



JOHN J. TECKLENBURG
Mayor

City of Charleston
South Carolina
Department of Public Service

THOMAS F. O'BRIEN
Director of Public Service

**PUBLIC WORKS AND UTILITIES COMMITTEE
AMENDED AGENDA**

There will be a meeting of the Public Works and Utilities Committee on Tuesday, January 14, 2020 to begin at 3:30 pm., first floor conference room at City Hall. The following items will be heard:

A. Invocation

B. Approval of Public Works and Utilities Committee Minutes

November 12, 2019

November 25, 2019

December 16, 2019

C. Request to Set a Public Hearing

None

D. Acceptance and Dedication of Rights-of-Way and Easements

None

**E. Temporary Encroachments Approved by The Department of Public Service
(For information only)**

1. **1714 Trewin Ct.** – Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved December 13, 2019.**

F. Stormwater Management Department Update

1. Award of Construction Contract for Rivers Point Row Storm Drain Rehabilitation Project to B&C Land Development, Inc. for \$43,220.00
2. Resolution to Adopt the Dutch Dialogues.
3. Approval to apply for a FEMA FMA grant that requires a City match of \$30,754.50. If awarded, this grant would cover \$510,336 of the total costs to: acquire two (2) parcels of land and demolish the existing flood-prone structures. The City match of \$30,754.50 is available through the Stormwater Operations account.
4. Approval of an application for a Federal Emergency Management Flood Mitigation Assistance Grant of \$893,115.75 for the elevation of 5 homes. The grant requires no City match with the property owners providing the matching funds directly.
5. Stormwater Project Updates
6. Floodplain Management Updates

G. Discussion regarding Construction Noise Ordinance

Councilmember Keith Waring,
Chairperson

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.

PUBLIC WORKS AND UTILITIES

Tuesday, November 12, 2019

A meeting of the Public Works and Utilities Committee was held this date at City Hall, 80 Broad Street, First Floor Conference Room, at 3:10 pm. Notice of this meeting was sent to the news media.

PRESENT

Committee Members: Councilmember Harry Joseph Griffin, Acting Chair, Mayor John J. Tecklenburg, Councilmember A. Peter Shahid, Jr. and Councilmember Marvin D. Wagner. Councilmember Perry K. Waring arrived at 3:24 pm.

City Staff: City Staff: Mr. Tom O'Brien Director of Public Service, Mr. Matthew Fountain, Director Storm Water Management, Mr. Steve Kirk, Project Manager- Senior Engineering, Mr. Kinsey Holton, Stormwater Program Manager, Mrs. Susan Herdina, Corporation Counsel, and Mr. Richard Jerue, Senior Advisor to the Mayor.

A. Invocation

Councilmember Shahid opened the meeting with an invocation.

B. Approval of Public Works and Utilities Committee Minutes:

1. September 23, 2019
2. October 7, 2019
3. October 21, 2019

On motion of Councilmember Shahid, seconded by Mayor Tecklenburg, the Committee voted unanimously to approve the September 23rd, October 7th and October 21st minutes as distributed.

C. Request to Set a Public Hearing

None

D. Acceptance and Dedication of Streets

1. Acceptance and Dedication of Grand Oaks, Phase 7B – a portion of Matuskovic Drive (50'R/W, 2847 LF), a portion of Pepperbush Street (50' R/W, 186 LF) Bramblewood Court (50'R/W, 172 LF). There are 92 lots. All infrastructure with the exception of sidewalks has been completed. The sidewalks have been bonded.

Mr. O'Brien conveyed there were ninety-two lots that were constructed off Bees Ferry Road. All 92-lots were completed and the sidewalks were bonded. Staff recommended approval.

On motion of Councilmember Shahid, seconded by Councilmember Wagner, the Committee voted unanimously to approved the acceptance and dedication of Grand Oaks, Phase 7B – a portion of Matuskovic Drive (50'R/W, 2847 LF), a portion of Pepperbush Street (50' R/W, 186 LF) Bramblewood Court (50'R/W, 172 LF). There are 92 lots.

2. Approval to notify SCDOT that the City intends to accept maintenance of 185 LF of granite curb and 185 LF of concrete sidewalk on Drake Street (S-485) in conjunction with the project at Julian Devine Community Center.

Mr. O'Brien conveyed this was a request to notify SCDOT that the City intended to accept maintenance responsibility for the two request that affect portions of 185 LF of granite curb and 185 LF of concrete sidewalk on Drake Street (S-485) in conjunction with the project at Julian Devine Community Center.

The Acting Chair asked what the additional cost of taking was over these sidewalks and would taking over this 185-foot create a big cost. Mr. O'Brien replied the average life of a concrete sidewalk was approximately twenty-five to thirty years. There would be a cost at the end of that period.

The Acting Chair added it was in concurrent with the St. Julian Devine Center so it wouldn't make a lot of sense to have a sidewalk that was in disrepair as we repair this center.

On motion of Mayor Tecklenburg, seconded by Councilmember Wagner the Committee voted to approve notifying SCDOT that the City intends to accept maintenance of 185 LF of granite curb and 185 LF of concrete sidewalk on Drake Street (S-485) in conjunction with the project at Julian Devine Community Center. The vote was not unanimous Councilmember Shahid abstained.

Councilmember Shahid conveyed he had a standing objection to the City taking over these sidewalks and he was going to be consistent.

