

PUBLIC WORKS AND UTILITIES

Monday, March 7, 2022

A meeting of the Public Works and Utilities Committee was held this date A meeting of the Public Works and Utilities Committee was held this date held this date using Conference Call Number: 1-929-205-6099 and Access Code: 592 385 519 beginning at 4:30 pm. Notice of this meeting was sent to the news media.

PRESENT

Committee Members: Councilmember Perry K. Waring, Chair, Mayor John J. Tecklenburg, Councilmember A. Peter Shahid, Jr., Councilmember Ross A. Appel, Councilmember Mike Seekings and Councilmember Stephen M. Bowden. Also present was Councilmember Shealy, District Two.

City Staff: Mr. Tom O'Brien Director of Public Service, Mr. Matthew Fountain, Director Storm Water Management, Mrs. Julia Copeland, Corporation Counsel, Mrs. Amy Wharton, Chief Financial Officer, Mr. Matthew Frohlich, Deputy Chief Financial Officer, Mr. Richard Jerue, Senior Advisor to the Mayor, Mrs. Tracy McKee, Chief Innovation Officer, Mr. Jeremy Collins, Network Engineer and Ms. Jennifer Cook, Clerk of Council.

A. Invocation

Councilmember Seekings opened the meeting with an invocation.

B. Approval of Public Works and Utilities Committee Minutes:

1. February 22, 2022

On motion of Seekings, seconded by Councilmember Shahid, the Committee voted unanimously to approve the minutes as distributed.

C. Request to Set a Public Hearing

None

D. Old Business

None

E. Acceptance and Dedication of Streets

None

F. Temporary Encroachments Approved by Department of Public Service - for information only

1. **145 Captains Island Drive-** Installing irrigation system in right-of-way. This encroachment is temporary.
2. **462 Lesesne Street-** Installing irrigation system in the right-of-way. This encroachment is temporary.
3. **462 Lesesne-** Installing irrigation system in the right-of-way. This encroachment is temporary.

4. **49 S Market- Well Hung Vineyards** - Installing right angle sign in right-of-way. This encroachment is temporary.
5. **838 Morrison Drive** - Installing signal box, cross bucks, gates, flashers, pavement markings and signage for rail crossing. This encroachment is temporary.

G. Public Service Department Update
None

H. Stormwater Management Department Update

1. Low Battery Seawall Project Phase 3 - Recommend approval of a construction contract with Gulf Stream Construction Company, Inc. in the amount of \$21,496,256.00 for the restoration of the Low Battery Seawall from Limehouse to King Street. 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 item will institute a \$51,303,289.39 project budget from Hospitality Funds, Municipal Accommodations Tax Funds, Charleston County Accommodations Tax Fees, CWS Contributions and a future Hospitality Revenue Bond.

In response to a question from the Chair, Mrs. Wharton conveyed the hospitality revenue bond would cover the entire cost of this project. This item would be presented at City Council's next meeting.

Councilmember Seekings felt it was important to note that between the time the project began through today, Phase I consisted of 850-feet at a cost to the City of \$11,800 per foot. Phase II was 1100-feet, and after receiving a contribution from Charleston Water System (CWS) the cost to the City went down to \$9,500 per foot. Phase 3, included three bump-outs at cross road intersections and the cost to the City, net the CWS contributions, was approximately \$10,400.

Over the course of that time the world had gone through many changes one being the cost of construction. It had gone up anywhere between 30 to 50% depending upon what you're doing. This was complicated and material intensive construction to include concrete. The fact that it stayed within a couple of percentage points from beginning to the end, was nothing short of a miraculous. That was all credited to both all City staff internally and the team from Gulf Stream. Councilmember Seekings encouraged all to vote in favor of this request.

He noted funds were on hand to cover the costs through the end of the year. He encouraged all present to go down to the battery and meet the team working on the project in person.

Mayor Tecklenburg shared Councilmember Seekings enthusiasm moving forward with this contract. He thanked staff for keeping the costs flat. The Mayor pointed out there was a lot of discussion last year regarding federal infrastructure funding. Most of it was being given to the state of South Carolina (SC). Hence on behalf of the City

the Mayor submitted a number of projects for direct state support. It was his understanding, though not knowing the final amounts, funds would be given to the SC Rural Infrastructure Authority (RIA) who would then award grants to cities for water, sewer and drainage projects. It was his full intention to continue pursuing outside funding to help pay for these types of projects.

The Chair commented with regards to the bond, interest rates were down.

