and Flood Protection Project. The grant implements nature-based solutions and green infrastructure to protect critical infrastructure in and around the Church Creek Basin, promote community resilience around the base and in surrounding communities, and enhance ecosystem services and hydrological function. The project will complete 33 acres of floodplain restoration, 2.5 miles of instream restoration, 28.5 acres of land restoration, and 29.5 acres of wetland restoration. Federal Funds - \$1,345,000; Local Match - \$1,354,825. Matching funds of \$1,354,825 are budgeted in the Drainage Fund (\$1,338,284) and In-Kind Local Donations (\$16,541).

(Stormwater Management: Approval of Huger-King Street Drainage Improvements Memorandum of Agreement with Charleston Water Systems (CWS) by which CWS agrees to reimburse at 100% the costs of all construction items associated with the relocation of lateral and longitudinal water and sanitary sewer conflicts and the replacement of existing water main infrastructure within project area. CWS will also be responsible for all engineering and design service costs associated with the preparation of plans and specification of the utility work.

(Parks-Capital Projects: Approval of a contract with Demolition Environmental Company, LLC in the amount of \$131,025.88 for the disassembly of the base of the Calhoun Statue at Marion Square. The funding source for this project is 2019 General Fund Reserves.

(Parks-Capital Projects: Approval of a Professional Services contract with Bennett Preservation Engineering, PC, in the amount of \$89,355 for engineering services related to the partial removal and preservation of the St. Julian Devine Community Center Smoke Stacks. Approval of this engineering contract will obligate \$89,355 of the project budget \$3,146,883. Funding sources for this project are: 2015 General Fund Reserves (\$250,000) 2018 General Fund Reserves (\$400,000), Cooper River Bridge TIF (\$2,340,000), and Charleston Parks Conservancy Contribution (\$156,883). ***(The Professional Services Contract may be amended based on the City Council Workshop held on October 7, 2020.)***

(Parks-Capital Projects: Approval of a Construction Contract with Demolition Environmental Company, LLC (DECO) in the amount of \$485,990 for the partial demolition, removal and preservation of the twin smoke stacks located at the St. Julian Devine Community Center. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved Budget. Approval of this Construction Contract will obligate \$485,990 of the project budget \$3,146,883. Funding sources for this project are: 2015 General Fund Reserves (\$250,000), 2018 General Fund Reserves (\$400,000), Cooper River Bridge TIF (\$2,340,000), and Charleston Parks Conservancy Contribution (\$156,883).

(Approval of the Consent and Third Amendment to Lease Agreement between the City and Ecovest-East Shed Development, LLC, which amends certain terms of the Master Lease Agreement executed by the City and Ecovest-East Shed Development, LLC, on October 9, 2020, and provides for approval by the City of a new subtenant for Ecovest-East Shed Development, LLC, as required under the terms of the Master Lease Agreement. [Ordinance] ***(Consent and Third Amendment to Lease Agreement will be sent under separate cover by the Real Estate Department.)***

(Approval of a Lease of a single City parking space on Cone Street for continued use to house a trash dumpster for nearby businesses. The property is owned by the City of Charleston. (Cone Street; Part of TMS# 458-09-02-068)

(Discussion regarding archeological ordinance *(Requested by Councilmember Peter Shahid)*)

(Discussion regarding donut holes *(Requested by Councilmember Peter Shahid)*)

(Consider the following annexations:

- 1824 Sandcroft Dr (TMS# 353-14-00-220) 0.23 acre, West Ashley (District 7). The property is owned by Jack and Samantha Reipke.

- Property on Wappoo Road (TMS# 350-14-00-086) 0.38 acre, West Ashley (District 5). The property is owned by Joshua Brandner and Dan Tollens.

(Update from Ernest Andrade, Executive Director, Charleston Digital Corridor

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

An ordinance to reduce appropriations of the City of Charleston for the fiscal year ending December 31, 2020.

An ordinance to recognize the revenue losses incurred and the usage of additional funds to meet the appropriations authorized by Ordinance 2020-___ for the fiscal year ending December 31, 2020.

An ordinance authorizing the Mayor to execute on behalf of the City the necessary documents to enter into that certain Third Amendment to Lease Agreement between the City, as Landlord, and Ecovest – East Shed, LLC, as tenant, pertaining to the property commonly known as the East Shed, located at 23 Ann Street, in the City of Charleston, State of South

Carolina. Said Third Amendment to Lease Agreement being attached hereto as Exhibit A and incorporated by reference herein.

An ordinance to provide for the annexation of property known as 1824 Sandcroft Dr (0.23 acre) (TMS# 353-14-00-220), 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 7. The property is owned by Jack and Samantha Reipke.

An ordinance to provide for the annexation of property known as property on Wappoo Road (0.38 acre) (TMS# 350-14-00-086), 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 5. The property is owned by Joshua Brandner and Dan Tollens.

L. Bills up for Second Reading:

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

- 1. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1814 Harmon Street (Peninsula) (approximately 2.1 acres) (TMS #464-02-00-052) (Council District 4), be rezoned from General Business (GB) classification to Light Industrial (LI) classification. The property is owned by J. Gibson Properties, LLC.*
- 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 2444 Quail Hollow Court (West Ashley) (approximately 0.09 acre) (TMS #355-16-00-069) (Council District 2), annexed into the City of Charleston September 8, 2020 (2020-121), be zoned Diverse Residential (DR-1) classification. The property is owned by Douglas R. Wurster.*
- 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 2229 Weepoolow Trail (West Ashley) (approximately 0.32 acre) (TMS #353-12-00-017) (Council District 2) (2020-120), annexed into the City of Charleston September 8, 2020, be zoned Single-Family Residential (SR-1) classification. The property is owned by John Everett McInnis.*
- 4. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1551 North Pinebark Lane (West Ashley) (approximately 0.22 acre) (TMS #353-15-00-037) (Council District 7), annexed into the City of Charleston September 8, 2020 (2020-122), be zoned Single-Family Residential (SR-1) classification. The property is owned by Roscoe L. Bolton, III and Joy L. Bolton.*
- 5. An ordinance amending Chapter 27 of the Code of the City of Charleston, by amending Flood Hazard Prevention and Control Requirements in Section 27-105 to reference FEMA's updated flood insurance study for Charleston County, effective January 29, 2021.*
- 6. An ordinance authorizing the issuance of City of Charleston Public Facilities Corporation Installment Purchase Revenue Bonds (City of Charleston Project), Series 2020; authorizing the execution and delivery of certain instruments relating to the issuance and sale of the aforesaid bonds, each between the City of Charleston, South Carolina and City of Charleston Public Facilities Corporation, a Bond Purchase Agreement among the City, City of Charleston*

Public Facilities Corporation and the underwriter, and a preliminary official statement and an official statement; and other matters relating thereto.

- 7. An ordinance to provide for the annexation of property known as 1858 Christian Rd (0.22 acre) (TMS# 353-14-00-095), 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 7. The property is owned by William J and Elizabeth K Trull.*
- 8. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that properties located on Morrison Drive, Romney Street and North Romney Street (Laurel Island) (approximately 196.1 acres) (TMS # 464-00-00-006, 002, 023, 038, 459-02-00-013, and 461-13-03-024) (Council District 4), be rezoned from General Business (GB), Heavy Industrial (HI), Upper Peninsula (UP) and Diverse Residential (DR-3) classification to Planned Unit Development (PUD) (Laurel Island) classification, with the Planned Unit Development guidelines attached hereto and incorporated herein by reference to serve as the Development Plan for such property. The property is owned by Charleston County and LRA Promenade North LLC. (DEFERRED)*
- 9. An ordinance to provide for the annexation of property known as 772 Yaupon Drive (approx. 2.3 acre) (TMS# 263-00-04-038), 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 Beverley D. and James P. Rardin. (DEFERRED AT THE REQUEST OF THE APPLICANT)*
- 10. An ordinance to provide for the annexation of property known as 3338 Maybank Highway (approx. 1.1 acre) (TMS# 279-00-00-035), 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 property is owned by Consultants, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)*
- 11. An ordinance to provide for the annexation of property known as 3328 Maybank Highway (approx. 4.588 acre) (TMS# 279-00-00-031), 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 Kulick Properties, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)*
- 12. An ordinance to provide for the annexation of property known as 3320 Maybank Highway (approx. 2.278 acre) (TMS# 279-00-00-029), 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 1108 St Gregory St, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)*
- 13. An ordinance to provide for the annexation of property known as 1720 Pinecrest Road (0.22 acre) (TMS# 351-12-00-038), 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 Elizabeth White. (DEFERRED)*
- 14. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Ashley River Road (West Ashley) (1.53 acres) (TMS #354-12-00-004) (Council District 2), be rezoned from Single-Family Residential (SR-1)*

classification to Limited Business (LB) classification. The property is owned by Laura M. Smith. (DEFERRED)

15. *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)*
16. *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)*
17. *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)*
18. *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)*

M. Bills up for First Reading

1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by changing the Zone Map, which is a part thereof, so that properties located on Morrison Drive, Romney Street, and North Romney Street (Laurel Island and Peninsula) (Charleston County TMS Nos. 459-02-00-013, 461-13-03-024, 464-00-00-002, 464-00-00-006, 464-00-00-023, 464-00-00-038) be deleted from the Old City Height District Zoning Maps.
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 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)
3. 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)

N. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, October 27, 2020 at 5:00 p.m.

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

PROCLAMATION

- WHEREAS; the City of Charleston wishes to recognize one of its most dedicated citizens, **QUINTIN WASHINGTON**; and
- WHEREAS; **QUINTIN WASHINGTON** is from Charleston, SC. He attended Burke High School, where he was a reporter and editor for Burke High School's weekly TV newscast; and
- WHEREAS; **QUINTIN WASHINGTON** began his broadcasting career with WCSC-TV in 1996 as a news intern. Subsequently, he was a temp production assistant at WCIV-TV and WCBD-TV; and
- WHEREAS; **QUINTIN WASHINGTON** is well-known throughout the Lowcountry for his work as a freelance journalist and has written news articles and columns appearing in The Post and Courier, The George Street Observer and The Chronicle; and
- WHEREAS; in 2007, **QUINTIN WASHINGTON** created and organized a town hall meeting to end poverty and homelessness in Charleston; and
- WHEREAS; since 2012, **QUINTIN WASHINGTON** has hosted and produced a web show on YouTube called Quintin's Close-Ups™. During this time, he has conducted thousands of 1-on-1 interviews with prominent Charlestonians and other South Carolina public figures. To produce his show, Quintin works independently to book guests, conduct research, compose questions and scripts, set up interviews, and shoot and edit video footage; and
- WHEREAS; **QUINTIN WASHINGTON** recently was recognized and honored by United States Congressman Joe Cunningham on the floor of the United States Congress for "Quintin's Close-Ups." In 2014, was also honored by the South Carolina House of Representatives for outstanding service in the field of news and broadcast journalism and for the remarkable impact of "Quintin's Close-Ups."

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim Tuesday, October 13, 2020 as:

QUINTIN WASHINGTON DAY

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 13th day of October in the year of 2020.



John J. Tecklenburg, Mayor

City of Charleston

JOHN J. TECKLENBURG

MAYOR

PROCLAMATION

- WHEREAS,** Carolina Youth Development Center (CYDC), originally named the Charleston Orphan House, is the oldest operating non-profit in South Carolina. It was created to empower and equip the community's most vulnerable children by providing a safe environment, educational support, and career readiness; and
- WHEREAS,** each year, CYDC serves more than 900 children and families in more than 15 counties, including Berkeley, Charleston and Dorchester counties; and
- WHEREAS,** in 2019, CYDC opened NuHouse, the first independent living home in the Lowcountry, completed training in trauma-informed care practices for all staff, opened a teen after school center, and matched funding from the South Carolina Department of Social Services dollar for dollar; and
- WHEREAS,** that same year, CYDC received referrals for services from more than 15 surrounding counties and saw improvements in life skills among 90% percent of youth; and
- WHEREAS,** CYDC will launch a new care model, Teaching Families, aimed at building positive change in residents while remaining focused on the holistic development of each individual and expects to serve over 800 families this year by opening a Family Support Center; and
- WHEREAS,** CYDC is committed to ensuring children are placed in the best possible setting based on their individual needs, while protecting children, empowering families and preparing youth for adulthood; and
- WHEREAS,** the City of Charleston would like to thank this remarkable organization for its years of dedicated service to the Charleston community, and to congratulate them on their 230-year anniversary.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim Saturday, October 17, 2020 as:

CAROLINA YOUTH DEVELOPMENT CENTER DAY

IN WITNESS WHEREOF, I do hereby set my hand and cause the seal of Charleston to be affixed, this 13th day of October in the year of 2020.

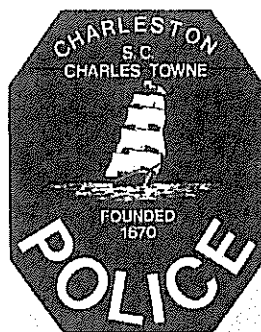
John J. Tecklenburg, Mayor

P.O. Box 652, CHARLESTON, SOUTH CAROLINA 29402
843-577-4727 TECKLENBURGJ@CHARLESTON-SC.GOV



2020 DOJ Edward Byrne Justice Assistance Grant
Police-Mental Health Collaboration

TRAINING	UNITS	DESCRIPTION	UNIT COST	TOTAL
	1	Sequential Intercept Model Training	\$ 23,750.00	\$ 23,750.00
PERSONNEL	UNITS	DESCRIPTION	UNIT COST	TOTAL
	1	Crime Intelligence Unit Data Analyst Overtime	\$ 4,125.00	\$ 4,125.00
			Total	<u><u>\$ 27,875.00</u></u>



CFDA #16.738
Edward Byrne
Memorial Justice
Assistance Grant
Program

JAG Identifiers:

- (1) Intervention Programs
- (2) Co-Occurring Disorders
- (3) Mental Health

This proposal seeks to improve the Charleston Police Department's rehabilitative programs related to justice-involved individuals and to produce and analyze data related to calls for service that are commonly associated with mental illness, substance use disorder and homelessness. In recent decades, there has been sustained attention on police responses to persons experiencing mental health or substance use crises. The Charleston Police Department has worked to meet the needs brought about by the police-public health interface by engaging in the Crisis Intervention Team model, various diversion programs (e.g. cite and release) as well as partnerships with mental health and substance use disorder (SUD) practitioners to divert individuals away from the criminal justice system. However, preliminary data has shown that officers are still spending a large majority of their time on what are referred to as nuisance offenders, which are nonviolent offenses commonly associated with justice-involved individuals who suffer from homelessness, substance use disorder, or mental illness.

A study published in *Police Quarterly* in 2017¹ investigated what the authors identified as the "gray zone" of police work during mental health encounters. They analyzed field observations from Chicago police officer's handling mental health-related encounters. They concluded that these encounters "often do not call for formal or legalistic interventions... and observed three core features of police work: (1) accepting temporary solutions to chronic vulnerability; (2) using local knowledge to guide decision-making; and (3) negotiating peace with complainants and call subjects." The study recognized that patrol officers, while they are assessed in terms of clearance

¹ From "The 'Gray Zone' of Police Work during Mental Health Encounters: Findings from an Observational Study in Chicago," by J. Wood, A. Watson and A. Fulambarker, 2017, *Police Quarterly* (20)1: 81-105.
Doi:10.1177/1098611116658875.

rates and crime reduction, often function as incidental mental health interventionists and serve as a last resort intercept tasked with determining “whether to initiate formal interventions by criminal justice, behavioral health or social services.” Police decisions in these circumstances are often complicated by the fact that mental illness is often accompanied by substance use and/or homelessness. Co-occurring disorders are common for nuisance offenders who are most frequently involved with the criminal justice system. While the CPD has taken great strides to improve these interactions and divert non-violent individuals in need of social services, there would be great benefit to the collection and analysis of data related to law enforcement calls for service and the frequency of interactions with nuisance offenders. When coupled with training related to gaps analysis across the criminal justice system, the CPD would be better-informed when approaching the conceptualization of program design for justice-involved people with mental and substance use disorders.

responsibilities to complete this

The CPD Criminal Intelligence Unit (CIU)² responsibilities are two-fold: (1) gather, document and disseminate intelligence pertaining to crime patterns/trends and criminals in and around the Charleston area; and (3) monitor and gather intelligence on violent offenders as identified in the Career Criminal Offender Monitoring (CCOM) program. CIU provides accurate and timely statistical analysis of crime incidents, patterns and trends and resource allocations to the various components of the department. CIU consists of a civilian supervisor (Data Integration

² See attached: General Order 37, “Criminal Intelligence Unit”

and Analysis Manager) and 3 civilian personnel, Intelligence Analysts. The CIU supervisors report directly to the Crime Information Operations Center (CIOC) Commander.

Members of CIU receive information from a variety of sources. The purpose of the CIU is to provide a systematic process that examines criminal activity and provides information, patterns, and trends to the various components of the Charleston Police Department. CIU studies crime and intelligence data to determine the frequency and extend to which one crime is associated with others. Crime data is gathered, organized, and compared using various data sources, analytic tools and deductive reasoning. Analysis includes comparison of incident types, identification of emerging patterns and trends, suspect descriptions and methods of operation regarding previous crimes.

The scope of this grant as it related to the CIU data analyst will be limited to overtime hours working on this project. Data analysts will be asked to review crime trends and officer interactions that are specific to circumstances that may have been exacerbated or brought about by an individual's struggle with mental illness, substance use disorder and/or housing instability. CIU data analysts currently report nuisance crime data to the Charleston County Criminal Justice Coordinating Council (CJCC). Nuisance crimes include but are not limited to: Trespassing, Public Intoxication, Open Container, Shoplifting, or Simple Possession Marijuana charges. Part of their responsibilities related to this grant will be comparing the nuisance offenses with violent offenses to determine where, who, and how often officers are spending with each offense.

The Charleston Police Department currently operates under the guidelines set out in General Order 32³ when interacting with an individual who presents symptoms of mental illness or developmental disabilities. Officers strive to deal with these individuals in a compassionate yet safe manner to protect the individual, the public, family members and officers. Should an officer determine that an individual is mentally or emotionally ill and a potential threat to themselves or others, or may otherwise require police intervention for humanitarian purposes, they are encouraged to call a Crisis Intervention Team Member (CIT) to the scene. The CIT is a group of officers trained to handle situations involving individuals who suffer from mental illness and appear to be in crisis. The CIT follows three objectives:

- (1) Pre-arrest diversion of individuals suffering from mental illness from the criminal justice system;
- (2) Providing law enforcement with the tools needed to handle encounters with individuals who present symptoms of mental illness; and
- (3) Delivery of proper care for individuals in crisis through a collaboration of mental health and criminal justice systems.

Members of the Crisis Intervention Team are sworn members of the CPD who have volunteered to serve on the team. Members are considered based on the following skills:

- (1) Communication skills;
- (2) Active listening skills;

³ See attached: "Crisis Intervention Team Field Guide" and General Order 32, "Mental Illness and Developmental Disabilities"

- (3) Ability to work well under pressure;
- (4) Ability to maintain a positive attitude under stressful conditions;
- (5) Ability to absorb verbal abuse without negative responses; and
- (6) Ability in exercising good judgement and decision-making skills.

Each member is required to attend a basic 40 hour CIT training class. All members receive annual training to maintain proficiency.

The CJCC was established in 2017 to assist Charleston County in making sustainable, data-driven improvements to the criminal justice system. They are a collaboration of elected and senior officials, law enforcement leaders, judicial and court leadership, behavioral health professionals, victim and legal advocates, and community leaders. The CJCC works collaboratively to improve the administration of justice and promotion of public safety through planning, research, education, and system-wide coordination of criminal justice initiatives. The CJCC's strategies include programs such as:

- Citation and release for low-level charges;
- Triage service within the Tri-County Crisis Stabilization Center;
- Automated court reminders;
- Pretrial risk management;
- Reduced time to disposition;
- Centralized database; and
- Racial and ethnical disproportionality and/or disparity.

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2020 Edward Byrne Memorial Justice Assistance Grant Program
Applicant: City of Charleston Police Department

The Charleston Police Department, along with community partners in mental health and substance use recovery, actively participate in all of the above programs.

In April 2019, United States District Judge Bruce Hendricks spearheaded an initial meeting of first responders, community educators, public health and public safety agencies to discuss the opioid crisis in our region. From this initial meeting, the Addiction Crisis Task Force was born. The mission of the Addiction Crisis Task Force ("ACTForce" or "ACTF") is to reduce the incidence of overdose injury and death in the greater Charleston Region by: (1) combating addiction and improving health outcomes; and (2) engaging in a collaborative, multi-disciplinary, evidence-based approach to strategic objectives. Since the inception of the ACTForce, law enforcement agencies have made specific changes such as naloxone training, ODMAP reporting, and partnering with public health agencies to identify recovery coaches' specific to OD responses. The Charleston Police Department partnered with the Charleston County Sheriff's Office to establish the Charleston Metro Quick Response Team. The team works with the Charleston Center, a local rehabilitation center, to deploy trained officers to the residence of an individual who has recently overdosed and provide them with local resources related to recovery. Each QRT officer is paired with a Charleston Center Peer Recovery Coach who is an individual in recovery with extensive training in motivational interviewing for substance use disorders.

The project design for this proposal was informed by the Department of Justice Bureau of Justice Programs Police-Mental Health Collaboration Toolkit. The Toolkit is intended to provide resources for law enforcement agencies when partnering with service providers, advocates, and individuals with mental illness and/or intellectual and developmental disabilities. Programs include:

- (1) *Crisis Intervention Teams* (already established at CPD);
- (2) *Co-Responder Teams* that include a specially trained officer and a mental health crisis worker who respond together to mental health calls for service;
- (3) *Mobile Crisis Teams* where a group of mental health professionals respond to calls for service at the request of law enforcement officers (this is already provided by Charleston County EMT); and
- (4) *Case Management Teams* which include behavioral health professionals and officers who provide outreach and follow-up to repeat callers and high utilizers of emergency services.

To determine the next steps necessary to improve the City's response to supporting justice-involved individuals, the CPD proposes that select department individuals and community partners in substance use disorder recovery, mental health support, and homelessness outreach receive training from Policy Research Associates (PRA) related to the Sequential Intercept Model (SIM). The SIM was developed as a conceptual model to inform community-based responses to the involvement of people with mental and substance use disorders in the criminal justice system. The focus of the training is to assist stakeholders in facilitating community-based solutions for justice-involved people with mental and substance use disorders along the 5 Intercepts identified by the

PRA. These Intercepts allow the CPD to develop a comprehensive picture of how people with mental and substance use disorders flow through the criminal justice system. The six distinct intercept points include:

- (1) Community Services;
- (2) Law Enforcement;
- (3) Initial Detention/Initial Court Hearings;
- (4) Jails/Courts;
- (5) Reentry; and
- (6) Community Corrections.

The SIM will be utilized by the City of Charleston as a strategic planning tool to assess available resources, determine gaps in services, and plan for community change. The CPD will invite local stakeholders that cross over multiple systems, including mental health, substance use, pretrial services, housing, health, social services, and people with lived experiences, among others.

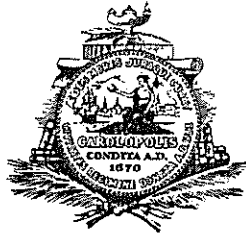
In collaboration with the aforementioned training, the project will be supported through data analysis conducted by the CPD CIU data analyst. The scope will be limited to an analysis of calls for service that are considered to be nuisance offenses versus violent offenses. The analyst will then compare the amount of time patrol officers spend on nuisance offenses versus violent offenses. This will assist the department the allocation of resources to specific geographic locations and/or persons of individuals who would be better serviced by behavioral health and/or social services. Further, it will assist the department with identifying “frequent flyers” or individuals who are frequently involved in the criminal justice system for nuisance charges, so that city

CFDA #16.738
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Applicant: City of Charleston Police Department

stakeholders may work collaboratively to ensure these individuals have access to the appropriate resources.

Upon completion of the grant expenditures, it is the aim of the applicant that the group of trained stakeholders will be equipped with the knowledge and the data to improve current police-mental health programs and other outreach services related to co-occurring disorders and homelessness.

Objective	Performance Metrics	Data Grantee Provides
Analyze calls for service related to mental health/ substance use disorder/homelessness	Overtime hours completed by CIU Data Analysts	<p>Analysis of calls for service related to nuisance offenses versus violent offenses</p> <p>Comprehensive of “frequent flyers” related to nuisance offenses who may require behavioral health and/or social services</p>
Promote collaborative partnerships with local stakeholders	Number of community stakeholders participating in SIM training	SIM training certificates of completion
Communicate findings to City Officials and relevant agencies	Deliver presentation to CPD and City Council Public Safety Committee on nuisance offense data	Presentation and data visuals provided to agency and committees
Develop plan of action for systemic improvement	Number of focus group/think tank meetings with local stakeholders involved in the SIM training and all other local stakeholders involved in systemic improvements	<p>After action report of SIM training</p> <p>Policy changes made during the course of the project (if applicable)</p> <p>MOUs formed between stakeholder agencies (if applicable)</p>



City of Charleston

JOHN J. TECKLENBURG
MAYOR

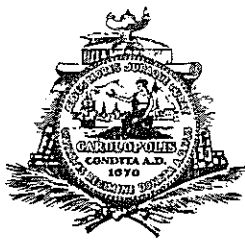
MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: October 13, 2020
RE: Tourism Commission Appointments

The commission shall be appointed by the mayor upon the advice and consent of the City Council and shall consist of fourteen (14) voting members including a chairman. Eight (8) members shall be persons who have demonstrated their knowledge and appreciation of the history and architecture of the city. Of these eight (8), at least four (4) shall be residents of the Peninsula, three (3) shall be residents from areas outside of the Peninsula and one (1) shall be a member of the city council. One (1) member shall be a member of the business community who shall have demonstrated his or her knowledge of business, commerce and urban economics.

The following are my recommendations for the Tourism Commission:

- Barry Kalinsky – **Reappointment** – (Economics) – term expires 2/28/23
- Ernest Long – **Reappointment** – (Peninsula) – term expires 2/28/23
- James Saboe – **Reappointment** – (Tourism) – term expires 2/28/23
- Alphonso Brown – **Reappointment** – (Tourism) – term expires 2/28/23
- Chad Yonce – **Reappointment** – (Economics) – term expires 2/28/23
- Elizabeth Fort – **New Appointment** – (Peninsula) – term expires 2/28/23
- Angela Drake – **New Appointment** – (Peninsula) – term expires 2/28/23
- Victoria Moore – **New Appointment** – (Off Peninsula) – term expires 2/28/23
- Darryl Wade – **New Appointment** – (Tourism) – term expires 2/28/23
- Yvonne Broaddus – **New Appointment** – (Off Peninsula) – term expires 2/28/23



City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: October 13, 2020
RE: Commission on Women

The Commission on 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 a representative of more than one group: (1) Homemakers; (2) Indignant women; (3) Civic workers; (4) Non-professional working women; (5) women with legal experience; (6) Young Women; (7) Social Service workers; (8) Senior Citizens; (9) Educators. The commission shall include a member city council, appointed but the mayor with the approval of city council.

- Jennifer Brown – **Reappointment** – term expires 2/28/2023
- Kendra Snipe – **New Appointment** – term expires 2/28/2023
- Claire Gibbons – **New Appointment** – term expires 2/28/20203
- Trischia Khouri – **New Appointment** – term expires 2/28/2023
- Tina Singleton – **New Appointment** – term expires 2/28/2023



**EMERGENCY ORDINANCE
AMENDING EMERGENCY ORDINANCE 2020 -100
BY DELETING LANGUAGE IN SECTION 6 REQUIRING
OCCUPANCY LIMITS FOR RESTAURANTS AND BARS
AND INCORPORATING RESTRICTIONS AND CONDITIONS
OF GOVERNOR’S EXECUTIVE ORDER NO. 2020-63 ON
RESTAURANT AND BAR OPERATIONS**

Section 1. Chapter 21, Section 111 of the Code of the City of Charleston is hereby amended by deleting the struck through text, which shall read as follows:

“Sec. 21-111. - **Disguised persons; Halloween exceptions.**

(a) No person over sixteen (16) years of age shall appear on any street, highway, alley, public park or other public place in the city in any disguise which conceals the identity of such person, without the permission of the chief of police.”

Section 2. Findings. City Council does hereby make the following findings:

WHEREAS, in December 2019, an outbreak respiratory illness due to a novel coronavirus (COVID–19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, across the world, including the United States; and,

WHEREAS, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and,

WHEREAS, on January 23, 2020, the Center for Disease Control (“CDC”) activated its Emergency Response System to provide ongoing support for the response to COVID–19; and,

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency to assist with combating the coronavirus, and,

WHEREAS, on March 13, 2020, Governor Henry McMaster (the “Governor”) declared a state of emergency in South Carolina, Executive Order 2020-10, based on a determination that “COVID-19 poses an actual or imminent public health emergency”; and,

WHEREAS, on March 16, 2020, Mayor John J. Tecklenburg declared a local state of emergency in the City of Charleston; and,

WHEREAS, the local state of emergency has been extended several times and is set to expire on July 15, 2020; and,

WHEREAS, City Council has enacted a number of emergency ordinances in an effort to decrease the risk of exposure to COVID-19 in our city; and,

WHEREAS, both the State of South Carolina and the City of Charleston remain in a state of emergency due to the COVID-19 pandemic; and,

WHEREAS, the State and City's efforts to slow the spread of the virus, by way of limiting public gatherings and certain retail operations, contributed to the flattening of the curve; however, maintaining such efforts became unviable; and,

WHEREAS, since returning to more public interaction, the number of COVID-19 cases in the State and the city have dramatically increased; and,

WHEREAS, as of June 24, 2020, there were 26,572 confirmed cases throughout the State of South Carolina and 673 deaths, with 2,251 cases in Charleston County, with 20 deaths and 695 cases in Berkeley County, with 20 deaths; and,

WHEREAS, on June 25, 2020, in response to the dramatic spike in the number of COVID-19 cases in Charleston and Berkeley Counties, Council approved Emergency Ordinance 2020-84 requiring face coverings in certain circumstances, effective July 1, 2020; and,

WHEREAS, as of July 9, 2020, it was reported that there is no country in the world where confirmed coronavirus cases are growing as rapidly as they are in South Carolina; and,

WHEREAS, as of July 11, 2020, the number of cases continued to rise at an alarming pace, to the extent that there were at least 54,538 confirmed cases throughout the State of South Carolina and 905 deaths, with 7,553 cases in Charleston County, with 58 deaths and 2,205 cases in Berkeley County, with 25 deaths; and,

WHEREAS, on July 11, 2020, Governor Henry McMaster issued Executive Order No. 2020-45 prohibiting the sale or consumption of beer, wine, or alcoholic liquor on the licensed premises of all persons or businesses authorized to sell beer, wine or alcoholic liquor between the hours of 11:00 p.m. and 10:00 a.m. the following day; and,

WHEREAS, the Centers for Disease Control and Prevention ("CDC") and SCDHEC strongly advise, in addition to social distancing, the use of cloth face coverings to slow the spread of COVID-19; and,

WHEREAS, the medical and scientific evidence around COVID-19 is ever-evolving, and the CDC has stated that COVID-19 spreads mainly in large, in-person gatherings and crowds where it is difficult to be socially distancing, and from person to person through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice while shouting or singing; and,

WHEREAS, playing loud music in establishments requires customers in order to be heard are required to shout over the top of the music which sprays the virus much further than a normal toned conversation; and in addition, loud music draws crowds which makes it difficult for maintaining social distancing; and,

WHEREAS, taking measures to control outbreaks and to lessen the spread of the virus from person to person minimizes the risk to the public, maintains the health and safety of the City's residents, and limits the spread of infection in our community and within the healthcare delivery system; and,

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the City has and will continue to take steps to try to protect the citizens, employers, and employees of the City from an increased risk of exposure to COVID-19; and,

WHEREAS, Council finds that it is in the best interest of the public peace, health, welfare, and safety, and to help preserve the lives of citizens of the City of Charleston, to require that masks, consisting of at least simple cloth face coverings, be worn by persons when interacting in public in the City of Charleston, ~~to limit the number of persons who can occupy bars and restaurants,~~ **to require restaurants and bars to adhere to certain conditions and restrictions**, and to prohibit in bars and restaurants the playing of amplified music after **11 pm** ~~9:00 pm~~ to decrease the spread of the virus.

Section 3. **Face Covering or Mask Required in All Public Places.**

The use of a face covering or mask is required by every person within the boundaries of the City of Charleston in all public places, including sidewalks, streets, and public rights of ways and as detailed below:

1. All persons entering any building open to the public in the City must wear a face covering while inside the building;
2. All restaurants, retail stores that include but are not limited to salons, barber shops, grocery stores, pharmacies, or other buildings open to the public in the City must require their employees to wear a face covering at all times while having face-to-face interaction with the public;
3. While interacting with people in outdoor spaces, including, but not limited to, curbside pickup, delivery, and service calls;

4. While providing or utilizing public or commercial transportation, including tours;
5. When walking in public; or
6. When participating in a permitted or allowable gathering.

Section 4. Exceptions to Face Covering or Mask in All Public Places.

While the City is requiring the use of face coverings or masks in public, the following shall be exempt from the provisions of this emergency ordinance:

1. Any person who is unable to safely wear a face covering due to age, an underlying health condition, or is unable to remove the face covering without the assistance of others;
2. Any person traveling in their personal vehicles;
3. When a person is alone or only with other household members in an enclosed space;
4. While participating in a sustained outdoor physical or sports activity, provided the active person maintains a minimum of six (6) feet from other people at all times;
5. While actively smoking, drinking, or eating;
6. Customers seated in a restaurant or at a bar so long as they maintain a minimum of six feet from other persons in the establishment;
7. In an outdoor or unenclosed area appurtenant to retail establishments or foodservice establishments in which social distancing of at least six feet is possible and observed;
8. For people whose religious beliefs prevent them from wearing a face covering;
9. For children under 10 years old, provided that adults accompanying children ages two through 10 shall use reasonable efforts to cause those children to wear face coverings while inside the enclosed area of any retail establishment or foodservice establishment;
10. In private, individual offices;
11. When complying with directions of law enforcement officers;
12. In settings where it is not feasible to wear a face covering, including when obtaining or rendering goods or services such as the receipt of dental services or while swimming; and,
13. Police officers, fire fighters and other first responders when not practical or engaged in a public safety matter of an emergency nature.

Section 5. Violation and Penalties for Failing to Wear Face Covering or Mask.

Any person found violating any provision of this Ordinance that requires the wearing of a face covering or mask in all public places, unless he or she is exempt as provided for in Section 4 above, shall be deemed guilty of an infraction and shall be subject to a fine of one hundred dollars (\$100.00) for the first offense; two hundred dollars (\$200.00) for the second offense; and five hundred dollars (\$500.00) for the third offense.

**Section 6. ~~Occupancy Limits for Bars and Restaurants—Indoors.~~
Restrictions and Conditions on Operations of Restaurants and Bars.**

~~During the duration of this emergency ordinance, bars and restaurants in the city of Charleston are required to limit the number of customers allowed to enter and simultaneously occupy the indoor premises so as not to exceed 50% of the occupancy limit as determined by the Fire Marshal or not to exceed one (1) person per 36 square feet, whichever is less. The business shall post the maximum occupancy as calculated herein on the public entrances of the business and shall have at least one employee on site at all times the business is open who is responsible for ensuring that that number of customers on the premises does not exceed the maximum occupancy and that customers who are waiting outside the business are socially distancing.~~

During the duration of this emergency ordinance, in accordance with Governor Henry McMaster's Executive Order No. 2020-63, restaurants and bars operating in the city of Charleston are not required to limit their occupancy rate but shall adhere to the restrictions and conditions of operations included in Executive Order No. 2020-63 and set forth below:

1. **Restaurants that elect to provide indoor or outdoor customer dining services for on-premises or dine-in consumption, as authorized herein, shall take reasonable steps to incorporate, implement, comply with, and adhere to any applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials, as well as relevant industry guidelines, to limit exposure to, and prevent the spread of, COVID-19.**
2. **Restaurants shall require that all employees, customers, patrons, suppliers, vendors, and other visitors wear Face Coverings, as defined in Section 2(D) of this Order, except while actively engaged in eating or drinking, subject to any applicable exceptions set forth in Section 2(C) (1)-(10) of this Order.**
3. **Restaurants shall not permit the sale or consumption of beer, wine, or alcoholic liquor between the hours of 11:00 p.m. and 10:00 a.m. the following day in accordance with Section 5 of this Order.**
4. **Restaurants should space indoor and outdoor tables at least six (6) feet apart, to the extent possible, to ensure that customers and patrons are at least six (6) feet apart from any other party or group.**
5. **Restaurants should limit seating at each table to no more than eight (8) customers and patrons, exclusive of family units or members of the same household.**
6. **Restaurants should adopt and enforce a process to ensure that customers and**

- patrons are able to maintain a minimum of six (6) feet of separation from other parties while waiting to be seated. If there is any indoor or outdoor waiting area, Restaurants should use tape or other markings to help customers and patrons identify and maintain a minimum of six (6) feet of separation from other parties.
7. Restaurants should not allow patrons and customers to stand or congregate in any bar area. Restaurants should remove bar stools or arrange them in a manner that will ensure that customers and patrons are able to maintain a minimum of six (6) feet of separation from the other parties.
 8. Restaurants shall post signage at each public entrance informing customers, patrons, suppliers, vendors, and other visitors that entry is prohibited for individuals who are experiencing symptoms of COVID-19 or who have tested positive for COVID-19 within the preceding fourteen (14) days.
 9. Restaurants shall conduct, prior to or at the beginning of each shift, an employee survey and screening process, which should include taking each employee's temperature before they begin their shift and inquiring about common symptoms of COVID-19.
 10. Restaurants should immediately excuse and exclude any employees indicating symptoms of COVID-19 or who have tested positive for COVID-19 or have been in contact with someone who has tested positive for COVID-19 within the preceding fourteen (14) days.
 11. Restaurants should actively encourage and require employees who are sick, who have symptoms of COVID-19, who have tested positive for COVID-19, or who have recently had close contact with a person who has tested positive for COVID-19 to stay at home, and should develop policies to encourage any such employees to stay at home without fear of reprisal or adverse employment action on this basis.
 12. Restaurants should remove common-use condiments, such as salt, pepper, and ketchup, from tables. These items should be provided upon request and cleaned and sanitized between uses if single-use options are not available.
 13. Restaurants should not place utensils on a table until after a customer or patron is seated and, if possible, should offer disposable single-use utensils.
 14. Restaurants should utilize disposable paper menus if possible or sanitize menus after each use.
 15. Restaurants should use approved sanitizing solutions to clean tables, chairs, and check presenters after each table turn or seating.
 16. Restaurants shall provide a cleaning station or alcohol-based hand sanitizer at all entry points.
 17. Restaurants shall discontinue self-service buffets or food stations to prevent customers and patrons from reusing service utensils to avoid potential physical contamination; however, employees may be permitted to dispense food via cafeteria-style buffet service.
 18. Restaurants should minimize, modify, or discontinue services that allow customers and patrons to fill or refill their own beverage cups.
 19. Restaurants shall sanitize doorknobs and other shared or frequently touched surfaces as much as possible between newly arriving parties with approved

- sanitizing solutions.
20. **Restaurants should only use kiosks or touch screens for customers and patrons if they can be sanitized between uses and should encourage touchless payment operations like credit cards where no signature required.**

**Section 7. No Amplified Music in Bars and Restaurants
After 11 p.m.**

During the duration of this emergency ordinance, bars and restaurants shall not allow amplified music, including but not limited to bands, DJs, and karaoke music, after 11 p.m. This is recognized as a temporary alteration of the City's existing noise ordinance, Section 21-16, Code of the City of Charleston.

Section 8. Violation and Penalties for Exceeding Occupancy Limits; Playing Amplified Music After 11 p.m.

1. With the exception of their own employees, businesses owners and operators shall not have responsibility for enforcing the requirements set forth in Section 3 of this Ordinance but shall post conspicuous signage at all entrances informing its patrons of the requirements of this Ordinance and may refuse service to customers who after having been provided a warning and copy of this Ordinance by the business, fail to comply with this Ordinance.
2. Business owners and operators are responsible for ensuring that Sections 6 and 7 of this Ordinance are followed or otherwise cease services. Pursuant to Section 45-3-30 of the South Carolina Code, the City may deem or revoke any license granted to conduct any such business when in the judgment of the City, the business is not complying with this Ordinance and is subject to the penalties set forth in Section 1-16 of the City Code.
3. It shall be deemed a public nuisance for a business to violate Sections 6 and/or 7 of this Ordinance on three (3) separate occasions within a three (3) day period of time and as such, the business shall be subject to a review by the City's Business License Official for suspension of its business license as provided for in Section 16 of the City's Business License Ordinance.

Section 9. Enforcement.

1. The City of Charleston Fire Department, Office of the Fire Marshal, Police Department, Building Inspections Division, and their designees, and Livability Code Enforcement Officers are hereby authorized to inspect and determine whether persons are in compliance with the Ordinance. The City will work with the business community to develop marketing strategies, signage, and mask availability, and will work with businesses, local organizations and citizens to educate them on the requirements of the Ordinance as they come into compliance with it. For the duration of this Ordinance, it is unlawful for any person to willfully fail or refuse to

comply with any lawful order or direction of the individuals or designees issued pursuant to this Ordinance.

2. Pursuant to Gov. Henry McMaster's Executive Order No. 2020-45, officers of the Charleston Police Department are authorized to prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in his or her discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health. and pursuant to City of Charleston Ordinance No. 2020-70, social gatherings of 10 or more persons on public streets, sidewalks, parks and all other outdoor properties owned or operated by the City of Charleston is prohibited.

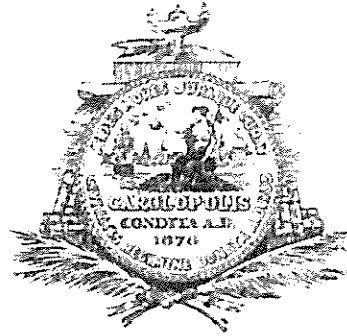
Section 10. Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 11. This Ordinance shall take effect on its adoption and shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after its enactment, whichever date is earlier.

Ratified in City Council this ____ day of _____ in the Year of Our Lord, 2020, and in the ____th Year of the Independence of the United States of America.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____
Jennifer Cook
Interim Clerk of Council



**EMERGENCY ORDINANCE AMENDING EMERGENCY ORDINANCE NO. 2020-60
BY EXTENDING EFFECTIVE DATE AND
STAFF TO PROVIDE RECOMMENDATIONS FOR AMENDMENTS
TO CITY ORDINANCES EXPANDING OUTDOOR DINING AREAS
AND SIDEWALK DINING ON PERMANENT BASIS**

Section 1. Findings. City Council does hereby make the following findings:

WHEREAS, on May 12, 2020, in an effort to stimulate the recovery of the restaurant business in the City of Charleston and to support local restaurants, City Council ratified Emergency Ordinance No. 2020-60 which provided for temporarily superseding and replacing conflicting provisions of the City's zoning ordinances or regulations governing outdoor dining areas and sidewalk dining; and,

WHEREAS, since its ratification, City Council has extended Emergency Ordinance No. 2020-60 due to the continuing nature of the pandemic and the need for City Council to respond to the public health emergency of COVID-19 as it evolves as well as the continuing need to support the recovery of the restaurant business in the City; and,

WHEREAS, Emergency Ordinance No. 2020-60 will expire on October 18, 2020, and City Council has determined it is necessary to extend the emergency ordinance for an additional 60 days; and,

WHEREAS, City Council further believes that to continue to stimulate the recovery of the restaurant business in the City, City Council should consider adopting certain regulations that expand outdoor dining areas and sidewalk dining on a permanent basis.

Section 2. Prior to the expiration of this Ordinance, City staff is directed to review the emergency procedures and standards set forth in Emergency Ordinance No. 2020-60, determine conflicting provisions of the City's zoning ordinances or other regulations governing outdoor dining services, and provide recommendations to City Council for amendments to the City's ordinances and regulations expanding outdoor dining services in the City.

Section 3. This Ordinance shall take effect on its adoption and shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after its enactment, whichever date is earlier.

Ratified in City Council this ____ day of
_____ in the Year of Our Lord, 2020, and in the
____th Year of the Independence of the United
States of America.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____
Jennifer Cook
Interim Clerk of Council



AN ORDINANCE

AN ORDINANCE TO ADOPT AND AMEND THE BUSINESS LICENSE ORDINANCE FOR THE CITY OF CHARLESTON, SOUTH CAROLINA FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2021⁰.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

The City of Charleston Business License Ordinance is hereby amended by adding thereto the following underlined words and deleting the stricken text, which shall read as follows:

Section 1. License Required.

Every person engaged or intending to engage in any calling, business, occupation or profession listed in the rate classification index portion of this ordinance, in whole or in part, within the limits of the City of Charleston, South Carolina, is required to pay an annual license fee for the privilege of doing business and obtain a business license as herein provided.

Section 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

"*Business*" means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly.

"City" means the City of Charleston.

"Classification" means that division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by City Council.

"Due Date" means the date and year when the income is required to be reported to the Business License Official as provided herein.

"Gross Income" means the total income of a business, received or accrued, for one calendar year collected or to be collected from business done within the City, excepting therefrom income earned outside of the City of Charleston on which a license tax is paid to some other municipality or county and fully reported to the City of Charleston. Gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax. Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for insurance companies means gross premiums collected. Gross income for business license tax purposes shall not include taxes collected for a governmental entity, or funds which are the property of a third party and held in escrow. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Insurance Commission, or other government agency.

"License Official" means the "Revenue Collections Division Director" or such other person designated by him or her to administer this ordinance.

"Municipality" means the City of Charleston, South Carolina.

"Person" means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

"Real Estate Developer" means an individual or entity who, for a fee, salary, commission, or other valuable consideration, or who, with the intent or expectation of receiving compensation, engages in any activity involving the sale, purchase, exchange or lease of land and otherwise holds himself or itself out to the public or another business entity as being engaged in any of the foregoing activities.

Section 3. Purpose and Duration.

The business license levied by this ordinance is for the purpose of providing such regulation as may be required for the business subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license shall be issued for one year and shall expire on December 31. The provisions of this ordinance and the rates herein shall remain in effect from year to year as amended by Council.

Section 4. License Fee.

a. The required license fee for each business subject hereto shall be due on January 1 of each year and payable by January 31st. of that year. Delinquent renewal penalties will accrue after February 28th as detailed in Section 14. Fees shall be paid in accordance with the applicable rate classification. The license fee due date for insurance companies shall be May 31st.

b. If the due date for payment falls on a Saturday or Sunday, or a Federal, State, or City of Charleston observed holiday then payment is considered timely on the following business day. Furthermore, if the due date for payment falls during the period of a natural disaster which directly precluded the responsible party from timely submitting the payment, an additional ten (10) day extension may be granted upon written request by the responsible party to the Director of the Revenue Collections Division. A natural disaster is defined as a hurricane, earthquake, flood, or tornado. The responsible party is considered directly precluded from timely submitting payment if their offices are deemed by emergency officials to be damaged to the extent of being unsafe or unavailable for use due to the disaster or postal service to the immediate area is suspended during the due date.

c. A separate license shall be required for each place of business and for each classification or business conducted at one place. If gross income cannot be separated for classifications at one location, the license tax shall be computed on the combined gross income for the classification requiring the highest rate. Businesses that sell alcohol for on premise consumption in addition to conducting other types of business activities are required to secure a 7-5813, a 2-5812, or a 2-5813 classification in addition to any other business license required for that place of business.

d. A license fee based on gross income shall be computed on the gross income for the preceding calendar or fiscal year, and on a twelve-month projected income based on the monthly average for a business in operation for less than one year. The fee for a new business shall be computed on the estimated probable gross income stated in the license application for the balance of the license year. The initial fee for an annexed business shall be prorated for the number of months remaining in the license year. No refund shall be made for a business that is discontinued.

Section 5. Registration Required.

a. The owner, agent or legal representative of every business subject to this ordinance, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year; *provided*, a new business shall be required to have a business license prior to operation within the Municipality. A license for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

b. Application shall be on a form provided by the License Official which shall contain the Federal Employer's Identification Number, the business name as reported on the South Carolina income tax return, South Carolina Sales Tax Number, if applicable, the applicant's Driver's License Number, and all information about the applicant and the business deemed appropriate to carry out the purpose of this ordinance by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.

c. The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, and that all assessments and personal property taxes on business property due and payable to the Municipality have been paid.

d. Before a business license may be issued to a business physically located within the municipal limits of the City of Charleston, the owner, agent, or legal representative shall procure a certificate of occupancy, occupancy permit, or a certificate of operation for each location proposed to be operated by that business before commencing business operations.

e. Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by a company shall be licensed as a broker.