E. Temporary Encroachments Approved by Department of Public Service – for information only

1. **115 S. Battery St.** – Removed sidewalk approximately 32' to catch basin on the south side of S. Battery. Tie in 6" SCH. 40 PVC. This encroachment is temporary. **Approved October 18, 2019.**
2. **163 King St.** - Installing 48" X 15" right angled sign above the City right-of-way. This encroachment is temporary. **Approved November 8, 2019.**
3. **461 Lesesne St.** - Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved November 8, 2019.**
4. **522 Yellow Tower** – Installing irrigation encroaching into City right-of-way. This encroachment is temporary. **Approved September 20, 2019.**
5. **613 Wading Pl.** – Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved November 8, 2019.**
6. **962 Foliage Ln.** – Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved November 8, 2019.**
7. **966 Foliage Ln.** – Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved November 8, 2019.**

8. **970 Foliage Ln.** – Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved November 8, 2019.**
9. **974 Foliage Ln.** – Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved September 20, 2019.**
10. **1225 Water View Ln.** - Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved November 8, 2019.**
11. **2310 Grandiflora Blvd.** - Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved November 8, 2019.**
12. **2713 Waker St.** - Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved November 8, 2019.**
13. **Transfer 147 Brailsford St.** – Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved November 8, 2019.**

Mr. O'Brien conveyed these were standard encroachments reviewed and approved by staff. They were presented as information only

F. Stormwater Management Department Update

1. Medical District Tunnel Extension - Design Services Phase 2 Discussion

Mr. Fountain conveyed previously that the design work was completed to 30% status. The work was scheduled to be completed at the end of the year.

A determination was needed if the City wanted to stay within the completion period of the Phase 4 Spring/Fishburne project which was the most cost efficient part of the extension to move forward with the rest of the design work as the existing money for the design work runs out; the 30%. A proposal would have to come before Council. The construction budget was not firmly established. However they have the CDBG request and found out from the state Disaster Recovery Office initiated funds would not be allocated until spring. Staff continue to have hopes that the Medical Tunnel Extension would be funded but there were no guarantees.

Staff had discussion with the MUSC who offered and agreed to put it in their annual budget request from the Governor. The Mayor had a follow up discussion with the governor himself who said he would also place it within his request for legislature for funding. There were a number of avenues sought for funding. Just wanted to make the Committee aware that there was significant amount of design money without construction money in hand. Mr. Fountain added there was a very tight time frame on the opportunity to install the tunnel.

In response to a question from The Acting Chair, Mr. Fountain replied no action was needed. Staff wanted to see if there was any input from the Committee.

Councilmember Shahid asked whether this was right next to the Jasper and whether this would funnel into the development of that project. Mr. Fountain replied no.

Mayor Tecklenburg added that was Shaftsbury Lane. Ehrhardt Street ran from the medical greenway just north to Bee Street.

Mayor Tecklenburg asked Mr. Fountain at what point would you bring for action for approval of the engineering contract. Mr. Fountain replied assuming there was not an issue, probably the first December meeting for consideration.

Mayor Tecklenburg conveyed there would be some risk involved but it was made very clear by the governor's office it would be included in his budget recommendation next year. Chances of being able to get the funding were very high.

The Acting Chair felt the City was reaching out and looking out at every possible funding source but it would be nice to have something in writing. He added their fiscal budget year was different from the City's. Mr. Jerue added it was July to June but they would be presenting their budget to legislature in January.

The Acting Chair asked whether the City would be able to align our process with his so that we were not putting all the eggs in one basket thereby protecting ourselves in case something happens. Mr. Fountain replied the project was set up so that no construction would begin until the confirmation was received.

The Acting Chair asked if they moved forward with the design how much more money potentially was being risked without finishing the design or without having a funding stream elsewhere. Mr. Fountain replied the cost would be likely be approximately \$400K to \$500K range, plus/minus 20% and no construction would take place until the money was in place.

Mayor Tecklenburg asked if the city designed it but didn't get funds until one to two years later would the design still be good. Mr. Fountain replied yes it would.

The Acting Chair felt at the end of the day residents and patients coming from around the world need to get to the hospital. It's an issue of emergency and he couldn't see where the state legislature and the governor would not take that very seriously especially since the Medical University of South Carolina (MUSC) was a world renowned hospital. With the improvements they are willing to make in the medical district it makes sense to get this done as soon as possible. Mr. Fountain added it also benefit both Roper Hospital and the Ralph H. Johnson VA Medical Center as well.

The Acting Chair updated Councilmember Waring upon his arrival.

2. Stormwater Design Standards Manual - Schedule Update

Mr. Holton conveyed he receive eleven sets of comments from the task force members and other members from the design community. They were provided to AECOM to respond. He added there would be a follow up task force meeting around the Thanksgiving holiday.

Councilmember Waring asked staff to push out via email, the questions and responses to the Councilmembers. Mr. Holton replied they would.

The Acting Chair asked how this would affect receiving the stormwater updates. Mr. Holton replied maybe the second meeting in December or first in January. Councilmember Shahid felt Mr. Holton was being true and realistic.

3. Dupont Wappoo Drainage Improvement Projects – Charleston County Intergovernmental Agreement Discussion

Mr. Fountain relayed the Mayor meet and discussed with County Councilmember C. Brantley Moody the possibility of splitting improvement costs. Mr. Fountain then met with the Charleston County Finance Department who agreed to do a conceptual 25% County and 75% City match. With approval moving forward, staff would set up an intergovernmental agreement. The City would manage the work and the County would provide reimbursement.

He added they were excited to have something moving in that basin and contribute some money toward this.

The Acting Chair conveyed at the same time it looks good to constituents when governments work together.

4. Burns Lane Emergency Arch Repair

Mr. Fountain conveyed this project would be presented to City Council tonight and he wanted to make sure there were no questions. It was a standard arch repair. The top of the arch collapsed. When opened up it was realized the arch deteriorated so badly that there was nothing to tie into hence they had to open the whole length of the road and a new pipe and extra manhole was installed.

The Acting Chair asked whether the staff explored putting signs “No heavy trucks.” Mr. Fountain replied this was a loading dock for the facility however there maybe areas in town where this could be considered.

The Acting Chair commented there were an irregular amount of arch repairs. He didn't remember as much from last year. Mr. Fountain replied it was due to higher truck loads.

