

**COMMITTEE ON WAYS AND MEANS**

September 13, 2016

A meeting of the Committee on Ways and Means was held this date at 6:09 p.m.

**PRESENT (13)**

The Honorable John J. Tecklenburg, Mayor

|                        |            |  |             |
|------------------------|------------|--|-------------|
| Councilmember White    | District 1 | Councilmember Waring                               | District 7  |
| Councilmember Williams | District 2 | Councilmember Seekings                             | District 8  |
| Councilmember Lewis    | District 3 | Councilmember Shahid                               | District 9  |
| Councilmember Mitchell | District 4 | Councilmember Riegel – <i>arrived at 6:33 p.m.</i> | District 10 |
| Councilmember Wagner   | District 5 | Councilmember Moody                                | District 11 |
| Councilmember Gregorie | District 6 | Councilmember Wilson                               | District 12 |

**1. INVOCATION:**

The meeting was opened with an invocation provided by Councilmember Shahid.

Chairman Moody recognized the City's First Responders that marched over the Arthur Ravenel Bridge in full gear to honor the memory of those lost on September 11<sup>th</sup>.

**2. APPROVAL OF MINUTES:**

On a motion of Councilmember Mitchell, seconded by Councilmember White, the Committee on Ways and Means voted unanimously to approve the August 16, 2016 Committee on Ways and Means minutes.

**3. BIDS AND PURCHASES:**

On a motion of Councilmember White, seconded by Councilmember Lewis, the Committee on Ways and Means voted unanimously to approve the Bids and Purchases as follows:

**TRAFFIC AND TRANSPORTATION: ACCOUNT: 230000-52066 APPROPRIATION: \$100,000**

Approval to establish a contract for Intelight 2070ATC-LDX Traffic Controllers with MaxTime

Local Traffic Software from Control Technologies, Inc., 2776 S. Financial Court, Sanford, FL 32773; Solicitation #16-B024R. Funds were reserved from 2015 General Fund Reserves. This will be included in a future 2016 Budget amendment.

**INFORMATION TECHNOLOGY: ACCOUNT: 162000-52206 APPROPRIATION: \$47,781.98**

Approval of New Enterprise License Agreement (ELA) with Environmental Systems Research Institute (ESRI) for ACRGIS Licensing and Support; Sole Source Purchase. This ESRI ArcGIS License Agreement would replace the current annual software renewal (~\$36,500/yr) with a license plan allowing for expanded licensing to address the significant escalation in the use of GIS by City departments, including Police and Fire, for critical operations. This is an initial 3-year agreement with escalating payments (2016-\$80,000; 2017-\$90,000, 2018-\$100,000). The first year (2016) is reduced by a credit for prorated annual renewal monies already paid in July.

**INFORMATION TECHNOLOGY: ACCOUNT: 235000-52058 APPROPRIATION: \$41,946.10**

Approval of purchase with Sungard Public Sector for new mobile field reporting licenses for new police mobile data terminals; sole source purchase. This provides new Mobile Field Reporting (MFR) licenses for twenty (20) new Mobile Data Terminals (MDT's/laptops) purchased for the Police Department to expand mobile Computer Aided Dispatch (CAD) and Record Management Systems (RMS) resources for Police vehicles.

**PUBLIC SERVICE: ACCOUNT: 322000-52206 APPROPRIATION: \$166,600**

Approval to process a change order for previously approved contract with Carolina Waste & Recycling, LLC, 5246-B International Blvd., North Charleston, SC 29418 for temporary increase up to two (2) routes daily for four (4) months for MSW collections; Solicitation #13-P034R. The increase in services will most likely cause this line item to go over budget and will be included in a future budget amendment.

**4. RESOLUTION IN SUPPORT OF JEDA REVENUE BONDS FOR MASON PREPARATORY SCHOOL (REFER TO CITY COUNCIL AGENDA PUBLIC HEARINGS, ITEM #E-1)**

On a motion of Councilmember White, seconded by Councilmember Seekings, the Committee on Ways and Means voted unanimously to adopt a Resolution in Support of JEDA Revenue Bonds for Mason Preparatory School.

**5. POLICE DEPARTMENT AND FIRE DEPARTMENT: APPROVAL TO ACCEPT THE 2016 FEMA PORT SECURITY GRANT IN THE AMOUNT OF \$74,444 FOR THE POLICE DEPARTMENT MASK AND COMMUNICATION SYSTEM REPLACEMENT AND THE FIRE DEPARTMENT HAZMAT/WMD EQUIPMENT. A MATCH IN THE AMOUNT OF \$24,814 WILL BE BUDGETED FOR IN 2017. THE POLICE DEPARTMENT MATCH IS \$10,236, AND THE FIRE DEPARTMENT MATCH IS \$14,578.**

On a motion of Councilmember Gregorie, seconded by Councilmember White, the

Committee on Ways and Means voted unanimously to approve to accept the 2016 FEMA Port Security Grant in the amount of \$74,444 for the Police Department mask and communication system replacement and the Fire Department HAZMAT/WMD equipment.

