

**COMMITTEE ON WAYS AND MEANS**

March 26, 2018

A meeting of the Committee on Ways and Means was held this date at 4:52 p.m.

**PRESENT (13)**

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

**1. INVOCATION:**

The meeting was opened with a moment of silence provided by Councilmember Wagner.

**2. APPROVAL OF MINUTES:**

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, the Committee on Ways and Means voted unanimously to approve the minutes of the February 26, 2018 Committee on Ways and Means meeting.

The minutes of the March 13, 2018 Ways and Means meeting were deferred.

**3. BIDS AND PURCHASES:**

On a motion of Councilmember Mitchell, seconded by Councilmember Lewis, the Committee on Ways and Means voted unanimously to approve the bids and purchases as follows:

**POLICE DEPARTMENT: ACCOUNT:200000-52740 APPROPRIATION: \$43,129.12**

Approval to purchase docking stations and equipment for 2018 from police vehicles from CDW-G, CDW Plaza, 120 S. Riverside, Chicago, IL 60606. National IPA Contract #130733

**POLICE DEPARTMENT: ACCOUNT:062018-58010 APPROPRIATION: \$300,000**

Approval to purchase sixteen (16) each 2018 Ford Fusion Vehicles from Benson Ford, PO Box 469, Easley, SC 29641; #18-B003R; 2018 Lease Purchase Funds

**POLICE DEPARTMENT: ACCOUNT:062018-58010 APPROPRIATION: \$65,698**

Purchase two (2) Chevrolet Tahoe PPV SUVs from Love Chevrolet; State Contract Number 4400017323

**POLICE DEPARTMENT: ACCOUNT:062018-58010 APPROPRIATION: \$57,146**

Purchase two (2) Ford Interceptor Utility SUVs from Vic Bailey Ford; State Contract# 4400017322

**4. POLICE DEPARTMENT: APPROVAL TO SUBMIT THE FY18 VOCA APPLICATION FOR A RESOURCE SPECIALIST & ELDER ADVOCATE SALARY CONTINUATION, SUPPLIES, AND TRAINING FOR A TOTAL OF \$110,490. A CASH MATCH OF \$27,623 WILL DERIVE FROM THE 2019 CPD GENERAL FUND.**

Councilmember Moody asked if the grant was a want or a need because of budgetary concerns. Amy Wharton, CFO, said she did not think this grant required the City to hire the specialist. Councilmember Moody asked what the extent of the problem was in the community and if it was something the City really needed. Catrice Smalls, Program Director for the Family Violence Unit for the City of Charleston, asked if he was referencing the employees or just the supplies and training. Councilmember Moody asked how many cases the City had every year and what the magnitude of the problem was. Ms. Smalls said that with the elderly population, they had 1,153 cases in total, and this population was rising. She said they were working with the community and their community partners trying to find a solution in regards to assisting the elderly. This population was their most difficult to provide resources to, and the resource coordinator and victim advocate would be working in collaboration with community partners to facilitate resources for this population.

Councilmember Gregorie said that, generally, most of the applications that went before the Committee were need-based. They would not even be funded if they were not need-based. He said Council had to make an assumption that when an application was submitted, the City had to show the need for it, otherwise, the organization would not entertain funding it.

Councilmember Moody said he did not understand the need, and Councilmember Gregorie said they had it. Mayor Tecklenburg recounted about 15 years ago when his former neighbor, who was elderly and without local family, developed Dementia or Alzheimer's, but before this was realized, she had been taken advantage of in a scam. The elder advocate from the Charleston Police Department assisted him in getting help for his former neighbor. He said they did a remarkable job, and if there were a 1,000 cases a year, it was a 'need,' rather than a 'want.' Councilmember Moody asked if the police officers were handling this now, and Ms. Smalls said no. This was a continuation because the Police department already had this person in place. Councilmember Moody asked Ms. Wharton to confirm that this was not a requirement down the road. Ms. Wharton said she would

need to double-check, but she did not think so. She thought this was something that the City applied for continuously, so that the grant actually paid for the advocate, and the City was just paying the match. Councilmember Moody asked Ms. Wharton if she retained a reserve in the City's finances each year as they prepared the budget. Ms. Wharton said they did and that they kept track of it when the grants came forward. If the City were to have to keep the person on staff, they would know going forward which budget year it would hit, and they could prepare for it.

On a motion of Councilmember Lewis, seconded by Councilwoman Jackson, the Committee on Ways and Means voted unanimously to submit the FY18 VOCA application for a Resource Specialist & Elder Advocate salary continuation, supplies, and training for a total of \$110,490.

