

PUBLIC WORKS AND UTILITIES

Monday, April 26, 2021

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 5:33 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 Harry Joseph Griffin and Councilmember Ross A. Appel. Also present was Councilmember Jackson.

City Staff: City Staff: Mr. Tom O'Brien Director of Public Service, Mr. Matthew Fountain, Director Storm Water Management, Mr. Jason Kronsberg, Director of Parks, Ms. Julia Copeland, Assistant Corporation Counsel, Mr. Rodney Porter, Senior Landscape Architect, Mr. Richard Jerue, Senior Advisor to the Mayor, Mrs. Tracy McKee, Chief Innovation Officer, Mr. Daniel McQueeney, Assistant Corporation Counsel, Mr. Keith Benjamin, Director of Traffic and Transportation, Mr. Robert Somerville, Deputy Director Traffic and Transportation,

A. Invocation

Councilmember Griffin opened the meeting with an invocation.

B. Approval of Public Works and Utilities Committee Minutes:

1. March 22, 2021
2. April 13, 2021 - Deferred

On motion of Councilmember Shahid, seconded by Councilmember Appel, the Committee voted unanimously to approve the March 22, 2021 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. **82 Wentworth St.** - Basic Kitchen - Replacing 11'x2'4x3'4 awning encroaching above the City right-of-way. This encroachment is temporary. **Approved April 23, 2021**
2. **104 Falaise St.** - Installing 7 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**

3. **104 Integrity Ln.** - Installing 8 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
4. **116 Falaise St.** - Installing 3 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
5. **120 Falaise St.** - Transfer 7 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
6. **120 Nobels Point St.** - Installing 16 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
7. **121 Integrity Ln.** - Transfer 7 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
8. **125 Integrity Ln.** - Transfer 7 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
9. **133 Captains Island Dr.** - Installing 4 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
10. **320 Bayley Rd.** - Installing 11 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
11. **332 Bayley Rd.** - Installing 11 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
12. **580 Wading Pl.** - Installing 16 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
13. **576 Tribeca Ct.** - Installing 6ft fence encroaching in the City drainage easement. This encroachment is temporary. **Approved April 23, 2021**
14. **608 Bermuda Isle St.** - Installing 3 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
15. **1028 Harriman Ln.** - Installing 9 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
16. **1223 Water View Ln.** - Installing 2 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
17. **1231 Smythe St.** - Installing 5 irrigation sprinkler heads encroaching within the City right of way. This encroachment is temporary. **Approved April 23, 2021**
18. **1957 Zonny Moss Dr.** - Installing 4ft fence encroaching in the City drainage easement. This encroachment is temporary. **Approved April 23, 2021**

19. **2021 Bouganvilla Dr.** - Installing 6ft fence encroaching in the City drainage easement. This encroachment is temporary. **Approved April 23, 2021**
20. **2363 Lantern St.** - Installing 6ft fence encroaching in the City drainage easement. This encroachment is temporary. **Approved April 23, 2021**

In response to a question from the Chair, Mr. O'Brien replied all of the encroachments were standard and all roadways were inspected. They were all approved.

H. Public Service Department Update

1. Discussion and Consideration of Amendments to the Street Tree Manual.

Mr. Kronsberg stated this was a document the City used place value on trees, how and where to plant trees and the rules developers have to follow. Mr. Kronsberg thanked Ms. Copeland and Mr. Rodney Porter for all their help on this project.

Ms. Copeland reviewed the memo regarding the Proposed Amendments to Street Tree Manual attached to the agenda.

Mr. Porter conveyed the original street tree manual was adopted in 2011. That the current mitigation rates for trees was \$295 for 2½-inch trees which was \$118 per caliber inch. The new manual changed the rate from \$118 to \$275 per caliber inch. The new rate takes into account deductions based on tree location, species, structure and health. There would be more scrutiny in return for nice trees and a bit more leniency for trees that are not so desired in the right-of-way.

He noted a 2-inch tree being removed was not the same as a 42-inch tree in value. Trees are replaceable and easy to cut down. So staff wanted to get away from developers removing trees as a cost of doing business and give trees a better chance of surviving development.

By comparison, staff looked at other municipality rates, Charleston County rates were based upon current market values, North Charleston's mitigation rates was \$217 per caliber inch and the Town of Mount Pleasant was \$168 per caliber inch. Staff felt the new rates were justifiable.

Mr. Porter conveyed the trees will now be judged and graded fairly by an arborist selected by the developer.

In response to a question from the Chair, Mr. Kronsberg stated he would have to know the whole story to determine the City's liability in the event of person property damage. An investigation would have to be conducted.

The Chair asked when Dominion Energy communicates with those doing the cutting whether something was being lost in translation. He referenced an incident near Charles Towne Landing where there were more trees cut than the City's policy allowed. Mr. Kronsberg replied, the Street Tree Manual did not have any overview of the transmission line for clearance and pruning. There were two separate issues. The manual was a tool to help developers understand what they need to do in order

to plant trees in new roadways. The City has a street tree bonding that last multiple years.