Section 6. Collection of Insurance Fees.

Pursuant to S.C. Code Ann. §§ 38-7-160 and 38-45-60, The Municipal Association of South Carolina is designated the municipal agent for purposes of administration of the municipal broker's premium tax. The Mayor is hereby authorized to execute an agreement with the Municipal Association for the administration and collection of current and delinquent license taxes from insurance companies as authorized by S.C. Code § 5-7-300 and the municipal broker's premium tax.

Section 7. Collection of Telecommunication Fees.

a. Notwithstanding any other provisions of the Business License Ordinance, the business license tax for "retail telecommunications services", as defined in S. C. Code Section 58-9-2200, shall be at the maximum rate authorized by S. C. Code Section 58-9-2220, as it now provides or as provided by amendment. The business license tax year shall begin on January 1 of each year. Declining rates shall not apply.

b. In conformity with S.C. Code Section 58-9-2220, the business license tax for "retail telecommunications services" shall apply to the gross income derived from the sale of retail telecommunications services for the preceding calendar or fiscal year which either originate or terminate in the municipality and which are charged to a service address within the municipality regardless of where these amounts are billed or paid and on which a business license tax has not been paid to another municipality. The measurement of the amounts derived from the retail sale of mobile telecommunications services shall include only revenues from the fixed monthly recurring charge of customers whose service address is within the boundaries of the municipality. For a business in operation for less than one year, the amount of business license tax shall be computed on a twelve-month projected income.

c. The business license tax for "retail telecommunications services" shall be due on January 1 of each year and payable by January 31 of that year, without penalty.

d. The delinquent penalty shall be five percent (5 %) of the tax due for each month, or portion thereof, after the due date until paid.

e. Exemptions in the business license ordinance for income from business in interstate commerce are hereby repealed. Properly apportioned gross income from interstate commerce shall be included in the gross income for every business subject to a business license tax.

f. Nothing in this Ordinance shall be interpreted to interfere with continuing obligations of any franchise agreement or contractual agreement in the event that the franchise or contractual agreement should expire after December 31.

g. All fees collected under such a franchise or contractual agreement expiring after December 31, shall be in lieu of fees or taxes which might otherwise be authorized by this Ordinance.

h. As authorized by S. C. Code Section 5-7-300, the Agreement with the Municipal Association of South Carolina for collection of current and delinquent license taxes from telecommunications companies pursuant to S. C. Code Section 58-9-2200 shall continue in effect.

Section 8. Deductions, Exemptions, and Charitable Organizations

a. No deductions from gross income shall be made except for income earned outside of the Municipality on which a license tax is paid by the business to some other Municipality or a County and fully reported to the Municipality, taxes collected for a governmental entity, or income which cannot be included for computation of the tax pursuant to State or Federal law. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof.

b. The applicant shall have the burden to establish the right to exempt income by satisfactory records and proof. It is the intent of this ordinance that the rule laid down by the Supreme Court of South Carolina in the case of **Triplet v. The City of Chester, 209 SC 3445, 40SE 2d 684 (1946)** shall be followed.

c. A separate itemized listing showing and explaining all deductions must accompany the license application, either new or renewal, or no deductions will be allowed.

d. No person shall be exempt from the requirements of the ordinance by reason of the lack of an established place of business within the Municipality, unless exempted by State or federal law. The License Official shall determine the appropriate classification for each business in accordance with the latest issue of North American Industry Classification System code. No person shall be exempt from this ordinance by reason of the payment of any other tax, unless exempted by State law, and no person shall be relieved of liability for payment of any other tax by reason of application of this ordinance.

e. A Charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to a charitable purpose.

Section 9. False Application Unlawful.

It shall be unlawful for any person subject to the provisions of this ordinance to make a false application for a business license, or to give or file, or direct the giving or filing of any false information with respect to the license or fee required by this ordinance.

Section 10. Display and Transfer.

a. All persons shall display the license issued to them on the original form provided by the License Official in a conspicuous place in the business establishment at the address shown on the license. A transient or non-resident shall carry the license upon his person readily available for inspection by any authorized agent of the Municipality.

b. A change of address must be reported to the License Official within ten (10) days after removal of the business to a new location and the license will be valid at the new address upon written notification by the License Official and compliance with zoning and building codes. Failure to obtain the approval of the License Official for a change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license.

c. A business license shall not be transferable and a transfer of controlling interest shall be considered a termination of the old business and the establishment of a new business requiring a new business license. In the event of a sale or transfer of a business, the purchaser or new owner(s) may apply to the License Official for a credit for fees previously paid toward the new license fees. Upon determination by the License Official that the new business is the same as the previously licensed business, the License Official shall deduct from fees due a prorated credit for license fees paid. The applicant for such credit shall pay an administrative fee of \$50.00, notwithstanding such credits. Such application shall be made within thirty (30) days of any transfer or sale. The transfer of any partial ownership shall be reported to the License Official.

Section 11. Administration of Ordinance.

The License Official shall administer the provisions of this ordinance, collect license fees, issue licenses, make or initiate investigations and audits to insure compliance, initiate denial or revocation procedures, report violations to the municipal attorney, assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this ordinance, and perform such other duties as may be duly assigned.

Section 12. Inspections and Audits.

a. The License Official shall make systematic inspections and periodic audits of businesses within the Municipality to insure compliance with the ordinance. All licensees and applicants under this ordinance hereby submit to the jurisdiction of the City, its License Official, or other authorized agents for the purposes of inspections or audits of books and records.

b. For the purpose of enforcing the provisions of this ordinance the License Official or other authorized agent of the Municipality is empowered to enter upon the premises of any person subject to this ordinance to make inspections, examine and audit books and records. It shall be unlawful for any such person to fail or refuse to make available the necessary books and records. Failure to permit such inspections or audits shall be sufficient cause to deny, revoke, or suspend a license by the License Official.

c. In the event an audit or inspection reveals that the licensee has failed to pay the proper amount of fees, an audit notice shall be served by certified mail. An application of adjustment of the audit may be made to the License Official within fifteen (15) days after the notice is mailed or the audit will become final.

d. In the event an audit or inspection reveals that the licensee has filed false information or under reported its income, the costs of the audit may be added to the correct license fee. Additionally, penalties shall be added to the outstanding fees as provided herein and each day of failure to pay the proper amount of license fee and penalty shall constitute a separate offense.

e. Financial information obtained by inspections and audits shall not be deemed public records, and the License Official shall not release the amount of license taxes paid or the reported gross income of any person by name without written permission of the licensee. The License Official may disclose gross incomes of licenses to the Internal Revenue Service, South Carolina Tax Commission or Charleston County Tax Appraiser for the purpose of assisting tax assessments, tax collections and enforcement. Such disclosure shall be for internal, confidential and official use of these governmental agencies and shall not be deemed public records.

Section 13. Assessments.

a. If a person fails to obtain a business license or to furnish the information required by this ordinance or the License Official, the License Official shall examine such records of the business or any other available records as may be appropriate, and conduct such investigations and statistical surveys as the License Official may deem appropriate to assess a license tax and penalties as provided herein.

b. A notice of assessment shall be served by certified mail. An application for adjustment of the assessment may be made to the License Official within fifteen (15) days after the notice is mailed or the assessment will become final. The License Official shall establish the procedures for hearing an application for adjustment of assessment and issuing a notice of final assessment.

Section 14. Delinquent License Fees, Partial Payment.

a. For non-payment of all or any part of the correct license fee, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid fee for the first month or portion thereof after the due date and an additional twenty (20%) percent for the second month or portion thereof after the due date, for a total of twenty-five (25%) percent, and an additional ten (10%) percent for the third month, for a total of thirty-five (35%) percent of the correct license fee. If any license fee remains unpaid for sixty (60) days after its due date, the License Official may report it to the municipal attorney for appropriate legal action.

b. The penalty for delinquent insurance payments shall be 5% of the tax due per month, or portion thereof, after the due date until paid.

c. Penalties shall not be waived.

d. Partial payment may be accepted by the License Official to toll imposition of penalties on the portion paid; *provided*, however, no business license shall be issued or renewed until the full amount of the tax due, with penalties, has been paid.

Section 15. Notices.

The License Official may, but shall not be required to, mail written notices that license fees are due. If notices are not mailed there shall be published a notice of the due date in a newspaper of general circulation within the municipality three (3) times prior to the due date in each year.

Additionally, the License Official may, but shall not be required to, mail a written reminder that license fees are due. The written reminder should state the due date for the business license fee, the penalties for failing to pay timely and contact information for the Revenue Collections Department.

Failure to receive notice shall not constitute a defense to prosecution for failure to pay the tax and penalties due.

Section 16. Denial of Business License.

a. The License Official may deny a business license to an applicant when the application is incomplete, contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact, or when the activity for which a business license is sought is unlawful or constitutes a public nuisance *per se or per accidens*. A denial shall be written with reasons therefore stated.

b. No business license shall be issued to a business physically located in the City of Charleston until a certificate of occupancy, occupancy permit, or a certificate of operation has been applied for and issued indicating approval of the Zoning Administrator, Fire Department and the Building Inspector for the operation of the applicant's business at the proposed location. Applicants shall purchase a business license within five (5) days after the certificate of occupancy, occupancy permit, or a certificate of operation has been issued.

c. No business license may be issued to a business if that business, or a principal officer of that business owes the City of Charleston for outstanding business license fees, unless a payment plan has been approved by the License Official.

d. No business license may be issued to a business if that business, or the agent, or a principal officer of that business has engaged in an unlawful activity or nuisance related to the business or to a similar business in the City or in another jurisdiction.

e. No business license may be issued to a business if that business, or the agent, or a principal officer of that business has had a business license for the business or for a similar business in another jurisdiction that has been denied, suspended, or revoked in the previous license year.

Section 17. Suspension or Revocation of License.

When the License Official determines:

1. A license has been mistakenly or improperly issued or issued contrary to law; or
2. A licensee has breached any condition upon which the license was issued or has failed to comply with the provisions of this ordinance; or
3. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; or
4. A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
5. A licensee has engaged in an unlawful activity or nuisance related to the business;

The License Official may take actions to suspend or revoke the business license by giving written notice to the licensee or the person in control of the business within the municipality by personal service or certified mail that the license is suspended or suspended pending a hearing before the Business License Committee for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Business License Committee meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension or suspension and proposed revocation and a copy of the applicable provisions of this ordinance.

Section 18. Appeals and Appeal Procedure.

a. Any person aggrieved by a proposed revocation, suspension, or a denial of a business license by the License Official may appeal the decision to the Business License Committee of City Council by written request setting forth plainly, fully, and distinctly why the decision is contrary to law. The written request shall be filed with the Clerk of Council's Office with a copy to the License Official within ten (10) days after service by certified mail or personal service of the notice of proposed revocation, suspension or denial.

b. Any person aggrieved by a final decision of the License Official regarding a final audit or assessment may appeal the License Official's decision to the Business License Committee only after payment in full of the final audit or assessment under protest within ten(10) business days of receiving the final audit and by filing with the Clerk of Council and the License Official a written notice of appeal setting forth plainly, fully, and distinctly why the decision is contrary to law.

c. Business License hearings requested pursuant to this section shall be scheduled within thirty (30) days after receipt of a proper request for an appeal unless continued by agreement.

d. Any person aggrieved by a final decision of the Business License Committee regarding a suspension or revocation of a business license, or a decision by the Business License Committee on a matter appealed to it in accordance with the procedures outlined in this section may appeal the decision of the Business License Committee to the circuit court in and for the county by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly why the decision is contrary to law. The appeal must be filed within thirty days after the affected party receives actual notice of the decision of the Business License Committee.

e. At a hearing held before the Business License Committee, all parties shall have the right to be represented by counsel, to present testimony and evidence and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by City Council shall govern the hearing. The Business License Committee with a quorum of members in attendance shall by majority vote of member's present render a written decision based on findings of fact and the application of the standards herein which shall be served upon all parties or their representatives.

Section 19. Consent, franchise or business license fee required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set by the ordinance approving the agreement and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided for by the franchise or consent agreement.

Section 20. Confidentiality.

Except in accordance with proper judicial order or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this ordinance. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns. Any license data may be shared with other public officials or employees in the performance of their duties, whether or not those duties relate to enforcement of the license ordinance.

Section 21. Violations.

Any person violating any provision of this ordinance shall be deemed guilty of the offense and shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both, upon conviction. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent taxes, penalties and costs provided for herein.

Section 22. Severability.

A determination that any portion of this ordinance is invalid or unenforceable shall not affect the remaining portions.

Section 23. Classification and Rates.

a. The license fee for each Class of business shall be computed in accordance with the following rates. The major groups of businesses included in each Class are listed with the major group number according to the North American Industry Classification System code. The License Official shall determine the proper class for business according to the NAICS.

b. Unless otherwise specifically provided, all minimum fees and rates shall be doubled for itinerants having no fixed principal place of business in the City of Charleston. A construction site trailer or a structure in which the contractor temporarily resides is not deemed a fixed principal place of business."

Section 24. Drainage Fund.

Two percent (2%) of the business license fees collected are hereby authorized to be transferred to the drainage fund to be utilized for drainage improvements.

Section 25. This Ordinance shall become effective January 1, 20210.

Ratified in City Council this ____ day of _____, in the Year of Our Lord, 2020~~19~~, and in the ____nd Year of the Independence of the United States of America.

BY:

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

BY:

Jennifer Cook
Interim Clerk of Council

20210

Schedule of License Fees - Section 25

C l a s s	I N C O M E		All over \$2,000.00 Rate per thousand or fraction thereof
	0-\$2,000.00		
1.....	\$	32.00	\$ 1.55
2.....	\$	37.00	\$ 1.95
3.....	\$	43.00	\$ 2.35
4.....	\$	49.00	\$ 2.80
5.....	\$	55.00	\$ 3.15
6.....	\$	60.00	\$ 3.50
7.....	\$	64.00	\$ 3.90
8.....	See individual business in Class 8		

EXAMPLE OF BUSINESS LICENSE FEE CALCULATION		
Class 1 Business.....	Gross Income	\$100,000.00
First \$2,000.00.....	@ \$32.00	\$32.00
\$2,000.00 - \$100,000.00.....@ \$1.55 per thousand		98 x \$1.55 =
		\$151.90 + \$ 32.00
		Total \$183.90

Itinerant Rates

Unless otherwise specifically provided, all minimum taxes and rates shall be doubled for non-residents and itinerants having no fixed principal place of business within the municipality.

"Declining Rate applies in all classes of gross income in excess of \$1,000,000.00

- excepting where noted differently -

A. Amount (in Millions) Gross Income	Percent of Rate for each additional \$1,000
0 - 1	100 percent
1 - 2	95
2 - 3	90
3 - 4	85
4 - 5	80
Over 5.....	75

CLASS 8 / RATES

NAICS

230000 – Contractors, Construction, Management, General-Contractor, Subcontractors and types –

The total tax for the full amount of the contract shall be paid prior to commencement of any work and shall entitle contractor to complete the job without regard to the normal license expiration date, except that itinerants performing State and Federal jobs in excess of five million dollars (\$5,000,000.00) may pay annually the business license fees equally over the terms of the contract with the first payment due prior to the commencement of work. The declining rate shall apply only to the amount of the contract reported each year.

– Itinerant (No permanent, principal place of business within the city) 0 - \$2,000.00 \$80.00
over \$2,000.00.....\$3.30 per Thousand

Trailers, model homes, structures, or office spaces occupied by Contractors, Subcontractors, and Construction Managers temporarily during construction shall not constitute a permanent, principal place of business.

– Having place of business within the City..... 0 - \$2,000.00.....\$40.00
.....over \$2,000.00 1.65 per Thousand

No contractor shall be issued a business license until all state examination and trade license requirements have been met and all delinquent business licenses paid. No contractor shall be issued a business license until all performance and indemnity bonds required by the City have been filed and approved. Zoning permits must be obtained when required by the City Zoning Ordinance with estimated cost of construction. Each contractor shall post a sign in plain view on each job identifying the contractor with the job and shall furnish the License Inspector with a list of the names, addresses and telephone numbers, start dates, and contract values for all subcontractors.

Subcontractors shall be licensed on the same basis as general or prime contractors for the same job, and no deductions shall be made by a general contractor for value of work performed by a sub-contractor.

