



Real Property Committee

1:30 p.m., Monday, November 1, 2021
1207 Palm Boulevard, Isle of Palms, SC
Council Chambers

Public Comment:

All citizens who wish to speak during the meeting must email their first and last name, address and topic to Nicole DeNeane, City Clerk, at nicoled@iop.net no later than **3:00 p.m. the day before the meeting**. Citizens may also provide written public comment here:

<https://www.iop.net/public-comment-form>

Agenda

1. **Call to order** and acknowledgment that the press and the public have been duly notified of the meeting in accordance with the Freedom of Information Act.
2. **Approval of previous meeting's minutes** – October 4, 2021
3. **Citizens' Comments**
4. **Marina Tenants Comments**
5. **Old Business**
 - a. Update on marina dock rehabilitation project
 - b. Update on marina restaurant renovation by Marker 116, LLC
 - c. Consideration of request from Marker 116, LLC for the City to approve restaurant building plans without an elevator
 - d. Consideration of noise control agreement with Marker 116, LLC
 - e. Update on proposed public dock and greenspace at the IOP Marina
 - f. Update on ADA beach access improvements
6. **New Business**
 - a. Discussion of shared parking at marina
 - b. Discussion of 5-year update to the Local Comprehensive Beach Management Plan
 - c. Discussion and consideration of eligible projects for Charleston County Greenbelt Program's FY22 Winter Funding Cycle
7. **Miscellaneous Business**

Next meeting date: _____, _____, January _____, 2022.
8. **Executive Session** – If needed.
9. **Adjournment**



REAL PROPERTY COMMITTEE

1:30pm, Monday, October 4, 2021

1207 Palm Boulevard, Isle of Palms, SC 29451

and broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Council members Popson and Streetman

Absent: Council Member Moye

Staff Present: Administrator Fragoso, Director Kerr

2. Approval of previous meeting's minutes – September 13, 2021

MOTION: Council Member Popson made a motion to approve the minutes of the September 13, 2021 meeting and Council Member Streetman seconded the motion. The motion passed unanimously.

3. Citizens' Comments -- none

4. Marina Tenant Comments

5. Old business

A. Update on marina dock rehabilitation project

Administrator Fragoso reported that the demolition of the charter docks was completed without any issues. The installation of the staging dock has begun. She said, "Our expectation is that the finger piers and all pilings will be completed by this week, and the docks turned over to the utilities so they can do all the necessary connections with water and the power as well. For the restaurant and face docks, those have been completed. There is a small list of punch list items that they are still working through. There are some metal plates that have not yet arrived. Once they do, they will be installed. The third bacterial testing of the potable water system is expected. Those results are expected today. Once those results are made public, then the water will be available for the public."

She stated that the change order for Salmon's to make the aesthetic improvements to the section of the dock being leased by the restaurant has been executed. She is awaiting the work schedule for those improvements.

Administrator Fragoso said that she and Kirby will be meeting with Salmon's to discuss the November 19 projected completion date. She anticipates Salmon's asking for an 18-day

extension due to the work on the restaurant dock as well as issues at the restaurant's sandpit area uncovered while they were doing connections. She added, "I approved the expense associated with the materials. I did not approve any extension of the dates yet. I think that should be treated separately then with piggy backing on a change order. So we are anticipating having a discussion about what that looks like. There are some material shortages that are impacting a portion of the fuel dock. Those docks, the manufacturers have started working on those, but they haven't completed them because of some issues with the aluminum." They are still working with the contractor to identify alternative materials or suppliers for the aluminum.

B. Update on marina restaurant renovation by Marker 116, LLC

Rob Hamill of Nucor Construction gave an update on the work being done at the restaurant. "Right now, we are wrapping up electrical and plumbing rough-in. We got our framing inspections for exterior framing done. So now they are working on some of the more cosmetic things like railings and decking. We've replaced pretty much all of the roofing on the lower mechanical area. We took the units down, replaced the roof in there, and focusing mostly on the interior rough-in. Fire sprinkler rough-in is going really well right now. They got a lot of that done, bringing everything up to code. Hoping to get our inspection so we can start closing up walls, get drywall, get some of the interior finishes going, get the bathroom going, but everything's looking pretty good out there." He is projecting a late December/January completion.