**6. POLICE DEPARTMENT: APPROVAL TO SUBMIT THE 2016 COUNTERING VIOLENT EXTREMISM (CVE) GRANT PROGRAM APPLICATION TO THE US DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$140,759 FOR PERSONNEL, RECRUITMENT, AND TRAINING. THIS IS AN AFTER-THE-FACT APPROVAL. NO LOCAL MATCH IS REQUIRED.**

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, the Committee on Ways and Means voted unanimously to approve to submit the 2016 Countering Violent Extremism (CVE) Grant Program application to the US Department of Homeland Security in the amount of \$140,759 for personnel, recruitment, and training.

**7. OFFICE OF CULTURAL AFFAIRS: APPROVAL TO SUBMIT A GRANT APPLICATION TO THE NATIONAL ENDOWMENT OF THE ARTS IN THE AMOUNT OF \$20,000 FOR THE IMAGINE CHARLESTON PROJECT. FUNDS WILL BE USED FOR MARKETING AND PROMOTION OF THE ARTS IN CHARLESTON AND REGIONALLY. DUE TO TIME CONSTRAINTS DICTATED BY THE FUNDING AGENCY, THIS GRANT WAS SUBMITTED ON AUGUST 11, 2016. A CITY MATCH IN THE AMOUNT OF \$58,000 WILL BE BUDGETED IN 2017 AND 2018. THIS IS AN AFTER-THE-FACT APPROVAL.**

Councilmember White stated that he understood there were times when grants needed to be submitted after-the-fact, but they had about five after-the-fact items on the agenda. Item #7 required a City match of \$58,000 which would be budgeted in 2017 and 2018. He said those funds would not be expended unless the City approved them through Ways and Means, but he wanted to bring to staff's attention that when the City had an after-the-fact approval, it gave him and others on Council pause when these included budget expenditures. He said he did not have an issue with after-the-fact approvals that did not have City matches, but when there was a substantial City match, he asked that staff think through it to make sure that was the right process to move forward.

Councilmember Lewis said he agreed with Councilmember White that staff had enough time to organize it and get it to City Council in time, especially for this amount of money. He thought that Council should have it ahead of time.

Councilmember Gregorie said this was not a new issue, and this had been discussed before staff and Council previously. He said he was hoping that this would not happen again, and that somehow, they could find a way to allow Council to weigh-in.

Mayor Tecklenburg said he had a question about this, as well, and given the timing of things with the summer schedule of only one meeting per month, this impacted the grant submissions. They were not authorizing any money at this point in time. The grant acceptance would come back to Council for approval.

Chairman Moody said he had a problem with items that said 'to be budgeted in 2017 and 2018,' for Items 7 and 9 because it did not say which funds would be used. He said when he saw this, and they did not know where the money was coming from, he felt like they should not approve it, but he understood that they needed to get these grants out there, and they would need to come back.

Scott Watson, Director of Cultural Affairs, stated that Item #7 was a fluke because the online application portal for the National Endowment of the Arts ("NEA") was deactivated by the NEA due to problems, and this shifted all of the timelines. He said that often with the summer schedule, it was hard to stay on schedule. He explained that in the body of the applications, it was specified where the matches would be coming from. For Item #7, the match would come from A-Tax money through the City and the County. This would be for salaries that the NEA recommended for the program. In the case of #8, the match funds were specified as coming from private donations and earned revenues. For Item #9, the City had a pending A-Tax application for 2017, which was traditionally the funding source for this match. He said in the body of the applications, staff did specify where the matches would be coming from.

Chairman Moody said this went back to the question earlier about reserving some of the Accommodations Tax money before the Committee had a chance to look at the overall picture and set priorities. Mr. Watson stated that they specified in the application that it was pending appropriation, but it was just an application. They had not been awarded the funds, and they won't be notified until April at which point they will know the A-Tax consideration for 2017.

Councilmember Wilson asked which A-Tax money would be used for this item. Mr. Watson said that in the case of the NEA Grant, it was two disbursements because the money would be used for marketing and promoting the arts and culture regionally, so it would be Piccolo Spoleto A-Tax allocation. Councilmember Wilson clarified by asking which A-Tax category would be funding it, and Amy Wharton, Chief Financial Officer, stated that it would be the State A-Tax.

Councilmember Gregorie said that regardless of what the problems may be, he said that generally the application process would take 90 or 60 days. He said that he knew they did have mishaps, but he thought that given the amount of time staff is given to develop the applications with the intent of submitting them, Councilmembers should be alerted as soon as they were going to submit as part of their process. He said that right now, this was not happening.

On a motion of Councilmember Mitchell, seconded by Councilmember Waring, the Committee on Ways and Means voted unanimously to approve to submit a grant application to the National Endowment of the Arts in the amount of \$20,000 for The Imagine Charleston Project.

**8. OFFICE OF CULTURAL AFFAIRS: APPROVAL TO ACCEPT THE GRANT AWARD FROM THE SC ARTS COMMISSION IN THE AMOUNT OF \$25,391 FOR GENERAL OPERATING SUPPORT. CITY MATCH REQUIRED IS \$76,173. THE MATCHING FUNDS**

**WILL BE PROVIDED BY PRIVATE DONATIONS AND EARNED REVENUES.**

On a motion of Councilmember Mitchell, seconded by Councilmember Waring, the Committee on Ways and Means voted unanimously to approve to accept the grant award from the SC Arts Commission in the amount of \$25,391 for General Operating Support.

**9. OFFICE OF CULTURAL AFFAIRS: APPROVAL TO ACCEPT THE GRANT AWARD FROM THE SC ARTS COMMISSION IN THE AMOUNT OF \$9,491 FOR THE LOWCOUNTRY QUARTERLY ARTS GRANTS PROGRAM. A CITY MATCH OF \$9,491 IS REQUIRED. THE MATCHING FUNDS WILL BE BUDGETED IN 2017.**

On a motion of Councilmember Mitchell, seconded by Councilmember Waring, the Committee on Ways and Means voted unanimously to approve to accept the grant award from the SC Arts Commission in the amount of \$9,491 for the Lowcountry Quarterly Arts Grants Program.

**10. MAYOR'S OFFICE FOR CHILDREN YOUTH & FAMILIES: APPROVAL TO SUBMIT THE YOUTH SERVICE AMERICA GRANT APPLICATION IN THE AMOUNT OF \$500 FOR THE GLOBAL YOUTH SERVICE DAY. IF AWARDED, THIS WILL ENGAGE 250 YOUTH THROUGHOUT THE CHARLESTON COMMUNITY IN SERVICE-LEARNING, COMMUNITY SERVICE, AND VOLUNTEERISM. DUE TO TIME CONSTRAINTS, THIS GRANT APPLICATION WAS SUBMITTED ON AUGUST 20, 2016. NO CITY MATCH IS REQUIRED. THIS IS AN AFTER-THE-FACT APPROVAL.**

On a motion of Councilmember Waring, seconded by Councilmember Mitchell, the Committee on Ways and Means voted unanimously to approve to submit the Youth Service America Grant Application in the amount of \$500 for the Global Youth Service Day.

**11. MAYOR'S OFFICE FOR CHILDREN YOUTH & FAMILIES: APPROVAL TO ACCEPT THE AMERICORPS VISTA CONTINUATION GRANT (11VSSC002) FROM THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE. THE CITY SHARE OF UP TO \$122,311 FOR UP TO 7 AMERICORPS VISTAS WILL COME FROM SITE FEES COLLECTED FROM EACH SITE HOSTING A VISTA. THIS IS AN AFTER-THE-FACT APPROVAL.**

Councilmember Waring asked for clarification on the City's share of up to \$122,311 and asked how much the City was applying for. Mindy Sturm, Director of the Mayor's Office for Children Youth and Families, stated that they were asked to cover the stipend for four of the positions. She said the e-grant system did not match well to AmeriCorps Vista, but the stipend they received was about \$11,800, so it would be \$11,800 times four. This item covered two years of members, so the number was actually not accurate for the budget cycle, but they had to have that number of slots in order for AmeriCorps to place the members. They had three this year, and they would have four for the August 2016 to August 2017 year. The money would come from the fees collected. The City would provide the members to other non-profits in the community, and each agency that receives one paid a stipend to the City.

Chairman Moody asked if this would be a wash as far as the salary was concerned. Mayor Tecklenburg said it would be reimbursed.

On a motion of Mayor Tecklenburg, seconded by Councilmember White, the Committee on Ways and Means voted unanimously to approve to accept the AmeriCorps VISTA Continuation grant (11VSSC002) from the Corporation for National and Community Service.

**12. PARKS: APPROVAL TO SUBMIT THE 2016 LOWES/KEEP AMERICA BEAUTIFUL COMMUNITY PARTNER GRANT IN THE AMOUNT OF \$5,000 FOR THE COMPOST RANGERS. PROGRAM FUNDS WILL GO TOWARDS SUPPLIES THAT WILL CREATE COMPOSTING CUBES AT VARIOUS COMMUNITY GARDENS AND SCHOOLS. DUE TO TIME CONSTRAINTS, THIS GRANT WAS SUBMITTED ON AUGUST 10, 2016. NO CITY MATCH IS REQUIRED. THIS IS AN AFTER-THE-FACT APPROVAL.**

On a motion of Councilmember Mitchell, seconded by Councilmember Waring, the Committee on Ways and Means voted unanimously to approve to submit the 2016 LOWES/Keep America Beautiful Community Partner Grant in the amount of \$5,000 for the Compost Rangers.

**13. PLANNING PRESERVATION AND SUSTAINABILITY: APPROVAL TO ACCEPT THE TECHNICAL ASSISTANCE GRANT IN THE AMOUNT OF \$85,700 FROM SC FORESTRY & GREEN INFRASTRUCTURE CENTER TO MAP AND EVALUATE THE CITY'S URBAN TREE CANOPY AND DETERMINE HOW BEST TO INCORPORATE URBAN FORESTS INTO THE CITY'S STORMWATER MANAGEMENT PROGRAM AND SEA LEVEL RISE PLAN, AND UPDATE ALL RELATED CITY ORDINANCES TO REFLECT NEW GOALS. JOINT EFFORT WITH GIS, PARKS AND PUBLIC SERVICE. GIC WILL PROVIDE A MATCH OF \$4,000. THE CITY MATCH IS \$30,000 IN KIND STAFF ASSISTANCE TO PROVIDE BASE DATA FOR ANALYSIS AND REVIEW WORK PRODUCT/MAKE SUGGESTIONS TO STRENGTHEN PLAN.**

Mayor Tecklenburg noted that the City match would be in-kind and not cash.