Councilmember Waring asked if you have pipe clogged up does it classify as an emergency. Mr. Fountain replied most of the clogged pipes the city could repaired with its own trucks.

5. Stormwater Project Updates

Mr. Kirk conveyed

- Spring Fishburne Phase 3 – concrete lining continuing at a reasonable accelerated pace. The main line 1,800-linear feet to go. President Street tunnel was complete. They are estimating lining operation to be completed June 2020.
- Phase 4 – three test piles were installed, trestles were installed and the work continues.
- Forest acres – ATT was working on plans to relocate the duct bank on Playground Road. The City was hoping to have the work completed within the next six to twelve months.
- Church Creek Flood Reduction Study – Wesson Sampson working through the 300 model runs and different scenarios. However in the model they did run at Bees Ferry Road near the train tracks and the church, staff saw some incremental improvements and was encouraged by the results.

In response to question from Councilmember Shahid, Mr. Kirk replied the benefits would be realized at the completion of phase four. June 2020 was the completion date for Phase 3. Councilmember Shahid asked for the completion date of Phase 4. Mr. Kirk replied the substantial completion date for Phase 4 should be June 2022.

Mayor Tecklenburg asked how the relocation of the duct bank by AT&T affect the projected schedule of work for Forest Acres Phases 2A and B. Mr. Kirk stated they were still working through the details. Mr. Fountain added AT&T was finalizing their bid documents. A meeting was scheduled to review documents. The approach proposed would be a quicker relocation process.

Regarding Church Creek, the Acting Chair asked whether they were running a modeling on the inner circle. Mr. Kirk replied yes.

Councilmember Waring asked for an update pertaining to Forest Acres, whether the steps at the bikeway were reinstalled. Mr. Fountain replied a decision was made for it to be constructed out of the Parks Department, capital project budget.

Mr. Fountain added the following;

- The Low Battery project – staff was finalizing the contract and setting up the pre-construction meeting. Then staff would have a public meeting to include a traffic impact study. They hope to start construction work early December 2019.
- Central Park Basin – The circular work was complete. Charleston County resurveyed the maintenance adjustment and AECOM was working on the improvement design for the basin.

6. Floodplain Management Updates

Mr. Fountain conveyed staff was working through Community Assistance Visit (CAV) the insurance claim data from FEMA and South Carolina Department of Natural Resources (DNR). Staff was preparing different letters that would go out to residents/property owner to provide additional data.

In response to a question from the Acting Chair regarding the Community Rating System, Mr. Fountain replied there would be a meeting sometime early 2020.

In response to a question from the Acting Chair, Mayor Tecklenburg replied the house in Hickory Farms closed.

Councilmember Waring added the next door neighbor had horses and was interested in this property. Mayor Tecklenburg suggested having a meeting with the neighbors to make clear what the guidelines of the grant were and explain what could or not be done on this site.

G. Miscellaneous or Other New Business

1. Carolina Waste ordinance

Mr. O'Brien wanted to make clear, that some of the agendas that went out indicated this was an ordinance. However, staff was only reporting on this matter.

Basically this was a three year contract signed in 2014 that expired in 2017. There were four one-year renewal options of which we were in the third year; renewal was June. He felt which ever direction the city wanted to go incentives and penalties needed to be included in the contract to make sure whomever received the contract understood the importance of providing a service.

He added that he, Matt Alltop, Superintendent Environmental Services, and Tracy McKee, Chief Innovation Officer met with the new manager. He seemed to be someone who knew the business. The staff was impressed. They are now providing a daily list of trash can request and every day at 3 pm they report their collection status to the City. The biggest frustration was coming home at the end of the day to a trash can that's full. Communication was the key.

Mr. Alltop added they had gotten better over the past few weeks with fewer misses. The can requests were back up where they should be. Staff would continue to meet with them monthly.

Councilmember Shahid felt the City should go out for bid. Mr. Alltop replied Carolina Water and Recycling LLC and Republic Services were currently the only two competitors in town, though more was expected in the future.

Councilmember Waring felt there was enough time between now and June to do a cost benefit analysis. He felt city employees in sanitation do a good job. He wasn't sure what the thinking was servicing the West Ashley area. Why doesn't the City do the work and bring it back on line citywide.

In response Mr. Alltop conveyed that routes were reduced since the two new trucks were introduced. Forty-one routes was reduced. It's expected when we secure the other two trucks the routes would decrease again to thirty-two. To accommodate the 14K residents West Ashley two more trucks was needed. He mentioned the approximate cost of the following trucks:

- ASL truck - \$200K, \$125K
- Claw - \$125K
- Scowl - \$60K to \$70K

Councilmember Shahid stated he would like to see the competitive analysis. He felt those trucks with the green seal on them showed the citizens that we are doing something for them and showed the city's basic services at work; police, fire and garbage pickup. He liked the idea that city sets the schedule especially during the hurricane.

The Acting Chair added he would put Mr. Alltop up against any city employee within any municipality within the country. He bothered the heck out of him and he always calls back and addresses situations. Since Carolina Waste was sold the service has been lack luster. He was not opposed to giving them another chance with a revised contract. The city would not be able to get more employees online before the budget and would need help for the time being. However, he felt they should start the process of setting that up. The Acting Chair added St. Andrews PSD would love the opportunity to assist the City of Charleston with collection. They do an amazing job.

He asked to be copied in on some of the reports being provided because one of the top complaints from citizens was garbage. He recalled it took over a month to get a trash can out to someone. The resident didn't know they could not put trash out to the street versus stock piling trash in the garage. Service failures like this was not acceptable and until we change the narrative and look at this contract. Our citizens pay for it.

Councilmember Shahid asked for another update of trees growing in the ditches or did staff want to defer until the next meeting. He asked that it was placed on the agenda for the next meeting of the Committee.