Mr. Hamil explained the change regarding the elevator: "The restaurant group wanted an elevator for ADA and operations. So we had an architect review what was there in the existing structure where we could fit this elevator while still doing the rest of the necessary operations, renovations that everybody wanted. So we found the spot we had was between two load-bearing walls right in the middle of the restaurant. I think some people have toured and seen this, but so the architect had put in an elevator shaft that he thought would be a typical one to that one, so he could design the ADA bathrooms that we now added that were not there before around that spot. What happened is that when we finally had proposed that and submitted those drawings and people would say that is a great idea. Let's do this. That was prior to actually vetting it through the elevator company. So we went through two different companies, got shop drawings from them, and then laid the actual elevator pit size there, and then with the fire-rated walls that you have to have for an elevator, once we did that, it actually pushed too far into the men's bathroom. So now the men's room cannot be ADA if we had the elevator because you actually could not even open the door."

Mr. Bushnell reported that the architect is due back this week to look at options for an elevator. Council Member Streetman said the public is expecting an elevator and he would like for the full City Council to weigh in on the options. Administrator Fragoso said that if Marker 116 comes up with a plan for an elevator, City Council will not need to do anything. But if they are unable to accommodate an elevator, then City Council would have to take action on approving a modified design without the elevator.

Mr. Bushnell said, “There are five comments that I just want to make sure that everyone is aware of is that with how it is currently constructed, we have rebuilt the entire handicap ramp and redone the stairs. With that, we are going to have over 225 seats that are handicap and wheelchair accessible. We have a ground-level view outside of the water that is wheelchair accessible. We now have the interior heated and cooled space which is wheelchair accessible. We rebuilt the bathrooms, which are both now ADA-compliant, which were not before. We have also built a new hallway and a new porch on the back which is also wheelchair accessible, which now gives you an elevated view of the water. We have a number of seats that are in the building which is far improved. But the point being is that we have wheelchair accessible views from the ground inside the building and from the rear exterior that is elevated. So there are those three options that are already there.”

Council Member Streetman said they should be commended for the changes they have made to the restaurant. He asked about the upstairs bathrooms not being ADA complaint. Director Kerr said, “when discussing it with the City’s Building Official, it was his opinion that because that’s an existing condition, those bathrooms are basically in their original condition as they have been and as they took them over that he did not feel the standards would require that they be retrofitted to the degree that it would take to make them ADA accessible. I don’t think that it would basically be an addition to the building to get the space necessary to meet those standards, and he did not feel like that was the way the ADA standard worked.”

Director Kerr noted that ADA compliance and complaints are handled by the DOJ. So while he is not aware of any complaints about this issue, he said the City is not the final judge and jury on the matter.

C. Consideration of Noise Control Agreement with Marker 116, LLC

Administrator Fragoso said this issue needs to be completed by this Council. She said some changes were made to the agreement adding clarity as to what is expected to happen should a noise complaint be lodged against the restaurant. Marker 116’s attorney is still reviewing the agreement.

MOTION: Council Member Streetman made a motion to recommend the noise control agreement with Marker 116, LLC to full City Council for approval. Council Member Popson seconded the motion. The motion passed unanimously.

D. Update on the proposed public dock and greenspace at the IOP Marina

Administrator Fragoso said once the holdover tenant has vacated the property, the City will engage Davis & Floyd to fully engineer the greenspace. She has asked Salmon’s for a proposal to install some “enhancements to the dock as it is today to facilitate paddleboard and kayak launching” as well as some “improvements to the covered area that currently was being used as a point of sale location for the installation of several swing benches.”

She added that this dock is slated for replacement in two years, but upgrades can be made now to make it functional.

D. Update on ADA beach access improvements

Administrator Fragoso reported that Asst. Director Asero has been working with the City's landscape vendor to lift the MobiMat at 42nd Avenue, regrade it, stabilize it, and then extend it to attach an additional [50'] long MobiMat that would extend past where we have it now." The City has contracted with the landscape vendor to do this work every month. Director Kerr said this is a 6-month pilot program to see how successful their efforts are and how often it actually needs to be done. The cost could go up or down depending on how often the mat needs to be adjusted.

The survey at 34A Beach Access has been completed, and Administrator Fragoso has approved funds to go forward with the design and engineering of the improvements.

She reported that the final details of the beach wheelchair program are being put into place now that the funding for the wheelchairs has been approved.

Administrator Fragoso said there is no update from OCRM on any changes to their code about allowing for the extension of the MobiMats closer to the shore. Council Member Streetman said he is meeting with Representative Bustos this week and will discuss possible legislation addressing this matter with him.

6. New Business -- none

A. Discussion regarding request to reinstate the No Wake Zone on the ICW

Administrator Fragoso said she would speak with the Chair of Public Safety Committee about adding this discussion to their upcoming agenda. She suggested that City Council could pass a resolution in support of the effort to extend the No Wake Zone to year round.

B. Discussion of new elevator in marina restaurant

This item was covered during the update on the marina restaurant.

7. Miscellaneous Business

The next meeting of the Real Property Committee will be held on Monday, November 1, 2021 at 1:30pm.

8. Adjournment

Council Member Popson made a motion to adjourn and Council Member Streetman seconded the motion. The meeting was adjourned at 2:15pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Marina Dock Rehabilitation Update

Dock Area C – (Restaurant and Face Docks)

- Electrical cover plates for the remaining areas of the Restaurant and Face Docks, and all of the cover plates for Charter Docks arrived. Contractor has been waiting for this shipment since June.
- Fire standpipes will be straightened and all 4 will be recoated
- Salmons working on freeboard issues on 2 locations. Spacers between dock and floats will be replaced.

Dock Area B (Charter Docks)

- All piles driven and docks installed. Area B has been turned over to electrical and water utility contractors.
- Approximately 2-3 weeks for completion.
- This phase has been included in dock insurance.
- Water hookup

Dock Area A (Fuel dock)

- Original and revised completion scheduled was pending availability of materials.
- Delivery of fuel platform expected 11/15. Platform and docks need to be assembled in Salmon's shipyard.
- Demo of fuel dock and hut scheduled for 11/29.
- Petroleum Marine scheduled to remove dispensers and secure fuel system on 11/15.
- Installation of fuel platform and docks between 12/1 – 12/15
- Construction of fuel hut scheduled 12/15, followed by fuel system installation and utilities.





Marina
Restaurant
Progress
Update
10/29/2021



Marina Restaurant Progress Update 10/29/2021



Before



After



Marina Restaurant Dock Improvements

From: [Chrissy Lorenz](#)
To: [Desiree Fragoso](#); [Douglas Kerr](#)
Subject: [EXTERNAL] Marina Restaurant Elevator
Date: Wednesday, October 27, 2021 4:56:24 PM

[EXTERNAL]

Desiree and Douglas,

In regard to the elevator at the marina restaurant, we have exhausted our efforts in finding a solution for placing an elevator at the restaurant.

As you know, we had plans to situate the elevator inside the building. But due to the specs of a commercial elevator being larger than the architect originally drew, it created ADA compliance issues with the bathrooms and other structural issues.

We looked to add a chair rail system to a staircase, but the company informed us that the system was not commercially rated and would have other significant safety issues.

Any other options that we have explored either hindered and reduced customer seating or created operational challenges for the restaurant.

We have made significant improvements for ADA compliance. This also enhanced the restaurant's operational and functionality, as well as to improve the overall structure, safety and customer enjoyment of the marina restaurant.

At this time, we would like to have the council approve our change with the restaurant to move forward without an elevator.

Please contact me if you would like to discuss further.
Kind Regards,

Chrissy Lorenz
Marker 116, LLC
Managing Partner

--

Chrissy Lorenz
Chrissy@Mex1can.com
843-568-8307

[Mex 1 Coastal Cantina](#)
DROP IN, CHILL OUT
www.mex1coastalcantina.com

Public Dock & Greenspace at IOP Marina

- Proposal and agreement with Davis & Floyd for the development of landscape bid documents for greenspace on hand & ready for execution. Approx. 9K
- Salmon's Dredging provided a Time & Materials estimate for the necessary work on the dock, while they are on site. Approx. 15K
- ATM securing multiple quotes and delivery schedule for kayak launch pad.
- Staff coordinating meeting with marina stakeholders.



From: [Slagel, Matt](#)
To: [Desiree Fragoso](#)
Cc: [Douglas Kerr](#); [Williams, Blair](#)
Subject: Re: [EXTERNAL] Fwd: FW: Beach Accessibility/wheelchair access
Date: Friday, October 29, 2021 3:45:19 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[GP-2019-BAM.pdf](#)
[Critical Area Permit Application.pdf](#)

[EXTERNAL]

Desiree,

I have discussed with DHEC OCRM management and our legal counsel whether beach access mats might be allowable across the dry sand beach to the approximate high tide line. The General Permit for beach access mats that is currently available was designed to provide a streamlined permitting mechanism for these structures. It was also designed to balance public beach access needs at heavily-used beach access points with natural resource protection. As you know, Special Condition #4 of the General Permit states that "The mats must not extend further seaward than the seaward toe of the primary oceanfront sand dune or the first line of stable natural vegetation, whichever first occurs, measured from the ocean landward." The General Permit for beach access mats is attached for your reference.

If an applicant desires to install a beach access mat that exceeds the allowable seaward extent prescribed in the General Permit, they may apply for an individual Critical Area Permit. In this case, the type of activity would be considered major because the structure would be located seaward of the DHEC OCRM baseline. The Major Critical Area Permit process includes a completed application, \$250 application fee if the applicant is a local government or \$1,000 application fee if the applicant is a private entity, completed Affidavit of Ownership or Control form and supporting documents, professional signed/stamped drawings, 30-day public comment period, and newspaper notice affidavit of publication. The Critical Area Permit application packet is also attached for your reference.

Please let me know if you have any questions. I have relayed this message to Mr. Smiley as well.

Thanks,
Matt

--

Matt Slagel

ADA Access Improvements - Beach Access Paths

42nd Avenue

- Mobi-mat replaced and extended approximately 50 feet towards the seaward toe of the primary dune.
- Beach access has been placed in a monthly regrading schedule.



34A

- Topographical survey complete
- City executed agreement with Furman LandDesign for the development of drawings and specs for new ADA boardwalk



ADA Access Improvements - Beach Access Paths

21st Avenue

- Dune growth presents maintenance and mobility challenges
- 3 options to consider:
 - Continue clearing down
 - Build new boardwalk 24" above new dune
 - Abandon existing down ramp and install mobi-mat or Mr. Boardwalk on top of the sand



Beach Wheelchair Program

- 3 beach wheelchairs purchased. Delivery expected by mid November 2021.
- The rental will be on a first-come, first-serve basis. No reservations are taken.
- Beach wheelchairs will be available from 8:00 a.m. to 8:00 p.m. at the Public Safety Building. They must be returned no later than 8:00 p.m. the day of the rental. The City will not pick up or deliver beach wheelchairs.
- Renters will need to submit a rental form, provide copy of driver's license and credit card.



Local Comprehensive Beach Management Plans

DHEC's Office of Ocean and Coastal Resource Management is responsible for the management of the state's beachfront and coastal zone. The Beachfront Management Act (S.C. Code Ann. § 48-39-250 *et seq*), establishes a requirement that ocean beachfront counties and municipalities prepare local comprehensive beach management plans in coordination with DHEC-OCRM. These plans must include a minimum of ten specific elements. Once adopted by the community, local comprehensive beach management plans are then submitted to DHEC for review and state approval.

Local comprehensive beach management plans are an important and effective management tool for local governments. These plans provide guidance to state and federal agencies on local policies, regulations, and procedures related to beachfront management.

Local comprehensive beach management plans are required to be reviewed by the local government every five years. Additionally, updated revisions are required to be submitted for state approval every ten years. DHEC has prepared interim guidelines to assist communities preparing to revise their local comprehensive beach management plans while the state plan is being revised.

Management Authorities

The state Beachfront Management Act (S.C. Code Ann. § 48-39-250 *et seq*) establishes the statutory guidance and state policies, which directs all state beachfront activities and decisions. The Act is implemented through a variety of mechanisms at the state and local levels, including through the State Comprehensive Beachfront Management Plan and Local Comprehensive Beach Management Plans.

In accordance with the state's Beachfront Management Act, local comprehensive beach management plans are required, at a minimum, to include the following ten elements:

1. an inventory of beach profile data and historic erosion rate data for each standard erosion zone and inlet erosion zone under the local jurisdiction;
2. an inventory of public beach accesses along with a plan for enhancing public access and parking;
3. an inventory of all structures located in the area seaward of the setback line;
4. an inventory of turtle nesting and important habitats of the beach/dune system and a protection and restoration plan if necessary;
5. a conventional zoning and land use plan consistent with the purposes of the Act for the area seaward of the setback line;
6. an analysis of beach erosion control alternatives, including renourishment of the beach under the local government's jurisdiction;

7. a drainage plan for the area seaward of the setback zone;
8. a post disaster plan including plans for cleanup, maintaining essential services, protecting public health, emergency building ordinances, and the establishment of priorities, all of which must be consistent with the Act;
9. a detailed strategy for achieving the goals of this chapter by the end of the forty-year retreat period. Consideration must be given to relocating buildings, removal of erosion control structures, and relocation of utilities; and
10. a detailed strategy for achieving the goals of preservation of existing public access and the enhancement of public access to assure full enjoyment of the beach by all residents of this state.



Charleston County Greenbelt Program Rural and Urban Grants Programs

Application Instructions November 2021

Charleston County's Comprehensive Greenbelt Plan provides guidance for spending the greenbelt portion of the Transportation Sales Tax. The purpose of Urban and Rural Grants Programs is to distribute the greenbelt portion of the Transportation Sales Tax proceeds in an equitable manner for the conservation of greenspace throughout Charleston County. The plan assigns the Greenbelt Advisory Board (GAB) with the responsibility of administering both the Urban and Rural Grants Programs.

The instructions below should be adhered to in the completion of an application. Direct questions regarding the application process to Eric C. Davis, Greenbelt Programs Director at 843-202-7214 or edavis@charlestoncounty.org.

I. Application Period

Applications for both the Rural and Urban Grants Programs may be submitted beginning Monday, November 1, 2021 and must be received by end of business on Friday, January 28, 2022. Applications will not be accepted after the deadline.

II. On-Line Application Submission

Applications **must** be submitted on-line. In order to access the on-line application, applicants must complete the Notice of Intent Form found on the Greenbelt website greenbelt.charlestoncounty.org. The completed, signed form must be submitted via email to edavis@charlestoncounty.org. Once the completed Notice of Intent Form is received, the applicant will be emailed access to the on-line application form.

In addition to the on-line application, applicants must submit one signed original paper copy of the full application packet via mail or in person to the following address:

Charleston County Greenbelt Programs
Attn: Eric C. Davis
4045 Bridge View Drive, Suite B238
North Charleston, SC 29405

Applications missing information or any of the required attachments may be deemed incomplete and removed from consideration.

III. Pre-Application Meetings

Pre-application meetings are **not** mandatory for the application process. However, if you should desire to meet regarding your project, or if you need technical assistance, please contact Eric C. Davis at 843-202-7214 or edavis@charlestoncounty.org.

IV. Funds Available

Approximately \$17.5 million is currently available.

V. Rural/Urban Area Definition

Projects funded with Rural Program monies must occur in the Rural Area of Charleston County defined by the County's Comprehensive Plan as the municipalities and unincorporated areas that are located outside the Charleston County Urban Suburban Growth Boundary. These areas include the West St. Andrews area in West Ashley, Wadmalaw Island, Edisto Island, the St. Pauls area, Hollywood, Meggett, Ravenel, Rockville, Awendaw, McClellanville and portions of Johns Island, West Ashley and East Cooper.

Urban areas of Charleston County are defined by the Comprehensive Greenbelt Plan as the municipalities and unincorporated areas that are located within the Charleston County Urban Suburban Growth boundary, as defined within the Charleston County Comprehensive Plan.

The municipalities and unincorporated lands within this boundary include:

City of Charleston	Town of Mount Pleasant
City of Folly Beach	City of North Charleston
City of Isle of Palms	Town of Seabrook Island
Town of James Island	Town of Sullivan's Island
Town of Kiawah Island	Town of Summerville
Town of Lincolnville	Unincorporated

VI. Urban Allocation of Funds

The urban allocation will be divided among the municipalities and unincorporated areas located inside the County's Urban Growth Boundary, according to the population of each Unincorporated areas that are located within the Urban Area will apply for grant funding through the Urban Grants Program. All unincorporated areas will be considered as a single land area and their total population used to determine the amount of their allocation.

VII. Eligible Greenbelt Fund Recipients

Eligible Greenbelt Fund Recipient definition: Charleston County or a municipality in Charleston County; any agency, commission, or instrumentality of the County or municipality within Charleston County; a not-for-profit charitable corporation or trust authorized to do business in this State and organized and operated for natural resource conservation, land conservation, or historic preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, and having the power to acquire, hold, and maintain interests in land for these purposes; an agency or instrumentality of the United States Government; and any other entities as may be approved at the discretion of County Council on a case-by-case basis.

VIII. Allowable Costs

In accordance with the Charleston County Comprehensive Greenbelt Plan, Charleston County will operate a rural grants program to promote rural land conservation, wetlands protection, historic and cultural preservation, parkland acquisition, greenway and trail acquisition, and waterway access acquisition. Except for the minor improvements stated below, rural funds can be used for the acquisition of land and/or purchase of development rights on property within the rural area.

Urban grants are to be used primarily for land conservation through acquisition or purchase of development rights on property within the urban area. However, some grant funds can be used to support the development of related minor improvements that in essence provide for public access and use of conservation lands.

Minor improvements that may be funded with Greenbelt funds will be limited to: boardwalks, foot bridges, unpaved trails, unpaved roadways, and unpaved small parking areas. The cost of these improvements must be included in the budget portion of the application form.

Beach municipalities (Folly Beach, Isle of Palms, Kiawah Island, Seabrook Island and Sullivan's Island) may submit applications to use their urban allocations to place allowable minor improvements on land they currently own. The municipality would have to agree to place the land under the same covenants and restrictions as all other lands protected with greenbelt funds. **The applications for minor improvements are limited to the beach communities listed above.**

In addition to the allowable minor improvements, funds from the Greenbelt Program may be used for administrative costs and expenses that are customary and reasonable to the acquisition of property.

IX. Disallowable Costs

Items that will **NOT** be funded with Greenbelt monies include, but are not limited to design fees, projects with **NO** endorsement from the appropriate municipality, and any other improvements outside the allowable minor improvements listed above. These other improvements may be included in a particular project but cannot be funded with Greenbelt proceeds.

X. Applicant and Landowner Disclosures

The application requests information from both the applicant and landowner. The applicant and landowner shall complete all information on the appropriate form. The landowner must sign the landowner disclosure form.

XI. Program Requirements

Rural Greenbelt Lands include "Resource Management Areas" that generally encompass undeveloped lands used for timber production, wildlife habitat, recreational and commercial fishing, and limited agriculture. According to the Charleston County Comprehensive Plan, rural areas also encompass significant acreage of fresh, brackish, and saltwater tidal marshes, as well as important habitat for non-game and endangered species. Typical uses for Rural Greenbelt Lands include rural parks, cultural/historic sites, productive lands, and water access.

Urban Greenbelt Lands contain the greatest population density and intensity of development, as well as the greatest concentration of jobs and economic activity. Conservation of greenspace for various uses will be crucial in offsetting the negative impacts of increased density. Typical uses for urban greenbelt lands include urban parks, cultural/historic sites, reclaimed greenspace, greenway corridors and water access.

- A. An Eligible Greenbelt Fund Recipient independently or in conjunction with the landowner may apply for a grant from the Greenbelt Fund to acquire an interest in land identified in its application. Within five business days of the applicant's submittal to the Greenbelt Bank, the **applicant** must notify in writing any adjacent landowners and other property owners within 300 feet of the proposed parcel of the applicant's submittal to participate in the Greenbelt program. Contiguous landowners and other interested parties may submit in writing to the board their views in support of or in opposition to the application. Based on a review of these submissions, or in any instance where the board determines the public interest so requires, it may hold a public hearing on the application at which the Eligible Greenbelt Fund Recipient, contiguous landowners, and other interested parties may be heard.
- B. Before an award to disburse greenbelt funds for the purchase of any interest in land, the Eligible Greenbelt Fund Recipient receiving the funds must notify the owner of the land, that is the subject of the Greenbelt Fund grant, of the following in writing:
 1. that interests in land purchased with greenbelt funds result in a permanent conveyance of such interests in land from the landowner to the Eligible Greenbelt Fund Recipient or its assigns; and