On a motion of Councilmember Williams, seconded by Councilmember Waring, the Committee on Ways and Means voted unanimously to accept the Technical Assistance grant in the amount of \$85,700 from SC Forestry & Green Infrastructure Center to map and evaluate the City's urban tree canopy and determine how best to incorporate urban forests into the City's stormwater management program and sea level rise plan, and update all related City ordinances to reflect new goals.

**14. PARKS-CAPITAL PROJECTS: APPROVAL OF TROLLEY BARN PARKING LOT FEE AMENDMENT #2 TO THE PROFESSIONAL SERVICES CONTRACT WITH STANTEC CONSULTING SERVICES, INC. IN THE AMOUNT OF \$11,190 DUE TO UNFORESEEN REQUIREMENTS IMPOSED BY SCDOT. THIS AMENDMENT INCLUDES MODIFICATIONS TO THE CONSTRUCTION DOCUMENTS AND HYDROLOGY REPORT TO ADDRESS SCDOT CONCERNS AND REVISIONS TO THE PERMIT DOCUMENTS. THE CHANGE**

**WILL INCREASE THE BASE CONTRACT VALUE BEYOND THE \$50,000 LIMIT OF “SMALL PROFESSIONAL SERVICES” CONTRACTS. HOWEVER, GIVEN THE AMOUNT OF EFFORT EXPENDED TO DATE, AND THE UNFORESEEN NATURE OF THE REQUIREMENTS LEADING TO THE CHANGE, APPROVAL OF THIS AMENDMENT AS A “SOLE SOURCE” IS BEING REQUESTED. THE TOTAL PROJECT BUDGET REMAINS UNCHANGED. THE TOTAL CONTRACT TIME WILL INCREASE BY 273 DAYS. THE APPROVAL OF FEE AMENDMENT #2 WILL RESULT IN AN \$11,190 INCREASE TO THE STANTEC CONSULTING SERVICES, INC. PROFESSIONAL SERVICES CONTRACT TO \$62,990. THE FUNDING SOURCE FOR THIS PROJECT IS THE PARKING FUND.**

Councilmember Lewis asked how much more money would be requested of the Committee for the Trolley Barn. He said it was a big mistake from the beginning to even approve any money. He said this property was given to the City and could have been used for affordable housing. He said it seemed like every time he looked, the College was coming back for more money, and it was a disservice to the people living in that community. He said that the College said they would be self-sufficient, but they had not proved this since the City gave them the building and money. He asked how much more money they would ask for and stated he would be voting against this.

Edmund Most, Deputy Director of Capital Projects, addressed the Committee and stated that this project was not on the Trolley Barn property. It was actually a parking lot located underneath the overpass which was formerly Tent City. He said this would be for construction of a parking lot that would support a number of police vehicles and a wealth of other parking needs with a total count of 114 vehicles. Councilmember Lewis said the police had plenty of parking in their current lot. He asked if they would be switching properties. Mr. Most said he was not aware of that. Chairman Moody asked if this was property under the bridges or under the overpass. Councilmember Lewis asked why they needed more parking when the Police Department had about 100 cars parked where they were now.

Joshua Martin, Senior Advisor to the Mayor, said the American College of the Building Arts would be leasing spaces in the lot, and there would also be some spaces that would accommodate police vehicles associated with a substation. The remaining spaces would be leased to the general public, and they hoped to have some ‘park and ride’ situations to have some opportunities to bring public transportation to the lot and allow people to come down into the Lower Peninsula.

On a motion of Councilmember Waring, seconded by Councilmember White, the Committee on Ways and Means voted to approve Trolley Barn Parking Lot Fee Amendment #2 to the Professional Services Contract with Stantec Consulting Services, Inc. in the amount of \$11,190 due to unforeseen requirements imposed by SCDOT. The vote was not unanimous. Councilmember Lewis voted nay.

**15. PARKS-CAPITAL PROJECTS: APPROVAL OF WEST ASHLEY GREENWAY IMPROVEMENTS, PARKDALE TO CROGHAN LANDING, FEE AMENDMENT #1 TO THE**

**PROFESSIONAL SERVICES CONTRACT WITH JERRY REGENBOGEN CONSULTING, LLC IN THE AMOUNT NOT TO EXCEED \$5,250 FOR ADDITIONAL PERMITTING SERVICES DUE TO THE PERMITTING REQUIREMENTS BEING MORE EXTENSIVE THAN ORIGINALLY ANTICIPATED. ADDITIONAL WORK IS ESTIMATED TO REQUIRE 75-90 DAYS BEYOND THE AUTHORIZATION TO PROCEED, SUBJECT TO DELAYS BY PERMITTING REVIEWS. FEE AMENDMENT #1 WILL INCREASE THE PROFESSIONAL SERVICES CONTRACT WITH JERRY REGENBOGEN CONSULTING, LLC FROM \$38,844 TO \$44,094 AND THUS OVER THE \$40,000 THRESHOLD. THE FUNDING SOURCES FOR THIS PROJECT ARE: 2013 GENERAL FUND RESERVES (\$700,000) AND 2015 CHARLESTON TRANSPORTATION COMMITTEE (\$140,000).**

On a motion of Councilmember Waring, seconded by Councilmember Lewis, the Committee on Ways and Means voted unanimously to approve West Ashley Greenway Improvements, Parkdale to Croghan Landing, Fee Amendment #1 to the Professional Services Contract with Jerry Regenbogen Consulting, LLC in the amount not to exceed \$5,250 for additional permitting services due to the permitting requirements being more extensive than originally anticipated.

**16. PARKS-CAPITAL PROJECTS: APPROVAL OF A PROFESSIONAL SERVICES CONTRACT WITH LIOLLIO ARCHITECTURE, INC. IN THE AMOUNT OF \$501,900 FOR THE SAVANNAH HIGHWAY FIRE STATION (FS#11). THIS AMOUNT IS FOR BASIC SERVICES INCLUDING STRUCTURAL, CIVIL, MEP, FIRE PROTECTION, AND BACK-UP FUEL SYSTEM ENGINEERING CONSULTANTS IN ADDITION TO ARCHITECTURAL DESIGN, AND COVERS ALL DESIGN, BIDDING, AND CONSTRUCTION ADMINISTRATION PHASES. THE PROFESSIONAL SERVICES CONTRACT WILL OBLIGATE \$501,900 OF THE \$8,505,131 PROJECT BUDGET. THE FUNDING SOURCE FOR THIS PROJECT IS: 2015 INSTALLMENT PURCHASE REVENUE BOND (\$8,505,131).**

On a motion of Councilmember Waring, seconded by Councilmember Lewis, the Committee on Ways and Means voted unanimously to approve a Professional Services Contract with Liollio Architecture, Inc. in the amount of \$501,900 for the Savannah Highway Fire Station (FS#11).

**17. PARKS-CAPITAL PROJECTS: APPROVAL OF A CONSTRUCTION CONTRACT WITH HOWELL AND HOWELL CONTRACTORS IN THE AMOUNT OF \$7,638,940 FOR THE CONSTRUCTION OF THE LOUIS WARING, JR. WEST ASHLEY SENIOR CENTER. CONTRACTOR INDICATES 23% MWBE PARTICIPATION IN THE AMOUNT OF \$1,100,704. 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. APPROVAL OF THIS ACTION WILL INSTITUTE A \$9,499,109 PROJECT BUDGET, OF WHICH THE \$7,638,940 CONSTRUCTION CONTRACT WILL BE FUNDED. THE FUNDING SOURCES FOR THIS PROJECT ARE: 2012 GENERAL FUND RESERVES (\$2,227,000), 2013 GENERAL FUND RESERVES (\$2,000,000), 2014 GENERAL FUND RESERVES (\$1,300,000), 2014**

**GENERAL OBLIGATION BOND (\$3,300,000), CHARLESTON COUNTY (\$422,109) AND CAPITAL CONTRIBUTION FROM ROPER ST. FRANCIS (\$250,000).**

Councilmember Williams said he was pleased that staff went back and worked on this item, and he clearly understood the low-bid and good faith concept, but he was going to vote 'nay' on this item because there was no full commitment to using local contractors. He said he looked in the whole package, and every local contractor had an area code that was not affiliated with Charleston. He said they needed to make a real effort, not a good faith effort, to make sure local, minority contractors were employed on these projects. He said owners of companies that live here did not work, leave, and take the money. He said they needed to draw the line in the sand and make sure that they were putting more than just good faith effort into seeing that local companies were hired and hoped that his colleagues would consider rebidding the item. He said they had to draw the line in the sand to protect the essence of local companies because if they did not get work, they would be extinct.

Councilmember Gregorie said that he had a similar concern, but he said the performance standard was a standard. He said he agreed with Councilmember Williams that a good faith effort standard was tough, but unfortunately he did not see that much wiggle room short of a preference for locals, however, he did not know whether or not that was legal given there was a performance standard for all of the City's projects. He said he wished, like Councilmember Williams, they had a magic wand to make sure that locals received a fair shot. The City advertised publically, and it meant that everyone had an opportunity to apply. There was special outreach in minority newspapers, which was something that the City did to try and attract local contractors, and more specifically, minority contractors. He said he agreed, but legally, he did not know how they could get there. He added that he did not like to see things penciled in. He said if something was penciled in saying there was 23 percent minority business participation, at a minimum, someone needed to initial it. He said, to him, it was not official if it was written. He said he also wanted to make sure that the project application reflected what it was, the 'Louis Waring, Jr. West Ashley Center,' not the 'West Ashley Center.' He said that if one looked at the package throughout, only one or two places mentioned the correct name, but every other page had the 'West Ashley Community Center.' He said they needed to make sure that the documents reflected what it was.

Councilmember Riegel arrived at 6:33 p.m.

Councilmember Waring said he appreciated everything that was said, but the penciled-in piece concerned him, as well. He wanted Theron Snype, Minority Business Enterprise Manager, to be recognized along with the Mayor and Capital Projects. Originally, there was 5 or 6 percent women and minority participation. He said after having a discussion, Mr. Snype and the Mayor got involved, along with Capital Projects, and the figure was bumped-up to 13 percent. The goal was 20 percent. Councilmember Waring stated he had a discussion and said if his father was still in his chair, even though the facility was going to be named after him, he would

not have voted for that. Councilmember Waring said the Mayor pushed it back out to try and reach the goal, which was now at 23 percent. He said it was because of this extra effort from the Mayor, Theron Snype, Capital Projects, and the City's professional staff, that the message was sent back to an out-of-town contractor that went above the goal at 23 percent. He said it did, however, raise a question when the 23 percent was ensured by something that was penciled-in and not initialed. He said he hoped that should this pass, it would be passed with the requirement that it is not penciled-in as part of the contract. He said he wanted to give proper attention to those that went above and beyond to secure and surpass the goal of 20 percent. He said his understanding was even though it was advertised, either 50 percent or 75 percent came from contractors that were out of town. He said this was just the market driving this and that he wished they had everyone local bidding on it.

Edmund Most, Deputy Director of Parks, stated that there were several pages of due diligence from the contractor to include no responses from several local contractors. He said in his opinion, the contractor made a good faith effort, and it may not have met the numbers they were all hoping for, but the bid was submitted with five percent, which was not acceptable to anyone. He said they went back and forth over and over with much labor involved trying to get the numbers up. He said they were able to get the number up to 24 percent. Mr. Snype was not able to verify some of the information because it was not on his list. This was why there were strike-outs. He said this was his handwriting on the documents, and they had to omit two of the subcontractors because they could not be verified. He said they could have the contractor initial the document, and he would be happy to initial it, as well. They were making an effort to get the contractors to document that pay applications would be going to the subcontractors and to make sure that they were being brought under the contract and not just doing paperwork.

Councilmember Lewis said Mr. Most had answered some of his questions. He said he hoped that on future large projects, the Committee would see more MWBE participation. He said he knew part of it was due to the market, but they needed to do a little bit better.

Mayor Tecklenburg commended Council and former Mayor Riley on their hard work in making the Louise Waring, Jr. West Ashley Senior Center possible. He said he wanted to recognize that Council had been working on this for a long time. He said if one looked at the funding sources for the project, they dated back to the 2012 General Fund Reserves, and each subsequent year, there was another contribution. He said it took a lot of work and a lot of time to get the funding for this significant project. He said he thought it would be a tremendous facility and asset to the City. He asked the same question about local contractors when he saw the bids. He said there was a local general contractor who bid on the job, and he was just a little bit above the firm that won the bid and was the responsive bidder. He said there were procurement rules the City had to follow, but the difference with their local, general contractor was enough to put him beyond any consideration they would give him for being local. He said they certainly welcomed Council taking a look at the City's procurement variance to allow for a

local contractor going forward in the future. Mayor Tecklenburg said Howell and Howell was the responsive bidder. He said he wanted to echo what Councilmember Waring said regarding Mr. Snype doing a great job asking the contractor to improve the goal for MWBE participation.

Councilmember Waring added that the County had contributed, as well, to the project, and Roper St. Francis had contributed 16 acres of land. He also thanked Mr. Most for all of his efforts.

Councilmember Shahid said he had discussed this with Councilmember Williams about the concerns that he raised. He said he was glad they were having this open discussion, and it was at the forefront. He said he was not sure what else they could do along these lines, but it was something they needed to keep on their plate and a part of their discussions. He said it was an important issue, and whatever limitations the City had or didn't have about increasing participation with minorities and women on contracts was an important policy statement the City would be making.

On a motion of Councilmember White, seconded by Councilmember Waring, the Committee on Ways and Means voted to approve a Construction Contract with Howell and Howell Contractors in the amount of \$7,638,940 for the construction of the Louis Waring, Jr. West Ashley Senior Center. The vote was not unanimous. Councilmember Williams voted nay.

**18. PUBLIC SERVICE: APPROVAL OF LUMP SUM WORK AUTHORIZATION #4 IN THE AMOUNT OF \$373,025 UNDER EXISTING MASTER AGREEMENT FOR PROFESSIONAL SERVICES WITH URS FOR DEVELOPMENT OF WATERSHED MASTER PLAN FOR DUPONT/WAPPOO AREA. THE PLAN WILL UTILIZE FIELD COLLECTED DRAINAGE INFRASTRUCTURE DATA TO DEVELOP MODELING FOR STORMWATER MASTER PLANNING AND FUTURE WATERSHED DEVELOPMENT. THE PLAN WILL IDENTIFY STORMWATER DRAINAGE INFRASTRUCTURE IMPROVEMENT PROJECTS BASED UPON FUTURE BUILD-OUT WITHIN THE WATERSHED. DRAINAGE FUNDS WILL BE USED TO FUND THIS CONTRACT.**

On a motion of Councilmember Lewis, seconded by Mayor Tecklenburg, the Committee on Ways and Means voted unanimously to approve lump sum work authorization #4 in the amount of \$373,025 under existing Master Agreement for Professional Services with URS for development of watershed master plan for Dupont/Wappoo area.

**19. PUBLIC SERVICE: APPROVAL OF ADDENDUM #18 IN THE AMOUNT OF \$100,000 FOR WOOLPERT, INC. TO PERFORM CONTINUED MANAGEMENT SUPPORT IN THE CHURCH CREEK SPECIAL STORMWATER MANAGEMENT AREA TO INCLUDE ICPR STORMWATER MODEL UPDATES, REVIEW OF DESIGN/MODEL CALCULATIONS, DESIGN SERVICES, VERIFICATION SURVEYS, ATTENDANCE OF CLIENT/PUBLIC MEETINGS, AND OTHER RELATED DUTIES.**

Councilmember Riegel said he wanted to emphasize the importance of this item. He said

he represented District 10 in West Ashley which included Shadowmoss, Village Green, and Hickory Farms, which were dramatically hit by the 1,000 year flood in October. He said anything they could do to identify stormwater and the water shed that would help residents in the future and provide safety and security was really appreciated.

On a motion of Councilmember Riegel, seconded by Councilmember Waring, the Committee on Ways and Means voted unanimously to approve Addendum #18 in the amount of \$100,000 for Woolpert, Inc. to perform continued management support in the Church Creek Special Stormwater Management Area to include ICPR stormwater model updates, review of design/model calculations, design services, verification surveys, attendance of client/public meetings, and other related duties.

Mayor Tecklenburg emphasized that the last six items were all projects in West Ashley with a total expenditure by the City of \$8,657,959.

**20. THE COMMITTEE ON REAL ESTATE: (MEETING WAS HELD SEPTEMBER 12, 2016 AT 5:00 P.M., CITY HALL, 80 BROAD STREET)**

- a. Approval of a one-day rental in the amount of \$500 (for damage deposit only; rental fee waived) for MOJA Arts Festival Tribute Luncheon on October 15, 2016. This property is owned by Magnolia Plantation. (Magnolia Plantation and Gardens; 3550 Ashley River Road).
- b. Approval of a rental in the amount of \$300 for annual MOJA Arts Festival Gospel Concert October 2, 2016. This property is owned by Trinity United Methodist Church. (Trinity United Methodist Church; 273 Meeting Street).
- c. Request approval for the Mayor to execute the attached Lease Agreement whereby the City leases to the Medical University of South Carolina 70 spaces located at Stoney Field Parking Lot. This property is owned by the City of Charleston. (TMS: 460-00-00-007 and 460-00-00-031)
- d. Request approval for the Mayor to execute the attached Exclusive Storm Water Drainage Easement whereby Richard R. Knoth is providing the City with an exclusive 15-foot wide permanent storm drainage easement. This property is owned by Richard R. Knoth. (Greenleaf Street; TMS: 464-00-00-042)
- e. Request approval for the Mayor to execute the attached Contract of Sale whereby the City intends to purchase from the South Carolina Department of Transportation .0168 acres of land located at the southeastern quadrant of the intersection of Lee and Meeting Street, known as Parcel K, for \$44,000. This property is owned by South Carolina Department of Transportation. (Southeastern corner of Lee and Meeting Street; TMS: 459-05-04-217)
- f. Request approval for Mayor to execute the attached Lease Amendment for a temporary fire station to be built in accordance with the terms of the lease. This

property is owned by Guy P. McSweeney. (Cainhoy Road; TMS: 263-00-01-062)

- g. (i) Request authorization for the Mayor to execute the attached Tri-Party Agreement to Provide Interim Funding for WestEdge Infrastructure Costs between the City of Charleston, SC, Medical University Foundation, and Horizon Project Foundation, Inc. This property is owned by the City of Charleston and MUSCF. [Horizon Redevelopment Project Area (the "TIF District")]
- (ii) Authorize MUSCF and HPF to amend the Acquisition Agreements for Phase 1A and 1B to extend the closing dates as determined by the Board of Directors or Executive Committee of HPF. This property is owned by MUSCF.
- h. Update and potential action on mediation regarding 11 Todd Street
- i. Consider the following annexations:
  - (i). 614 Stoneboro Court (TMS#343-15-00-099) 0.23 acre, James Island (District 11). The property is owned by Erin Hitchinson.
  - (ii). 2027 Woodcliff Street (TMS# 355-15-00-060) 0.23 acre, West Ashley (District 2). The property is owned by Nicholas and Elaine Boyer.
  - (iii). Secessionville Road (TMS# 427-00-00-006, 427-00-00-116, 427-00-00-117, 427-00-00-250 and 427-00-00-251) 2.14 acres, James Island (District 6). This property is owned by ION Venture LLC.
  - (iv). Grimball Road Extension (TMS#427-00-00-086) 0.79 acre, James Island (District 6). This property is owned by Johnny Troutman and Eunice Troutman.
  - (v). 1830 Maybank Highway Extension (TMS# 343-04-00-007) 1.0 acre, James Island (District 11). This property is owned by Maria and Steven Mungo.

Councilmember White, Chairman of the Real Estate Committee, reported that the Committee on Real Estate met yesterday and had approved all items on the report.

Councilmember Lewis asked for the record to reflect that he would be voting against Item 'g' because he did not feel like it would be good for the City and was not good for the residents on the West Side of the City that lived in the Gadsden Green area. He said this project would one day displace the people who were living there. He said every time something related to this came before the Committee, he would vote against it.