482000 - Railroad Companies. For the first 1000 inhabitants.....\$35.51
For each additional 1000 inhabitants according to the last Fed census of the city. Up to a maximum total of \$2,000.00\$44.97

517200 – Radio Telephone Communications - Maximum Authorized by SC. Code Sec 58-9-2220. X gross revenues

517100 – Telephone Communications – Maximum Authorized by SC. Code Sec 58-9-2220 .X gross revenues

722410, 722511 - (a) - Night Clubs, Cabarets, Taverns, Restaurants, or other similar establishments, which sell or serve beer or wine or permit the consumption of alcoholic beverages on the premises after midnight and which derive thirty-five (35%) percent or more of their gross income from the sale of beer, wine and/or alcoholic beverages.

On gross receipts not exceeding \$25,000.00 \$610.50
On each additional \$1,000.00 or fraction thereof.....\$7.90 per Thou

722410, 722511 (b) - Restaurants which derive less than thirty – five (35%) percent of their gross income from the sale of beer, wine and/or alcoholic beverages and are open after midnight.

On gross receipts not exceeding \$2,000.00\$46.26
On each additional \$1,000.00 or fraction thereof\$2.30 per Thou

An addendum to the business license application with a breakdown of total gross income and gross income derived from the sale of beer, wine and/or alcoholic beverages is required to be filed by Class 7 – Section 5813 (a) and Class 8 – Section 722410 (a) establishments.

If Class 8-722410 (b) establishments fail to submit an addendum or the addendum fails to separate total gross income from gross income derived from the sale of beer, wine and/or alcoholic beverages, the license fee shall be computed under the rate Class 8-722410 (a).

4412 – Other motor vehicles	0 - \$2,000.00	\$32.00
	over \$2,000.00.....	\$1.10 per Thousand
4411 – Automobile Dealers.....	0 - \$2,000.00	\$32.00
	over \$2,000.00.....	\$1.10 per Thousand

Insurance Companies

Insurance Companies: Except as to fire insurance, "gross premiums" means gross premiums written for policies for property or a risk located within the municipality. In addition gross premiums" shall include premiums written for policies that are sold, solicited, negotiated, taken, transmitted, received, delivered, applied for, produced or serviced by (1) the insurance company's office's located in the municipality, (2) the insurance company's employee conducting business within the municipality, or (3) the office of the insurance company's licensed or appointed producer (agent) conducting business within the municipality, regardless of where the property or risk is located, provided no tax has been paid to another municipality in which the property or risk is located based on the same premium. As to fire insurance, "gross premiums" means gross premiums (1) collected in the municipality, and/or (2) realized from risks located within the limits of the municipality.

Solicitation for insurance, receiving or transmitting an application or policy, examination of risk, collection or transmitting an application of a premium, adjusting a claim, delivering a benefit or doing any act in connection with a policy or claim shall constitute conducting business within the municipality, regardless of whether or not an office is maintained in the municipality.

Gross premiums shall include all business conducted in the prior calendar year. Gross premiums shall include new and renewal business without deductions for any divided, credit, return premiums or deposit. Declining rates shall not apply.

524113, 524114 Life, Health and Accident	0.75% percent of gross Premiums
524126, 524128 Fire and Casualty	2% of gross premiums
524127 Title Insurance	2% of gross premiums
524210 Brokers for non-admitted insurance carriers.....	2% of gross premiums
Computer Programming Design, Prepackaged Software Design, 541511, 511210, 334611	
First - \$2,000.00	\$10.00
\$2,000.00 - 1 Million	55¢ per Thou
1 Million - 2 Million.....	10¢ per Thou
2 Million - 10 Million.....	5¢ per Thou
Over 10 Million	2.5¢ per Thou

713200 – Amusements Machines, coin operated – Not included in gross income of businesses where located or not owned by business where located except video poker type machines (Not to be prorated)..... \$6.44

713990 – Billiard or Pool Tables, all types (Not to be prorated). \$6.44

List of machine locations required.

Taxi Decal, Vehicle for Hire Decals..... \$6.44 per decal per year

If you have any questions or need assistance with filling out your business license application, please call the Revenue Collections office at 724-3711. Please make checks payable to the City of Charleston.

MAILING ADDRESS

City of Charleston Revenue Collections Office
P.O. Box 22009
Charleston, SC 29413-2009

PHYSICAL LOCATION

Revenue Collections Office
2 George Street, Suite 1700
Charleston, SC 29401

If your business closes before the end of ~~2020~~2019, please contact our office so we may update our files.



City of Charleston Business License
2019-2021 Rate Classification Index

Sec. 24

NAICS Code

Industry Sector

RATE CLASS 1

22	Utilities
313	Textile and textile product mills
321	Wood products
331	Primary metal industries
42	Wholesale trade
441	Motor vehicle and parts dealers
443	Electronic and appliance stores
445	Food and beverage stores
447	Gasoline stations
451	Sporting goods, hobby, book, and music stores
452	General merchandise stores
454	Non store retailers
623	Nursing and Residential Care Facility
721	Accommodation

RATE CLASS 2

11	Agriculture, forestry, hunting and fishing
311	Food manufacturing
315	Apparel
316	Leather and allied products
322	Paper products
323	Printing and related support activities
324	Petroleum and coal products
327	Nonmetallic mineral products
332	Fabricated metal products
333	Machinery
335	Electrical equipment, appliances, and components
336	Transportation equipment
337	Furniture and related products
442	Furniture and home furnishing stores
444	Building material and garden equipment and supplies dealers
446	Health and personal care stores
448	Clothing and accessories stores
453	Miscellaneous store retailers
48	Transportation, except rail
493	Warehousing and storage facilities
524	Insurance agents, brokers, and related activities
532	Rental and leasing services
562	Waste management and remediation services
722	Food services and drinking places
811	Repair and maintenance
8111	Auto repair and maintenance

RATE CLASS 3

325	Chemical manufacturing
339	Other miscellaneous manufacturing
51	Information
512	Motion picture and sound recording
515	Broadcasting (except internet) and telecommunications
517	Telecommunications
56	Administrative and support and waste management and remediation services
561	Administrative and support services
71	Arts, entertainment, and recreation
712	Museums, Historical Sites and similar institutions

RATE CLASS 4

334	Computer and electronic products
511	Publishing industries (except 511210)
518	Internet service providers, web search portals, and data processing
62	Health care and social assistance

RATE CLASS 5

519	Other Information Services
522	Credit intermediation and related activities
54	Professional, scientific, and technical services
55	Management of companies
61	Educational services
812	Personal and laundry services
813	Religious, grant making, civic, professional, and similar organizations

RATE CLASS 6

21	Mining
531	Real estate (property managers, real estate agents, appraisers)

RATE CLASS 7

52	Finance and insurance
523	Securities, commodity contracts, and other financial investments
525	Funds, trusts and other financial vehicles
5311	Lessors of real estate (including mini warehouses and self-storage)
<u>53110</u>	Lessors of Residential Buildings and Dwellings (Owners of fewer than five (5) residential units that are not permitted for short term rental use pursuant to 54-208 through 54-209 are exempt)
	Other professional, scientific and technical services

5416-5419

RATE CLASS 8

23	Construction
4411	Automobile Dealers
4412	Other Motor Vehicle Dealers
482	Rail Transportation
5241	Insurance Carriers
52421	Insurance Brokers for non-admitted Insurance Carriers
7131	Amusement Parks and Arcades
7132	Non payout Amusement Machines
71399	All Other Amusement and Recreational Industries (pool tables)
72241	Drinking Places (Alcoholic Beverages) (After Midnight)
72551	Food Services (After Midnight)

BUSINESS LICENSE CLASS SCHEDULE BY NAICS CODE

NAICS Code	Industry Sector	Class
11	Agriculture, forestry, hunting and fishing	2
21	Mining	6
2211	Electric Power Generation, Transmission and Distribution	8
2212	Natural Gas Distribution	8
22	Utilities	1
23	Construction	8
311	Food manufacturing	2
313	Textile and textile product mills	1
315	Apparel	2
316	Leather and allied products	2
321	Wood products	1
322	Paper products	2
323	Printing and related support activities	2
324	Petroleum and coal products	2
325	Chemical manufacturing	3
327	Nonmetallic mineral products	2
331	Primary metal industries	1
332	Fabricated metal products	2
333	Machinery	2
334	Computer and electronic products	4
335	Electrical equipment, appliances, and components	2
336	Transportation equipment	2
337	Furniture and related products	2
339	Other miscellaneous manufacturing	3
42	Wholesale trade	1
42393	Recyclable Material Merchant Wholesalers (Junk)	1

44-45	Retail trade (see type)	
441	Motor vehicle and parts dealers	1
4411	Automobile Dealers	8
4412	Other Motor Vehicle Dealers	8
442	Furniture and home furnishing stores	2
443	Electronic and appliance stores	1
444	Building material and garden equipment and supplies dealers	2
445	Food and beverage stores	1
446	Health and personal care stores	2
447	Gasoline stations	1
448	Clothing and accessories stores	2
451	Sporting goods, hobby, book, and music stores	1
452	General merchandise stores	1
453	Miscellaneous store retailers	2
454	Non store retailers	1
45439	Other Direct Selling Establishments (Peddlers)	1
48-49	Transportation and warehousing (see type)	
482	Rail Transportation	8
486	Pipeline transportation	2
493	Warehousing and storage facilities	2
51	Information	3
511	Publishing industries (except 511210)	4
512	Motion picture and sound recording	3
515	Broadcasting (except internet) and telecommunications	3
517	Telecommunications	3
51711	Cable, DSL, VoIP, etc.	8
518	Internet service providers, web search portals, and data processing	4
519	Other Information Services	5
52	Finance and insurance	7
522	Credit intermediation and related activities	5
523	Securities, commodity contracts, and other financial investments	7

524	Insurance agents, brokers, and related activities	2
5241	Insurance Carriers	8
52421	Insurance Brokers for non-admitted Insurance Carriers	8
525	Funds, trusts and other financial vehicles	7
53	Real estate and rental and leasing	5
531	Real estate	6
5311	Lessors of real estate (including mini warehouses and self-storage)	7
532	Rental and leasing services	2
54	Professional, scientific, and technical services	5
5416-5419	Other professional, scientific, and technical services	7
55	Management of companies	5
56	Administrative and support and waste management and remediation services	3
561	Administrative and support services	3
562	Waste management and remediation services	2
61	Educational services	5
62	Health care and social assistance	4
623	Nursing and Residential Care Facility	1
71	Arts, entertainment, and recreation	3
71119	Other Performing Arts Companies (Carnivals and Circuses)	3
712	Museums, Historical Sites and similar institutions	3
7131	Amusement Parks and Arcades	3
7132	Non payout Amusement Machines	8
71329	Bingo Halls	3
71399	All Other Amusement and Recreational Industries (pool tables)	3
721	Accommodation	1
722	Food services and drinking places	2
72241	Drinking Places (Alcoholic Beverages)	8
72251	Food Services (After Midnight)	8
811	Repair and maintenance	2
8111	Auto repair and maintenance	2

812	Personal and laundry services	5
813	Religious, grant making, civic, professional, and similar organizations	5
812	Personal and laundry services	5
813	Religious, grant making, civic, professional, and similar organizations	5

MEMORANDUM

DATE: September 30, 2020

TO: Mayor Tecklenburg, Chairperson Mitchell, and Members of the Committee on Community Development

FROM: Daniel S. ("Chip") McQueeney, Jr.

RE: DRAFT ORDINANCE RELATING TO CLUSTER DEVELOPMENTS

On September 22, 2020, City Council referred to this Committee the issue of whether and to what extent the City's existing ordinance governing cluster developments (the "Cluster Ordinance") should be modified or amended. For the purpose of discussion only, I drafted an ordinance, attached hereto, which would prohibit new cluster developments on or after a certain date, termed the "Sunset Date." The draft ordinance is not intended to be a recommendation from staff, but simply a starting point for discussion, in that it addresses issues which may arise if the Committee recommends amending the Cluster Ordinance. This memorandum explains each part of the draft ordinance.

The draft ordinance would prohibit *new* cluster developments within the City. To the extent the Committee recommends this approach, an ordinance should address at what point the prohibition goes into effect. The draft ordinance handles the issue by identifying a "Sunset Date," which may be the date on which the ordinance receives first reading from City Council, the date on which the ordinance is ratified, or some future date.

The draft ordinance also addresses that certain developments may be exempted from the prohibition. In this respect, the City's primary concern would be to ensure the continued viability of the zoning *limitations* in the Cluster Ordinance, such as the requirements for common open space, with respect to developments which have received vested approvals or which have been "built out" prior to the Sunset Date. As drafted, the ordinance would permit such developments to be completed or, after completion, maintained with the zoning limitations still in place. Such developments would be considered "conforming" after the Sunset Date, so long as they comply with the approved plan for the cluster development.

There are three types of developments listed as being "exempt" from the general prohibition on cluster developments. As drafted, the current Cluster Ordinance would continue to apply to these categories of developments. First, any development with a vested right to be developed as a cluster before the Sunset Date would continue to be subject to the Cluster Ordinance. Second, any development which has been "built out" as an approved cluster prior to the Sunset Date would continue to be subject to the Cluster Ordinance.

Third, to the extent one or more phases in a "phased" cluster development has vested prior to the Sunset Date, all future phases which have been shown on a phased development plan to be developed as a cluster will continue to be subject to the Cluster Ordinance. In these cases, it is

anticipated that later phases may include a higher percentage of the required common open space. To ensure that the City and public receive the benefit associated with these later phases, the City may find it necessary to protect the ability to proceed with such future phases.

Thank you for your consideration, and please let me know if you have any questions or concerns.

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CHANGING PART 16 (CLUSTER DEVELOPMENT) OF ARTICLE 2 (LAND USE REGULATIONS) TO ADD A NEW SEC. 54-299.16, PROVIDING THAT CLUSTER DEVELOPMENTS WILL NO LONGER BE PERMITTED FOR NEW DEVELOPMENTS.

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

Section 1. That Part 16 (Cluster Development) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the following Sec. 54-299.16, as follows:

Sec. 54-299.16. – Sunset.

On or after _____, 2020 (the “Sunset Date”), cluster developments shall not be permitted under this Part; provided, however, this Part shall continue to apply to the following developments:

- (a) Developments which have obtained a vested right for a cluster development under this Part before the Sunset Date.
- (b) Future developments identified in a phased development plan as being developed as a cluster development under this Part if one or more phases included in the phased development plan have obtained a vested right for a cluster development under this Part before the Sunset Date.
- (c) Developments which have been developed under an approved cluster development under this Part before the Sunset Date.

Once approved, the developments identified in (a)-(c) shall be considered conforming for purposes of this Chapter, subject to all conditions and limitation set forth in this Part and the approved development plan for any such development.

Section 2. This ordinance shall become effective upon ratification; provided, however, the pending ordinance doctrine shall apply as of the Sunset Date.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

Ratified in City Council this ___ day of _____ in
the year of Our Lord, _____, in the _____ Year
of the Independence of the United States of
America.

By: _____
John J. Tecklenburg, Mayor
City of Charleston

ATTEST: By: _____
Vanessa Turner Maybank
Clerk of Council



City of Charleston

Department of Housing and Community Development

JOHN J. TECKLENBURG
MAYOR

GEONA SHAW JOHNSON
DIRECTOR

September 29, 2020: TD Bank Housing for Everyone Grant Competition:

Overview

The City's Department of Housing and Community Development recently learned of a grant opportunity from the philanthropic arm of TD Bank. The City in collaboration with Humanities Foundation and Palmetto Community Action Partnership will be pursuing \$250,000 in in grant funds for rental assistance and case management for City of Charleston renters. This year's theme is "Direct Relief and Supportive Services for renters affected by COVID-19". The City would serve as the lead applicant and our non profit partners will carry out the grant activities. Full details of the grant are online @; <https://www.tdbank.com/corporate-responsibility/the-ready-commitment/funding-opportunities/> Additionally, a timeline and budget have been provided below.

