

Committee on Real Estate

January 23, 2023

A meeting of the Committee on Real Estate was held this date at 3:35 p.m. via Zoom.

Notice of this meeting was sent to all local news media.

PRESENT

Committee members: Councilmember Appel, Chair, Mayor Tecklenburg, Councilmember Gregg, Councilmember Waring, and Councilmember Shahid.

City Staff and Others: Magalie Creech, Melissa Cruthirds, Mollie Conner, Christopher Morgan, Brittany Pinckney, Rick Jerue, Julia Copeland, Amy Wharton, Matt Frohlich, Robert Summerfield, Meg Thompson, Geona Shaw-Johnson, Ruth Jordan, Mallary Scheer, Jason Kronsberg, and Matt Fountain.

Chairman Appel called the meeting to order.

The meeting was opened with an invocation provided by Chairman Appel.

Approval of Minutes

- January 9, 2023

On a motion of Councilmember Waring, seconded by Councilmember Gregg, the Committee voted unanimously to approve the minutes of the January 9, 2023, meeting.

- a. Authorization for the Mayor to execute on behalf of the City of Charleston a License Agreement with Charleston-North Charleston MSA Limited Partnership, D/B/A Verizon Wireless for the purpose of installing a cellular tower on wheels at Brittlebank Park during the month of February for the purposes of improving communications during the Southeastern Wildlife Exposition. The property is owned by the City of Charleston. (TMS# 460-00-00-016)**

Ms. Copeland showed a map of the property. She said the item was for the purpose of improving communication during the SEWE events in February. The license agreement would cover the entire month which they would pay \$2,500 for the use of the area in Brittlebank Park. It was a 45-foot by 45-foot area that would be fenced off with a 12-foot fence and the tower was 60-foot tall. The tower would be removed at the end of SEWE.

Mayor Tecklenburg said it looked like it was right by the Brittlebank Park sign. He asked if it could be placed behind where the ballpark was located so it could be out of the way.

Ms. Copeland said John Powell with SEWE, was the one that brought it to the City with that location, but she could ask if there was an alternative location.

Mayor Tecklenburg said the police parking lot across the street might be suitable and right in the center.

Councilmember Waring asked what the tower was needed for.

Ms. Copeland said Mr. Powell relayed to her that it was to improve communication, they had trouble with Wi-Fi during the event last year. She said she spoke with Mr. Frohlich from BFRC, and they do use the full parking lot at 180 and it would be full of cars during SEWE. Mr. Kronsberg said he would reach out to Mr. Powell to see if there was a better location that was less intrusive to Lockwood.

Councilmember Gregg asked if they came back with another location would they have time to approve it before SEWE began.

Ms. Copeland said she was worried about that because the agreement began February 1st.

Chairman Appel said could they amend the motion to just grant authorization to agree to the item in a to be determined location.

Councilmember Gregg asked if they determined this was the only suitable location then what.

Mayor Tecklenburg said they would let it go.

On a motion of Councilmember Shahid, seconded by Councilmember Waring, the Committee voted unanimously to approve Item A.

b. Authorization for the Mayor to accept an easement on behalf of the City of Charleston for the purpose of a multi-use path across property located on Maybank Highway, Johns Island, Charleston County TMS# 313-00-00-078, and more specifically described on the attached plat. The property is owned by EDP 000 Maybank LLC.

Ms. Copeland showed a map of the property. She said the county had an overlay similar to the one on Folly where if they had a significant amount of development, they were required to put a 12-foot multi use path along the major thoroughfare, which would be Maybank Highway. Per county instruction what would happen was that they would pay for the installation of the sidewalk, and then they had to come up with an easement from the City agreeing to take over the sidewalk and maintain it in the future. She said it was the third one to come to City Council to accept an easement for sidewalk maintenance on Johns Island along the Maybank Corridor.

Chairman Appel asked if they could agree to the easement if the property was annexed into the City.

Ms. Copeland said annexation wasn't a requirement. It was a condition of building in the county and there was an agreement between the City and the county where the City would take it over and maintain it.

Chairman Appel said he didn't understand why the City had to pay for the sidewalks to be maintained that the county was requiring.

Mr. Morgan said the county had no system to maintain sidewalks, they had no crew. They were being built by the private sector, by the development community but the only way they could be maintained was if the City maintained them. The state and the county had no maintenance system. He said they hoped to adopt the Maybank overlay standards and make it part of the new zoning ordinance.

Councilmember Waring said the City had never requested the county or the state to help with the funding of maintenance. He said the Legal Department should send a bill or request funding from County Council or send it to the Department of Transportation.