At the request of Mr. O'Brien, Mr. Alltop to give a brief recap of the amazing work that was done and in the amount of time. Mr. Alltop conveyed the work was completed within 34-days whereby they picked up 235,000 cubic yards more than what was collected from the last two storms combined. He added it was the equivalent of three and half times what the city collects within a year.

Mr. O'Brien added with the help of management staff had a cookout for those guys and gave them a tumbler with City Seal and Dorian etched on the sides. They were so appreciative.

Acting Chair felt the employees needed to be honored at City Council.

By acclamation the Committee adjourned at 4:06 pm.

Vanessa Ellington
Clerk of Council's Office

PUBLIC WORKS AND UTILITIES

Monday, November 25, 2019

A meeting of the Public Works and Utilities Committee was held this date at City Hall, 80 Broad Street, First Floor Conference Room, at 3:00 pm. Notice of this meeting was sent to the news media.

PRESENT

Committee Members: Councilmember Perry K. Waring, Chair, Mayor John J. Tecklenburg, Councilmember A. Peter Shahid, Jr. and Councilmember Marvin D. Wagner.

Also present was Councilmember Jackson, District 12.

City Staff: City Staff: Mr. Matthew Fountain, Director Storm Water Management, Mrs. Susan Herdina, Corporation Counsel, Christopher Morgan, Director of Planning and Bethany Whitaker, Administrative Assistant II.

A. Invocation

The Chair opened the meeting with a moment of silence.

B. Approval of Public Works and Utilities Committee Minutes:

1. November 12, 2019 - Deferred

The Mayor shared with the Committee he was invited to the Angel Oak Elementary School. A group of young students participated in a national program called CityLand, a study of how to make cities better. This group addressed how to handle water. He relayed, Lexi devised a drainage system that would tie into a forest of some kind. Mary Anna included an underground retention. He told the group that these were the kinds of concepts seen in the Dutch Dialogue presentation about creating underground storage. Another was having a first wall with holes with glass barriers to see the water but still have protection from sea level rise. His favorite artwork was a pump system nicknamed the flooder sucker. They were concerned with the water pollutants. Mayor Tecklenburg felt it might be reasonable to have someone think of some type of contest throughout the school district using this as an example.

C. Request to Set a Public Hearing

None

D. Acceptance and Dedication of Streets

None

E. Temporary Encroachments Approved by Department of Public Service – for information only

1. **8 St. Michael Alley** - Installing connection to City stormwater catch basin. This encroachment is temporary. **Approved November 21, 2019.**
2. **39 King St.** - Remove 11' of blue stone sidewalk and 4" of concrete on the west side of King St. to install 8" storm drain. This encroachment is temporary. **Approved November 21, 2019.**

3. **55 Romney St.** - Installing 8' sidewalk, stormwater boxes & pipes, underdrain, driveway (24' parking garage access), rain gardens. This encroachment is temporary. **Approved November 21, 2019.**
4. **146 Captain's Island Dr.** - Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved November 21, 2019.**
5. **167 E. Bay** - Installing 48" X 15" right angled sign above the City right-of-way. This encroachment is temporary. **Approved November 21, 2019.**
6. **334 Spindlewood Way.** - Installing driveway encroaching into City drainage easement. This encroachment is temporary. **Approved November 21, 2019.**
7. **485 Spring Hollow Dr.** - Installing front walkway and sidewalk encroachment in City right of way. This encroachment is temporary. **Approved November 21, 2019.**
8. **2190 Saint John's Woods Pkwy** - Installing concrete driveway encroaching into City drainage easement. This encroachment is temporary. **Approved November 21, 2019.**
9. **3093 S. Shore Dr.** - Installing concrete driveway with brick paver border and shell finish encroaching into City drainage easement. This encroachment is temporary. **Approved November 21, 2019.**

In response to a question from the Chair Mr. Fountain replied, Mr. O'Brien conveyed there were no exceptional encroachments. All were appropriate and reviewed by staff.

F. Stormwater Management Department Update

1. **Indefinite Delivery Contract Allowance Increase from \$300,000 to \$450,000 and One Year Contract Extension for Sanders Brothers Construction and Eadies Construction for Stormwater Pipe Maintenance, Camera, and Associated Activities.**

Mr. Fountain conveyed this contract covered videoing, cleaning pipes and brick arch repairs. He noted each vendor had a \$300,000 budget. Staff was looking at extending the allowance on the contract and shift from three to two contractors. Currently the city was using two contractors. Sanders had the most competitive prices and tend to get most of the work. Eadies Construction was local and slightly more expensive.

Mrs. Herdina added this was discussed at the Budget Adhoc Committee meeting. There would be a proposed amendment to the procurement policy at the next meeting that would increase the indefinite delivery contract from \$300K to \$450K.

Councilmember Shahid added this was a good example of policy change.

2. Simmons and Rutledge Area Work Update

Mr. Fountain conveyed this project was currently on hold until the contract values were reset. He noted staff received a quote from Eadies Construction that was a little high. Within approximately three days they would be able to clean it sufficiently to use a camera to view the blockage and/or damages. The Chair hoped it turned out to be something as simple as a clean out or cave-in.

3. Removal Process for Trees within Easements Discussion

Councilmember Shahid conveyed as result of Hurricane Dorian, one of his constituents located in Huntington Woods had a tree that was located in a drainage ditch behind their home that fell on their house. On the other side of the ditch was a fence wall around Sandhurst. He added the area was clearly located within the City of Charleston jurisdiction. He displayed photos of the site. Likewise there was another property in Northbridge there were several trees that toppled and blocked the ditch. He noted the city removed the tree atop the house for the resident in Huntington Woods. In response to a question from the Chair, Councilmember Shahid replied the home owner will secure a contractor do the repairs to their home

Councilmember Shahid asked staff what was the City's responsibilities for trees located within ditches. The Chair felt Councilmember Shahid had a good point. He asked once the older areas were cleaned out this wouldn't be a problem. He asked staff now that we have trees in the ditch was a variance needed to remove trees from the easement, because the only reason it was there was because the city never cleaned the ditches over the years. He asked whether the city could come up with some exception when it came to drainage easements.

Mrs. Herdina replied we could speak with Eric Schultz of Planning Preservation and Sustainability about that. However, with regard to Councilmember Shahid's questions if it is the City's duty to maintain the ditches and make sure they operated correctly, lawyers usually come in the back end. In one of these cases the city turned over to the Insurance Reserved Fund, the City's Insurance Company and they denied coverage. They said the tree would not have fallen but for the hurricane. The policy question was how the City nipped this in the bud on the front end or the back. She felt strongly the construction and maintenance should be spot on otherwise the City would continue to receive these types of complaints. Part of the focus should be to consider whether the neighborhoods were engaged and whether the city was doing everything it can to get notice of drainage issues with trees or underbrush. Hopefully, the City could get a more aggressive program on the front end versus being opposed to liability on the back end.

The Chair stated he was solely concerned with trees and underbrush located in the ditch when it impedes water flow.

Councilmember Wagner conveyed he had an almost identical situation that was created by the city. The situation was located in Air Harbor neighborhood when a large ditch with a smaller pipe resulted in erosion around the root system and a narrowing of the ditch. He felt at some point in time the fences would no longer have anything to hold them as the dirt continues to erode away.

Mr. Fountain added the property owners still own the underlying property under the easement. Technically, they own the tree and own the property. The easements were there so they don't block the drainage and the city had legal access to maintain the drainage. The homeowner had some ownership being the property owner. He mentioned the trees located on the banks often times had been there for approximately 40 years.

Councilmember Shahid asked Mrs. Herdina whether the easements that ran between two distinct properties showed who actually owns the property of the easement. In particular, he wanted to know who was responsible for the tree removal. He felt there should be a clear policy because once the City knows the tree exist there is a liability. No one wants to touch or be responsible for the trees. He worried that the liability may fall on the City.

Councilmember Wagner asked should one of the trees fell killing a child who was just outside playing, then would be responsible. Mrs. Herdina replied there was no reason for the city to know there was a problem with the tree nor was there a prior notice. The city would not be liable.

Mayor Tecklenburg asked Mr. Fountain at this point if there were a tree within the body of the ditch would the City seek to remove it. Mr. Fountain replied only it impedes the flow of water. He added this was one of the harder situations staff ran into because the existing tree had been there for a number of years. He suggested moving the ditch around the tree.

Councilmember Wagner commented at some point a tree in the ditch or bank would become a problem, especially if there was erosion. He felt the City could be more proactive.

Mr. Fountain added that the other side from Dominion Energy's perspective might be going too far. Some of the trees were healthy and a nice size.

The Chair referenced the Gilmore Girls in Councilmember Shahid's district where until the ditches were restored the homes would continue to flood. Councilmember Shahid restated there needed to be a policy.

4. Stormwater Project Updates

Mr. Fountain conveyed construction would start on the Low Battery December 2nd.

The Chair recalled a matter that arose at the Ad Hoc Budget Advisory Committee meeting. A question was asked when the next thousand feet would go to be bided out. Mr. Fountain replied late summer or early fall and start construction December of next year or January the year after.

The Chair asked the Mayor when they were supposed to hear back from the Infrastructure Bank. Mayor Tecklenburg replied they were reviewing application now and was told they would notified in January. Mrs. Herdina added she was told January was a little optimistic. The City would be notified maybe some time in spring.

Mayor Tecklenburg added the city submitted their application to the U.S. Army Corps of Engineers for their review as well. When they proposed their preliminary protection to the City the Low/High Batter would be part of that and there was an opportunity that as long as the City design meets the Corps specification, the City may be eligible for federal reimbursement given the City gets the whole project approved and funded. However if after their review there were concerns, the City would have an opportunity to modify future plans so that it should qualify.

Mr. Fountain continued reporting:

Lord Calvert Project located off of Markfield Road went through the low bid process and the most qualified bidder was selected and the contract would be brought to the Committee at its next meeting.

Sherwood Forest staff was about to start tree removal. Barrier replacement coming to construction within the next month or two.

5. Floodplain Management Updates

Mr. Fountain conveyed the main update was that the City received award for six buyouts. Staff was in negotiation with the homeowners.

The Chair commented he visited Castlewood Apartments and it appeared there was a collapsed pipe in an area between Charleston County and the City of Charleston. He felt there could be a joint collaboration between the two municipalities to repair. Mrs. Whitaker added she forgot to send the follow-up information previously but it was sent today to Mr. Fountain and she copied the Chair. Mr. Fountain said he received the information just today and now they would be able to place it on the next agenda.

Mr. Fountain conveyed though Councilmember Griffin was not present staff did receive the \$125K grant award from the National Fish and Wildlife Foundation for the first grant applied for late spring/early summer. The grant award could be used to buyout properties in Church Creek to create stormwater facilities in the basin as a demonstration project. It could also be used to design retrofits for all the properties to help with flooding and develop outreach program whereby Clemson Extension along with help from the Conservancy to teach classes to homeowners. They would demonstrate and teach the homeowners things they could do to their yards and property to help with flooding.

The Chair asked about the pipe that ran in the ditch from Orleans Woods neighborhood located right behind the South Eastern Galleries, Ryan Condon's shopping center to Orleans Road. He felt it was clogged. Mr. Ryan Dews, Superintendent Stormwater Management System Maintenance was working on the issue that a vacuum truck was needed to clean out the pipes. He mentioned when on site one could smell the grease trap and the grate was filled up to the top with dirt.

By acclamation the committee adjourned at 3:47 pm.

Vanessa Ellington
Clerk of Council's Office

PUBLIC WORKS AND UTILITIES

Monday, December 16, 2019

A meeting of the Public Works and Utilities Committee was held this date at City Hall, 80 Broad Street, First Floor Conference Room, at 4:11 pm. Notice of this meeting was sent to the news media.

PRESENT

Committee Members: Councilmember Perry K. Waring, Chair, Mayor John J. Tecklenburg, Councilmember A. Peter Shahid, Jr., Councilmember Marvin D. Wagner and Councilmember Harry Joseph Griffin.

City Staff: City Staff: Mr. Tom O'Brien Director of Public Service, Mr. Matthew Fountain, Director, of Storm Water Management, Mrs. Susan Herdina, Corporation Counsel and Mrs. Stirling Halversen, Assistant Corporation Counsel.

A. Invocation

Councilmember Wagner opened the meeting with a moment of silence.

B. Approval of Public Works and Utilities Committee Minutes:

1. November 12, 2019 - Deferred
2. November 25, 2019 - Deferred
3. December 2, 2019 - Deferred

C. Request to Set a Public Hearing

None

D. Acceptance and Dedication of Streets

1. Dedication and Acceptance of Stonoview, Phase 4.1 – Sturgeon Street (50' R/W, 860 LF), a portion of McFadden Way (50' R/W, 1084 LF), a portion of Lieutenant Dozier Drive (50'R/W, 887 LF). There are 54 lots. All infrastructure with the exception of sidewalks has been completed. The sidewalks have been bonded.

On motion of Councilmember Shahid, seconded by Mayor Tecklenburg the Committee voted unanimously to approve the acceptance and dedication of Stonoview, Phase 4.1 – Sturgeon Street (50' R/W, 860 LF), a portion of McFadden Way (50' R/W, 1084 LF), a portion of Lieutenant Dozier Drive (50'R/W, 887 LF). There are 54 lots.

2. Dedication and Acceptance of River Glen- Donerail Lane (50' R/W 541 LF), Cavalcade Circle (50' R/W, 2788 LF), Glasson Street (R/W Varies, 240 LF), Cannonade Road (50' R/W, 240 LF). There are 70 lots. All infrastructure with the exception of sidewalks has been completed. The sidewalks have been bonded.

On motion of Councilmember Shahid, seconded by Mayor Tecklenburg the Committee voted unanimously to approve the acceptance and dedication of River Glen- Donerail Lane (50' R/W 541 LF), Cavalcade Circle (50' R/W, 2788 LF), Glasson Street (R/W Varies, 240 LF), Cannonade Road (50' R/W, 240 LF).

3. Dedication and Acceptance of Reveille on the Ashley-(Reveille Court (R/W Varies, 245 LF). There are four lots. All infrastructure with the exception of the final course of asphalt has been completed. The final course of asphalt has been bonded.

On motion of Councilmember Mayor Tecklenburg, seconded by Councilmember Wagner the Committee voted unanimously to approve the acceptance and dedication of Reveille on the Ashley-(Reveille Court (R/W Varies, 245 LF).

4. Dedication and Acceptance of Daniel Island, Parcel FF, Phase 2 - Wayfaring Point (50' R/W, 1053 LF), a portion of Captain Goddard Road (50' R/W, 1000 LF), a portion of Captains Island Drive (50'R/W, 946 LF), a portion of Old Compass Road (50' R/W, 372 LF), a portion of Old Compass Road (50' R/W, 880 LF). There are 26 lots. All infrastructure has been completed.

On motion of Councilmember Mayor Tecklenburg, seconded by Councilmember Wagner the Committee voted unanimously to approve the acceptance and dedication of Daniel Island, Parcel FF, Phase 2 - Wayfaring Point (50' R/W, 1053 LF), a portion of Captain Goddard Road (50' R/W, 1000 LF), a portion of Captains Island Drive (50'R/W, 946 LF), a portion of Old Compass Road (50' R/W, 372 LF), a portion of Old Compass Road (50' R/W, 880 LF).

5. Approval to notify SCDOT that the City intends to accept maintenance responsibility for 126 LF of granite curb and concrete sidewalk to be constructed on St. Phillips Street(S-106) at 86/82 Sheppard Street in conjunction with the new parking lot at that location.

On motion of Councilmember Wagner, seconded by Mayor Tecklenburg the Committee voted to approve writing a letter notifying SCDOT that the City intends to accept maintenance responsibility for 126 LF of granite curb and concrete sidewalk to be constructed on St. Phillips Street(S-106) at 86/82 Sheppard Street in conjunction with the new parking lot at that location. . The vote was not unanimous Councilmember Shahid abstained.

E. Temporary Encroachments Approved by Department of Public Service – for information only

1. **1624 Juliana St.** – Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved December 13, 2019**
2. **1714 Trewin Ct.** – Installing permanent canopies overhang in City right of way. This encroachment is permanent. **Approved December 13, 2019.**
3. **2589 Daniel Island Dr.** – Installing irrigation encroachment in City right of way. This encroachment is temporary. **Approved December 13, 2019.**

Mr. O'Brien conveyed all of the encroachments were reviewed and inspected by staff and approved.

In response to a question from Mayor Tecklenburg, Mr. O'Brien asked that Item 2, 1714 Trewin Court be considered at a later time, it was not supposed to be on the agenda.

F. Miscellaneous or Other New Business

1. Stormwater Design Standard Manual Update – Stakeholder Taskforce Update

Mr. Fountain distributed and reported on the minutes from the task force meeting held December 5, 2019. He felt there was a pretty good feeling from the discussion.

The Chair conveyed his concern was discretion and how it would be shown. Mr. Fountain replied anywhere they could it would be eliminated and/or where the word "may" occurred it would be clearly stated along with examples to help bridge the gap. The additional part would be to recommend from a staff level to enact July or June

Mayor Tecklenburg conveyed he was impressed when he received the print out of 454 comments from various participants who went over this with a fine tooth comb. There was robust discussion and justification given in each case. He was very impressed with the detail of the review.

He noted since being elected four years ago and meeting with developers, in particular a number of them on Johns Island, a number of the complaints was the interpretation of submerged system. The City disallowed submerged systems which led to the development of bringing in fill. He asked how the current manual addressed submerged systems.

Mr. Fountain replied the new manual had a specified variance process. The applicant would have to provide engineering support, demonstrating their methodology of stormwater removal. In areas of non-flooding the developer would have to demonstrate volume control for the site or if its redevelopment of a site then they would have to demonstrate volume protection.

He added there would be online zoning maps indicating where the special protections area were located that would be published on the City's website.

Councilmember Shahid conveyed the members of the task force and the stormwater department did a wonderful job. The meeting were very productive and well managed. However his concern was this discussion would be replicated twelve times. He suggested having a workshop type session with city council to hear any further comments. Then have it considered at the first meeting in February. He didn't not want to pass an ordinance or manual with questions that were not laid to rest.

Councilmember Griffin agreed with a public open forum.

Councilmember Wagner added in Carolina Bay they do not have flooding and everything works as it's supposed to. However if for any reason there was too much water the natural overflow was the streets and front yards which kept the houses from flooding.

The Chair permitted individuals from the public to speak.

Josh Dix, Charleston Realtors – conveyed he too wanted to see the information compiled. That he felt comfortable with the draft design.

Patrick L. Arnold, Executive Director Charleston Home Builders Association – conveyed there were some serious concern from an engineering front when this first got started. It was a giant undertaking and pretty dense from an engineering point given the political process and it may

be hard to make the transitions between the two. He was happy to see Council willing to continue conversations about this in order to get it right on the front end and to continue having the task force representatives and civil engineers involved versus builders and other member of the business community so it can remain objective.

In response from a question from the Chair, Mr. Fountain some members from the private sector on the task force included; Hussey Gay Bell, HDR, Davis and Floyd, Forsberg Engineer, Thomas and Hutton, HLA, AECOM, Seamon Whiteside, Robinson Design Engineer (RDI).

The Chair asked whether there was good attendance. Mr. Fountain replied the attendance was consistent and very well.

The chair thanked Mr. Fountain for putting it all together.

Councilmember Shahid asked that the young lady from the Department of Natural Resources be present at the workshop.

The Chair suggested having the workshop before the city council meeting because many people may turn out and it would give the new councilmembers an opportunity to review.

Councilmember Shahid suggested giving the first reading at the second meeting in January at 3 pm to have it explained in simple terms, hear the comments tweak it if needed and then take it back to the task force.

2. Fill Ordinance – Stakeholder Taskforce Update

Mr. Fountain felt that from a perspective of the group there was a general consensus that there be one ordinance versus two and then having to figure out how to talk to each other.

Councilmember Griffin conveyed this was deferred to this meeting to give staff an opportunity to weigh-in on this one more time. The City was changing and evolving and took the advice of the Mayor and scribbled an ordinance short, sweet and simple to present. So much was invested in the report that it could be considered as reference as part of an ordinance. He didn't know why the city would spend hundreds of dollars to get a comprehensive report that was a detailed sophisticated plan and not give some sort of endorsement to it and turn it into some type of law.

The Chair asked Mr. Fountain how he would answer Councilmember Griffin's question of taking parts of the Dutch Dialogue's report, certain zones, such as Johns Island and Church Creek and making it part of the ordinance. Mr. Fountain replied that was the approach taken with the special protection areas having special requirements and heavy incentivizing for bringing in infrastructure. However, he admitted Councilmember Griffin was correct that there were no direct requirement, prohibition against fill though there were requirements where you can. He believed staff tried to incorporate a lot of this into the manual though complicated. He felt the Dutch Dialogue's report was a poignant document that said this was our concept and vision, and that it was not written as an immediately implemental document, thought they did have many implementable ideas.

Councilmember Griffin said he would make it simple, why can't the city have something, whether in the stormwater manual or a separate piece of piece of documentation that state we support and conceptually agree with what the Dutch Dialogue brought forth and if the project

did not meet the character that then we should not move forward with it until we actually get our hands deep into the project and put some skin in it. After working on a very long process of doing the Stormwater Manual, how do we know that the Dutch Dialogue report was entrenched and incorporated in the City's document?

The Chair stated he understood the Dutch Dialogue report was not ordinance ready. However he asked Mr. Fountain whether there was a way to put an asterisk by or put a footnote in the manual that indicates this section was influenced by the Dutch Dialogue report.

Mr. Fountain replied they could have something general in the manual that could be expanded and made clearer. While the report wasn't a binding document it would require the developer to think more and read the report.

Councilmember Griffin conveyed he was all about compromising on this. There was a potential to bring together many good ideas and make sure the developers and the community understand the City's path going forward. Outlining it making it simple, putting something together for the development community, if developing within the City the first thing you do was pop open the Dutch Dialogue report. At the same time reinforce the entire community that the City learned from and were doing everything it can to try and not to make the same mistakes again. Those who suffered from the loss the City had to show them it's taking active steps to fix the wrongs that were done to them and not make the same mistakes going forward.

It just seemed everyone is trying to figure out how to implement the Dutch Dialogue report. At the end of the day he wanted everyone to know that his intentions were solely to continue having this dialogue. The City had always been resilient and overcome adversity. We have to change our philosophy. We have to find a way to live with water. Hence we have to make sure citizens understand what we are trying to accomplish.

Councilmember Shahid asked what happens to projects in the pipeline, do they have to comply with the new standards within the stormwater manual. Mr. Fountain replied complete applications would be grandfathered to the current manual not what was proposed.