**5. OFFICE OF CULTURAL AFFAIRS: APPROVAL TO APPLY FOR \$6,000 FROM THE SOUTH CAROLINA DEPARTMENT OF PARKS, RECREATION & TOURISM FOR TOURISM ADVERTISING FUNDING, TO SUPPORT THE 2018 MOJA ARTS FESTIVAL. A 2:1 CITY MATCH IS REQUIRED. MATCHING FUNDS WILL COME FROM CORPORATE SPONSORSHIPS AND PAID ADMISSIONS.**

On a motion of Councilmember Mitchell, seconded by Councilmember Lewis, the Committee on Ways and Means voted unanimously to approve to apply for \$6,000 from the South Carolina Department of Parks, Recreation & Tourism for tourism advertising funding, to support the 2018 MOJA Arts Festival.

**6. PARKS-CAPITAL PROJECTS: APPROVAL OF CPD FORENSIC LAB PROFESSIONAL SERVICES CONTRACT FEE AMENDMENT #1 WITH STUBBS MULDROW HERIN ARCHITECTS, INC. IN THE AMOUNT OF \$362,059 FOR AN ADJUSTMENT TO DESIGN FEES TO REFLECT THE INCREASE IN PROJECT SIZE FROM 11,000 SQUARE FEET TO 22,000 SQUARE FEET. THE TOTAL PROJECT BUDGET REMAINS UNCHANGED. THE CONTRACT DATE WILL BE AMENDED FROM SEPTEMBER 27, 2016 TO MARCH 26, 2018. FEE AMENDMENT #1 WILL INCREASE THE PROFESSIONAL SERVICES CONTRACT WITH STUBBS MULDROW HERIN ARCHITECTS, INC. FROM \$450,250 TO \$812,309. THE FUNDING SOURCES FOR THIS PROJECT ARE THE 2015 INSTALLMENT PURCHASE REVENUE BOND (\$7,392,186) AND 2017 INSTALLMENT PURCHASE REVENUE BOND (\$5,000,000).**

Councilmember Shealy asked if these were additional expenses that would be over budget. Ms. Wharton said they were under budget with this project, so they added money with the new installment revenue bond to cover the additional costs. It would not be additional.

Councilmember Waring said he did not understand how one could go from 11,000 square feet to 22,000 square feet and stay within budget. Ms. Wharton said the City did not have the full budgeted amount for the project to go up to 22,000 square feet, so when the City completed the installment purchase revenue bond, that covered the shortfall that the City had to go up to 22,000 square feet. Councilmember Waring asked if it had always been 22,200 square feet. Ms. Wharton said it had not, but they did a study for the needs of the Police Department, and this is why the

square footage increased. Otherwise, the lab would have been obsolete by the time they finished building it. Councilmember Waring asked if it was the site by the Fire Department on Bees Ferry Road, and if it would still be big enough, and Ms. Wharton confirmed.

Chairman White asked about the fee which would be doubling for the architecture and if there should be some base value of the professional services already established. He said you would not think it was a one to one increase, and it was done by a percentage of the overall project and seemed excessive. Edmund Most said an additional scope was included. Previously, the City did not have the IT pathways as part of the design contract. They had many Capital Projects occurring right now, seven to eight buildings, when historically, they only had one or two a year. They were overwhelming the IT Department, so they were having to find IT consultants to assist with putting the designs in the buildings, and there was an additional fee for this. There was not an additional fee for the landscape architecture, the civil engineering, or the site work portion. There was some additional testing required, and it was broken out in the Fee Amendment.

On a motion of Councilmember Lewis, seconded by Councilwoman Jackson, the Committee on Ways and Means voted unanimously to approve of CPD Forensic Lab Professional Services Contract Fee Amendment #1 with Stubbs Muldrow Herin Architects, Inc. in the amount of \$362,059 for an adjustment to design fees to reflect the increase in project size from 11,000 square feet to 22,000 square feet.