On motion of Councilmember Seekings, seconded by Mayor Tecklenburg, the Committee voted unanimously to approve the Low Battery Seawall Project Phase 3 - A construction contract with Gulf Stream Construction Company, Inc. in the amount of \$21,496,256.00 for the restoration of the Low Battery Seawall from Limehouse to King Street. 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 item will institute a \$51,303,289.39 project budget from Hospitality Funds, Municipal Accommodations Tax Funds, Charleston County Accommodations Tax Fees, CWS Contributions and a future Hospitality Revenue Bond.

2. Low Battery Seawall Project Phase 3 - Recommend approval of an amendment to the professional services contract with Johnson, Mirmiran, and Thompson, Inc. to provide construction management and inspection services for Phase 3 in the amount of \$\$842,381.31 for the restoration of the Low Battery Seawall from Limehouse to King Street.

On motion of Mayor Tecklenburg, seconded Councilmember Seekings, the Committee voted unanimously to approve Low Battery Seawall Project Phase 3 - An amendment to the professional services contract with Johnson, Mirmiran, and Thompson, Inc. to provide construction management and inspection services for Phase 3 in the amount of \$\$842,381.31 for the restoration of the Low Battery Seawall from Limehouse to King Street.

3. Update on Calhoun West Project (Requested by CM Seekings).

Mr. Fountain displayed and reported on a PowerPoint presentation entitled "STORMWATER MANAGEMENT DEPARTMENT, CALHOUN WEST STORMWATER IMPROVEMENTS UPDATE MAR 2022." A copy is on file in the Stormwater Department.

The Chair said there was a guest present and regrettably should have introduced Mr. Steve Thigpen, Director of Public Works Charleston County. He apologized to the Committee for not having done so previously. Not wanting Mr. Thigpen to sit through the entire meeting, he asked the Committee if they would agree to consider item number four "Update on Orleans Woods area and Dupont Wappoo Project" then return to item three.

Mr. Thigpen, with the assistance of Mr. Fountain displayed and reported on a PowerPoint presentation entitled "Glenn McConnell Parkway Widening, Presented to Public Works Committee, City of Charleston, March 7, 2022. A copy is on file in the Stormwater Department.

Councilmember Bowden asked with regards to the cost, \$2.5M, there any sense of what the price may be now. Mr. Thigpen replied the price was guaranteed by the contractor up until the 470th day unless there was a change in the scope of the project.

Mayor Tecklenburg felt that was a good price for right now. He thanked Mr. Thigpen for all his work on the project. He asked whether there was any consideration on behalf of Charleston County to help with the funding from sources other than the half-cent sales tax. Mr. Thigpen replied he was not part of those conversations as of yet.

The Mayor then asked Mr. Fountain whether 470-days was enough time to acquire the necessary permits. Mr. Fountain replied they could make it work but there would not be a lot of wiggle room.

Councilmember Seekings thanked Mr. Thigpen and his team for visioning this project out and including transit as an essential part of what was being done. He hoped all future projects from the County have the same considerations. Councilmember Seekings felt no matter how wide you made it, this corridor would be heavily burdened with traffic. He thanked Mr. Thigpen. The Chair on behalf of the Committee thanked Mr. Thigpen.

Next Mr. Fountain displayed and reported on a PowerPoint presentation entitled "Stormwater Management Department LAKE DOTTERER DRAINAGE IMPROVEMENT UPDATE MARCH 2022."

Modeling showed some significant improvement to Lake Dotter but none to the Church Creek flood scenario. A significant increase in height needed to be added to the existing dam to prevent tidal water from coming in. He suggested installing box culverts under the greenway and possibly a bridge under the traffic light.

In response to a question from the Chair regarding funding, Mr. Fountain replied there were challenges with funding the drainage pipe installation and downstream improvements. One recommendation was to look at working under the greenway. Though it wasn't designed or permitted at this time, they could look at doing the engineering portion and get a cost estimate for Long Branch Creek. A package to fund the entire project.

National Oceanic and Atmospheric Administration (NOAA) had a strong interest in the ecological side of Long Branch Creek. They wanted to see improved salt water flushing in that area and are getting another grant funding source from some of the infrastructure and resiliency money from the federal level. This was a good project and NOAA asked if the City would partner with them in an application for design work in Long Branch Creek.

Mayor Tecklenburg asked Mr. Thigpen from a practical and logistical point of view, would it matter when the project was done in conjunction with the widening project as opposed to another year or two. Would there be additional construction costs. Mr.

Thigpen replied the only drawback was waiting and having to recut asphalt as Mr. Fountain gets the project permitted.

Mayor Tecklenburg asked Mr. Fountain if there was anything preventing the City from pursuing both projects at the same time. Mr. Fountain replied it would depend upon the strategy and approach decided upon.

