

COMMITTEE ON REAL ESTATE

February 26, 2019

A meeting of the Committee on Real Estate was held this date beginning at 3:16 p.m. at City Hall, 80 Broad Street, First Floor Conference Room.

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

PRESENT

Chairman Moody, Councilmember White, Councilwoman Jackson, Councilmember Waring and Mayor Tecklenburg **Also Present:** Michael Maher, Andy Gowder, Mike Mesner, Ashley Anderson **Staff:** Susan Herdina, Rick Jerue, Christopher Morgan, Jason Kronsberg, Stirling Halversen, Tracy McKee, Chip McQueeney, Matt Frolich, and Bethany Whitaker

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

Approval of Minutes

On the motion of Councilmember White, seconded by Councilwoman Jackson, the Board voted unanimously to approve the minutes of the February 12, 2019 Real Estate Meeting.

a. Approval to apply for 2019 Charleston County Greenbelt funds in the amount of \$6,100,000 for the purchase of an 8.46 acre waterfront property on James Island (Fort Pemberton). Application deadline is February 29, 2019. There are no matching funds for this grant and funding of the grant comes from the "Urban" Greenbelt allocated to the City.

Matt Frohlich stated that \$6.1 million was the agreed upon price right now. This was coming from the new allocation, plus they had a little bit of funding/small balance left over that came back to them. The Conservation Fund had agreed to capture the entire property. It was actually three separate parcels and they would use a portion of the Greenbelt money to pay for that and then the City would pay them back over 3-4 years with future Greenbelt money to pay off the property.

Chairman Moody asked if they were going to apply for the whole \$6.1 million. Mr. Frohlich said they would apply for the entire portion. They had a little over \$3.1 million available and they would talk about the other application in a little while which would come off of that. They had somewhere between \$2.9 and \$3 million that they would apply to the \$6.1 million and the difference was what they would work out to pay with future Greenbelt money. Chairman Moody asked when they had to commit to that payment stream and Mr. Frohlich stated that hadn't been finalized yet. The Conservation Fund wanted to get paid as quickly as possible. They were expecting it would take 3-4 years allocating the full allotment each year. Chairman Moody said he might be mistaken, but he thought they couldn't use Greenbelt money to buy buildings. Mr. Frohlich stated that they couldn't use the Greenbelt funds to buy buildings. The appraised value of the property looked at as if it were a development property and did not count the value of buildings on it, but the raw land was worth \$6.1 million. Chairman Moody asked when they would make the decision on paying back the other \$3.1 million and Mr. Frohlich stated that the conversation hadn't occurred with the Conservation. They didn't usually carry properties for an extended period of time, so they'd be looking for the City to do it as quickly as possible. With the allocation, whatever they didn't

spend stayed in the bucket. The total estimated cost over the 25 year life of the tax was about \$36 million and the projections were as much as \$1.5 million per year, so it could be as quickly as within two years; but conservatively, they said 3-4 before they were able to make another application to the Greenbelt. Chairman Moody said he didn't know of any pieces of property they had in mind they wanted to buy, but he didn't want them completely committed to this for 2-3 years and not have an option to buy something elsewhere.

Mayor Tecklenburg said they felt this property was unique and special. It was on the waterfront and had historic nature to it being the site of a former Civil War fort/embankment, Fort Pemberton. So, they felt that was something that should be preserved and it could become a connection point for the blue trail. He did have good news to report from Jason, who had left the meeting in Columbia, and they had awarded the City \$400,000 towards this project. It may complicate things, but they were counting the match of Greenbelt funds as a part of the award. So, if the City didn't do that, they wouldn't get the \$400,000. Later on the agenda, they had a discussion regarding the Lowline funding and they had a reservation for an application because of the deadline Friends of the Lowline submitted an application to Greenbelt. For that application to be effective, it would need to get a resolution from Council. During the budget process, they had talked about allocating a portion of the Recreation bond to help the Lowline get to the next step. One of the first commitments that the City made to the Lowline was to help them pay off the balance of the loan. The number they talked about in December was \$150,000. The numbers hadn't been confirmed for the Daniel Island Rec Center and some of the other commitments they made on the Recreation bond which was a \$15 million bond. It was complicated and there was more property to buy then there was money.

