

COMMITTEE ON REAL ESTATE

July 17, 2018

A meeting of the Committee on Real Estate was held this date beginning at 4:02 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, Councilmember Waring, Councilwoman Jackson, and Mayor Tecklenburg **Staff:** Chip McQueeney, Colleen Carducci, Susan Herdina, Amy Wharton, Geona Shaw Johnson, Rick Jerue, and Bethany Whitaker, Council Secretary

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

Approval of Minutes

On the motion of Councilmember Waring, seconded by Councilmember White, the Committee voted unanimously to approve the minutes of the June 19th, 2018 meeting.

Discussion regarding the old fire station at King Street and Simons Street (Councilmember James E. Lewis)

Mayor Tecklenburg stated that they had a lengthy discussion about this during the Public Works meeting and asked if they allowed Public Works to make the report to Council, since the matter had gotten handled well.

On the motion of Councilwoman Jackson, seconded by Councilmember Waring, the Committee voted unanimously to defer this item to the Public Works Committee to report on.

REQUEST AUTHORIZATION FOR THE MAYOR TO EXECUTE AN AGREEMENT TO PROVIDE WORKFORCE HOUSING WITH 124 SPRING, LLC (THE "OWNER"), IN WHICH THE OWNER AGREES TO PROVIDE 4 WORKFORCE HOUSING UNITS AS PART OF ITS DEVELOPMENT AT 124 SPRING STREET (CHARLESTON COUNTY TMS NO. 460-11-02-027), IN ACCORDANCE WITH THE ZONING REGULATIONS FOR THE SANCTUARY COURT PLANNED UNIT DEVELOPMENT.

Geona Shaw Johnson stated that this was part of a PUD that had been developed and they were providing four workforce housing units as part of the PUD Agreement. Traditionally, the Real Estate Committee didn't see PUD agreements separate and apart from the PUD, but in this case, they brought it because they needed to make sure the language was appropriate.

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

REQUEST APPROVAL OF THE PERPETUAL EASEMENT ACROSS A PORTION OF 28 WOOLFE STREET AS A CONNECTION TO THE LOWLINE BIKE AND PEDESTRIAN PATH (TMS: 459-09-01-052; A PORTION OF 28 WOOLFE STREET) THE PROPERTY IS OWNED BY CRP/SSCP WOOLFE STREET OWNER, LLC.

Chip McQueeney stated that this wouldn't cost the City money. Eventually, it could. If they looked on the map that was attached, there was a parcel that was number 459-09-01-052. If they looked to the north of that, there was an unbroken line out to Spring Street that was currently owned by the City as part of the Lowline. When this property was being developed, apparently there was an oral promise to grant the City an easement. He hadn't found anything in writing, but had heard that from multiple sources. The owner was willing to do that, so they had approached the owner, who was in the process of looking to sell the property in the future. So, they needed to get something on record. The owner had agreed to grant the City an easement along that property that would be 12 feet in width. The City would not have the right to use the easement, as proposed by the owner, until the City obtained all approvals and permits for a bike/ped path to Spring Street and obtains necessary funding for that. The City would have ten years to do that. The owner just wanted some assurance that the Lowline pedestrian path was going to run through their property if they were going to give the City the easement. The idea was that this would be a continuation of the bike/ped path and they would run down to Woolfe Street. He had a draft easement agreement attached and had been back and forth with Foster Gaillard about it, who was the attorney representing the property owner. He was waiting on final approval of language. He requested that Council approve the document with the final agreement to be approved by Corporation Counsel. They didn't have to pay any money for the easement.

Mayor Tecklenburg said that Woolfe Street would be the terminance of the Lowline, at the southern end of this property. He asked to what level did the bike/ped path needed to be in order for them to make this available. Mr. McQueeney said that he had drafted the language and had said 'a permanent bicycle/pedestrian path'. He hadn't added any language to that. The Agreement was written so that the easement would not go away unless the City did not fulfill the obligations. So, once they built a permanent path to their property, the trigger was checked off. Councilmember Waring said he had said it wouldn't cost the City anything. Mr. McQueeney said that they would have to build it from Spring Street to this property. There was no cost to the easement and they weren't obligated to build from Spring to the property. The easement would just go away and there wouldn't be a penalty. Councilmember Waring said that the cost would be due to improvements and Mr. McQueeney said that was correct.