**7. PARKS-CAPITAL PROJECTS: APPROVAL OF THE 2018 TENNIS & BASKETBALL COURT RESURFACING CONSTRUCTION CONTRACT WITH MCGRATH INDUSTRIES DBA TALBOT TENNIS IN THE AMOUNT OF \$177,046 TO REBUILD THE BASKETBALL COURT AT DEMING PARK INCLUDING NEW FENCING AND GOALS, RESURFACE 2 BASKETBALL AND 2 TENNIS COURTS AT FOREST PARK PLAYGROUND AND RESURFACE 6 TENNIS COURTS AT CHARLESTON TENNIS CENTER. WITH THE APPROVAL OF THE PROJECT BUDGET, STAFF IS AUTHORIZED TO AWARD AND/OR AMEND CONTRACTS LESS THAN \$40,000, TO THE EXTENT CONTINGENCY FUNDS EXIST IN THE COUNCIL APPROVED BUDGET. THE CONSTRUCTION CONTRACT WILL OBLIGATE \$177,046 OF THE \$196,800 PROJECT BUDGET. THE FUNDING SOURCE FOR THIS WORK IS THE CAPITAL PROJECTS-STRUCTURAL REPAIRS (\$196,800). APPROVAL OF THIS ACTION WILL ALSO INCLUDE A TRANSFER OF \$19,909 FROM THE GROUNDS MAINTENANCE – PROFESSIONAL AND CONTRACTED SERVICES LINE ITEM TO HELP COVER THE COST OF THIS PROJECT.**

On a motion of Councilmember Gregorie, seconded by Councilmember Mitchell, the Committee on Ways and Means voted to apply for the 2018 Tennis & Basketball Court Resurfacing Construction Contract with McGrath Industries dba Talbot Tennis in the amount of \$177,046 to rebuild the basketball court at Deming Park including new fencing and goals, resurface 2 basketball and 2 tennis courts at Forest Park Playground and resurface 6 tennis courts at Charleston Tennis Center.

**8. PARKS-CAPITAL PROJECTS: APPROVAL OF A CONSTRUCTION CONTRACT WITH**

**RAKES BUILDING AND MAINTENANCE IN THE AMOUNT OF \$106,080 FOR THE REPAIR OF APPROXIMATELY 500 LINEAR FEET OF SHORELINE ALONG AND PEDESTRIAN TRAIL THAT RUNS ALONG THE WANDO RIVER OF DANIEL ISLAND. REPAIRS ARE FOR DAMAGE SUSTAINED DURING HURRICANE IRMA. THE FUNDING SOURCE FOR THIS PROJECT IS EMERGENCY PREPAREDNESS #2. THE CITY WILL BE SEEKING REIMBURSEMENT FROM FEMA/INSURANCE FOR THESE EXPENSES.**

On a motion of Councilmember Mitchell, seconded by Councilwoman Jackson, the Committee on Ways and Means voted unanimously to approve a Construction Contract with Rakes Building and Maintenance in the amount of \$106,080 for the repair of approximately 500 linear feet of shoreline along and pedestrian trail that runs along the Wando River of Daniel Island.

**9. PUBLIC SERVICE: APPROVAL FOR CHANGE ORDER #1 IN THE AMOUNT OF \$36,834 FOR PEACH BLOSSOM LANE WITH TRIADD ENGINEERING TO RECONCILE ACTUAL QUANTITIES AT THE COMPLETION OF THE CONTRACT AND TO ACCOUNT FOR ADDITIONAL WORK DUE TO UNFORESEEN SITE CONDITIONS.**

On a motion of Councilmember Moody, seconded by Councilmember Gregorie, the Committee on Ways and Means voted unanimously to approve for Change Order #1 in the amount of \$36,834 for Peach Blossom Lane with Triadd Engineering to reconcile actual quantities at the completion of the contract and to account for additional work due to unforeseen site conditions.

**10. PUBLIC SERVICE: APPROVAL FOR JMT TO PREPARE PLANS AND ASSIST WITH ADDITIONAL DESIGN DEVELOPMENT SERVICES IN THE AMOUNT OF \$50,000 ASSOCIATED WITH THE RAISING OF THE LOW BATTERY TO ACCOUNT FOR SEA-LEVEL RISE.**

Councilmember Moody asked where the \$50,000 would be paid from. Ms. Wharton said the money would come from the current project budget for the seawall. Councilmember Moody asked what was funding the project budget. Ms. Wharton said the money was coming out of Municipal and Hospitality Tax Funds. Councilmember Moody asked at what point the City would be getting plans and if this is what they were doing with this item. Councilmember Seekings said this was part of the design process, so that JMT could move forward with plans to show to Council. Councilmember Moody asked what the schedule was. Councilmember Seekings said he spoke with Frank Newham, and the idea was to get the plans out to the public, and bid them out by the end of the summer. Councilmember Waring said Council saw three iterations of what was to occur at The Battery. He asked how many designs JMT would be preparing. Jacob Lindsey, Director of Planning, Preservation and Sustainability, said JMT would be resolving this at an engineering level, and he thought it would be something that would be a bit of a compromise among the three plans. They would be developing the design as they went. Councilmember Waring said he thought the design on which JMT was working should be something that Council approved on the frontend. He said Council was shown three designs, and he thought this was just for information. He asked how the City could go to an engineering firm and give them

instructions on what to work on specifically. Mayor Tecklenburg said the engineering side of the design was the wall and the foundation. What would be left to be decided would be the parking, the median size, and the “window dressing” on top of the engineering work. Councilmember Waring asked if they would not be addressing the parking, the expansion, or non-expansion. Mayor Tecklenburg said they would, but the work JMT was conducting was regardless of what Council decided went on top. Councilmember Seekings said this would drive what would go on top once they saw the engineering that would be necessary to build up the seawall to the height and spec required, and on the land side, it would allow the City to build it in from behind.

Councilmember Waring said as the City moved forward into engineering, whatever engineering they did, it ought to include restrooms at The Battery, and though they could not answer the question today, he could place it on the agenda for the next meeting. He asked if this would be part of the engineering because of the water and sewer lines that would need to be part of the infrastructure below the surface. He thought Council should vote whether or not they designed it with the restrooms in mind. Depending on how high the wall went, it could possibly provide an answer for restrooms. He did not want to begin spending taxpayers’ money on an engineering design that did not include restrooms at The Battery. He said this question needed to be answered, so they did not get too far down the road without a restroom for people to use.

Mayor Tecklenburg said he did not disagree, and they were exploring a different location for some restrooms. He did not know if putting a restroom on the wall itself was practical for the City. Councilmember Waring said that depending on how high the battery wall would be to prevent the water from coming over, and depending on the level of storm, it might be possible for restrooms to be placed under the wall. If the engineer was given this instruction, they would seek this out. If they were not given this instruction, they would not. He did not want to spend money in a wasteful manner where they went out to bid the project, and the City brought back something where they did not even ask for restrooms.

Councilwoman Jackson asked what the total design project budget was with JMT. Ms. Wharton they would find out and let her know.

On a motion of Councilmember Seekings, seconded by Councilwoman Jackson, the Committee on Ways and Means voted unanimously to approve for JMT to prepare plans and assist with additional design development services in the amount of \$50,000 associated with the raising of the Low Battery to account for sea-level rise.

**11. PUBLIC SERVICE: APPROVAL FOR B&C LAND DEVELOPMENT TO INSTALL A CHECK VALVE IN THE AMOUNT OF \$83,323 ON BEAUFAIN STREET ON THE STORM DRAIN WITHIN THE ROAD RIGHT OF WAY. THIS VALVE WILL PREVENT TIDAL FLOODING OF LOW AREAS INCLUDING PORTIONS OF GADSDEN, WENTWORTH & BARRE STREETS. CWS HAS OFFERED TO REIMBURSE THE CITY 50 PERCENT OF THE COST.**

On a motion of Councilmember Shahid, seconded by Councilmember Seekings, the Committee

on Ways and Means voted unanimously to approve for B&C Land Development to install a check valve in the amount of \$83,323 on Beaufain Street on the storm drain within the road right of way.

**12. PUBLIC SERVICE: APPROVAL FOR B&C LAND DEVELOPMENT TO INSTALL THREE CHECK VALVES IN THE AMOUNT OF \$212,378 ON THE STORM DRAIN OUTFALLS ON MORRISON DRIVE WITHIN THE SCDOT RIGHT OF WAY. THESE VALVES WILL PREVENT TIDAL FLOODING OF LOW AREAS WEST OF MORRISON INCLUDING PORTIONS OF AMERICA, AIKEN AND LEE STREETS. CWS HAS OFFERED TO REIMBURSE THE CITY FOR 50 PERCENT OF THE COST.**

Mayor Tecklenburg said that Items 11 and 12 were for additional check valves, and he wanted to thank Frank Newham for his initiative and work on this matter. He said he had been looking at every drainage outfall around the City and testing each one to see if installing a check valve would hinder tidal flooding from occurring. He said that as he had been doing this, he had been getting good results, and it would make a difference. The City also asked Charleston Water Service to fund 50 percent of this because their systems were old and interconnected. When the tidal water came into the City in various storm drains, it bled into the sewer system, as well. Charleston Water System had been treating tidal water unnecessarily because of the water getting into the drainage system, and hence, into the sewer system. He commended Mr. Newham for his work and said that they had already seen that the check valves could make a difference. It did cost money, but the money was well spent.

