

Special Real Property Committee Meeting

11:00 a.m., Tuesday, May 22, 2018

A Special Meeting of the Real Property Committee was held at 11:00 a.m., Tuesday, May 22, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Ferencz and Ward, Chair Bell, Administrator Tucker, Assistant Administrator Fragoso, and Clerk Copeland; a quorum was present to conduct business. At the request of the Chair, also present were Jay Clarke of Morgan Creek Grill (MCG), Marina Manager Brian Berrigan and Michael Fiem of Tidal Wave Watersports.

1. Chair Bell 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. Purpose

General Discussion of Marina Operations

Chair Bell stated that this meeting was intended to be an open discussion or workshop relative to the operations at the IOP Marina. The Chair distributed a handout containing his thoughts on what the Real Property Committee and City Council want to see going forward, and a copy is attached to the historical record of the meeting.

Included in the FY19 budget is funding for an audit of the marina tenants; Chair Bell explained that – for him – there was a difference between an audit and ensuring that the proper processes and fiscal accountability were in place going forward for the businesses at the marina. Components of the discussion are how the City manages a marina that has capacity issues and parking agreements and disagreements within the site. Although the leases describe the parking areas assigned to the tenants, only the Tidal Wave lease defines specifically the number of parking spaces assigned to the business as eight (8) plus two (2) for employees. Additionally, Coastal Expeditions was granted a Special Exception to the zoning regulations; their lease allows for a trailer and one (1) parking space while all of their customers are paying to park at the marina. He was looking for a way “to find commonality between the tenants in a way that optimizes the parking [that is available] without damaging the businesses.” He commented that he has learned that the City owns the property on 41st Avenue from Waterway Boulevard to the entrance to the marina, and he will propose that it be added to the parking ordinance as “resident only” parking at tonight’s Council meeting. The City staff and Real Property Committee continue to look for off-site parking areas for marina businesses’ employees; the ideal location continues to be the IOP Water and Sewer Commission’s property adjacent to the marina. The Chair noted that he has a meeting with the Commission on Thursday to discuss that possibility despite the City’s receipt of a letter rejecting the City’s request.

Councilmember Ward stated that he had a productive meeting with Mr. Berrigan and Mr. Clarke on the subject of parking; he indicated that his concern was that the tenants adhere to their lease terms relative to parking.

Mr. Berrigan reported that, in the meeting, the list of bullets the restaurant distributed at the May 10th Real Property Committee meeting were discussed point by point, and he noted that, a couple of years ago, the tenants reached an agreement on parking that worked for a couple of years. He commented that they neglected to put the agreement in writing.

A color-coded drawing of the marina parking shows how the parking areas are assigned to the marina tenants, and Tidal Wave's parking area is along the length of the green fence and wrapping around it a little bit, and the number of spaces exceeds the ten (10) spaces allowed in their lease. Since relocating Tidal Wave appears to be a dead issue, Mr. Berrigan proposed that their parking return to its original footprint and that they should move the trailer off-site unless they were willing to put it in one (1) of their spaces. Mr. Berrigan also wanted the two (2) trailers belonging to MCG moved off-site.

After considerable discussion, agreement was reached that requiring Tidal Wave to go back to its original footprint was not going to solve the problem and that the area for overflow parking for the marina businesses was behind the fence.

Morgan Creek Grill was hearing from disgruntled patrons that they had to pay ten dollars (\$10) for parking and demanding their ten dollars (\$10) back. Chair Bell thought that Mr. Clarke and Mr. Berrigan could come to some validation arrangement for this season, and they agreed.

Chair Bell reiterated that solving the inter-tenant issues was not Council's job, and he questioned what problem(s) would be solved by returning Tidal Wave to its original lease footprint.

Again referencing the tenants' parking agreement from a couple of years ago, Mr. Clarke asked for Cara Jenkins, the restaurant's General Manager, to review parking challenges she faced under that agreement. She recalled an area designated as restaurant overflow parking being coned off, thereby, denying MCG patrons access, and she would remove the cones only to have a marina employee put them back. In the meantime, the restaurant was getting phone calls from people asking where they were allowed to park and whether or not they had to buy a launch pass to park.