Mrs. Herdina added Mr. McQueeney, Assistant Corporation Counsel was working on it because if we don't get this right the City would be subject to arguments and claims. Councilmember Shahid asked Mrs. Herdina if the ordinance was adopted in February and the stormwater manual was delayed until July 2020, what impact that would have on applications? Could projects be deferred? Otherwise the old way of doing business remained and, there may be a rush to submit and complete application until the manual was adopted. He felt if not clarified this could be viewed as a moratorium. Mrs. Herdina replied this was not like a pending ordinance.

Councilmember Griffin read from the documents that anything not submitted prior to the adoption of the stormwater manual would be grandfathered. Mr. Fountain stated that was a recommendation.

In response to a question from Councilmember Griffin as to why the pending ordinance not apply in this case, Mrs. Herdina said per state law it only applied to zoning matters.

The Chair asked was there anything that could be done for sensitive areas. Though there was a good process in place why did it take six months? Mr. Fountain replied the time period was

not exact. It was an effort to try to give people who were almost complete the time to close out their requests.

Councilmember Wagner conveyed the Dutch Dialogue was dealing with this every day, they provided the road map. It's up to the City to use it. He added somebody would use the report either the City or someone suing the City. He felt the report needed to be cross-referenced a logical flow without a focus on a specific area, i.e. Church Creek, Down Town, Fishburne Street, Johns Island or James Island. He felt communication was the key to all of it.

He conveyed the City needed to be clear because he fought issues that the City told developers to do something, they did it and at the next phase the City tells them to do something completely opposite. There needed to be accountability.

Councilmember Shahid asked whether the Dutch Dialogue could be incorporated into the ordinance that adopts the stormwater manual. Mrs. Herdina replied yes. Since it would be a while before the stormwater manual came forward to be adopted, the task force would have time to review the document from a technical point of view. The City could formerly adopt the Dutch Dialogue via resolution. The plans and objectives set forth in the report should be followed and be consisted with the planning and stormwater document. This would be a bridge between now and the time the manual came forward though it may continue to be two separate documents, a cross reference or attached as one.

Councilmember Shahid conveyed the Dutch Dialogue then becomes the policy of the City of Charleston that provides guidelines and how to operate within the City of Charleston. Then the stormwater manual becomes both the enforcement and regulatory component of this issue. The Dutch Dialogue provided the guidelines and roadmaps as a policy of the City of Charleston and the stormwater manual would be where the technical matters would marry together. His whole concern was having inconsistency.

Councilmember Wagner stated God help us if there was a conflict somewhere and we didn't catch it. Councilmember Shahid replied the Dutch Dialogue was the roadmap to the stormwater manual.

In response to a question from the Chair Mrs. Herdina replied the resolution would become effective immediately. If someone came in between now and the adoption of the stormwater manual it didn't have the technical aspects to be binding but it would give the agility for Mr. Fountain to sit down and go over the Dutch Dialogue.

The Chair felt this should be presented to the task force so they won't feel blindsided.

Councilmember Griffin felt that in the spirit of compromise he was willing to go along with the resolution. However he did strongly feel there should be a way to include language and concept from the Dutch Dialogue in the stormwater manual especially Johns Island and Church Creek. He felt it would be a disservice not to reference the Dutch Dialogue report.

Mayor Tecklenburg conveyed he like the direction this was going and that it was a good idea to adopt the Dutch Dialogue report officially. It would also be a part of the master plan for next year.

Councilmember Wagner commented Long Savannah already put it to divert some of the initial head water to the Ashley River. The developers want to help but the City had to let them. The railroad track behind Walmart, they have a viable option.

In response to a question from the Chair, Mrs. Herdina replied the Legal Department would have a resolution drafted by the first meeting of City Council in January.

On motion of Councilmember Shahid, seconded by Councilmember Wagner the Committee voted unanimously to draft a resolution to adopt the Dutch Dialogue report at the first meeting of City Council in January.

3. Castlewood/Savage Area Drainage Discussion

Mr. Fountain conveyed staff was in contact with South Carolina Department of Transportation (SCDOT) to see whether they would be able to assist. The primary goal was to clean out heavy blockages from the Savage Road drainage system. Staff was considering whether check valves would help the situation.

In response to question from Chair, Mr. Fountain replied SCDOT provide work crews one or two weeks per quarter.

Councilmember Griffin asked whether this area was in the tiff district. The Chair replied no.

In response to a question from Mayor Tecklenburg, Mr. Fountain replied staff was looking at a possible check valve system in the back yard trench system.

The Chair thanked Mr. Fountain for his presentation.

The Chair distribute a copy of an email from a discussion that took place Saturday. It was regarding Ghost Island that sat in the middle of Charlestowne Landing and Ashley Plantation located in Councilmember Shahid's district. Apparently there was some development taking place on the island. There is a dock and power lines running to the island.

On motion of Councilmember Shahid, seconded by Councilmember Griffin the Committee voted unanimously to add the discussion of Ghost Island to this agenda.

Mayor Tecklenburg commented he asked Mr. Lindsay to look into this. As far as we could tell there were no application for construction. The owner could request power for what he is doing without a construction permit. The island had a zoning which would allow construction of a house or two.

Councilmember Shahid added the person who purchased the island cleared it off and placed an alarm on the dock so that if a boat came in close proximity it would go off. The application for the power, if granted, to run it from Wespanee to his property would cost half a million dollars. Councilmember Shahid felt the City needed to look at the current zoning and possibly rezoning the property.

The Chair was surprised that a piece of property out in the marsh was not zoned Conservation. Councilmember Shahid agreed and felt it should have been zoned conservation. He thought it should be stopped in its tracks. Councilmember Shahid felt the City needed to pass an archeology ordinance for added restrictions.

Councilmember Griffin felt this matter should be one the next agenda in order to get an update.

In response to a statement made by Mayor Tecklenburg, Mrs. Herdina replied under state law you can move graves as long as they go through the public notice process.

On motion of Councilmember, seconded Councilmember, the Committee voted unanimously to adjourn at 5:46 pm.

Vanessa Ellington
Clerk of Council's Office