Councilmember Waring asked if they could touch on the math, now that they had been awarded \$400,000. Mr. Frohlich said that the new allocation was \$3,010,000 and they had a little over \$155,000 from an easement which left \$3.166 million available to them to use. They would talk about the Brantley site later, but that price was about \$233,000 which left a little over \$2.9 million for Fort Pemberton. That meant there would be a balance of about \$3.16 million they would have to work out with the Conservation Bank to pay back to them. If they applied the \$400,000, it would be around \$2.7 million. So, between \$900,000 and \$1 million per year, they were looking at 2-3 years of future Greenbelt funds to get it paid off. If the numbers were larger, they were looking at maybe only two years.

Chairman Moody said it was a unique piece of property and it could be developed. Mr. Frohlich said they could put about 9-10 lots on the property. Councilmember White said he agreed that it was a big opportunity to have a really nice property, but his concern was that they would be locking themselves down for the next 2-3 years. Councilwoman Jackson said she didn't know the history of prior Greenbelt funding, but it didn't seem like there had been another opportunity like this. Mayor Tecklenburg said there were other opportunities out there. There were national groups that conserved historic sites, so they could get other funding to help pay the debt.

Councilmember White asked if they had discussions with the seller about reducing the purchase price and let the City give them back, or by way of a tax deduction to offset capital gains. Mr. Frohlich said he knew there were discussions and this was a good of consideration as they could get. Matt Compton stated there was a conservation easement over about half of the property, so the 9-10 houses was outside that area.

There was not another opportunity like this on James Island and it would be short-sighted to miss the opportunity to take this as a public park. Councilmember Waring stated his district didn't have waterfront, so anytime his colleagues had an opportunity to have waterfront exposure, he would support that. Councilmember White stated that the acquisition components would still come back by way of the purchase agreement, so he was prepared to support it, But, he would ask that legal work with the seller to find out if they intended to do a 1031 exchange. If they weren't and their intent was to pay capital gains tax, they could see if they could negotiate to provide them an opportunity to donate a portion of the purchase price to the City and make it a net-net equal between those two numbers. There would be no difference to them, but the City could get a better deal. Mayor Tecklenburg said that was a great idea. The owner had started a much higher price a year ago. He had those types of discussions with the Conservation Bank. He could have sold the property for more, but had a public spirit with it. They could negotiate it more though. Councilmember White said he wasn't denying that, but if they could negotiate it, they needed to do that.

On the motion of Councilmember Waring, seconded by Councilwoman Jackson, the Committee voted unanimously to approve the above item.

b. Approval to apply for 2019 South Carolina Conservation Bank Trust Fund Grant in the amount of \$600,000 to be used in the purchase of an 8.46 acre waterfront property on James Island (Fort Pemberton). This funding source is to supplement the application of Charleston County Greenbelt Funds for the purchase of the property. The deadline for this application was 1/31/2019 and this is an after-the-fact approval for application. This grant has no matching fund requirement.

Mayor Tecklenburg said this was a case where the State Legislature just recently appropriated the money and the time application was only weeks.

On the motion of Councilmember Waring, seconded by Councilwoman Jackson, the Committee voted unanimously to approve the above item.

c. Request approval of the Fourth Amendment to Lease Agreement for police forensics unit at 1023 Wappoo Road whereby extending Suites A-14 and A-15 for one additional month to April 30, 2019 and Suite B-48 for six additional months to September 30, 2019.

d. Request approval of the Lease Agreement for 2093 Executive Hall Road for the relocation of police forensics unit.

e. Request approval of the Lease Agreement for 12-C Farmfield Avenue for the relocation of police forensics unit.

On the motion of Councilmember White, seconded by Councilwoman Jackson, the Committee voted unanimously to take the above three items (c, d, & e) together.

Ms. Halversen stated there were three different leases. The first one was a Fourth Amendment to the existing lease, which was going to expire. They were willing to give a one month extension on two of the suites and for the third suite, they were willing to give a six month extension. They did not expect to use the six month extension, but wanted to go ahead and get that in there in case they needed to use it. So for the one month of April, they would have a set price for all three of the suites for that extension. Then,

if they decided to go beyond that for the other remaining suite, they would pay the \$1500 per month for that particular one. They expected to get everybody moved out by the end of April. They had two new leases, for the two new locations. They were going to split out of the three suites and would be moving people from those three suites into the two new locations. The first was the Executive Hall lease and the other one was the Farmfield lease. For the Executive Hall lease, they used a template from the existing one, so they felt comfortable that all of the terms were what they had already agreed to. The only change to that lease had to do specifically with landscape charges, taxes, and insurance. So, it was more of a triple-net lease than the original lease at the Wappoo location. This was a three year lease with the a one year extension, but they expected to be in their new location within two and a half years, so they shouldn't have to use the extension. For the Farmfield lease, they were not willing to go with the City's template for the existing lease. So, they were using their template and had made a lot of changes to it. It was a lot longer with more verbiage, but it was still basically a triple-net lease. There may be some minor differences between the two leases. For example, with the Executive Hall lease, they were willing to take care of the HVAC system for the City, but with the Farmfield lease, the City would be responsible for the HVAC after a 6-month time. Legal recommended approval of the leases.

Chairman Moody asked if there was any particular reason why they couldn't put everything in one location. Ms. Halversen said they couldn't find a location that had enough square footage. Ashley Anderson stated that Executive Hall offered a bay for vehicles coming in, but not enough office space to accommodate all of the staff. So, one space would have more of the lab features and the other would be administrative offices. Ms. Halversen said they had a time-crunch, because they didn't get a large extension like they thought they would. They also had to make renovations to both locations to be able to move there by the end of April.

On the motion of Councilmember Waring, seconded by Mayor Tecklenburg, the Committee voted unanimously to approve the above three items (c, d & e).

f. Request authorization for the Mayor to execute an Agreement of Purchase and Sale in the amount of \$70,000 for the property known as 36 Cooper Street. The goal in the acquisition of this site is to demolish the current structure and maximize the lot size for the construction of additional for-sale housing to persons earning 120% or below the area median income. The property is owned by Benjamin Green Jr. and Shakayla Simmons. (TMS #: 459-06-01-008; 36 Cooper Street).

Mr. McQueeney stated this was the standard Purchase and Sale Contract they used for affordable housing. The sales price was \$70,000. The property was in foreclosure, so this would pay off all the existing liens. The prior owner, Benjamin Green, had bought it from the City and passed away. His heirs took title to it and hadn't lived there in awhile. Ms. Johnson stated it was about a 5300 square foot lot and there was a single-family detached home on the front of the property that was in pretty bad shape. They would want to demolish the building and build a new unit and additional units. It was a large site. This would give them an opportunity to enhance the affordable housing on the east side. Chairman Moody asked if they tore the house down, if they could get three units. Ms. Johnson said at 105 Hanover, which was slightly smaller, they were getting two buildings, with two units each. So, they knew they could at least get that at 36 Cooper.

On the motion of Councilmember Waring, seconded by Councilmember White, the Committee voted unanimously to approve the above item.

g. Request approval of a Resolution expressing the City's intention to make a loan to WestEdge supporting WestEdge's obligation pursuant to the in Infrastructure Development Agreement to pay certain costs incurred by 99 West Edge Developer, LLC for the installment of public improvements supporting the redevelopment of the WestEdge District, such loan to be secured by a Promissory Note in the form attached to the Resolution in the amount of \$4,124,290.61, which shall be repaid by TIF Revenues, and to terminate the Guaranty Agreement, previously approved by City Council which capped the amount to be paid by the City of such public improvements at \$3,735,536. (TMS #: Portion of 400-00-00-013; 99 West Edge).

Ms. Herdina stated that the 99 West Edge developer made public improvements to West Edge Street and Fishburne Street and some areas around that, pursuant to an infrastructure development agreement that was entered into March 25, 2016. That was an agreement between the West Edge Foundation and the developer. Under the Infrastructure Agreement, which was approved by Council, West Edge Foundation was supposed to pay the developer for these infrastructure improvements. However, the West Edge Foundation didn't have funds to pay for the improvements at that time and it was contemplated that they would ultimately be paid for by TIF funds. In March of 2016, City Council and the MUSC Foundation agreed to a Guarantee Agreement, which basically agreed to loan money to the West Edge Foundation to pay for the infrastructure improvements with the understanding that that those loans would be repaid through TIF money. So at that point in time, back in 2016, the Guarantee Agreement said that the amount that was going to be paid to the developer would be capped. The amount of the cap was \$3,735,536, and some change, which was the City's portion. The MUSC Foundation was obligating itself to pay the same amount. The work had been done and the final bill had come in from the developer. The cap had been exceeded, even though the project came in under budget. They wanted the Committee to understand that the amount of money that the improvements cost were under budget, but more than what the City originally agreed to pay for its 50% share. It had increased by about \$388,000. They were asking for that additional approval to pay up that amount to West Edge Foundation who would then be paying that to the developer. That money was originally, back in 2016, secured by a guarantee. They were flipping that to a promissory note, and the note would have interest. The note had a 7% per-annum interest attached to it, which the original guarantee did not have. It also had to be paid out of TIF funds as they came in, 50% to the city, 50% to MUSCF. And then in all other circumstances, any outstanding balance and interest had to be paid within five years of the date that the promissory note was executed. So, Council had previously approved loaning \$3,735,536 to West Edge Foundation for these infrastructure improvements. That was a cap in the original agreement, but it was not the budget. Now, they were asking for the amount of money that's going to get paid out be increased by \$388,754. They would also request authorization for the promissory note to be entered into which would replace the guarantee that was previously authorized by Council.

Mr. Frohlich stated that MUSCF had already approved this on their side. Councilmember White said the budget had surpassed the cap on both sides, so by almost \$800,000. He asked when they were aware that the budget would surpass the cap. Ms. Herdina said she didn't think that the budget had surpassed.

Michael Maher said there were two components to the Guarantee and the amounts they put into that Guarantee. One was the actual construction cost to the contract, which was a GMP contract, and the developer fee. The other, because the developer was essentially providing the funds to construct the road, there was a capital carry for the use of the funds. The actual construction cost came in about \$460,000 below budget, but with different events that occurred such as weather, the time that applied to the capital carry exceeded what was originally anticipated in the original Guarantee. Councilmember White said the original budget would have been sufficient with the \$3.7 million on both sides, but the overruns came from cost carrying and developer fees. Mr. Maher said the terms of the agreement with the developer were that West Edge Foundation had a period of 24 months after completion in which to buy-out the project from the developer. They were doing so earlier than that 24 month period because they would rather not pay the carry cost. So, they were coming to execute this now, so that they could buy-out the project so that they could stop the interest payments to the developer. Councilmember White said they would have interest payments to the City at 7% and asked what the difference in carrying costs was between the City and the developer. Mr. Maher said it was significantly more than 7%. Councilmember White said the City would get repaid from the TIF, so they were really charging themselves interest. West Edge Foundation had no way to create its own revenue stream and the City made annual contributions to the operations of the Foundation. Mr. Maher said there were two different projects. In the case of 10 and 22 West Edge Infrastructure Agreement, the West Edge Foundation had been using land-sale proceeds to front the cost of the agreement. In the case of 99 West Edge, they didn't have a land sale with which they could use, so the developer was fronting the cost and they had to pay it back. Councilmember White asked how the West Edge Foundation created revenue outside of the TIF funds to pay the City back. Mr. Maher said through land sales. They had sold about 5 acres and still had close to 21 acres. The funds to repay was tied to the value of the vertical construction that this infrastructure made possible. So, the cost of infrastructure of 99 West Edge was projected forth to match the projected TIF capacity created by the 99 West Edge vertical project. For 10 and 22 West Edge, the value of the vertical construction exceeded the anticipated cost of the infrastructure. So, in all cases they were working in the funds in order to infrastructure built to take care of the lag time that occurred with TIF.

Councilmember Waring said that another way of saying it was that they were helping to pay for the growth through the vertical construction. Someone had to foster the growth. Mr. Maher said that in both cases, for 99 West Edge and 10/22 West Edge, they were building a street which was paid for by the work of the developer on one side of the street. They also controlled the other side of the street, so the eventual vertical construction on the other side of the street was happening on a street that had already been paid for. So, the new tax value that would come out of that would be above and beyond.

Councilmember White said that things would start getting tight. They had committed to \$3.7 million and now they had \$4.1 million. It gave him pause when they expected a bill, and they got a bill for something else. At the end of the day, they made a commitment and if they kept doing this, they would have a financial problem. At some point, they had to hold the line. Chairman Moody said he shared that concern. It was like Spring/Fishburne. The problem was that they had to find the money, so it had to come from somewhere. At some point, they wouldn't have TIF money to pay for all this because this was assuming that they would have enough TIF. Councilmember Waring asked what the anticipated annual income was for the TIF. Mr. Frohlich said because 99 hadn't come on. The County had assessed, but they wouldn't

know until mid-June or July to know the number. Councilmember Waring asked what it was last year. Mr. Frohlich said he would have to ask the Finance Director. They had the money set aside to make the payment. Mr. Maher said the projections on a taxable value of the TIF bond capacity created by 10, 22, and 99 West Edge was about \$26 million. The infrastructure bill for the 3 projects was around \$21 million, so the just for the projects themselves, they had a projection of over \$5 million of additional tax bond capacity. Within the TIF district, there had been other properties that had been sold. Councilwoman Jackson asked where the City's \$4.1 million was coming from and Mr. Frohlich said they had been setting aside money for years anticipating this would happen. There was more than \$4.1 million, probably closer to \$6 million. Mayor Tecklenburg said that the Publix would open on March 13 at 10 West Edge which would be a good amenity for the City, and Mr. Frohlich was now representing the City on the Board.

On the motion of Councilmember Waring, seconded by Councilwoman Jackson, the Committee voted to approve the above item. The vote was not unanimous. Councilmember White voted nay.

h. Consider the following annexation:

214 Rice Mill Place (TMS #: 269-01-05-023) 0.24 acre, Cainhoy (District 1). The property is owned by Matthew Hunter Baker and Chelsea Baker.

Mr. Morgan stated this was a single-family unit in Nelliefield Plantation. Councilmember White said this was a big neighborhood and said they should put more effort into getting more annexations in that area. They would be providing services in that area. Councilmember asked if they had an annexation officer. Mayor Tecklenburg said they did not. Councilmember Waring said that was something they should consider. Chairman Moody said they could discuss that in the budget workshop.

On the motion of Councilmember Waring, seconded by Councilwoman Jackson, the Committee voted unanimously to approve the above annexation.

i. Approval of a Resolution to submit the Greenbelt Funding Application to pay for one half of the acquisition of the Brantley Park site.

Mr. Frohlich stated this was a joint application with the Town of James Island. It was a piece of property off the intersection of Folly Road and Brantley Drive. It had water access to a small tidal creek. It had a small dock and was about 6/10's of an acre. The City's share would be \$233,500. They would enter into an agreement with the Town who had agreed to maintain the park. The City would do the application because it would be the Title holder to the property and they would split the price 50/50.

Chairman Moody said the property was in the City and would be owned by the City and asked how the City would get reimbursed if they were making the application. Mr. Frohlich said it was a joint application. The City would make an application referencing the Town's piece and vice-versa. The Town passed their Resolution at their last meeting. The grants were due by the 28th. Chairman Moody said this was interesting and if it was the other way, he would probably vote no. Councilwoman Jackson said she thought the Town sacrificed ownership was because of their long-standing support for the Re-Think Folly Road Master Plan.

On the motion of Councilwoman Jackson, seconded by Councilmember Waring, the Committee voted unanimously to approve the above Resolution.

j. Discussion of the Lowline and Greenbelt Funding

Andy Gowder stated he was there to represent the Lowline. They were requesting that Council pass a Resolution allowing the joint application to the Greenbelt fund to allow the City and the Lowline to go forward along with the City's other applications. At the end of 2017, the City and the Lowline closed on the railroad right-of-way and the purchase of that from Norfolk Southern. They did that by culminating a 5-year effort and negotiating. The City paid half of the purchase price and the Lowline raised the other half. There was no opportunity at that time to apply for Greenbelt funds. Fortunately, the Greenbelt rules allowed a land acquisition application to occur within 12 months of closing on the property and they were able to make that by filing an application in December. The application was in and they needed the support of Council.

Mike Mesner stated that they started six years ago. Norfolk Southern had come in and stated they wanted \$27.5 million for 1.6 miles. They worked that back and forth until August 2015 where they had a 2-year option to buy it for \$17.5 million. That option expired, but since they had worked so hard, they worked out a deal where they got half from developers and philanthropists and half from City Council which was approved unanimously. They split the purchase price and the price point was less than 40% of the appraised value. The \$1.5 million was made available by Friends of the Lowline at closing. Today, they had \$650,000 in pledges and contributions. They were asking for the \$1 million from the Greenbelt funds for a number of reasons. Greenbelt money represented less than 20% of the purchase price and the land was purchased for 40% of the current appraised value. So, it's a higher return of Greenbelt money. The money would cover the \$1 million bridge loan so that the pledges and contributions could be put to the immediate design and construction. This would make the County feel like they had a stake in the project and it was always good to have multiple parties involved. It would support urban areas, trails, and lower income communities. It was an inclusive area at 1.6 miles of key connecting paths. It would encourage 8 diverse neighborhoods to come together. This money would be transformation to the project as they could go into design immediately. They could go from an unlikely idea to a concrete idea.

Councilmember Waring asked if they voted for this, if it would hurt the other projects they had voted on and if it was the same pot of money. Mayor Tecklenburg said it was the same money that they had. It didn't expand the amount. Chairman Moody stated they bought the property for \$5 million, sold it to the City for \$2.5 million. Mr. Gowder said it was \$7.5 million in transactions. It was \$5 million, of which the City put up \$2.5 million. Chairman Moody said that the grant they applied for was their grant, but the City's money. Mr. Gowder said that was why they had made the application joint. Chairman Moody said he didn't remember voting on that. Ms. Herdina said the City hadn't submitted it. The Lowline did, and they couldn't proceed unless the City approved a Resolution saying they could proceed. If they approved this, they would have to go back and rework the numbers on what they had just approved. Mr. Frohlich stated that this would affect Pemberton more than Brantley. It would take Brantley completely off the table, unless they wanted to keep that in, but then they would have to rework the numbers for Pemberton. He didn't know if they could work it out with the Conservation Fund and the land owner with it changing by \$1 million. By doing this, they could potentially kill one or both of the previous deals. Mr. Mesner saying anything from the Greenbelt fund would be appreciated. They weren't \$1 million or nothing. They were begging. Chairman Moody said he had seen this on the agenda as discussion and he

wasn't sure that he was prepared to vote on anything. They had already decided on Greenbelt money for this year. He knew how important that the Lowline would be for the spine of the Peninsula, but he wasn't sure they had the right formula to finance it, but they could look into that.