Timeline for the 2020 TD Bank Housing For Everyone Grant

- September 21st- October 7th 2020: Confirm participation of Grant application partner(s) and draft application,
- October 8th: Present grant opportunity at CD Committee of City Council meeting, edit application as needed,
- October 13th, 2020: Approval of grant application by Charleston City Council
- October 30th, 2020- DUE DATE; Submit application to TD Bank,
- February-March 2021: Award notification from TD Bank,
- March April 2020- Execute agreement with partner organization(s),
- April- December 2021: Commencement of program activities and expend program funding,
- December 2021: Complete reporting to TD Bank for the Housing for Everyone Grant

Budget for \$250,000 TD Housing for Everyone Competition	
Program	Amount
Humanities Foundation (Owner operator/ ShelterNet) (Administration and Direct Assistance/ Case Management for renters))	\$125,000
Palmetto CAP (Administration and Direct Assistance /Case Management for renters)	\$100,000
City of Charleston Administration and Reporting for TD Bank Grant	\$25,000
Total Requested	\$250,000

Housing For Everyone – Grant Checklist

The grant competition application consists of the following eight sections:

1. Acceptance of Grant Conditions, should your organization be chosen for funding
2. General Organization Information
(e.g., name, address, phone number, website address, etc.)
3. Contact Information
(e.g., top executive information and request contact information if different)
4. Additional Organization Information
(e.g., year founded, mission, organization type, staff and volunteer information, etc.)
5. Organization Financial Information
6. Request Information
(e.g., project title, project summary, project budget, etc.)
7. Required documents
8. Completion of Public Relations release document

In order for your funding request to be considered, eight required documents (listed below) must be attached to the online grant application. All documents must be in either PDF format or Word format. Excel files will not be accepted.

1. A detailed project proposal (four pages maximum; 10 point font minimum). The following items, in this order, should be included in the detailed project proposal:
 - A physical description of the housing units or properties to be built or improved including but not limited to age, location, breakdown according to the number of bedrooms, square footage of the units and population served.
 - Applicants seeking funds to create new units should include a 24-month timeline from the time of the award to the creation of those units that must include a date to break ground sometime between November 2020 and December 2021, if the groundbreaking hasn't occurred already. The location and ownership of the new units should be included in the application.
 - A description of any programs that educate and assist individuals in finding permanent or transitional housing opportunities that meet their needs.
 - Any specific/unique information related to services for families and children including adult/day care, access to recreational facilities, counseling services,

and proximity to public transportation/walkability of community should be included.

☐ Special consideration may be given to applications that utilize abandoned lots or structures or those that need significant repairs.

☐ Applications may benefit from the inclusion of a sustainable energy efficiency component which will be considered in the scoring of the applications.

☐ A description of your organization's capacity to manage the project and the resources required to accomplish the project's goals, including key roles and responsibilities.

☐ A list of other funding sources your organization has secured that will support your project (include any reserves and in-kind donations)

☐ A description of the metrics your organization will use to determine the success of your project (include any anticipated savings per unit)

☐ Pictures of the properties (if applicable): one of the front of the building and at least one related to the anticipated improvements

2. A detailed project budget (sources and uses); Must include line items for categories such as reserves and in-kind donations
3. A letter from an executive of your organization certifying that there are no pending legal actions, attachments or unsatisfied judgments/liens against your organization and/or any subject property; Must be on letterhead of your organization and manually signed by the person certifying
4. A list of your organization's board members, board position, employer and job title
5. Your organization's current operating budget; Must be for the fiscal year your organization is currently operating in; Must include income and expenses
6. Last available audited financial statement including notes/comments; not to pre-date January 1, 2018
7. A copy of the 501(c)(3) federal tax exemption letter of determination and, if applicable, evidence of your organization's authority to operate under the 501(c)(3) of another organization; or, if applicable, a letter on official letterhead providing the nine-digit tax identification number of the applying government entity and signed by the senior officer
8. A letter from an executive of your organization certifying that the TD Charitable Foundation may use any pictures your organization sends to us as a part of this year's submission for newsletters showcasing Foundation activities.

Charleston Municipal Golf Course

RATES FOR GOLF

Daily Green Fees (Walking)

WEEKDAY		WEEKEND	
Non-Resident	\$60	Non-Resident	\$60
(Seniors: Age 62+)	\$50		
Tri-County Resident	\$30	Tri-County Resident	\$35
(Seniors: Age 62+)	\$25		
City Resident	\$20	City Resident	\$25
(Seniors: Age 62+)	\$17		

RENTALS

	9 HOLES	18 HOLES
Electric Carts	\$10	\$20
Pull Carts	\$5	\$5
Club Rentals	\$25	\$25

RANGE BALLS

Small (20-25 Balls):	\$5	Large (70-75 Balls):	\$11
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ANNUAL PASSES

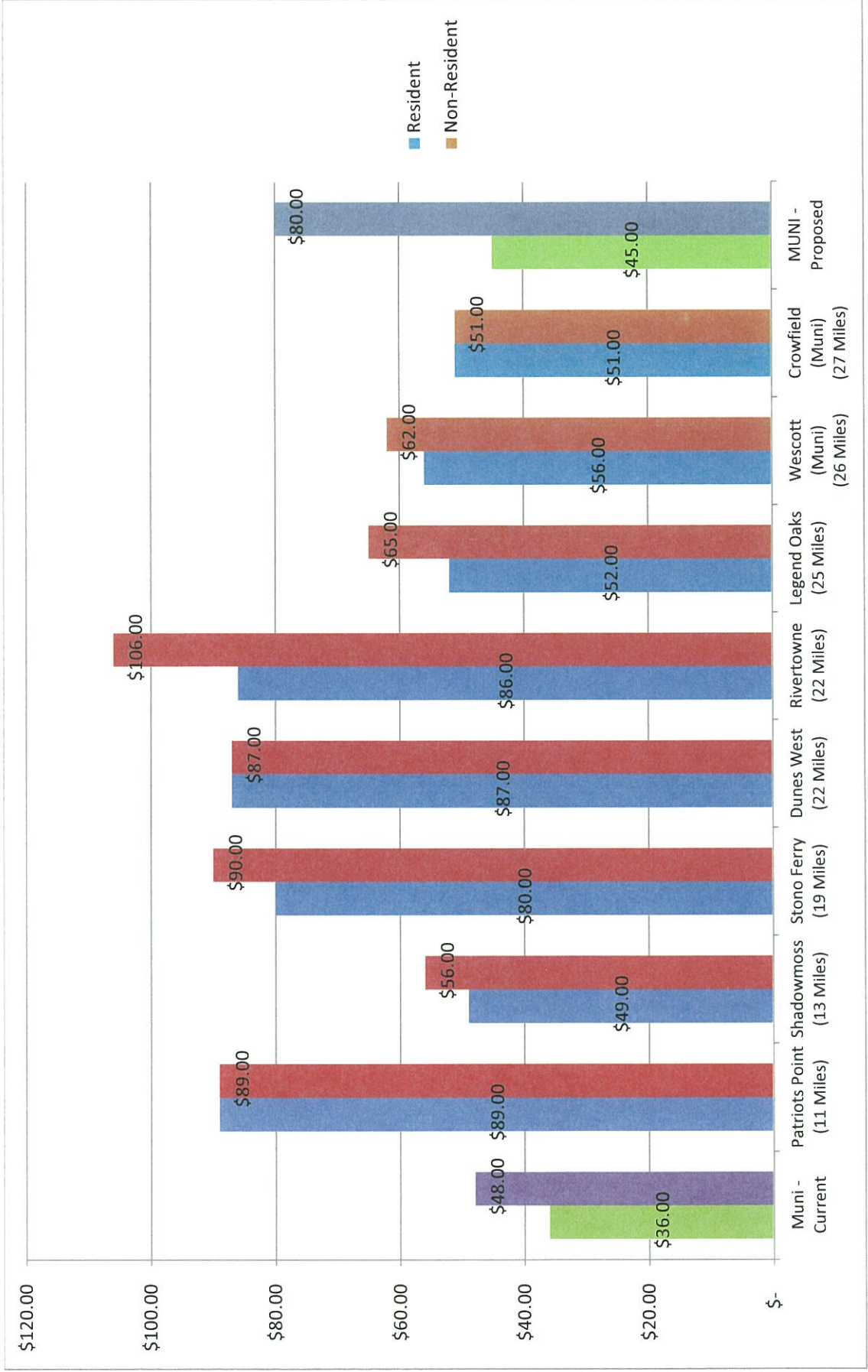
City Senior Resident:	\$1,000	Non-City Senior:	\$1,400
City Resident:	\$1,200	Non-City Resident:	\$1,600

- *Unlimited Golf for 1 year; No User Fees; Riding Cart not included*

DAILY SPECIALS

<u>Twilight:</u>	\$15 Every Day (Times vary and will be posted online and golf shop)
<u>Juniors:</u>	\$10 All Day, Every Day (MUST Be 17 Years or Younger)
<u>Mil/1st Responder:</u>	City Resident discounts offered with valid ID (Active Duty or Retired)
<u>Super Senior:</u>	Customers 90 Years of age or older with valid ID receive FREE Green Fees

Charleston Area Peak Rates Comparison: 2020 (Cart Included)



Admissions	Average QTY Sales/Year	Expected QTY Sales 2021	Muni Current Price	Proposed Price	Increase Per Round	Projected Total Income	Total Including Golf Cart	Total Increase
City Sr. Weekday	4000	4250	\$ 14.00	\$ 17.00	\$ 3.00	\$ 72,250.00	\$ 37.00	\$ 7.00
City Weekday	6500	6250	\$ 17.00	\$ 20.00	\$ 3.00	\$ 125,000.00	\$ 40.00	\$ 7.00
City Weekend	5500	5250	\$ 20.00	\$ 25.00	\$ 5.00	\$ 131,250.00	\$ 45.00	\$ 9.00
Tri-City Sr. Week	1750	2000	\$ 19.00	\$ 25.00	\$ 6.00	\$ 50,000.00	\$ 45.00	\$ 10.00
Tri-City Weekday	2000	2100	\$ 22.00	\$ 30.00	\$ 8.00	\$ 63,000.00	\$ 50.00	\$ 12.00
Tri-City Weekend	2000	2250	\$ 25.00	\$ 35.00	\$ 10.00	\$ 78,750.00	\$ 55.00	\$ 14.00
Non-Res Sr. Week	1000	1250	\$ 26.00	\$ 50.00	\$ 24.00	\$ 62,500.00	\$ 70.00	\$ 28.00
Non-Res Weekday	1750	2000	\$ 29.00	\$ 60.00	\$ 31.00	\$ 120,000.00	\$ 80.00	\$ 35.00
Non-Res Weekend	1000	1250	\$ 32.00	\$ 60.00	\$ 28.00	\$ 75,000.00	\$ 80.00	\$ 32.00
User Fee	10000	8500	\$ 3.00	\$ -	\$ (3.00)	\$ -	\$ 20.00	\$ 1.00
Junior	700	800	\$ 10.00	\$ 10.00	\$ -	\$ 8,000.00	\$ 30.00	\$ 4.00
Twilight	9500	8500	\$ 12.00	\$ 15.00	\$ 3.00	\$ 127,500.00	\$ 35.00	\$ 7.00
Outing/Tournaments	2000	2500	\$ 12.00	\$ 15.00	\$ 3.00	\$ 37,500.00	\$ 35.00	\$ 7.00
Other	2500	2100	\$ 12.00	\$ 15.00	\$ 3.00	\$ 31,500.00	\$ 35.00	\$ 7.00
	50200	49000				\$ 982,250.00		

ANNUAL FEES
 Total by Category (+ \$3 User Fee) Proposed Cost (No User Fees) Projected Total Income

Category	Estimated	Proposed Cost (No User Fees)	Projected Total Income
City Sr - Renewal	50	\$ 450.00	\$ 1,000.00
City - Renewal	30	\$ 600.00	\$ 1,200.00
Non-Res Sr Renewal	35	\$ 650.00	\$ 1,400.00
Non-Res - Renewal	20	\$ 800.00	\$ 1,600.00
	135		\$ 167,000.00

ADMISSIONS TOTAL **\$ 1,149,250.00**

RANGE BALLS	Average QTY Sales/Year	Expected QTY Sales 2021	Muni Current Price	Proposed Price	Increase Per Basket	Projected Total Income
Small (25 Balls)	11000	11000	\$ 4.00	\$ 5.00	\$ 1.00	\$ 55,000.00
Large (75 Balls)	14000	15000	\$ 9.00	\$ 11.00	\$ 2.00	\$ 165,000.00
						\$ 220,000.00

RENTALS	Average QTY Sales/Year	Expected QTY Sales 2021	Current Price	Proposed Price	Increase Per Sale	Projected Total Income
Rental Clubs	500	750	\$ 20.00	\$ 25.00	\$ 5.00	\$ 18,750.00
9-Hole Cart	11000	10000	\$ 9.00	\$ 10.00	\$ 1.00	\$ 100,000.00
18-Hole Cart	20000	21000	\$ 16.00	\$ 20.00	\$ 4.00	\$ 420,000.00
Pull Cart	2000	2250	\$ 5.00	\$ 5.00	\$ -	\$ 11,250.00
						\$ 550,000.00

**Anticipated
Ave Rnds**

ANNUAL FEE RATES

	Yearly Fee	# Rounds	60	90	120	150
Proposed Rates						
Senior City Resident	\$ 1,000.00		\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Cost per Round			\$ 16.67	\$ 11.11	\$ 8.33	\$ 6.67
Resident cost w/out Ann Fee		\$ 17.00	\$ 1,020.00	\$ 1,530.00	\$ 2,040.00	\$ 2,550.00
Yearly Savings w/ User Fee			\$ 20.00	\$ 530.00	\$ 1,040.00	\$ 1,550.00
Percent Discount			2%	35%	51%	61%
Proposed Rates						
City Regular Resident	\$ 1,200.00		\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
Cost per Round			\$ 20.00	\$ 13.33	\$ 10.00	\$ 8.00
Tri-City Cost w/out Ann Fee		\$ 20.00	\$ 1,200.00	\$ 1,800.00	\$ 2,400.00	\$ 3,000.00
Yearly Savings w/ User Fee			\$ -	\$ 600.00	\$ 1,200.00	\$ 1,800.00
Percent discount			0%	33%	50%	60%

	Yearly Fee	# Rounds	60	90	120	150
Proposed Rates						
County Senior Resident	\$ 1,400.00		\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00
Cost per Round			\$ 23.33	\$ 15.56	\$ 11.67	\$ 9.33
Resident cost w/out Ann Fee		\$ 25.00	\$ 1,500.00	\$ 2,250.00	\$ 3,000.00	\$ 3,750.00
Yearly Savings w/ User Fee			\$ 100.00	\$ 850.00	\$ 1,600.00	\$ 2,350.00
Percent Discount			7%	38%	53%	63%

	Yearly Fee	# Rounds	60	90	120	150
Proposed Rates						
County Regular Resident	\$ 1,600.00		\$ 1,600.00	\$ 1,600.00	\$ 1,600.00	\$ 1,600.00
Cost per Round			\$ 26.67	\$ 17.78	\$ 13.33	\$ 10.67
Sr Resident cost w/out Ann Fee		\$ 30.00	\$ 1,800.00	\$ 2,700.00	\$ 3,600.00	\$ 4,500.00
Yearly Savings w/ User Fee			\$ 200.00	\$ 1,100.00	\$ 2,000.00	\$ 2,900.00
Percent Discount			11%	41%	56%	64%

ANNUAL FEE RATES

2019 Rates	Yearly Fee	User Fee	60	90	120	150
Senior City Resident	\$ 450.00	\$ 3.00	\$ 630.00	\$ 720.00	\$ 810.00	\$ 900.00
Cost per Round			\$ 10.50	\$ 8.00	\$ 6.75	\$ 6.00
Resident cost w/out Ann Fee		\$ 14.00	\$ 840.00	\$ 1,260.00	\$ 1,680.00	\$ 2,100.00
Yearly Savings w/ User Fee			\$ 210.00	\$ 540.00	\$ 870.00	\$ 1,200.00
Percent Discount			25%	43%	52%	57%
2019 Rates	Yearly Fee	User Fee	60	90	120	150
City Regular Resident	\$ 550.00	\$ 3.00	\$ 730.00	\$ 820.00	\$ 910.00	\$ 1,000.00
Cost per Round			\$ 12.17	\$ 9.11	\$ 7.58	\$ 6.67
Tri-City Cost w/out Ann Fee		\$ 17.00	\$ 1,020.00	\$ 1,530.00	\$ 2,040.00	\$ 2,550.00
Yearly Savings w/ User Fee			\$ 290.00	\$ 710.00	\$ 1,130.00	\$ 1,550.00
Percent discount			28%	46%	55%	61%

2019 Rates	Yearly Fee	User Fee	60	90	120	150
County Senior Resident	\$ 600.00	\$ 3.00	\$ 780.00	\$ 870.00	\$ 960.00	\$ 1,050.00
Cost per Round			\$ 13.00	\$ 9.67	\$ 8.00	\$ 7.00
Resident cost w/out Ann Fee		\$ 19.00	\$ 1,140.00	\$ 1,710.00	\$ 2,280.00	\$ 2,850.00
Yearly Savings w/ User Fee			\$ 360.00	\$ 840.00	\$ 1,320.00	\$ 1,800.00
Percent Discount			32%	49%	58%	63%

2019 Rates	Yearly Fee	User Fee	60	90	120	150
County Regular Resident	\$ 700.00	\$ 3.00	\$ 880.00	\$ 970.00	\$ 1,060.00	\$ 1,150.00
Cost per Round			\$ 14.67	\$ 10.78	\$ 8.83	\$ 7.67
Sr Resident cost w/out Ann Fee		\$ 22.00	\$ 1,320.00	\$ 1,980.00	\$ 2,640.00	\$ 3,300.00
Yearly Savings w/ User Fee			\$ 440.00	\$ 1,010.00	\$ 1,580.00	\$ 2,150.00
Percent Discount			33%	51%	60%	65%



Ratification
Number _____

A N O R D I N A N C E

TO AMEND CHAPTER 2, SECTIONS 398 AND 399, TO EXPAND THE RESPONSIBILITIES OF THE POET LAUREATE, TO CLARIFY THE TERM OF SERVICE TO INCLUDE MULTIPLE TERMS, TO INCLUDE PUBLIC FUNDING AS A FUNDING SOURCE, AND TO PROVIDE AN ANNUAL STIPEND.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 2, Section 398 of the Code of the City of Charleston is hereby amended by adding a subsection (e), which shall read as follows:

“Sec. 2-398. - Purpose.