Councilmember Seekings asked the Mayor what reasons were given for this part of the project not being eligible for the one-half percent sales tax. He felt like it seemed like the natural adjunct to this project. Mayor Tecklenburg replied that issue arose during the Greenville court case, which questioned local government's use of the one-half sales tax. The City of Charleston made a specific request, upfront, and they replied not eligible.

Councilmember Appel didn't see any other reason why the one-half percent sale tax could not be used other than politics.

Mayor Tecklenburg asked if elevating the dam would address the immediate need. Mr. Fountain suggested improving the dam height and checking the outfall. It would help with unpredicted storms but not hurricanes. Cutting off the flow into Church Creek would be a huge benefit. The other issue was draining the lake to a lower level. He noted Wesson and Sampson recommended bringing the dam up to 8 feet.

The Chair felt the City hadn't allocated much money to fund major actions steps to remove this water. Adding there was 40% in delinquent fees that the City needed to collect. That is didn't make sense to start a project and then come back two to three years later to re-cut the road and place pipes underneath.

The Chair apologized again to Mr. Thigpen for not recognizing him earlier. He along with the Committee thanked him for attending.

Councilmember Seekings stated he sent the Chair a message with a special request to carry over the rest of the conversation on Calhoun West. He had to prepare for a medical procedure scheduled for tomorrow.

By acclamation the Committee voted to carry to the next regularly scheduled meeting of the Public Works and Utilities Committee the "Update on Calhoun West Project"

4. **Update on Orleans Woods area and Dupont Wappoo Project (Requested by CM Waring)** .
5. **Update on Cooper/Jackson (Upper East Side) Project** .

The Chair requested and by acclamation the Committee carried the matters "Update on Orleans Woods area and Dupont Wappoo Project" and "Update on Cooper/Jackson" be carried over to the next regularly scheduled meeting of the Public Works and Utilities Committee.

The Committee next considered Item I-1.

- I 1. Ordinance to accept non-Exclusive Stormwater Drainage Easements, marked in the attached plats and incorporated herein as Exhibit A, for the purposes of periodic inspection and maintenance by the City of Charleston in the Ashley Harbor Neighborhood in a form approved by Legal Counsel.

Ms. Copeland conveyed after meeting with the HOA the best way forward through this process would be for the neighborhood to grant the City a Non-Exclusive Drainage Easement. She noted there were twenty-five neighborhood outputs.

Mayor Tecklenburg asked Mrs. Copeland how maintenance was being defined. He wanted to make sure both parties knew what the limitations were.

Mr. Fountain added the Non-Exclusive Drainage Easement was overlaying existing general utility easements so it would be hard to retroactively be exclusive.

Mrs. Copeland and her staff will move this forward to City Council once details are worked out with the HOA.

Mayor Tecklenburg made a motion to approve the request. Councilmember Shahid seconded the motion.

Councilmember Appel referenced a case he was involved in with the stormwater features was on private property. He wondered whether there was any discussion about whether certain steps needed to take place on behalf of the HOA to bring these features up to standard before the City took over maintenance responsibilities. Mr. Copeland replied currently as written the agreement did not address Councilmember Appel's concerns.

Councilmember Appel didn't want the City to incur certain liabilities and issues. He wanted to make sure the document was structured and made it very clear what the City would or not do. Mr. O'Brien stated in the past the policy was to send inspectors out to assess the condition of the area and require the land owner to make needed repairs.

Mayor Tecklenburg added he was thinking about this for years it was a common practice for the City to solely respond to a clog. He appreciate the thought of having an inspection but didn't know feel the City should commit to a regular inspection.

The Chair agreed the document should be simple having taking out the inspection portion. Mr. Fountain added the Chair's suggestion of just limiting the agreement to basic cleaning was probably going to be the most expedient from a cost and risk and liability.

On motion of Councilmember Appel, seconded by Councilmember Shahid, the Committee voted unanimously to approve entering into the non-exclusive easement for stormwater maintenance with Ashley Harbor HOA and, in so doing, clarify the limited maintenance duties assumed by the city (in light of Matt Fountain's commentary preceding my motion).

The Chair thanked Mrs. Copeland, Councilmember Shealy and everyone present for their input on this matter.

2. Executive Session pursuant to S.C. Code Sec. 30-4-70 (a) (2), to receive legal advice, if needed. Committee may or may not take action post executive session.

In response to a question from the Chair, Mrs. Copeland replied this was listed in the event Executive session was needed.

J. Miscellaneous or Other New Business
None

On motion of Councilmember Shahid and by acclimation of the Committee the meeting adjourned at 5:52 pm.

Vanessa Ellington
Clerk of Council's Office