Councilmember Mitchell said he thought check valves would help with the drainage on Drake Street and surrounding areas because they flooded when it was high tide. Citizens around Line and Aiken Streets could not get into the Church when it was flooded. He was glad to see this, thought it would help the constituents living in this area, and hoped they started on this pretty soon.

Councilwoman Jackson asked if the offer from CWS to reimburse the City 50 percent would continue, or if the City would be getting a bonus from the water system. Mayor Tecklenburg said he thought it was a case by case request and because it benefitted their system, as well. Councilmember Seekings added that there was a huge outflow from Drake Street that went underneath the Ports Authority's property. It was one of the biggest outflows in the City, and they were in the process of putting a test valve in there to see if it worked. He said this was definitely on the list because Drake Street was the worst in the entire City. They had been asking the County to repave it, as well, but they thought they should get a check valve in first and then repave it. He said it would be the next one on the list, and it was probably the biggest outflow on the Peninsula. He said one could walk through it because it was massive.

Councilmember Gregorie asked if South Street was included. Councilmember Seekings said it would include Drake and South Streets and the areas behind them.

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, the Committee on Ways and Means voted unanimously to approve for B&C Land Development to install three

check valves in the amount of \$212,378 on the storm drain outfalls on Morrison Drive within the SCDOT right of way.

**13. HOUSING AND COMMUNITY DEVELOPMENT: APPROVAL OF THE OPPORTUNITY ZONE APPLICATION SUBMITTED TO THE S.C. DEPARTMENT OF COMMERCE. OPPORTUNITY ZONES ARE A DESIGNATION THAT ALLOWS LOCAL GOVERNMENTS TO CAPITALIZE ON OPPORTUNITY FUNDS TO INCREASE ECONOMIC AND HOUSING OPPORTUNITIES IN LOW AND MODERATE INCOME NEIGHBORHOODS. NO MATCH IS REQUIRED. THE APPLICATION WAS SUBMITTED PRIOR TO FEBRUARY 28, 2018 DUE TO TIME CONSTRAINTS.**

Mayor Tecklenburg said that the Governor approved part of the City's submittal, and his recommendation had to be approved by the Department of Treasury. Half of the area for which the City applied was recommended by the Governor. To the extent this program would bring reinvestment, the City would be included.

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, the Committee on Ways and Means voted unanimously to approve the Opportunity Zone Application submitted to the S.C. Department of Commerce.

**14. EXECUTIVE-RESILIENCY/EMERGENCY MANAGEMENT DIVISION: ACCEPTANCE OF THE MAYOR'S CHALLENGE GRANT IN THE AMOUNT OF \$100,000.**

Councilmember Moody said Council received a separate sheet on their desks and asked for the total cost of the project and whether it would be \$100,000. Mark Wilbert, Chief Resilience Officer, said the total cost was \$96,821. The City had to submit a budget, and the City could not go over it. Councilmember Moody asked if all of it would be funded, and Mr. Wilbert said they were funding the whole thing, and there would not be any match.

Mayor Tecklenburg said he wanted to thank Michael Bloomberg for his generosity in helping cities think about good solutions moving forward. He said this amount also did not include incidentals that they helped pay, and Mr. Wilbert and three other staff members just attended a session in New York. Mayor Tecklenburg reiterated his appreciation for Mr. Bloomberg's generosity.

On a motion of Councilwoman Jackson, seconded by Councilmember Waring, the Committee on Ways and Means voted unanimously to accept the Mayor's Challenge Grant in the amount of \$96,821.

**15. THE COMMITTEE ON REAL ESTATE: (MEETING WAS HELD MARCH 23, 2018 AT 4:00 P.M. AT CITY HALL, 80 BROAD STREET, FIRST FLOOR CONFERENCE ROOM)**

- a. Authorize the Mayor to execute the Purchase and Sale Agreement for the City to acquire

the Archer School site from Charleston County School District for future development to include affordable housing. The property is owned by the Charleston County School District. (220 Nassau Street; TMS: 459-05-01-067) ***(To be sent under separate cover by the Real Estate Department.)***