Having recently toured the Harbor Front Marina, Chair Bell suggested that the restaurant needed a "validation methodology and agreement" with the marina manager.

The Chair stated that the issue of employee parking was only addressed in the Tidal Wave lease, but the marina manager has fifteen (15) sub-leases, and the restaurant has the largest number of employees with a lease that states its employees are to park within the marina site.

Mr. Clarke opined that a problem solved for the restaurant by moving Tidal Wave to its original footprint would be for MCG to have full access to the area behind the green fence for employee parking. He also stated that he has asked the City on numerous occasions to clarify who has control over the area shaded in purple that is described as "Shared among tenants under direction of the marina manager."

Administrator Tucker said that this issue has come up in the past and that the City got a legal opinion at that time stating that, according to the terms of the lease, the marina manager has responsibility for the management of parking.

Mr. Berrigan expressed his belief that employee parking was the biggest problem at the marina and that the restaurant was on record as saying that they have sixty-five (65) employee cars on the lot which takes a lot of the available parking in the shared area. According to Mr. Berrigan, MCG employees park all over the marina despite his sending multiple notices to Mr. Clarke stating that restaurant employees were to park behind the green fence. He opined that, if employees parked only behind the green fence or off-site, eighty percent (80%) of the parking problems at the marina would be solved.

Mr. Berrigan stated that he has maybe six (6) employees that he allows to park along the green fence and about the same number behind the green fence. He added that he was willing to give up some of his dedicated space to employee parking to allow more spaces for the marina tenants.

When the subject of the benefits of possible gate came up, Mr. Berrigan opined that it would address the traffic flow, the direction and organization; currently he described the marina traffic and parking as a free-for-all, for which he took partial responsibility. He then noted that he was trying to get better controlled access.

Councilmember Ward was ready to discuss the addition of a gate, but Chair Bell commented that a gate could not be constructed for this season and that he was more interested in changes that could be implemented quickly to impact this season.

With the Memorial Day weekend looming, Councilmember Ferencz urged the tenants to come together with a parking plan they could all live with for this weekend and the balance of the season.

Chair Bell repeated that free off-site parking was available on the island in church lots, at City Hall, etc., but no one wanted to go the extra distance. Issues have come up when marina employee parking involves an incursion into the residential neighborhoods, as was the case with 27th Avenue. He emphasized that the employee parking problem could not be solved within the 5.123 acres of the marina.

The managers at Morgan Creek Grill discussed the employee parking issues at the marina and the feasibility of running a shuttle from an off-site location, and they concluded that they could not effectively operate a shuttle from the restaurant, for instance, to the parking at City Hall due to the grid lock that occurs on weekends and the traffic gridlock on Palm and on Waterway. Mr. Clarke added that the Citadel Beach House was a much better location for the restaurant's employees.

When Councilmember Ward asked what the restaurant's plans were for employee parking over the Memorial Day weekend, Mr. Clarke responded that employees would be issued a decal and would be instructed to park along 41st where no signage has yet been installed. Mr. Berrigan said that restaurant employees should be encouraged to park behind the green fence, but he would allow overflow vehicles to be parked on 41st.

For the coming weekend only, Chair Bell indicated that he would support signage on 41st stating "Employee Parking Only."

Mr. Berrigan stated that the marina would be shuttling its employees for this holiday weekend as he has the past couple of weekends; his employees have been parking at the Rec Center on 27th Avenue. He stated that he would probably change from the Rec Center to City Hall; these employees come to work early enough that Mr. Berrigan did not think traffic would be an issue.

Mr. Berrigan asked the Chair if the City has reached out to Wild Dunes Yacht Harbor for the use of their parking lot.

Administrator Tucker suggested that Mr. Clarke and Mr. Berrigan pursue that location as well as the Dewees parking area; Mr. Berrigan said that he would be willing to rent space in the Yacht Harbor lot. He has observed that this lot fills up on July 4th and on Labor Day, but that was not

the case for Memorial Day. Since Dewees is putting an attendant in their lot beginning this week-end, he did not expect a positive response from them.