2. that it may be in the landowner's interest to retain independent legal counsel, perform appraisals, create surveys, and seek other professional advice; and
 3. the application must contain an affirmation that the notice requirement of this subsection has been met.
- C. Urban municipalities may submit applications for projects within their jurisdiction. The projects will be funded in accordance with the municipality's allocation based on population. Conservation organizations and other entities meeting the definition of an Eligible Greenbelt Fund Recipient may apply for funding within an urban municipality ONLY if the project is endorsed by the appropriate municipality. A resolution from the municipality endorsing the project and authorizing the application to the Urban Program must be attached to the completed application form. The resolution must explain the municipality's rationale for endorsing the specific project.
- D. All interests in lands acquired with Greenbelt Funds must be held by the Eligible Greenbelt Fund Recipient approved by the board to acquire the interest in land; except that an interest in land obtained with Greenbelt funds may be assigned from one Eligible Greenbelt Fund Recipient to another upon approval of all members of the Greenbelt Advisory Board by majority vote.
- E. Except as provided above, no interest in land acquired by an Eligible Greenbelt Fund Recipient with Greenbelt funds may be extinguished, sold, transferred, assigned, alienated, or converted to a purpose or use other than that set forth in the grant award, without securing a:
1. majority vote of all members of the Greenbelt Advisory Board, following a finding of fact that the land no longer exhibits the characteristic that qualified it for acquisition with funds from the Greenbelt fund; and
 2. majority vote of all members of Charleston County Council.
- F. If any interests in lands, that have been acquired by an Eligible Greenbelt Fund Recipient with Greenbelt funds, are extinguished, sold, transferred, assigned, alienated, or converted pursuant to the above stipulations, the Eligible Greenbelt Fund Recipient extinguishing, selling, transferring, assigning, alienating, or converting the interests in land shall replace them with interests in land of substantially equal current fair market value, with any deficit being made up by contribution (cash or in-kind at the discretion of the board) to the Greenbelt fund. The replacement land must also exhibit characteristics that meet the criteria of this ordinance. The Greenbelt Advisory Board must verify that suitable replacement interests in lands have been identified and will be obtained before authorizing that any interest in land purchased with monies from the Greenbelt fund be extinguished, sold, transferred, assigned, alienated, or converted.
- G. Interests in land acquired with Greenbelt Funds must be managed and maintained in order to perpetuate the conservation, natural, historical, cultural, open space, and recreational uses or values for which they were originally acquired. Uses which are adverse to the original purposes for which the interests in land were acquired with Greenbelt funds are not permitted without securing a:
1. majority vote of all members of the Greenbelt Advisory Board, following a finding of fact that the use is one that furthers the original purpose of the Greenbelt Plan; and
 2. majority vote of all the members of the Charleston County Council.
- H. Funds from the Greenbelt Program may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceeding that is contrary to the wishes of the landowner.

XII. Evaluating Applications

The Greenbelt Advisory Board (GAB) has assembled a subcommittee to evaluate applications for both the Rural and Urban Programs. The subcommittee will review the applications using the program criteria and present findings to the full Greenbelt Advisory Board. In addition, each application will be reviewed for completeness and to ensure all required attachments are included. **Applications missing information or any of the required attachments may be deemed incomplete and deferred until the next funding cycle.** Based on the availability of funding and application scores, projects will be recommended to Charleston County Council for funding. Any application with a score under 50 may be deferred.

XIII. Award of Urban Grants

Once applications are approved, grant agreements that outline the terms and conditions will be developed between the County and appropriate parties.

XIV. Distribution of Funds to Grant Recipients

Upon completion of a project that has met all of the funding requirements, reimbursement in the specified grant amount will be provided to the applicant at the time of closing, when the property is acquired and the deed is recorded.

XV. Evaluation of Awarded Grants

At least annually, County Greenbelt staff will conduct monitoring visits of Greenbelt properties to ensure compliance with all Greenbelt deed restrictions and program requirements.

NOTE: Charleston County and the Greenbelt Advisory Board(GAB) reserve the right to request additional information not included in the application or instructions. Additional appraisals, surveys, environmental assessments, etc. may be requested by Charleston County and/or the GAB. These Application Instructions may be revised or updated to correct errors, for clarification, and to reflect the GAB's and Charleston County's policies, conditions or requirements for Greenbelt Grants, or for other reasons that the GAB and Charleston County believes will best accomplish the mission of the Comprehensive Greenbelt Plan.