

Town of Sullivan's Island, South Carolina
Ordinance No. 2011-05

An Ordinance to Amend the Ordinances of the Town of Sullivan's Island, South Carolina,
Chapter 14, By Adding a New Section 34 to read as follows:

Section 14-34 The Lease of Certain Real Property to the Charleston County School District

WHEREAS, the Town of Sullivan's Island is the owner of certain real property as described in the Lease Agreement attached (Exhibit 1) and reflected in Exhibit "A" of said Lease; and

WHEREAS, the Charleston County School District is presently leasing the above described property and desires to control the property for a longer term and terminate its existing lease; and

WHEREAS, the Town of Sullivan's Island desires to lease said property to the Charleston County School District and finds that the lease of the property in accordance with the terms and conditions of the Lease Agreement is in the best interest of the Town and its citizens;

NOW THEREFORE, BE IT ORDAINED by the Town Council of Sullivan's Island in meeting duly assembled, that the Town of Sullivan's Island lease to the Charleston County School District all that real property described in said Lease Agreement, pursuant to the terms and conditions of the Lease Agreement; and

BE IT FURTHER ORDAINED that the Mayor or Mayor Pro-Tem of the Town of Sullivan's Island is hereby directed and authorized to execute the said Lease Agreement and other necessary documents to complete the transaction.

This Ordinance shall take effect immediately upon its ratification.



Michael Perkis, Mayor Pro Tempore

ATTEST:



Ellen Miller, Town Clerk

First Reading: August 16, 2011

Second Reading: September 12, 2011

Third Reading: September 20, 2011

Ratification: October 18, 2011

Charleston County School District
County SCHOOL DISTRICT

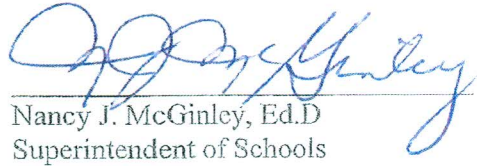
TO: Board of Trustees
FROM: Michael Bobby, Chief Financial and Operations Officer
DATE: August 15, 2011
SUBJECT: Sullivan's Island Elementary School – Town of Sullivan's Island LEASE

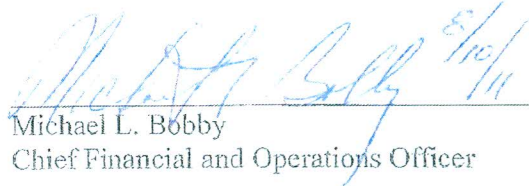
RECOMMENDATION: Approve lease as presented.

The material is submitted for:

- Action Information
 Open Executive

Respectfully submitted:


Nancy J. McGinley, Ed.D
Superintendent of Schools


Michael L. Bobby
Chief Financial and Operations Officer

N/A
J. Douglas Gepford, Ph.D.
Chief Academic Officer

N/A
William Lewis
Chief Operating Officer, Capital Programs

N/A
Cindy Bohn Coats
Chair, Audit & Finance Committee

Item voted on and recommended
for Board approval by the
A&F Committee on _____

N/A
Elizabeth Moffly
Chair, Policy Committee

Item voted on and recommended
for Board approval by the
Policy Committee on _____

Capital Projects

August 15, 2011

TOPIC:

Approve Seventy-Five (75) Year Property Lease with the Town of Sullivan's Island as attached in the amount of \$10.00.

BACKGROUND:

On March 27, 2006 by Item 9.4 the Board approved the construction and budget for the New Sullivan's Island Elementary School. As part of the 2005-2009 Capital Building Program, CCSD Board of Trustees approved the advance design for a new Sullivan's Island Elementary School to design development phase. The Board of Trustees approval to replace the existing school versus renovations and additions to the existing facility came after schematic design of the renovation and addition project as well as the finalization of the seismic analysis. The estimate of that scope of work deemed the project un-executable because the value of the improvements exceeded 50% of the appraised value of the facility, thereby, requiring that all buildings must be upgraded to current building codes and FEMA requirements.

Because the original scope of work was deemed un-executable, CCSD Board of Trustees approved the construction of a new facility on the existing site utilizing reserves and construction savings from the 2005-2009 Capital Building Program. Prior to the Board of Trustees approving the replacement of the existing facility, it was requested by CCSD to the Town of Sullivan's Island that a "Memorandum of Understanding/Resolution" be given to CCSD stating they were in total agreement to extend the lease to allow CCSD to construct the new facility on the existing site (see attached Resolution of the Town of Sullivan's Island dated January 19, 2010).

Over the past several months Staff, Architect (Cummings & McCrady) and the Program Manager, (Cumming/SMG) have been working with the Town of Sullivan's Island to resolve, in advance, any potential issues the Town of Sullivan's Island could impose that would affect the design or construction of the new facility. Concurrently, CCSD Staff, CCSD's Real Estate Attorney (Clawson & Staubes), and C/SMG have been working with Town of Sullivan's Island Town Administrator to finalize the New Lease for the property.

On July 9, 2011, CCSD Staff, Architect, and Program Manager presented to Council, in Executive Session, CCSD's concerns with the draft proposed lease as submitted by The Town of Sullivan's Island.

The Town of Sullivan's Island noted CCSD's concerns and on August 3, 2011; CCSD received a revised draft lease addressing most all of CCSD's concerns noting only minor changes.

CCSD's Staff, Legal Counsel (Clawson & Staubes), Architect, and Program Manager have been successful in negotiating the final lease addressing both CCSD and The Town of Sullivan's Island concerns.

DISCUSSION:

The lease needs to be approved so the Architect can move forward with design and approvals. Also, CCSD needs to approve the lease in advance of The Town of Sullivan's Island formally approving at their August 16, 2011 Council Meeting.

RECOMMENDATION:

Approve Seventy-Five (75) Year Property Lease with the Town of Sullivan's Island as attached in the amount of \$10.00.

FUNDING SOURCE/COST:

No additional funds are required.

FUTURE FISCAL IMPACT:

None

DATA SOURCES:

William H. Lewis, Charleston County School District
Rick W. Holt, Cumming/SMG

PREPARED BY:

William H. Lewis, Charleston County School District
Rick W. Holt, Cumming/SMG

REVIEWED BY LEGAL SERVICES

Matthew Moore, Clawson & Staubes

REVIEWED BY PROCUREMENT SERVICES

Lawrence Lutrario

ATTACHMENTS

1. Resolution of The Town of Sullivan's Island dated January 19, 2010
2. Lease