When the discussion of a gate resurfaced, Chair Bell voiced concern about people who would enter the marina, not realizing that the lot was full and then drove around and around waiting for a space to open up. Based on conversations with the marina tenants, the Chair found that they generally liked the idea of a gate and exploring it for the future, possibly next season.

Councilmember Ward stated that he would like his fellow Committee members to remember that their job was the City of Isle of Palms, not the management of the marina. He added that he wanted this meeting to determine if the marina tenants were prepared for the holiday weekend.

Councilmember Ferencz commented that City Council was not the marina tenants' boss, but that they got the complaints. She also asked if any of the parking could be reconfigured.

Mr. Berrigan asked if the City would consider hiring a firm with traffic engineers on staff, like Stantec, to study the traffic flow, ingress and egress and parking configuration for a plan that would optimize parking for the marina.

Councilmember Ward said that the Committee could consider it, but a decision hinged on the cost.

Councilmember Ferencz opined that Council as going overboard in studying the marina and that she expected to be presented with a plan with a price tag exceeding a million dollars because the lighting, the drainage, the electrical, etc. all needed to be replaced. She asked that the marina tenants put pencil to paper to try to devise a workable plan before the City has to spend another fifty to one hundred thousand dollars (\$50,000 – 100,000).

Councilmember Ward reminded the Committee that the City has much to do at the marina to make it safe for residents and visitors and that they should not lose sight of the priorities.

Administrator Tucker asked for clarification about amending the scope of the existing Stantec contract for them to look strictly at the surface of the marina site, not the infrastructure, to make recommendations for improvements and to investigate the possibility of gate access. She opined that the tenants must understand that, if the City was going to spend more money, they would need to be willing to accept the results, and she recommended that such an agreement be reached.

Chair Bell preferred a stand-alone contract with Stantec relative to the marina.

Again referring to the bullet points from MCG, Mr. Clarke asked Mr. Berrigan if he was going to continue to rope off a parking area near the fuel dispensers restricted for marina operations, and Mr. Berrigan indicated that he was.

Mr. Clarke's next point was about the grass area located at the end of 41st leading to the parking area behind the green fence where a group of trees are growing. After talking with Director Kerr, Mr. Clarke was offering to relocate the palm trees, to remove some of the dirt from the mound and to improve the landscaping and aesthetics of the area. Taking this action would add a few parking spaces to the marina footprint and enhance the look of that area. He then asked if the City had any leftover marina funding that could be used for this purpose.

Chair Bell replied that he would look at the area.

Additionally, MCG would like to see the trailer belonging to Coastal Expeditions moved to another site in the marina and out of the shared tenants' parking area; Mr. Clarke agreed to leave the trailer where it is for the 2018 season but he wanted their footprint reduced to a total of sixteen feet (16 ft.).

Mr. Bell recounted that Coastal Expeditions was granted a Special Exception by the Board of Zoning Appeals (BOZA) to have the trailer and one (1) parking space at the marina, and currently, they are exceeding the number of spaces approved by BOZA. To be consistent with the directive given to the other tenants to adhere to the parking terms in their leases, Coastal Expeditions should follow the terms of the BOZA decision. When Mr. Clarke asked who would enforce that decision, Chair Bell stated that it fell under the purview of marina operations.

Morgan Creek Grill's last request was for a marina walk-through with the marina manager and, if possible, a member of the Real Property Committee to come to an agreement on proper language and placement of signage in the marina.

Going back to the possibility of a Stantec study of the parking at the marina, Mr. Berrigan thought that the traffic engineer should make a site visit now when the marina was at its busiest to see the full extent of the problems.

As he concluded the meeting, Chair Bell stated that the marina site was "very unsightly" and that part of the marina manager's responsibilities was to maintain the parking lot, for instance many of the posts were not upright and the green fence should be replaced. He wanted to see tenants "make minimal investments for those things that are awful."

Administrator Tucker cautioned Mr. Fiem that he must adhere to the City's zoning and building requirements relative to setbacks and other things of that nature.

3. Adjournment

MOTION: Chair Bell moved to adjourn the meeting at 11:42 a.m.;
Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk