

CITY COUNCIL SPECIAL MEETING

6:30 p.m., Tuesday, July 24, 2012

A Special Meeting of City Council was held at 6:30 p.m. on Tuesday, July 24, 2012 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Carroll, Stone, Thomas and Ward, Mayor Cronin, City Administrator Tucker, Assistant to the Administrator Dziuban and City Clerk Copeland. Councilmember Loftus' absence was excused, and a quorum was present to conduct business. Invited guests in attendance were Cathy Ruff, Director of Greenbelt Programs for Charleston County, Peggy Potts, Program Specialist and Sharon Praete of the City of North Charleston.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. Presentation on the Uses of Greenbelt Funds – Cathy Ruff, Charleston County

Mayor Cronin stated that the purpose of the meeting was to get a briefing about Charleston County's Greenbelt Program because the City Council will be considering the acquisition of the one (1) acre lot at the intersection of 18th Avenue and Palm Boulevard using funds allocated to the Isle of Palms from the Greenbelt Program. The amount allocated to the City totals four hundred seventy-four thousand three hundred five dollars (\$474,305); Ms. Ruff will explain to Council what can and cannot be done with the lot in the future.

Administrator Tucker introduced Cathy Ruff and her assistant Peggy Potts with whom City staff will work closely if Council agrees to move forward with this opportunity to use the City Greenbelt funds. In addition, the Administrator introduced Shannon Praete who has experience with acquiring North Charleston's Greenbelt allocations; she has experience in deals that involved the City closing on real estate first and seeking reimbursement out of the Greenbelt Program. Ms. Praete agreed to attend tonight's meeting to give testimony and to answer questions about those deals.

After distributing a handout on the presentation she was about to give, Ms. Ruff initiated her comments by reviewing the history of the Greenbelt Program, which is funded out of the half-cent sales tax that was approved by referendum in 2004. (A handout is attached to the historical record of the meeting.) Two hundred twenty-one million dollars (\$221,000,000) was dedicated to preserving greenspace and allocated thusly:

- County parklands - \$36,000,000;
- Rural Greenbelt Program - \$66,500,000;
- Urban Greenbelt Program - \$28,500,000; and
- Debt Service and Program Administration - \$90,000,000

The City of Isle of Palms funds come from the Urban Greenbelt Program.

The Greenbelt Plan funds can be used to protect active greenspace, natural infrastructure, productive landscapes, heritage landscapes, natural resources, passive greenspace and corridors to meet their goal to protect forty thousand (40,000) acres. In order to facilitate use and access to the land, the program allows for minor improvements, such as boardwalks, foot bridges, unpaved trails, unpaved roadways and unpaved small parking areas. Since the beach communities find it difficult to locate land that could be purchased with their Greenbelt

allocation, County Council agreed to allow these communities to make improvements to land the local government currently owns; the program also places the same covenants and restrictions to this property as all other lands purchased and protected with greenbelt funds.

Ms. Ruff explained that the City of Isle of Palms was actually awarded funds for a project that did not take place; the City can withdraw the project and submit an application for an alternate since no funds have been spent. She then walked Council through the grant process that includes an annual evaluation after the project has been completed. Special circumstances do arise which create the need to acquire land after the submission of an application, but before approval by County Council; in these cases reimbursement is possible. When these special circumstances do occur, the applicant assumes the risk that County Council will not approve the application. The application deadline is August 31st with grant agreements executed in October or November.

When Mayor Cronin asked whether the City could meet the August 31st deadline, Administrator Tucker voiced confidence that the deadline was possible. If Council is inclined to approve the resolution tonight, letters that must be sent to residents within three hundred (300) feet of the property are ready to be mailed tomorrow. The property owner has requested an appraisal of the property, which is another requirement of the application. The balance of activity will be working with Ms. Ruff and Ms. Potts to make sure that all of the required information has been submitted.

The Mayor mentioned that he has spoken with the City's County Council representative who opined that, if the City meets the criteria, the funds belong to the City to decide how to apply them.

When asked to review the restrictions put on property by the Greenbelt Committee, Ms. Ruff noted that the first criteria was that the property fall into one (1) of the seven (7) categories for which the funds are used. If the entity wants to construct a building on the property, it must be very small in relation to the size of the property. The five (5) categories of improvements can be funded with Greenbelt money, but, if the improvement were to be a paved parking area, Greenbelt funds could not be used. The application will include a description or designation of what will be done to the property and how it will be used; assuming that program criteria are met, the program application is attached to the deed in perpetuity. If the City were to decide in the future to convey it for the same purposes for which it was bought and if the entity involved is an eligible Greenbelt recipient, Board level approval will be required. If conveyed for purposes other those for which it was purchased or if the entity involved is not an eligible Greenbelt recipient, the transfer must be approved by County Council.

Councilmember Stone remarked that several easements are around and abutting the property the City is interested in acquiring and asked whether a purchase using Greenbelt funds would restrict the use by public utilities. According Ms. Ruff, the only problem would arise if the utility were to pay the City for the easement through the property; if that were to be the case, the City would be required to receive a proportionate share of those funds based on the Greenbelt investment.

Councilmember Ward asked whether any reimbursements have been denied by County Council; Ms. Ruff answered that none had been denied.

Mayor Cronin posed the same question to Ms. Praete who stated that, in the past twelve (12) months, North Charleston has had five (5) projects funded through Greenbelt money and four (4) were reimbursements.

Councilmember Carroll referred to the statement that the average price per acre purchased with Greenbelt funds to-date was less than thirty-two thousand dollars (\$32,000). Based on that, he asked whether the cost of this property, which far exceeds that amount, would impact the decision by County Council to approve the application. Ms. Ruff stated that the Greenbelt program can pay up to the appraised value of the property.

Administrator Tucker related that one of Council's concerns is that the City will move to purchase property, then be denied reimbursement by County Council. The Administrator asked Ms. Ruff to provide information on how many applications have been declined and why they were declined. Ms. Ruff was unable to remember any applications for urban funds that have been declined, but, on the rural side, properties that were not conducive to the use described, the entity was asking for more than was affordable – the price was out of line. The difference with the urban funding is the County Council believes that the local government knows its constituency and is working to meet their needs. Basically, declinations occur when the project is outside the purposes of the Greenbelt program.

3. With no more questions or concerns from City Council, Mayor Cronin closed the Special Meeting at 6:57 p.m.

Respectfully submitted:

Marie Copeland
City Clerk