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

REQUEST AUTHORIZATION FOR THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT, TOGETHER WITH THE APPROPRIATE EASEMENT DRAWING, UNDER WHICH THE CITY WILL GRANT AN OVERHEAD ELECTRIC TRANSMISSION LINE EASEMENT TO SOUTH CAROLINA ELECTRIC AND GAS COMPANY ("SCE&G"), UTILIZING APPROXIMATELY 16 FEET OF THE WESTERN PORTION OF THE CITY'S PROPERTY LOCATED TO THE EAST OF NASSAU STREET, BETWEEN LEE STREET AND COOPER STREET (TMS NO. 459-05-04-208). THE MAYOR WILL BE AUTHORIZED TO EXECUTE THE AGREEMENT AND DRAWING

WITHOUT FURTHER ACTION BY CITY COUNCIL UPON APPROVAL OF THE FORM OF THE AGREEMENT BY CORPORATION COUNSEL.

Ms. Carducci said that this was a request that came to them from SCE&G as a result of the Grace Homes Development on Parcel A within the Cooper River Bridge tract. Their building came up to the back edge of the site lot, so the development came really close to the right of way and there were electrical poles there. So, SCE&G needed to relocate those poles and the only option was to the other side of Nassau Street. They would be going diagonally across the street and then going south to a portion just north the next item on the agenda. It would then cut back over to the other side of the street and would go onto a pole there. This easement had the requirement of 15 feet from the edge of the electrical lines on both sides. So, on the property side, it was actually taking about 16 feet of the parcel B property. They had met with SCE&G and spoke with them about that and they had come back and shown on a drawing how the 15 feet ended up being within Parcel B and would end just north of the corner finger parcel that was the next item. Part of the reason that this wasn't on the agenda, was that it came to them late. The Housing Authority's schedule for construction was moving quickly and they were about ready to let the contract for their construction. Originally, SCE&G was showing coming straight down through the parcel which affected the value of that property that the City was anticipating to sell. There were routing forms in the agenda packets that said that they would pay \$51,750 and the actual purchase price, by SCE&G crossing Nassau Street, would be \$79,000. That was what the buyers were willing to pay originally before the easement came cutting through. The request was to authorize the Mayor to execute the easement document and Laura would sign the final plat. It was being requested in order to avoid delaying until August, which would set back Mr. Cameron's project.

Councilmember Waring asked how it would set back Mr. Cameron's project. He asked how much development would be reduced as a result of giving a 15 foot easement on parcel B. He hoped they would be putting affordable housing there, as well. Ms. Carducci said that the solution would be that it would have to be underground in order to develop the parcels in the way that the planners the way they wanted to see, where it would come right up to the sidewalks. In order to do that, the electrical lines were too close for safety to construct buildings, they would have to put underground. The plan showed, in addition to the effect on the City's property, the corner of Meeting and Lee Street, that developer was paying to underground from his property down Lee Street, and then underneath Lee Street coming partially down Nassau Street. Eventually, that would need to be completed and once that occurred, then they City would be in the position to relocate the lines underground and build on parcel B without that encumbrance.

Councilwoman Jackson asked if that additional cost of undergrounding would normally be expected of a housing partner that they would take on to do the affordable housing. Ms. Johnson said it would vary based on the development itself. With it being the housing authority and what they wanted to do on the site, it may be that the City would have to bear some responsibility relative to the cost, but they could decide that later.

Mayor Tecklenburg said that he would suggest that they inquire with SCE&G, if they proceed with this, to allow everything to move forward, that they ask SCE&G to price out what it would take to do the

undergrounding now. Ms. Carducci said they were working on that. Mayor Tecklenburg said that he believed that even part of this request involved some sort of expense that would be requested of the City to move the line across the street. He had heard that it was in the range of \$20,000 and if it was another 'x' dollars to put it underground, why would they spend the money twice. Ms. Johnson said it was slightly over \$22,000. Mayor Tecklenburg said that the Housing Authority didn't have extra money right now, but their bids came in within budget and they were taking that to their board the following week, and hoped to break ground on Parcel A next month. So, they would ask the City to pick up whatever the cost was on this. It was public infrastructure and was in the TIF district, so they would have a source. They should move forward, but perhaps with the caveat that they go underground sooner rather than later.

Ms. Carducci said there was one more ask that would be coming to the next meeting. When they met with SCE&G to discuss this request and the City's request to accommodate the corner parcel sale, SCE&G had shown them another plat that indicated the need to cross City property. They wanted to be able to get to the side of the housing authority and there was a transformer that would serve them. The property was designed to go the edge of the property line. The City didn't own Iglesias yet, but anticipated that they would. Councilmember Waring asked what the hold-up was. Ms. Carducci said there were title issues that needed to be resolved on both. One of them was within two weeks, and the other still was being cleared. They had the issue with how to get the electrical line over property they didn't own, so SCE&G was looking at alternatives and they would need to come back with a request for some solution with how to deal with it.

Tammy Coghill stated that the separation was for the overhead lines, but there were still separation from things underground that was required. Ms. Carducci said that the undergrounding would continue along the right-of-way, so it wouldn't affect parcel b. Councilmember Waring said he was talking about the 15 feet of easement that they were giving up. 15 feet was giving up future units. Chairman Moody said that whether it was overhead or underground, they still needed the 15 feet. Ms. Carducci said that she thought the expectation was that undergrounding would be hundreds of thousands of dollars. Councilmember Waring asked how much it cost SCE&G to bring it overhead. He asked why the cost of going overhead couldn't go to the City to put it underground. Tammy Coghill, SCE&G, said she knew they shared cost for a lot of products. If it was an owner-requested cost than that was a different situation. Councilmember Waring said that might need to be vetted out a little bit. He thought they should be careful about the 15 feet. Chairman Moody said there were two items that dealt with this. Councilmember Waring said they didn't know the full ramifications on parcel b, and he thought they should know both.

Chairman Moody asked how the Committee wanted to handle it. He was at a little bit of a loss. Councilmember White said that the timing of this was associated with Mr. Cameron's project getting a ground-breaking and required only one reading. If they wanted to wait, they needed to defer it. Councilmember Waring said he didn't see how this would stop the ground-breaking. Councilmember White asked if they could get temporary power to start construction. Ms. Carducci said the transformer wasn't the issue. The issue was relocating the electrical lines that ran on the property, so that it was away from the construction. Councilmember White said he would think they could start doing some site

work. Ms. Johnson said it wasn't stopping the ground breaking, but what was explained to Mr. Cameron in the correspondence from SCE&G was that it needed to be moved in order to facilitate construction on the site. So, at some point, it would have to be moved if they wanted to go vertical with the units. Councilmember Waring said he thought he could go forward with ground breaking while they found out additional information and ramifications. Councilmember White asked if there was any question on whether SCE&G would sign off on underground work being done, if they had a line that ran through there, because sometimes contractors wouldn't do work if lines were in place. Councilmember Waring said he didn't think that much work would be going on in 30 days.

Councilwoman Jackson said she felt out of her element because normally she was saying they should get affordable housing underway at all costs, but she thought that knowing that the contract hadn't been fully negotiated yet or signed, was probably realistic that they wouldn't be ready to move the equipment in yet. There was a lot of filing that needed to be done. If they were ready to go, she would say to go, but she agreed that it was 15 feet and if they didn't have to lose it, they could figure it out. Councilmember White stated that moving the line was associated with development, but the housing authority was not making a financial contribution to moving the line. Councilmember Waring said they were tight on their budget. Councilmember White said if it was going to be a difference between \$23,000 and \$123,000, that was a big chunk of change. Councilmember Waring said if they were losing 10 units on parcel B, then \$100,000 wasn't that much. Mayor Tecklenburg asked how long it would be to get an estimate on the undergrounding and Ms. Carducci said she had asked a few times. They didn't like giving an estimate until they had designs. She said that the \$20,000 to pay now to relocate the line and the easement was allowing that lot to move forward. It would hinder the second lot, but to find the money and allow the time to design and price undergrounding would allow it to move off lot b. They could take a step back, get more information from SCE&G and report back at the next meeting or they could proceed with the temporary concept of moving to the other side of the street that would be permanent until it went underground.

Councilmember Waring stated that they would lose a good number of apartments. They didn't know the ramifications on parcel B. Councilwoman Jackson said she thought it was a timing thing and they wouldn't know what it would do to parcel b. Mayor Tecklenburg stated that he thought the buzzword was that this would be a temporary easement to facilitate it moving forward. The goal should be to underground and asked how long it would take to get an estimate. Ms. Carducci said she didn't know how long the designs would take. Mayor Tecklenburg said he would prefer to spend money one time and try to do it underground first. Councilwoman Jackson asked if they could put the word 'temporary' in there because it just said 'execute an easement' and didn't have any time sensitivity.

On the motion of Councilmember Waring, seconded by Councilmember White, the Committee voted to defer this item.

REQUEST APPROVAL OF THE PURCHASE AND SALE AGREEMENT FOR THE SALE OF A PORTION OF THE CITY PROPERTY ON THE SE CORNER OF LEE AND NASSAU STREETS TO RCCBB PROPERTIES, LLC. (A PORTION OF TMS: 459-05-04-208 ; SOUTHEAST CORNER OF LEE AND NASSAU STREET). THE PROPERTY IS OWNED BY THE CITY OF CHARLESTON. [ORDINANCE]

Mr. McQueeney stated that the reason this had come up was that the little parcel b was landlocked and he didn't know why it had ended up landlocked. It didn't have access to Nassau Street. The owner of that landlocked parcel was a member of RCCBB LLC. The deal they were working on was to convey a portion of the corner of that property, which was .04 acres. Any environmental clean-up would be on them. Incidentally, little a was owned by one of his friends, but that didn't solve the problem of no access because they were entitled to two different people. The original idea was to give access to get to Nassau Street and they made sure that the intent was not to just give access and Ms. Carducci confirmed that it wasn't. The City would sell them the parcel and they would have whatever development rights they had associated with a parcel of that size. The contract was for \$79,000 and closing would be within 126 days. The purchasers would like to close as soon as possible. It wasn't a time sensitive issue, but because the City owned the property, it required an ordinance, which was two readings, so they wouldn't be able to finalize the contract until the August meeting.

Ms. Carducci stated that the property was under a voluntary clean-up contract, so they were putting that burden on the purchaser. It also required them to get approval of SCDOT for the transfer before they could close. So, once it was sold the request to SCDOT was that the proceeds for the sale would be used for mitigation purposes and the proceeds could be used as a portion of what was required to pay to the housing authority for parcel a. The land sale proceeds would stay within the development area.

Councilmember Waring said that when they developed parcel b, it didn't look like they would need any portion of that to go underground to develop it. Ms. Carducci said not currently. It would cut across the street before it hit that parcel.

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

REQUEST APPROVAL OF THE AMENDMENT TO EXTEND THE CLOSING DATE OF THE PURCHASE AND SALE AGREEMENT RELATING TO THE CITY ACQUISITION OF THE PROPERTY ON NASSAU STREET (TMS: 459-05-03-005). THE PROPERTY IS OWNED BY EDWARD K. PRITCHARD, ILL.

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

REQUEST AUTHORIZATION FOR THE MAYOR TO EXECUTE A TEMPORARY ACCESS AGREEMENT, UNDER WHICH THE CITY WILL PERMIT SABAL HOMES AT BENNETT'S BLUFF, LLC, TO ACCESS AND USE A PORTION OF THE CITY'S PROPERTY LOCATED OFF FORT JOHNSON ROAD IN THE AREA KNOWN AS BAYVIEW FARMS ON JAMES ISLAND, IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA (TMS NOS. 428-00-00-040, 428-00-00-042, AND 428-00-00-043) FOR THE PURPOSE OF CONDUCTING TREE INSTALLATION, TREE MAINTENANCE, AND RELATED ACTIVITIES WITHIN OR NEAR THE RIGHT-OF-WAY OF ELLIOTT'S CUT DRIVE IN ACCORDANCE WITH THE CITY'S STREET TREE MANUAL. THE MAYOR WILL BE AUTHORIZED TO EXECUTE THE AGREEMENT WITHOUT FURTHER ACTION BY CITY COUNCIL UPON APPROVAL OF THE FORM OF THE AGREEMENT BY CORPORATION COUNSEL.

Councilwoman Jackson asked if it would be closer to the soccer fields or Bayview Farms and Ms. Carducci stated it went right through the soccer fields.

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

REQUEST AUTHORIZATION FOR THE MAYOR TO EXECUTE AN AGREEMENT OF PURCHASE AND SALE FOR THE VACANT PARCEL LOCATED AT THE ADDRESS REFERENCED ABOVE FROM THE SELLER, 8B DOGWOOD ROAD, LLC IN THE AMOUNT OF \$375,000 CONTINGENT UPON A MARKET-RATE APPRAISAL AND A PHASE ONE (1) ENVIRONMENTAL REPORT (TMS: 355-16-00-083; 1816 DOGWOOD ROAD). THE PROPERTY IS OWNED BY 8B DOGWOOD ROAD, L.L.C.

Ms. Johnson stated that the City wanted to purchase the property and the seller wanted \$375,000 for the purchase. It was right under an acre of land and the City anticipated about 15-19 townhomes. They moved forward with ordering the appraisal and the appraisal did not support the asking price for the property. They spoke to the appraiser and the seller comprehensively to talk how they could meet in the middle and the seller wasn't interested in doing that.

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

REQUEST AUTHORIZATION FOR THE MAYOR TO CONSENT TO THE CHILDREN'S MUSEUM SUBMISSION OF TAX CREDIT APPLICATIONS.

Ms. Carducci stated that they received a document from the Museum the previous night explaining the tax credit process that they were looking to do. It was similar to what was approved for the Gibbes Museum when they did their improvements. Because the City owned the property and the Museum was the tenant, the City needed to submit a letter with the application of support. The request was to authorize the Mayor to do that so that they could proceed with the tax credit application. They had submitted some renderings of what they were proposing to do, which included some renovations to the historic structure, as well as a new building to be built just to the west of the Museum on a portion of the land that was covered under their lease. It would allow a new entry to the Museum, as well as the ability to better serve the visitors. 80% of their visitors were local residents. There would be follow-up agreements that would need to come back before the Committee. They would expect to bring a lease amendment that would allow for the Museum to enter into a sublease with a for-profit entity who would benefit from the tax credits. At the end of the tax-credit program, it would then revert back to the Museum. They would then proceed as a sub-tenant to that entity. The Museum would retain all of their rights and operations. They had engaged legal and herself on those discussions, but in order to start the process, it was important to make the application for the tax credit so they could move closer to their goal of starting the project.

Councilmember White said he the opportunity to go to the Museum and do a tour and he was impressed with the work they had done over the years. He went on a slow day, but it was still fairly packed. They brought a lot of people through there. Something he thought was interesting, was that the

ticket sales equated to 86% of their revenue. If they were going to put themselves out there with an organization, when they had their budget being covered by 86% of ticket sales, it showed that they had longevity and good financial position. Councilwoman Jackson stated that she went on a tour as well, and her family were happy annual members. She was impressed by the statistic that 80% of the visitors were local. They touched diverse groups in the community.

Councilmember Waring stated that he did the tour two weeks previous and had taken his grandkids. They did great things over there and he would support this. But, sometime ago, Mr. Jerue had called him and they had discussions about the Museum moving. In visiting the Museum, with their limited space and ramifications that went with renovating a historic property, he had a discussion with the director about another location. He asked what would happen if they really had a premium location, hypothetically, if the City sold the location and took the proceeds to take the Museum to a higher and more visible location. He suspected that whatever they did would be successful. Councilmember White stated that he had a conversation that day with someone who had mentioned that, and he would say that when the Museum started the trolley barn was a dump and no one wanted to be over there. They took a building that fairly obsolete to anyone else and turned it into something that worked and had lifted the whole site. The site that Councilmember Waring was talking about didn't need to be built up and from the taxpayers perspective, they needed to be mindful of what the Museum had done to create. The taxpayer may not be better off if the Museum moved. Councilwoman Jackson stated that she thought this should go forward, but it wouldn't preclude them from looking at other sites.

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

REQUEST APPROVAL OF \$1,617,200.00 IN FUNDING FROM 2017 GENERAL FUND RESERVES FOR THE CITY TO CLOSE ON THE PURCHASE OF APPROXIMATELY 1.502 ACRES OF REAL PROPERTY, AS SHOWN ON THE PLAT ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT 1, FROM NORFOLK SOUTHERN RAILWAY COMPANY, AS SET FORTH IN THE PURCHASE AND SALE AGREEMENT BETWEEN NORFOLK SOUTHERN AND THE CITY DATED OCTOBER 10, 2017 ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS EXHIBIT 2, AS AMENDED, CONTINGENT UPON RECEIPT OF A PURCHASE AND SALE AGREEMENT, EXECUTED BY BCDCOG, UNDER WHICH BCDCOG WILL PURCHASE THE PROPERTY FROM THE CITY FOR \$1,617,200.00, WITH REASONABLE CONTINGENCIES ACCEPTABLE TO CORPORATION COUNSEL, AND CLOSING OF THE TRANSFER OF THE PROPERTY FROM THE CITY TO BCDCOG TO OCCUR ON OR BEFORE SEPTEMBER 14, 2018; PROVIDED, HOWEVER, IT WOULD BE PREFERABLE FOR THE CITY TO PROCURE AN AGREEMENT AMONG THE CITY, NORFOLK SOUTHERN, AND BCDCOG, UNDER WHICH THE CITY WOULD ASSIGN THE PURCHASE AGREEMENT WITH NORFOLK SOUTHERN TO BCDCOG, BUT SUCH PREFERENCE SHALL NOT QUALIFY OR LIMIT APPROVAL OF THIS REQUEST.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH THE BERKELEY-CHARLESTON-DORCHESTER COUNCIL OF GOVERNMENTS ("BCDCOG"), UNDER WHICH

THE BCDCOG WILL PURCHASE FROM THE CITY APPROXIMATELY 1.502 ACRES OF REAL PROPERTY TO BE ACQUIRED BY THE CITY FROM NORFOLK SOUTHERN RAILWAY COMPANY, BOUNDED TO THE SOUTH BY MOUNT PLEASANT STREET, TO THE EAST BY MEETING STREET ROAD, TO THE WEST BY KING STREET EXTENSION, AND TO THE NORTH BY A LINE EXTENDING FROM COURTLAND AVENUE, WITH THE PURCHASE PRICE BEING THE AMOUNT PAID BY THE CITY TO ACQUIRE THE REFERENCED PROPERTY FROM NORFOLK SOUTHERN, AND WITH CLOSING TO OCCUR ON OR BEFORE SEPTEMBER 14, 2018.

Mayor Tecklenburg stated that that morning the Executive Committee of the BCDCOG met and voted unanimously to agree to either accept an assignment or purchase the property from the City. Chairman Moody asked if they were required to do that. He wanted to make sure they didn't get stuck with the property and that the City was doing this as an accommodation to CARTA. Mayor Tecklenburg said that they didn't specify any contingencies in the motion. Ms. Herdina stated that Mr. McQueeney had been negotiating the deal. Mr. McQueeney stated that they had a draft contract that he had exchanged with Mr. Mitchum. The lawyer would take a look at it, but if the City closed on July 31st, the BCDCOG knew what the deal was. Chairman Moody said he just wanted to make sure they wouldn't get stuck with something and Councilwoman Jackson said she would say that he had hit all the hot questions they had talked through.

On the motion of Councilmember White, seconded by Councilwoman Jackson the Committee voted unanimously to approve the above two items.

Executive Session: Discussion regarding the City's acquisition of the parcel on the NE corner of Morris and St. Philip Street (TMS: 460-12-02-053) for use as a storm water shaft site related to the Calhoun West Drainage project. The property is owned by Vanderking 535 LLC. Action may or may not be taken.

Executive Session: Discussion regarding Forest Acres Phase II acquisition. Action may or may not be taken.

On the motion of Councilmember White, seconded by Councilwoman Jackson, the Committee voted unanimously to go into Executive Session at 4:25 p.m.

On the motion of Mayor Tecklenburg, seconded by Councilwoman Jackson, the Committee voted unanimously to come out of Executive Session at 4:51: p.m.

Chairman Moody said they had discussed two items and no action was taken.

On the motion of Mayor Tecklenburg, seconded by Councilwoman Jackson, the Committee voted unanimously to purchase the storm water shaft for a negotiated price, with 30 days to close.

New Business

Chairman Moody said that Councilmember Griffin had brought something to his attention in regards to the Bridgepoint property in Shadowmoss. A lady was trying to sell her property to the City and couldn't get a purchase price from the City. She was trying to buy another piece of property and her contractor, if

she didn't have a date for the money, was going to back out. This had been going on for a long time. He didn't have an answer other than to give her some kind of date that they would have the appraisal and purchase price by.