Councilmember Gregg asked if it they didn't accept the item would the property owner be responsible for maintenance.

Mr. Copeland said she understood that if the City didn't accept maintenance, then they wouldn't get their final from the county.

Councilmember Gregg asked if they could make annexation a requirement for accepting.

Councilmember Shahid said that was a great idea. He said if the City was taking on the responsibility for financial repairs and maintenance on the sidewalk and they weren't coming into the City they wouldn't generate any revenue from the property.

Mr. Morgan said he would like to do that but wasn't sure if the City could do that legally.

Mayor Tecklenburg said citizens no matter if they live in the City or the county, they deserved safe sidewalks. He said he agreed with Councilmember Waring about reaching out to the county to help with the maintenance cost long term where the City was accepting the responsibility.

Councilmember Shahid said he wanted to be clear that he didn't want to do anything that would jeopardize anyone's safety on the road.

On a motion of Councilmember Shahid, seconded by Councilmember Gregg, the Committee voted to unanimously to approve Item B.

c. Authorization for the Mayor to execute on behalf of the City of Charleston a quitclaim deed transferring the portion of the closed and abandoned right-of-way for Marsh Street, currently designated as Charleston County TMS# 458-01-04-025, to Dominion Energy

South Carolina, Inc. The property is owned by the City of Charleston. (Union Pier f/k/a Marsh Road) [Ordinance]

Ms. Copeland showed a map of the property. She said in 1986 Council abandoned a portion of the roadway, and in the minutes it was with intent to deed it over to SCE&G. The deeding fell through. It was .04 acres of an abandoned roadway called Marsh Road. She said if they didn't deed it to Dominion the City would then be a part of the application process for the PUD.

On a motion of Councilmember Shahid, seconded by Councilmember Waring, the Committee voted unanimously to approve Item C.

d. Authorization for the Mayor to execute on behalf of the City of Charleston a Purchase and Sale Agreement with Cohn Land, LLC regarding parcels of land identified as Charleston County TMS# 312-00-00-103, 312-00-00-104 and 312-00-00-105 for the Barberry Woods Drainage Project. The property is owned by CONH Land, LLC. (Johns Island, SC)

Mr. Fountain said for the purchase and sale agreement towards the properties the City had applied for a South Carolina Conservation Bank Grant that Council had previously approved for both the application and the grant acceptance. That grant was for \$100,000.00 that was used towards the total purchase price of \$376,200.00 for just over 6 acres. He said it would be converted into ecological wetland floodplain storage for the Barberry Woods Project.

Ms. Copeland said she wanted to clarify that she did send the purchase and sale agreement to the sellers but had not heard back, so she would just ask for an approval in a form approved by the Legal Department.

Mr. Fountain said for clarification they had tentatively approved the purchase price and sale just not the form of the final agreement.

On a motion of Councilmember Waring, seconded by Councilmember Shahid, the Committee voted unanimously to approve Item D.

e. Approval of an application for \$386,000.00 in County Greenbelt funds from the City's "URBAN" Greenbelt allocation. The attached Resolution in support of the application is part of the required submittal. Funds will be used to purchase +5.41-acre parcel located adjacent to Ashley Hall Rd. and N. Woodmere Dr

Mr. Kronsberg said the parcel was identified by the seller many times over the years starting out at over a million dollars in sales price. They had reduced the price down to what was before the Committee. He said the Housing Department looked at the property but the cost to develop it would not allow it to become affordable housing. It fit all the criteria from the Parks and Recreation Master Plan and the location was in need of more park space. He said that was why he would recommend that it would be a great Greenbelt purpose.

Mayor Tecklenburg said the pond it was connected to was saltwater underneath Hwy. 61. He said they did look at the property a few years ago as potential affordable housing, but it was low lying land. You could elevate there to be out of the floodplain, but it wasn't practical.

On a motion of Councilmember Shahid, seconded by Councilmember Waring, the Committee voted unanimously to approve Item E.

f. Approval of a Resolution supporting an application by Open Space Institute to the Charleston County Greenbelt Program in the amount of \$250,000.00 to purchase the Bradham Tract. The property is owned by TCH Bradham, LLC. (TMS# 341-00-00-032)

Mr. Kronsberg said the Resolution supported the Open Space Institute's application for the property. They would make a Greenbelt application for \$250,000.00 of the City's Urban Greenbelt funds. They would utilize another grant application to the State Conservation Bank for the bulk of the funds which was over one million dollars. He said assuming the property was successfully closed and secured, it would be transferred to the Charleston County Parks and Recreation Commission. They would have it in their inventory for a future park space.

