

REAL PROPERTY COMMITTEE
9:00 a.m., Wednesday, November 7, 2018

The regular meeting of the Real Property Committee was held at 9:00 a.m., Thursday, November 7, 2018 in the City Hall Conference, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Ferencz and Ward, Chair Bell, Interim Administrator Fragoso, Attorney Copeland and Clerk Copeland; a quorum was present to conduct business.

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. Approval of Previous Meeting's Minutes

MOTION: Councilmember Ferencz moved to approve the minutes of the regular meeting of October 3, 2018 as submitted; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments - None**

4. Comments from Marina Tenants

Ginger Campbell stated that she was present representing Tidal Wave Watersports and told the Committee that Tidal Wave has been told by DHEC that its operations manual was out-of-date; she was asking for the Committee's permission to use the as-built drawings ATM generated for the City in its work for the marina revitalization.

Interim Administrator Fragoso stated that Michael Fiem had contacted her on this issue, and she told him that the City had no objections to Tidal Wave's request.

5. Old Business

A. Update on 1100 Palm and right-of-way on Pavilion Drive

Director Kerr reported that John Wade was approved at the last Council meeting to do the survey of the building's footprint including the overhang and outdoor staircase; Mr. Wade stated that Mr. Summey, the property owner, had not hired him to do the work, but he was clear on when he was to do.

He also recalled that the question of hiring an appraiser was left unanswered; when the Director contacted the appraiser the City used in the past, John Hartnett, the Director was told that Mr. Hartnett was running for elective office.

The Director stated that Mr. Summey was working on obtaining a deed to produce for the bank.

The Director anticipates presenting to Council the survey, appraisal and deed in the near future.

B. Discussion of alternatives available to optimize the municipal parking lot on Pavilion Drive

Chair Bell recalled that this discussion originated with Councilmember Kinghorn relative to a large tract of land that sits idle for four (4) months of the year; Councilmember Ward recalled some

type of deed restrictions on this property and recommended that staff read the deed before appending a lot on time on this issue.

The Interim Administrator stated that staff had researched the deed issued in 1987 and found that it restricts the use of the land, the large municipal parking lot, to outdoor recreational purposes only. If the City was inclined to change the use, the change would have to be approved by the South Carolina Department of Parks and Tourism, and it must be in accordance with Parks and Tourism's Comprehensive Plan. The City would be required to provide an alternate property to meet what the existing property does.

Chair Bell interpreted today's use of the property as a parking lot as existing for passengers to go to recreate; he then pondered over having the same level of parking on ground floor with commercial activity above, of whatever kind, whether it would still meet the purpose and legal definition or would Council have to do something different. He recommended sending this issue back to administrator with Council further investigating what it could do since no sense of urgency is attached to it.

C. Update on Marina tenant operations and financial review by McCay Kiddy and Associates

The Interim Administrator reported that, as of yesterday, McCay Kiddy had met with the marina tenants, except Tidal Wave Watersports; the Fiems are back in town now and can coordinate their meeting. She expects to have the Engagement Letter for approval at the November Council meeting.

D. Discussion of unregulated portion of public right-of-way on 41st Avenue outside of the leased marina property

Chair Bell reported that, when Council approved the signage for 41st Avenue, he understood Council's intention to be for all of the spaces under the City's control on 41st be "resident only" parking, but the sign plan as approved does not reflect this completely. On the marina side, from about Dewees Inlet to the end, no signage was included in the plan. Pursuant to discussions with the Interim City Administrator and the Marina Manager Brian Berrigan, taking that property from the Marina would not be the best idea since it would produce additional public safety risks. He stated that Mr. Berrigan has some ideas he wanted to discuss with the Interim Administrator, and, since there was no sense of urgency related to this subject, he did not plan to put it before Council for discussion on November 27th.

Interim Administrator Fragoso stated that the area being discussed was the marina side at the end of 41st Avenue. According to the sign plan this area is unregulated, but the ordinance includes all of the area between Waterway and the terminus of 41st Avenue in the residential parking district.

When Councilmember Ferencz asked how many parking spaces were involved, Mr. Berrigan responded that the number for him was four (4) cars parked parallel. In discussing this issue with the Chair, Mr. Berrigan stated that the area just inside the fence was critical to the operation of his business; the space is used for large trailers to pull straight in and eliminate having to back out onto 41st Avenue.

Mr. Berrigan proposed that the City take all of 41st to the end and that he would maintain the area

and it would become part of the Marina Joint Ventures lease. If this was to happen, he would have the opportunity to reorganize the entire parking lot and to have a reception area at the access to the marina; to have the reception area would provide for better management of the site. He would mark every parking space thus giving the marina a finite number of spaces and, when they were filled, the marina was full.

Chair Bell stated that his concerns over a reception area were that residential access should not be limited or limited golf cart access to the marina. He stated that he was not ready to put this before full Council at this time; he opined that more discussion was needed between the marina manager and the Interim Administrator.