Councilmember Waring asked if there were other sources of funding they could look at. Mr. Mesner said it would help the County feel like they had skin in the area of urban trails. It would be a big help to get any kind of money from Greenbelt funds. Councilmember Waring asked what the deadline was for applying for Greenbelt funds and Councilwoman Jackson said it was the end of the week. Mayor Tecklenburg said that the fear he had was that the \$400,000 they just picked up might be in jeopardy if they didn't give the full allocation to Fort Pemberton. Mr. Kronsberg said that they made a State Conservation Bank application for \$600,000 and the Bank awarded \$400,000. If they didn't meet the \$3 million they would have to go back and it might put it in jeopardy. Mayor Tecklenburg said that when this came up in December, the City committed \$150,000 from the Recreation bond to go towards the Lowline. Mr. Mesner said it would be a big effort and they were concerned that all the burden would be on the back of the private sector. It was great to have multiple parties involved with projects like this. They could try to get philanthropy dollars with Fort Pemberton and then everything could be a partnership. Councilwoman Jackson said that was the nature of the Fort Pemberton. They needed to put the Greenbelt money there, with the hope that they could find money from other sources. They appreciated the Lowline, but the application was basically closed for 2019. However, if they substituted funds in the future for Pemberton, they could have an opportunity in 2020.

Chairman Moody asked if they could even consider a motion. Ms. Herdina said they could. Councilmember Waring said they should look at other avenues for funding for the Lowline. Mayor Tecklenburg stated that there were some complications with all the other applications that were on the table. If the Lowline were agreeable to make an application subsequent to the applications already made, they could do that. The City's commitment to find other funding was not impossible. Mr. Mesner said they just wanted to get themselves in the queue for Greenbelt funds in the future. Mayor Tecklenburg said he was talking about other sources, but if they approved their application to Greenbelt funds, it would be after the other applications that they had approved. Councilwoman Jackson asked if it was possible to put in applications that exceeded the funding stream. Mayor Tecklenburg said they would be much faster finding money from somewhere else. Mr. Mesner said they wanted to update them on this. They had a lot of interest. Ms. Herdina wasn't sure if they could do that legally and not jeopardize the other applications, but they could see if it was an option and also look for other sources of funding. They also had to approve a resolution to allow the Lowline to go forward. Councilmember White said they didn't have a Resolution. Ms. Herdina said they could develop a Resolution to support the application. Councilmember White said they needed to be careful about what the County's perception of this would be. They needed to be cautious that it didn't look like they didn't know what they were doing. Mr. Gowder said they appreciated the discussion. They didn't want them to do something they were uncomfortable with or that would jeopardize the other applications.

k. Executive Session in accordance with Section 30-4-7-(a)(2) of the South Carolina Code to discuss contractual negotiations and receive legal advice regarding the acquisition of a new drainage easement over property owned by St. Andrews Playground Commission (Charleston County TMS No. 350-04-00-

002) as part of the Forest Acres Drainage Improvements Project. The Committee may or may not take action after returning to open session.

On the motion of Councilmember White, seconded by Councilmember Waring, the Committee voted unanimously to go into Executive Session at 4:43 p.m.

On the motion of Mayor Tecklenburg, seconded by Councilmember Waring, the Committee voted unanimously to come out of Executive Session at 4:44 p.m.

Chairman Moody said they discussed an easement purchase.

On the motion of Councilmember Waring, seconded by Mayor Tecklenburg, the Committee voted unanimously to give staff the latitude to spend the funds necessary to acquire the easement from St. Andrews Playground.

Miscellaneous

Councilmember Waring said they had received an email from the Neighborhood Association President at Washington Park about the easement they were trying to get for the drainage project for the community center. He didn't disagree with the appraisal or comparables used, but the disagreement was the discount that the appraiser used on the property. That could be something they could get an update on at the next meeting.

Having no further business, the Committee adjourned at 4:47 p.m.

Bethany Whitaker
Council Secretary