The poet laureate shall have the following roles and responsibilities:

- (a) Implement in conjunction with the mayor's office of cultural affairs a community outreach and education program to encourage the writing, reading and performance of poetry within the city.
- (b) Participate in civic events each year to encourage the writing, reading and performance of poetry by providing public poetry readings, workshops, lectures and/or presentations.
- (c) Promote literacy through poetry in schools and foster the development of a youth poetry initiative, with the goal of providing a system and platform for emerging young poets to present their works in conjunction with city sponsored events.
- (d) When requested, commemorate the City of Charleston by composing poetry that speaks to, for and of our region which works will be presented at City of Charleston sponsored events.
- (e) When appropriate, collaborate with the City of Charleston’s annual poetry festival.”

Section 2. Chapter 2, Section 399(b) of the Code of the City of Charleston is hereby amended by deleting the struck through text and adding the following underlined language, which shall read as follows:

“Sec. 2-399. - Qualifications; term; honorarium stipend.

(b) The poet laureate shall serve a term of two (2) years, and can serve more than one two (2) year term upon the approval of City Council.”

Section 3. Chapter 2, Section 399(c) of the Code of the City of Charleston is hereby amended by deleting the struck through text and adding the following underlined language, which shall read as follows:

(c) The position of poet laureate shall receive and annual stipend of five thousand dollars (\$5,000.00), from public and private sources. Nothing in this section should prohibit or limit the poet laureate from receiving additional compensation from private sources for appearances at events not related to his public responsibilities.

Section 4. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the Year of Our Lord, 2020, and in the ____th Year of the Independence of the United States of America.

By: _____
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____
Jennifer Cook,
Interim Clerk of Council



Ratification Number _____

AN ORDINANCE

AMENDING CHAPTER 27 OF THE CODE OF THE CITY OF CHARLESTON, BY AMENDING THE FLOOD HAZARD PREVENTION AND CONTROL REQUIREMENTS IN ARTICLE II, DIVISION 3, SECTION 27-103, TO ADD A NEW DEFINITION FOR "VIOLATION."

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

Section 1. Sec. 27-103, "Definitions," of The Code of the City of Charleston, is hereby amended to add the following new definition at the end of the Section as follows:

"*Violation* means the failure of a structure or other development to be fully compliant with these regulations."

Section 2. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2020 and in the _____ Year of the Independence of the United States of America.

John J. Tecklenburg, Mayor

ATTEST:

Jennifer Cook,
Interim Clerk of Council

K6(a).

Maintenance Agreement & Contract
Between the
South Carolina Department of Transportation
and the
City of Charleston

THIS AGREEMENT is made this _____ day of _____, 20__, by and between the South Carolina Department of Transportation (hereinafter referred to as "SCDOT") and the City of Charleston (hereinafter referred to as "City") (collectively "the Parties") for the below described Project.

WITNESSETH THAT:

WHEREAS, Charleston County (hereinafter "County") has undertaken a project to widen Glenn McConnell Parkway (SC 461) and construct a multi-use path alongside the road from Bees Ferry Road to Magwood Drive (hereinafter referred to as "Project"); and

WHEREAS, the Project will incorporate improvements and enhancements that do not fall within SCDOT's normal maintenance standards; and

WHEREAS, SCDOT and City want to enter into this Agreement to grant a continuous license to City to enter SCDOT's right-of-way to conduct maintenance of the non-standard improvements and enhancements associated with the Project in Charleston County; and

WHEREAS, SCDOT is an agency of the State of South Carolina with the authority to enter into contracts necessary for the proper discharge of its functions and duties; and

WHEREAS, City is a body politic with all the rights and privileges of such including the power to contract as a necessary and incidental power to carry out its functions covered under this Agreement; and

WHEREAS, City has agreed to undertake maintenance responsibilities for the non-standard improvements and enhancements described herein;

NOW THEREFORE, in consideration of the several promises to be faithfully performed by the Parties hereto as set forth herein, SCDOT and City do hereby agree as follows:

I. PROJECT DESCRIPTION:

This Agreement is for the maintenance of enhancements and special features incorporated into Glenn McConnell Parkway Widening Project to include: a multi-use path (MUP), lighting, mast arms, landscaping, grassing under the MUP handrails, and irrigation systems. The scope of this

Agreement covers Glenn McConnell Parkway from Bees Ferry Road (S-57) to Magwood Drive (S-1863).

Maintenance of the lighting system will be perpetual with the total cost, including operational cost, being the responsibility of City. SCDOT shall incur no costs. City will have sole responsibility for periodic inspections to determine that all luminaries are operational. All maintenance will be performed in such a manner as to provide for the safe, orderly, and efficient flow of traffic and in conformity with SCDOT traffic control guidelines.

Mast arm maintenance includes maintaining the cross arm, signal support, and related equipment. Mast arm maintenance will follow SCDOT's "Engineering Directive Memorandum Number 33," SCDOT's "Mast Arm Specifications," and any amendments or modifications thereto, all incorporated herein by reference. This memorandum may be found at: <http://info2.scdot.org/ED/ED/ED-33.pdf>.

This Agreement shall not impose any additional signal maintenance responsibilities on City, nor shall it modify any existing signal maintenance agreements between the Parties.

Maintenance is defined as the preservation of the functionality and appearance of the improvements and enhancements.

EXHIBIT "A," attached hereto and specifically made a part of this Agreement, represents additional Project details and a map depicting the Project area.

II. PERIOD OF PERFORMANCE:

The effective date of this Agreement is the date of execution by the Parties hereto. This Agreement will remain in effect unless terminated pursuant to Section VI. f.: Termination.

III. SCDOT WILL:

- a. Assign an SCDOT employee to serve as liaison and contact between the Parties hereto.
- b. Assist City in the preparation and securing of appropriate Encroachment Permits.
- c. Grant to City licenses to enter onto SCDOT right-of-way at the area identified by the Encroachment Permits. The purpose of these licenses to enter is limited to routine maintenance to the improvements and enhancements identified herein. Such entry will be limited to the scope of work identified in the Encroachment Permits. No additional encroachment beyond that contemplated by the original Encroachment Permits is allowed. If additional maintenance, enhancement, or beautification efforts, different from the original scope of work identified in the Encroachment Permits, is requested, the requestor will be required to submit a new Encroachment Permit identifying the new scope of work. Entry onto SCDOT right-of-way pursuant to this Agreement requires notice to SCDOT.

IV. CITY WILL:

- a. Accept responsibility for the maintenance of the identified improvements and enhancements on both City's and SCDOT's right-of-way within the Project boundaries.
- b. Secure appropriate Encroachment Permits outlining any maintenance efforts on SCDOT rights-of-way that may include any special or non-standard features, such as the above identified improvements and enhancements, ~~which may be incorporated into Phase II of the Clements Ferry Widening Project~~. Encroachment Permits shall be obtained after the Widening Project is complete and before incorporation into the state system, if not already included in the state system.
- c. Post all necessary traffic control devices and take all necessary precautions in conformance with SCDOT traffic control standards and as required by SCDOT along SCDOT right-of-way prior to and during the performance of any maintenance efforts.
- d. Within the limitations of the South Carolina Tort Claims Act (S.C. Code Sections 15-78-10 *et seq.* (as amended)), City will be responsible for any loss resulting from bodily injuries (including death) or damages to property, arising out of any act or failure to act on City's part, or the part of any employee or agent of City in performance of the work undertaken under this Agreement.
 1. Pursuant to S.C. Code Section 57-5-140 (2006), SCDOT shall not be liable for damages to property or injury to persons, as otherwise provided for in the South Carolina Tort Claims Act, as a consequence of any negligence by City in performance of maintenance work by City.
- e. Insert an indemnification clause into all contracts with contractors and subcontractors which requires the contractor and subcontractor to indemnify and hold harmless City, the State of South Carolina, and SCDOT from any liability, claims, or damages which may arise from the performance of work on or within SCDOT right-of-way.

V. FUNDING:

- a. City is responsible for funding any maintenance activities described by this Agreement. SCDOT will not fund these maintenance activities.

VI. GENERAL:

- a. DISPUTES. All claims or disputes shall be filed with the SCDOT District Engineering Administrator. All Parties will meet to attempt to resolve the dispute or claim. If unable to resolve the dispute with the District Engineering Administrator, the Parties may appeal the claim or dispute to the appropriate SCDOT Deputy Secretary. The Deputy Secretary's decision in the matter shall be final and conclusive for all Parties.

b. NOTICES. All notices and other correspondence will be officially delivered as follows:

1. As to SCDOT:

South Carolina Department of Transportation
SCDOT – District 6
Charleston County Resident Maintenance Engineer
2401 Maintenance Way
North Charleston, SC 29406

2. As to City of Charleston:

City of Charleston

c. COMPLIANCE WITH LAWS. The Parties hereto agree to conform to all of the SCDOT, State, Federal, and local laws, rules, regulations, and ordinances governing agreements or contracts relative to the acquisition, design, construction, maintenance and repair of roads and bridges, and other services covered under this Agreement.

d. AMENDMENTS. City, or its authorized agents, shall agree to hold consultations with SCDOT as may be necessary with regard to the execution of supplements, modifications, or amendments to this Agreement during the course of this PROJECT for the purpose of resolving any items that may have been unintentionally omitted from this Agreement. Such supplements, modifications, and amendments shall be subject to the approval and proper execution of the Parties hereto. No supplement, modification, or amendment to this Agreement shall be effective or binding on any Party hereto unless such supplement, modification, or amendment has been agreed to in writing by all Parties hereto.

e. REVIEWS/APPROVALS. Any and all reviews and approvals required of the Parties herein shall not be unreasonably denied, delayed, or withheld.

f. TERMINATION. This Agreement may be terminated by SCDOT in the event of substantial failure by City to properly maintain the improvements and enhancements incorporated into this project. In the event of Termination, City shall be responsible for any cost associated with SCDOT performing the required maintenance or removing the special features of nonstandard improvements and enhancements from SCDOT's right-of-way.

g. FUTURE CONSTRUCTION PROJECTS. City acknowledges SCDOT's resurfacing program and other construction programs do not account for the cost of protecting or

replacing improvements and enhancements. These costs are the sole responsibility of City. SCDOT will notify City prior to resurfacing or construction and provide a time period for City to provide the additional funding for one of the following:

1. The additional cost to protect the improvements and enhancements; or
2. The cost for SCDOT to replace the improvements and enhancements.

Failure of City to provide the additional funding within the time period specified by SCDOT will result in SCDOT's milling and resurfacing the improvements and enhancements or removing the improvements and enhancements. City may replace the improvements and enhancements at City's expense after resurfacing or construction by obtaining necessary Encroachment Permits from SCDOT after resurfacing is complete.

VII. SUCCESSORS AND ASSIGNS.

- a. SCDOT and City each bind themselves, their respective successors, executors, administrators, and assigns to the other with respect to these requirements, and also agrees that neither Party shall assign, sublet, or transfer their interest in the Agreement without the written consent of the other Party.
- b. This Agreement is made and entered into for the sole protection and benefit of SCDOT, City, and their respective successors and assigns. No other persons, firms, entities, or parties shall have any rights, or standing to assert any rights, under this Agreement.

VIII. EXECUTION IN COUNTERPARTS.

- a. This Agreement may be executed and delivered in counterparts, and if so executed, shall become effective when a counterpart has been executed and delivered by both Parties hereto. All counterparts taken together shall constitute one and the same Agreement and shall be fully enforceable as such. Delivery of counterparts via facsimile transmission or via email with scanned attachment shall be effective as if originals thereof were delivered.

IX. ENTIRE AGREEMENT.

- a. This Agreement with attached Exhibit(s) and/or Certification constitutes the entire Agreement between the parties. The Agreement is to be interpreted under the laws of the State of South Carolina.

[Signature Blocks on Next Page]

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on their behalf

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

CITY OF CHARLESTON

Witness

By: _____
(Signature)

Title: _____

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Witness

By: _____
Deputy Secretary for Engineering or
Designee

RECOMMENDED BY:

Deputy Secretary or Designee

REVIEWED BY:

Title: _____

MAI-XX-XX

EXHIBIT A

STATE OF SOUTH CAROLINA)
)
CHARLESTON COUNTY)

**FOLLY ROAD – GREEN BIKE LANES
MAINTENANCE AGREEMENT**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) entered into this _____ day of _____, 2020 by and between the **Town of James Island, South Carolina**, the address of which is 1122 Dills Bluff Road, James Island, SC, 29412 (hereinafter the **“Town”**) and the **City of Charleston, South Carolina**, the address of which is 80 Broad Street, Charleston, SC 29401 (hereinafter the **“City** each of which is a separate public body corporate and politic and political subdivision of the State of South Carolina, (**“Party”** as to each; collectively the **“Parties”**).

WITNESSETH:

WHEREAS, the Town and City are a body politic with all the rights and privileges of such including the power to contract as a necessary and incidental power to carry out the functions covered under this Agreement;

WHEREAS, the Town and City have agreed to work together to maintain the striping of green bikes of the hereinafter described project;

WHEREAS, Folly Road is a State maintained public right-of-way;

WHEREAS, a portion of Folly Road is located in the Town and a portion is located in the City;

WHEREAS, Folly Road is undergoing an improvement project known as the Folly Road Bike/Pedestrian Improvement Project;

WHEREAS, for the safety of pedestrian and vehicular traffic along the Folly Road Corridor, the Town and the City desire to install intermittent green bike lanes along sections of the Folly Road Bike/Pedestrian Improvement Project;

WHEREAS, in an effort to maximize congruency and efficiency of efforts, and to minimize administrative costs across the municipal boundaries of Folly Road, the Town and the City desire to jointly fund and maintain the green bike lanes based upon the pro-rata share hereinafter determined.

NOW, THEREFORE, in consideration of these promises, of the mutual covenants herein set forth, and the above-referenced recitals incorporated herein by reference, the Town and City agree as follows:

I. PROJECT DESCRIPTION:

The scope of the project shall include ongoing maintenance of the intermittent green bike lane striping that is to be installed as a part of the Folly Road Bike/Pedestrian Improvement Project and will be strategically placed at high-volume intersections and driveways from Ellis Creek to Wilton Rd. on the Folly Road Corridor.

The specified material is known as Durable Liquid Pavement Markings (DLPM) that is an epoxy/resin or MMA – acrylic based resin substance. The skid resistant and retro-reflective material is very durable and is expected to need little to no maintenance for 5 years. The application can be spot treated for higher wear and tear areas. The recommended maintenance plan should include allocated funds for annual spot treatment and funds for a full re-application every 6 years.

II. PERIOD OF AGREEMENT:

The effective date of this Agreement is the date of its execution, and this Agreement shall continue for two years. Thereafter it will extend automatically until terminated by either party giving the other a written two-month minimum termination notice.