The Chair asked how the City checked to ensure the policies were being adhered to. Mr. Kronsberg replied the City's Street Tree Pruning agreement with Dominion Energy did not cover transmission lines. Hence, pruning was more aggressive and governed by federal guidelines. Referencing Charles Towne Landing, Mr. Kronsberg noted Dominion Energy had done more work out there than ever before. They are replacing poles and creating access for themselves. Dominion Energy and Charleston County Parks and Recreation (CCPRC) have an arborist report and may recommend removing all of the trees in that area.

Mr. Porter added this new manual took into consideration trees that were currently underneath the lines. A developer may not be liable for the full cost of a tree that looked like it was pruned for ages by Dominion Energy. The manual maintains a fair assessment of a tree that was manipulated by a power line company.

Councilmember Shahid stated Dominion added more power line poles and he wasn't sure what came first given the age of the trees. He felt the trees were butchered and felt it would better to get rid of the first level of deformed canopy trees. He this was a sensitive issue as he and others received concerned feedback from constituents.

In response to a question from Councilmember Shahid, Mr. Kronsberg stated this manual will prohibit the wrong tree from being placed beneath the power lines minimizing pruning.

In response to a question from the Chair, Mr. Kronsberg replied it was his understanding that CCPRC provided an update to the neighborhoods on their future plans for the new park and how they would address street frontage. Councilmember Shahid stated that was correct. The Chair felt Mr. Whack should be involved in this as well to ensure City Council was made aware of what was going on in the process.

Mayor Tecklenburg fully support the changes and felt it was heading in the right direction.

In response to a question from the Chair, Mr. Kronsberg replied monies paid back to the City for tree removal was placed in a special allocation used for tree planning and maintenance.

Councilmember Appel thanked staff for a great job on this. He added the City renegotiated and reestablished an agreement with Dominion Energy two years ago as the prior agreement expired. He asked for this to be placed on an upcoming agenda for a two year review of what worked, what was not working and communication. He felt the City needed to ensure the checks and balances were good. He felt everyone needed to recognize, especially in some of the older neighborhoods and unique areas in the City, the need to strike a good balance. He felt the City needed to make sure the frame work and agreements made sense and was reasonable. The Chair felt that was an excellent idea. He asked staff to have this item placed on the Committee's agenda for the second meeting in May.

On motion of Councilmember Shahid, seconded by Councilmember Appel, the Committee voted unanimously to approve the Street Tree Manual.

I. Stormwater Management Department Update

1. Stormwater Manual Taskforce Update

Mr. Fountain conveyed the general consensus from the task force was that the major updates to the manual was relatively successful. That is was a clear and consistent update. That both the development and technical engineering communities expressed general support; a shift from last year. Within the first nine months of the new restrictions seventy-five applications were submitted.

There was some hesitancy against making definitive statements about fill restriction to strengthen those aspects of the manual. There was general consensus on small sites needing regulation. There were a few technical folks who cautioned against the overregulating of small commercial development and making it harder for them to build.

There was a push for showing predevelopment flow, where water flowed from on the site and post development, any water being generated on the site had to make its way to a public stormwater system.

There was more time spent on the fill provision. There was some concern from the development community with the amount of time the manual was in place. However, all groups seemed comfortable with implementing a restriction on slab on grade construction as a way to reduce the incentive for fill. Not speaking for the development community, but generally, it was thought the availability of that building product drove sites toward fill.

Councilmember Appel asked Mr. Fountain whether communication improvements would help speed up the process. Mr. Fountain replied they were getting really close to getting the submittals on time however they lost three staff reviewers within the last few months. However they were working on hiring replacements. Overall the process was better.

Councilmember Jackson commented she served on the committee on behalf of City Council and felt Mr. Fountain did a god job on summarizing the process. She would be favorably inclined to take a look at the small subdivision or single development. There was concern for new builders to tear down and build out on former smaller footprints.

Mayor Tecklenburg asked if it were appropriate for staff to prepare amendments to this manual and bring back to the Committee for consideration, any proposed or notable policy changes. Mr. Fountain replied staff would start putting together the grammatical and actual policy changes together. The Chair asked affordable housing to be included to ensure unintended consequences to affordability.

J. Miscellaneous or Other New Business

1. Executive Session pursuant to Section 30-4-70(a)(2) of the South Carolina Code, to receive legal advice regarding the barricading of portions of Frampton Street and Fairway Drive within the Country Club 2 subdivision. Upon returning from executive session, the Committee may or may not take action to recommend a resolution to set a public hearing before City Council to return one or both of these rights-of-way to their original condition.

Mr. O'Brien stated for the purpose of the Executive Session he asked for Mr. Benjamin, Mr. Somerville, Mr. Jerue, Mrs. McKee, Mr. McQueeney and himself to be included in the Executive Session.

On motion of Councilmember Griffin, seconded by Councilmember Appel the Committee voted unanimously to go into Executive Session at 6:14 pm to receive legal advice regarding the barricading of portions of Frampton Street and Fairway Drive within the Country Club 2 subdivision.

On motion of Councilmember Shahid, seconded by Councilmember Griffin, the Committee voted unanimously to return to Open Session at 6:47 pm. The Chair stated the Committee received information from legal counsel but no action was taken.

By acclamation the Committee adjourned at 6:48 pm.

Vanessa Ellington
Clerk of Council's Office