On a motion of Councilmember Waring, seconded by Councilmember Shahid, the Committee voted unanimously to approve Item F.

- g. Approval of Lease Agreement for ground floor of James Lewis Affordable Housing Project to house MWBE Entrepreneurial Resource Center/Incubator. Approval of this lease agreement will obligate the City in the amount of \$975,233.00 for "Landlord's Work" per Section 3(B). The City has allocated \$502,389.25 in ARPA funds for this project. With approval of this lease agreement Council is also approving an additional \$472,843.75 in ARPA funding. Future costs associated with the operation and maintenance of the MWBE Entrepreneurial Resource Center will be included in the general operating budget. (91 Hanover Street)**

Ms. Jordan said the item was for the ground floor lease at the James Lewis Affordable Housing Complex where the City would have a co-working space there along with three retail spots to include a healthy store. It was for \$1 a year in conjunction and running concurrently to the ownership of the James Lewis Affordable Housing Complex. She said in 60-years the City would own the entire complex back again.

Mayor Tecklenburg said he met with the Regional Director of the Small Business Administration, and he shared with him the plans for the facility. He committed to helping with the programming at the facility and he would be following up with the SBA about that.

Ms. Jordan said there was some funding for the upfit of the facility that was already there.

On a motion of Mayor Tecklenburg, seconded by Councilmember Shahid, the Committee voted to approve Item G. Councilmember Waring was not present for vote.

- h. Approval of loan agreement with Florence County Museum.**

Ms. Copeland said the Florence County Museum had asked to borrow the portrait of Francis Marion through October 2023 for their specific exhibit. They had signed all the loan paperwork and they would have the appropriate insurance to cover the piece which was valued at \$15,000.00.

Councilmember Shahid said the item went before the History Commission which he served on. He said they had some concerns about it and asked that they be incorporated into the agreement.

Ms. Copeland said she would follow up with the Chair of the History Commission.

On a motion of Councilmember Shahid, seconded by Councilmember Gregg, the Committee voted unanimously to approve Item H.

- i. Approval to amend Ordinance No. 2022-201 providing for the annexation of property located at 1610 Poinsettia Road to correct certain scrivener's errors therein, including the correction of the Council District to reflect Districts adopted in 2022 by changing the District from District 9 to District 7, correction of an error in the name of the property owner Roberto Abbah to Roberto Abbati, and by deleting the annexation map and annexation profile attached to the aforesaid Ordinance and substituting in its place and stead a corrected map, marked Exhibit A, and an annexation profile attached hereto and incorporated by reference herein. [Ordinance]**

Ms. Conner said the original map for 1610 Poinsettia Road was incorrect, so the corrective ordinance updated that along with the owner's name.

On a motion of Councilmember Shahid, seconded by Councilmember Waring, the Committee voted unanimously to approve Item I.

- j. Please consider the following annexations:**

- (i) 742 Arcadian Way (.36 acre) (TMS# 418-15-00-059), West Ashley, (District 9). The property is owned by Ryan and Amy Byrne.**

(ii) **39 Riverdale Drive (.30 acre) (TMS# 418-14-00-061), West Ashley, (District 9). The property is owned by Andrew Steen.**

(iii) **480 Magnolia Road (.17 acre) (TMS# 418-13-00-151), West Ashley, (District 9). The property is owned by Tricia Sandusky and Ryan Sandusky.**

On a motion of Councilmember Shahid, seconded by Councilmember Gregg, the Committee voted unanimously to approve Item G.

k. **Executive session pursuant to S.C. Code Ann. Sec. 30-4-70(a)(2) to received legal advice and consideration of request from staff to begin condemnation proceedings to facilitate the Barberry Woods drainage project (TMS#: 312-00-00-0894).**

l. **Executive session pursuant to S.C. Code Ann. Sec. 30-4-70(a)(2) to received legal advice and consideration of request from stormwater staff to acquire properties for the Church Creek Flood Storage Project.**

On a motion of Councilmember Waring, seconded by Councilmember Shahid, the Committee voted unanimously to go into executive session at 4:26.

On a motion of Councilmember Waring, seconded by Councilmember Gregg, the Committee voted unanimously to come out of executive session at 5:03.

Councilmember Waring said he would like to entertain the motion that the parcels identified that the City move forward to acquire them using all methods and including up to eminent domain, seconded by Councilmember Gregg. Mayor Tecklenburg recused himself.

There being no further business to discuss, the meeting was adjourned at 5:04 p.m.

Brittany Pinckney
Assistant Clerk of Council