Councilmember Griffin stated that she had reached out a few times to get a date and was being told that they still didn't have one. She began building a new home, under the impression that they were near the end of this by now, and Tetratex was still giving them a pretty steep timeline of 60-90 more days. If the City couldn't figure out what they were going to do, she would lose her new house, as well. He couldn't imagine any developer to allow someone to sit for 90 days and wait. There were multiple situations where this was happening and he hoped that they wouldn't have any lawsuits that would come out of this, but he was afraid that some of these people would sue, because they were under the impression that it would be done by now.

Mayor Tecklenburg said they had a presentation about this and the report said that they were ready to make offers but were waiting to hear from Legal about what the appeal process would be if they made an offer and someone said 'that's not enough money'. He had sent Legal that request and asked where they stood on resolving that appeal. Ms. Herdina stated that she had to review it. Mr. Wilbert said that was for the appraisal and the appeal, not the offer. The appraisal came first, then it would go into the appeal process, but then there was also the issue of the duplication of benefits, which was case-by-case. There was the issue of the title search, which the City contracted attorney had to perform. He and Ms. Herdina had just agreed that they would start that earlier rather than later. Once that was done, and the appraisal was agreed upon, and duplication of benefits was agreed upon, at that point the City could make an offer. There were still a number of checkboxes. Mayor Tecklenburg said that the appraisals were done and they knew what they would offer without the duplication of benefits. If there were none of those they would get an offer at the appraisal value. If this woman didn't have any off-sets, at least when she got the appraisal, she would know what the City would be giving her. Mr. Wilbert said he thought that was a key milestone. Mayor Tecklenburg said if they could just get the appraisals in their hands, it would take some uncertainty away. Councilwoman Jackson said it wouldn't take away the timeline of getting the money. Councilmember Griffin said she still wouldn't be able to close.

Councilmember White said the appraiser would value the homes based on what they were worth prior to the flooding and Ms. Carducci said that was correct. Mayor Tecklenburg said if they looked at what was on the tax rolls, most of them were less than \$200,000. He asked how long it would take. Ms. Herdina stated that she hadn't had the chance to look at it, but hopefully by the end of the week.

Councilmember Waring asked for a guess for the timeframe between her agreeing and getting the check from FEMA. Mr. Wilbert said that it would be somewhere between 60-90 days. Councilmember Waring asked if there was a way, if she agreed to no offsets, to assign her claim to the City. He knew they had some people in that situation. Ms. Wharton asked if they were getting the checks from FEMA. Mr. Wilbert said the checks would be from the City. Ms. Wharton said it was a reimbursement grant. The City would get paid back from FEMA. Chairman Moody said that they could pay her then, and then get the money from FEMA. Ms. Wharton said they had to make sure they did everything right and then cut the check.

Councilmember Waring asked what her time window was. Councilmember Griffin said that they had said that as long as she could close by August 31st, that would be acceptable. Ms. Carducci asked if she was moving to that house at that time and that was confirmed. Ms. Carducci said they would be required to demolish her house within ninety days and asked if she was in a townhome and this was confirmed. Ms. Carducci said it wouldn't be an option. What happened was that all of the units that were attached would need to be demolished within ninety days of the acquisition. All of the property owners would have to agree to the sale of their property and would have to close within a time frame that would allow the City to follow the FEMA grant requirements of demolition within ninety days. It wasn't just her loan, it was however many units were attached.

Chairman Moody said they wouldn't solve this that night and asked if the Mayor and his staff could meet with this lady and the legal team to lay out the parameters. It seemed like they needed to explain the process to them. They were in a limbo, but they needed to understand what the City was up against as well. The City couldn't just give the money and it needed to go through a process. Mayor Tecklenburg said they would try. Ms. Carducci stated that there were 4-6 units attached. Councilmember Waring asked what would happen if one didn't sell. Ms. Carducci said they couldn't just demolish one. Mr. Wilbert said that they knew the risk going into it. They would have to come up with extraordinary measures to get the one or two people out. They didn't anticipate that, but they would have to come up with extraordinary measures. Everyone there wanted to sell. They hadn't seen their numbers yet. Councilmember Griffin said they had to get out the information that it might be another 60-90 days.

Having no further business, the Committee adjourned at 5:05 p.m.

Bethany Whitaker
Council Secretary