III. THE TOWN AGREES:

- a. Provide administration and management of the procurement, permitting and coordination of the maintenance contract.
- b. Provide to the City correspondence concerning project changes in schedules, routine communication, or any other such activities that may impact the Project.
- c. Provide access to the Project records during and after the project to enable the City to review and make proposed changes to the Project.
- d. Request approval from the City regarding pay requests relating to the Project prior to payment of any invoices, along with notice of any change orders, which affect the cost of the Project. Pay requests shall be provided to each Party's staff representative within 48 hours of the Town receiving a pay request for review.

IV. THE CITY AGREES:

- a. Provide timely review comments on the project scope.
- b. Provide to the Town correspondence concerning project design changes, routine communication, or any other such activities that may impact the Project.
- c. To report any known maintenance issues to the Town.

V. COMPENSATION AND PAYMENT TERMS:

The Town will advance payment to the Contractor. The City agrees to pay the Town for 30% share of the project costs.

This share is subject to change upon any change or amendment to the project scope.

The City further agrees that Pay requests shall be remitted to the Town within thirty (30) days of receipt of a Pay request. The City shall designate in writing to the Town a staff representative and email address for the purpose stated in this Paragraph.

VI. TERMINATION:

For convenience: The City reserves the right to terminate this Maintenance Agreement when it is in best interest of the City. If this Agreement is so terminated, the City shall provide the Town with fifteen (15) days written notice of such termination. No costs or damages shall be allowed for a termination of convenience.

For default: If the Town fails to comply with the terms of this Agreement, the City shall notify the Town in writing with the specifics regarding such noncompliance. If the Town fails to cure the noncompliance within (7) days of the notice, the City shall terminate this Agreement by written notice to the Town within fifteen (15) days thereafter. Town shall not be entitled to any costs or damages resulting from termination for default.

VII. GENERAL PROVISIONS:

- a. Nothing contained in this Agreement shall be construed to require the Town to undertake or complete the Project or any phase thereof. Those obligations shall be solely governed by the actions of the Town of James Island Town Council.
- b. Nothing contained in this Agreement shall be construed to require the Town to undertake or complete any subsequent project for green bike lanes. Those obligations shall be solely governed by the actions of the Town of James Island.
- c. The Town and City agree to conform to all Federal, State and local laws, rules and regulations governing agreements or contracts relative to the conduct of the work covered by this Agreement.
- d. Any and all reviews and approvals required of the Town and the City shall not be unreasonably denied, delayed, or withheld.
- e. The Town and the City each binds itself, its successors executors, administrators, and assigns to the other party with respect to these requirements, and also agrees that neither party shall assign, sublet, or transfer its interest in the Agreement without the written consent of the other.

f. The laws of the State of South Carolina shall govern this Agreement. All litigation arising under this Agreement shall be litigated in the Circuit Court in the Ninth Judicial Circuit of Charleston County, South Carolina.

VIII. AMENDMENTS: This Agreement constitutes the entire agreement between the parties; no amendment or modification changing its scope shall have any force or effect unless in writing and signed by all Parties.

IX. NOTICES: All notices or other communications hereunder shall be deemed properly given when delivered in person, or mailed by certified mail, return receipt requested, postage prepaid, addressed as follows, or to such other places may be designated in writing by the Parties:

AS TO THE TOWN:

Ashley Kellahan
Town Administrator
1122 Dills Bluff Rd
James Island, SC, 29412

Bill Woolsey, Mayor
1122 Dills Bluff Rd
James Island, SC, 29412

Bonum S. Wilson III (Bo), Esq.
James Island Counsel
924 Folly Rd
Charleston, SC 29412

AS TO THE CITY:

Keith Benjamin
Director of Traffic & Transportation
180 Lockwood
2nd Floor
Charleston, SC 29403

John J. Tecklenburg, Mayor
80 Broad Street
Charleston, SC 29401

Janie Borden
Asst. Corporation Counsel
50 Broad Street
Charleston, SC 29401

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on the date indicated above.

Signed, sealed and executed for the TOWN.

WITNESS:

Town of James Island

By: _____
(Signature)

Title: _____

Signed, sealed and executed for CITY.

WITNESS:

City of Charleston

By: _____
(Signature)

Title: _____



A RESOLUTION

TO ESTABLISH THE JOHNSON STREET QUIET ZONE AT THE HIGHWAY RAIL GRADE CROSSING KNOWN AT JOHNSON STREET (US DOT CROSSING ID 841159R) AND TO AUTHORIZE THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT (“MOA”) AND OTHER NECESSARY DOCUMENTS BETWEEN THE CITY OF CHARLESTON AND ALL NECESSARY PARTIES TO GOVERN THE FUNDING, DESIGN, PERMITTING, CONSTRUCTION, INSTALLATION, REPAIR, AND MAINTENANCE OF NECESSARY IMPROVEMENTS TO ESTABLISH THE JOHNSON STREET QUIET ZONE UPON APPROVAL OF THE FINAL FORM OF THE MOA AND OTHER NECESSARY DOCUMENTS BY CORPORATION COUNSEL AND THE DIRECTOR OF THE CITY’S DEPARTMENT OF TRAFFIC AND TRANSPORTATION.

WHEREAS, the City of Charleston wishes to provide its citizens with a tranquil living environments; and,

WHEREAS, the City of Charleston is concerned about highway rail grade crossing safety; and,

WHEREAS, highway rail grade crossing safety protocols have traditionally required the sounding of horns at all such intersections; and,

WHEREAS, the Federal Railroad Administration amended its rules to commit certain quiet zones to be established where it can be demonstrated that alternative safety measures can be taken to alleviate the need for horn sounding; and,

WHEREAS, the City of Charleston has proposed a quiet zone in the vicinity of Johnson Street; and,

WHEREAS, the City of Charleston desires to formally designate this quiet zone and to give notice of its enactment.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, IN COUNCIL ASSEMBLED:

Section 1. That, subject to the remaining terms and conditions of this resolution, the City of Charleston hereby creates the Johnson Street Quiet Zone, which shall be in effect twenty-four (24) hours per day, at one rail crossing, designated as Johnson Street (US DOT CROSSING ID 841159R).

Section 2. That nothing in this Resolution shall commit the City to provide funding or financial contribution towards the design, permitting, construction, installation, maintenance, and/or repair of any necessary improvements for the Johnson Street Quiet Zone.

Section 3. That this Resolution shall become effective upon the execution of a Memorandum of Agreement (“MOA”) and other necessary documents between the City and other necessary parties governing the funding, designing, permitting, construction, installation, maintenance, and/or repair of any necessary improvements for the Johnson Street Quiet Zone, copies of which are attached hereto and incorporated herein by reference as Exhibit A.

Section 4. That, upon the approval of Corporation Counsel and the Director of the City’s Department of Traffic and Transportation as to the final form of the attached MOA, the Mayor is authorized, without further action by City Council, to execute the MOA and other necessary documents between the City and other necessary parties governing the design, permitting, construction, installation, maintenance, and/or repair of any necessary improvements for the Johnson Street Quiet Zone; provided, however, the City shall not be authorized to contribute financially or in-kind to the design, permitting, construction, installation, repair, and/or maintenance of any necessary improvements without approval by City Council.

Adopted this _____ day of _____, 2020.

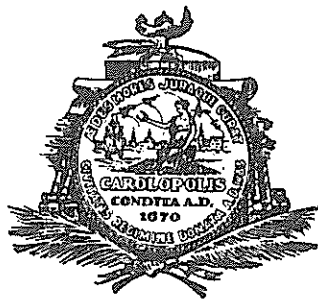
By:

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Jennifer Cook
Interim Clerk of Council

m1.)



Ratification
Number _____

A N O R D I N A N C E

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES LOCATED ON MORRISON DRIVE, ROMNEY STREET, AND NORTH ROMNEY STREET (LAUREL ISLAND AND PENINSULA) (CHARLESTON COUNTY TMS NOS. 459-02-00-013, 461-13-03-024, 464-00-00-002, 464-00-00-006, 464-00-00-023, 464-00-00-038) BE DELETED FROM THE OLD CITY HEIGHT DISTRICT ZONING MAPS.

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

Section 1. That Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) be, and the same is hereby amended, by changing the zone map, which is part thereof, so as to delete from the Old City Height District Zoning Maps the properties designated as Charleston County TMS Nos. 459-02-00-013, 461-13-03-024, 464-00-00-002, 464-00-00-006, 464-00-00-023, and 464-00-00-038, shown on the map attached hereto and incorporated herein by reference.

Section 2. City Council intends that Section 1 of this Ordinance be adopted simultaneously with the separate ordinance rezoning the properties described herein to Planned Unit Development (Laurel Island) (the "PUD Ordinance"), such that Sec. 54-256.c.(1) of the Zoning Ordinance will not restrict the PUD Ordinance.

Section 3. City Council also intends that Section 1 of this Ordinance be adopted simultaneously with the PUD Ordinance, such that footnote 2 to the Old City Height District Chart, codified at Sec. 54-306.X of the Zoning Ordinance, will not restrict the PUD Ordinance.

Section 4. This ordinance will become effective upon ratification.

Ratified in City Council this ____ day of
_____, in the Year of Our Lord
2020, in the ____ Year of the Independence of the
United States of America

John J. Tecklenburg,
Mayor

ATTEST:

Jennifer Cook,
Interim Clerk of Council

REZONING (MAP 1 OF 2)

Laurel Island

TMS # 4640000006, 002, 023, 038,
4590200013 & 4611303024

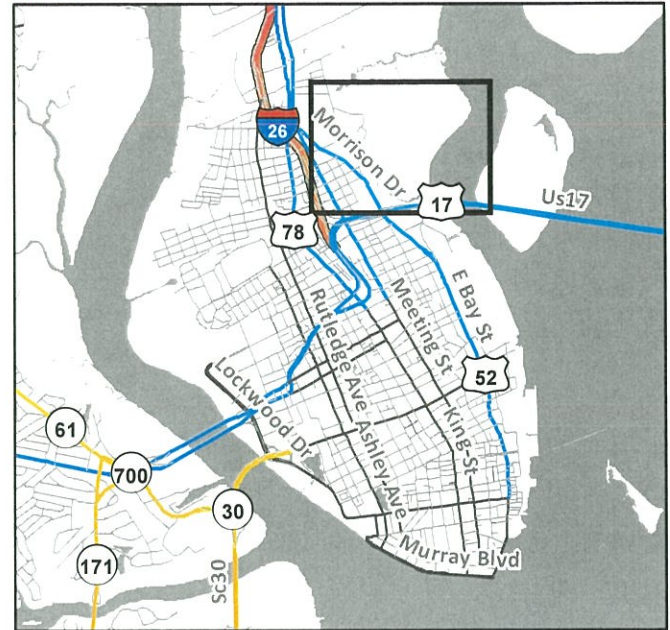
approx. 196.1 ac.

Request to remove the subject properties from the Old
City Height District Overlay Zone Maps

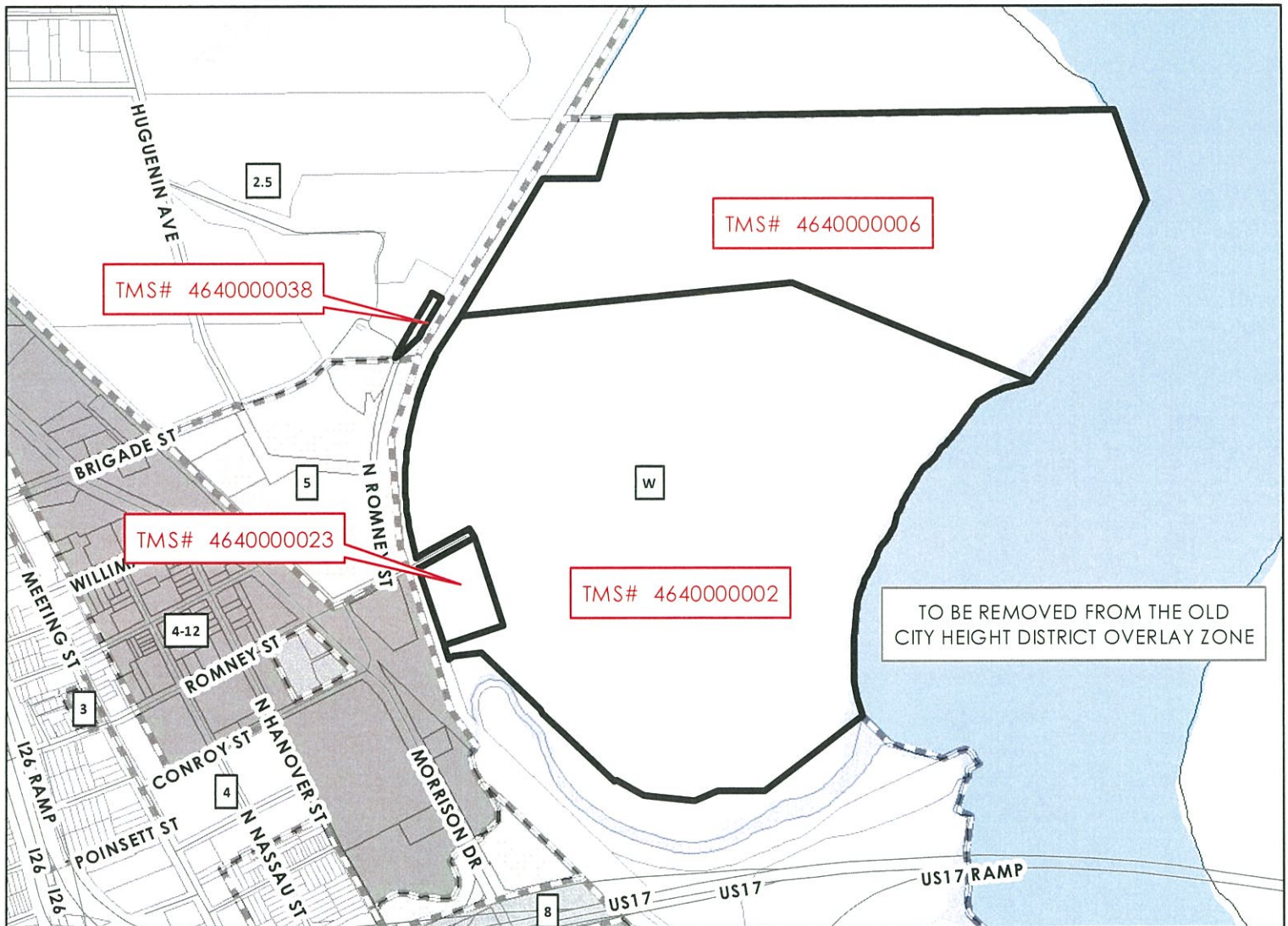
Owners: Charleston County and LRA Promenade
North LLC

Applicant: City of Charleston

Area



Location



REZONING (MAP 2 OF 2)

Laurel Island

TMS # 4640000006, 002, 023, 038,
4590200013 & 4611303024

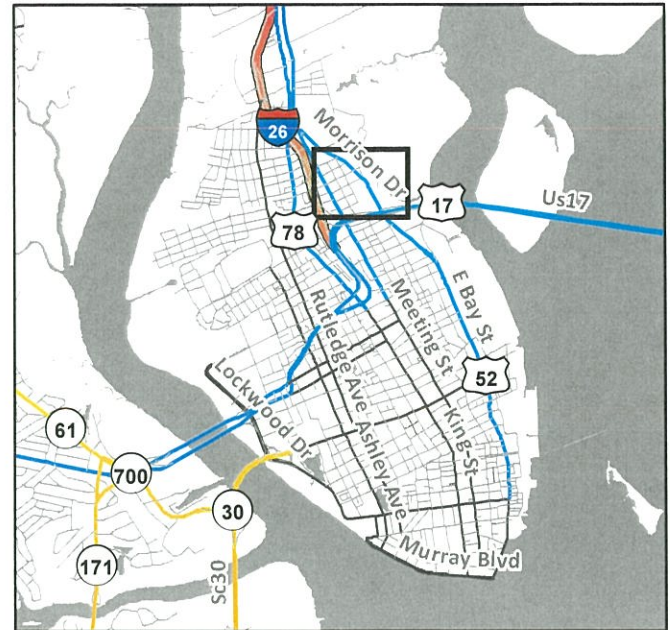
approx. 196.1 ac.

Request to remove the subject properties from the Old
City Height District Overlay Zone Maps

Owners: Charleston County and LRA Promenade
North LLC

Applicant: City of Charleston

Area



Location