Councilmember Moody, Chair of the Committee on Real Estate, said they met on Friday, and they were still dealing with the acquisition of the Archer School. The agreement that was placed on Council's desks was where they were. There was nothing for the Committee to vote on, but the City had asked the School District to extend their due diligence to 120 days because the City thought they would need more time. Several places in the contract referred to time being of the essence, and the City did not see that time was of the essence. They asked that it be removed. He said that page 5, paragraph 8a dealt with Stoney Field and how it would be worked into this. Paragraph 8a of the agreement was to be amended to provide that, following the execution of the agreement, during the diligence period, the City and School District would meet to determine and agree on the scope of the work for Stoney Field renovations and how the renovation project would be managed and paid for. The renovation of Stoney Field would not be contingent on the closing of Archer School. The City was trying to separate this and not make them contingent. The Committee had a lot of questions about Archer School, affordable housing, and how this was going to go forward, but they did not think that Stoney Field should be tied to it. He said they had asked staff to go back to the School District and put this together.

Mayor Tecklenburg said he thought with the changes proposed that the Committee on Ways and Means was going to approve them tonight because staff had taken the proposed changes to the School Board, and they were voting on the same changes that evening. Colleen Carducci, Real Estate Management Director, said she had contacted the School District to let them know of the motion that was approved by the Real Estate Committee. She told them that the City would be taking out "time is of the essence" and adding the changes about the Stoney Field agreement. She said the School District was bringing this before their Board this afternoon, and she told them the City would be bringing these changes forward to be approved tonight. Councilmember Moody said he would make this as a motion. Councilwoman Jackson seconded the motion.

Councilmember Gregorie said the School Board had a specific dollar amount for Stoney Field and asked if it was \$2.7 million. Mayor Tecklenburg said it was \$2.27 million. Councilmember Gregorie asked if this was held harmless in this transaction. Mayor Tecklenburg said there would be \$2.27 million, plus the School Board was going to put in an additional \$1,000,000, plus an additional \$975,000. Councilmember Gregorie asked if this would be specific to Stoney Field, and would be separate from this transaction. Mayor Tecklenburg confirmed. Councilmember Waring said there would not be \$4.25 million coming from the School District for Stoney Field. He thought they had a contract they could move forward with, but the amendments needed more clarification for the rest of Council. The contract on the desks had the \$2.27 million being contingent. The Committee separated this. There was the Archer School, which would be a challenge, but potentially could work with some alternatives, and the Committee wanted to look at Archer School based on its merits. Stoney Field should not be tied to this, as it was a separate entity and transaction. That is why it was removed because it was clouding the issue. The second item the Committee looked at was time being of the essence. He said for the City to do proper due diligence, it needed more background information on what certain things would cost. This is why the two transactions were separated. Councilmember Moody said the LDC was going to make a

grant to the City of \$3.9 million for affordable housing. This is where the City was going to get the money to pay part of the agreement, the \$2.27 million. It just so happened that the School District owed the City this amount of money, so there would be an offset on this transaction. The LDC would only fund the affordable housing piece, not the stadium. That is why the City wanted to separate the two agreements. The City wanted to deal with Stoney Field, the School District owed the City some money, and the City wanted to get Stoney Field fixed, but the City would be negotiating this separately.

Councilmember Gregorie asked what Archer School would be costing the City because he did not want to fly blindly. Councilmember Moody said this was part of the City's due diligence. They had to figure out what the mitigation would be for earthquakes, asbestos, whether or not the City could tear the building down or just keep the facade, and this is why they were not willing to move forward. If they did not receive answers to this in their due diligence, they would walk away from the contract, but they did not want to walk away from Stoney Field, too.

Councilmember Shahid asked if they would be eliminating paragraph 8 of the agreement. Councilmember Moody said they were amending it.

Councilmember Lewis said he was glad the Committee placed the due diligence in the contract because there was no telling what was in the building. He said they needed to look at getting something done with Stoney Field because they had been talking about it since he had been sitting on Council. Councilmember Gregorie said this was on the Recreation Committee agenda.

On a motion of Councilmember Moody, seconded by Councilwoman Jackson, the Committee on Ways and Means approved the report of the Committee on Real Estate, as amended, to include the following amendments to the Purchase and Sale Agreement:

1. Provisions of the Agreement pertaining to "Time of the Essence" are to be omitted;
2. Paragraph 8 (a) of the Agreement is to be amended to provide that, following execution of the Agreement, during the due diligence period, the City and the School District will meet to determine and agree on the Scope of Work for Stoney Field renovations and how the renovation project will be managed and paid for. The renovation of Stoney Field will not be contingent on the closing of the Archer School site.

There being no further business presented, the Committee on Ways and Means adjourned at 5:30 p.m.

Jennifer Cook  
Assistant Clerk of Council