Councilmember Gregorie said he understood Councilmember Lewis's concern with respect to the Gadsden Green Community. WestEdge had met several times with the resident Council, and this question continued to come up. He said that this was not under the control of the WestEdge Foundation. He said this was a Federal project, which would require the Federal Government to say 'yes' or 'no,' but that was not to say that the City should not continue to have

discussions with the Housing Authority, not just with respect to the Gadsden Green Community, but all of the City's Housing Authority communities to see what they could do to make sure that if there was any change, they protected the residents at all costs.

Councilmember Lewis said he respected Councilmember Gregorie highly, but the Housing Authority was not going to work with the City. He said when Councilmember Gregorie was the head of HUD, he tried to get a HOPE VI project, but the Housing Authority did not want it. He said it would have been great for what was about to go back there now. He said the Housing Authority was not going to work with the City, so he hoped whoever was going to be on future City Councils looked out for the people living in this community. He said whether or not the Federal loans went to Gadsden Green or not, the City had a say-so, just like the City had a say-so with Washington Street when the City said the land was contaminated, and now they have fields for children to play and condos. He said he had no relief that the City and Housing Authority were going to work to see that people in this community weren't going to get displaced. He said they were bringing a big, high-end store like Publix, and that was not for the people living there. It was for the million dollar homes they would be building along with the project. He said that no one was fooling him.

Councilmember Mitchell said he understood what his colleague was saying, but as Councilmember Gregorie had stated, it was Federal, and he knew how it was complex. He said the complex that people saw on Hagood Avenue was not always there. He said this was the complex called the Extension, and it was built because they needed more four and five bedrooms. He said he told people that if anything went first, it would be this complex because it was an extension, but the old complex from Flood Street going back to President Street, this would remain there. With Federal funding, if the housing complexes were eliminated, then a lot of Federal funding was eliminated that was coming into the City for the Housing Authority. He said they just needed to stay on top of it. He said he still thought that if something happened to that strip, it would happen because it was on Hagood Avenue. He said he understood what Councilmember Lewis was alluding to because he saw so many changes happening, and they all said that they would work with one another, but it did not happen, and that's why he always wanted to see actions and not lip service. He said this was hurting Councilmember Lewis because he lived on Washington Street when he was told the land was contaminated, and then they found out that it was only the surface, but no one told them that. He said a lot of things had been done down there to place back what had been lost. That is what they were trying to do with the Cooper River Bridge site, and people had to move for 'betterment,' but African American residents were being displaced. Because of this, it was hard to believe certain things coming forward that were going to happen, and that is why they needed to make sure they were seeing it happen. A lot of history had been lost, and African American residents were being moved out. He said that the Committee, as community leaders, had to do the best they could to make sure that they were working together to save things that were happening on the Peninsula.

Councilmember Waring said that everyone's effort was in the right direction. He said sometimes the emotions got high, and what they needed was an action step. He said the third ranking member of Congress represented Charleston and was very familiar with Gadsden Green, Congressman Clyburn, and he had access to the Director of HUD and the President. Councilmember Waring said he was sure there was an out-of-the-box strategy that they could

figure out with the Congressman and Director of HUD. They needed to create action steps as a solution to Gadsden Green as opposed to something the City could not control.

Chairman Moody said it seemed to him that every time they had something on the agenda about workforce housing or affordable housing. He agreed with Councilmember Waring that at one of the City Council Workshops, Council needed to be educated on the different definitions and how the Housing Authority and the Department of Housing and Community Development all worked together. He said it really needed a head-on approach, and this needed to be reversed.

Councilmember Gregorie said as the City has these discussions, they need to know they are talking about \$30 or \$40 million that the City needed to leverage into \$250 million to be able to do what the City needed to do.

On a motion of Councilmember Gregorie, seconded by Councilmember Mitchell, the Committee on Ways and Means voted to adopt the Committee on Real Estate Report. The vote was not unanimous. Councilmember Lewis voted 'nay' on item 'd' of the report.

The Committee on Ways and Means recommended giving first reading to the following bills:

*An ordinance to provide for the annexation of property known as 614 Stoneboro Court (0.23 acre) (TMS# 343-15-00-099), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Erin Hitchinson.*

*An ordinance to provide for the annexation of property known as 2027 Woodcliff Street (0.23 acre) (TMS# 355-15-00-060), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 2. The property is owned by Nicholas and Elaine Boyer.*

*An ordinance to provide for the annexation of property on Secessionville Road (2.14 acres) (TMS# 427-00-00-006, 427-00-00-116, 427-00-00-117, 427-00-00-250 and 427-00-00-251), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by ION Venture LLC.*

*An ordinance to provide for the annexation of property on Grimball Road Extension (0.79 acre) (TMS# 427-00-00-086), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by Johnny Troutman and Eunice Troutman.*

*An ordinance to provide for the annexation of property known as 1830 Maybank Highway Extension (1.0 acre) (TMS# 343-04-00-007), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Maria and Steven Mungo.*

There being no further business presented, the Committee on Ways and Means adjourned at 6:54 p.m.

Jennifer Cook  
Assistant Clerk of Council