C. Update on marina docks rehabilitation project

MOTION: Chair Bell moved to suspend the rules to invite Kirby Marshall to the table for the discussion of the marina docks rehabilitation; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

Mr. Marshall was attending the meeting to review the designs ATM has for the rehabilitation of the marina docks, and he noted that they were tasked with replacing the docks in-kind as much as possible and to make them ADA compliant. From the conditions assessment done several years ago by ATM, they know that all of the Morgan Creek docks have met or extended their useful life and are in bad shape. Based on the RFP from several months ago, they have prioritized the project, and put the fuel dock replacement as Number One. He stated that the Intracoastal docks were about fifteen (15) years ago and were in reasonable condition, but they have a poor configuration; the finger piers are short, the slips are wide and the piles are difficult to use. He also noted that the Intracoastal docks have not been maintained well and the utilities are in poor condition. In addition, the watersports dock is older and something of a conglomeration of pieces, but it appears to be serving its purpose.

The Concept I design phases the project and includes the cost of each phase in the memorandum.

The Phase I is the fuel dock and the Morgan Creek docks; the slips behind the store were designed to hold two (2) boats and have a finger on each side of the slip giving each boat access to one (1). He informed the Committee that by replacing these docks in kind will make the regulatory process will make the regulatory process simpler; after discussions with OCRM and the Corps of Engineers, he believes that the piers could extend farther into Morgan Creek.

Responding to Councilmember Bell, Mr. Marshall confirmed that, if the permit is granted, the Dewees dock will extend farther into Morgan Creek.

Mr. Marshall reported that the finger piers on the Morgan Creek docks were very narrow and twisted, making it a difficult task to maintain them; the new finger piers would be wider. The area around the boat ramp on the side leading out to the transient docks was quite congested, but the layout of Concept 1 does reduce the congestion to a degree. He pointed out an ADA ramp behind the marina store providing access to those docks and another ADA access leading to the transient docks, but away from access to Morgan Creek Grill. For the Intracoastal docks, the finger piers would be removed as well as the pilings, and the docks would be moved a few extra feet into the Intracoastal Waterway with an eighty-foot (80 ft.) ADA gangway would be added and the utilities redone. The watersports dock would remain in the same configuration with the addition of an ADA access. He noted that Concept I stays within the footprint of the existing docks and, for

ATM, it most closely resembles what is at the marina now with the addition of ADA compliance and more up-to-date use of current design standards.

Chair Bell stated that these concepts represent obligations the City has over time for the maintenance and safety of the users; he noted that the design was laid out in phases to look at as the City has the funds to address them.

Councilmember Ferencz commented to the highly congested area on the Intracoastal side of the boat launch which segued into the discussion of Concept 2. Mr. Marshall noted that the concepts were basically the same with the exception of the area of the transient docks; the outside dock in this design would be moved about thirty (30) feet into Morgan Creek and the congested area at the end of the boat ramp would be closed off for safety reasons. With this plan, boaters would only have access to the docks from the Intracoastal Waterway.

The cost for Phase I, Area A – the fuel dock – including design, permitting, etc. are estimated to be seven hundred thirty-five thousand dollars (\$735,000) which does not take into account any outside funding; Area B costs are estimated at five hundred thirty thousand dollars (\$530,000). Using the estimates, to rehabilitate all of Phase I would cost one million two hundred sixty-five thousand dollars (\$1,265,000).

Councilmember Ferencz asked if the closing off of the congested area at the boat ramp seen in Concept 2 could be added to Concept 1 for the safety reasons referred to earlier, and Mr.; Marshall said that could be done. He then stated that moving the transient dock further into Morgan Creek was not necessary, and the addition of the small dock at the end of the dock closer to Morgan Creek Grill was only for conversation.

Mr. Marshall responded to Councilmember Ward that he has not reviewed these concepts with tenants at the marina. The Councilmember indicated that he was interested with what they have to say.

Councilmember Ferencz noted that the installation of the underground storage tanks was scheduled to begin after the first of the year; she asked if there was a way to also begin work on Area A, the fuel docks, at the same time.

Chair Bell stated that whether the work could proceed was a budgetary matter.

Interim Administrator Fragoso reminded the Committee that the City has entered into a contract with ATM that included preparation of the plans and specifications for the fuel dock area because it has been identified more than once as the dock most in need of attention.

Mr. Marshall commented that, under the terms of the contract, ATM was to apply for permits for all of the marina docks.

According to the Interim Administrator, the next step was for ATM to generate another concept based on the feedback from this meeting and to provide copies of that concept to the marina to the Committee and to the tenants for their review and input.

Chair Bell noted that the marina debt would be retired in February 2019; hopefully, Council could put those funds into a marina fund in the future and also decide how much accommodations funds could be assigned to the marina to address the maintenance concerns.

Interim Administrator Fragoso said that she hoped to have a more detailed discussion about financing this project at the next Ways and Means Committee meeting.

Councilmember Ferencz stated that the City anticipates no increased revenue from it, but that Council was interested in investing this significant sum of money because the marina and the docks belong to the City and they must be properly maintained for the safety of the residents.

6. New Business

A. Status of design/build RFP for remediation of the Public Safety Building

Chief Graham, Director Kerr and the Interim Administrator have continued to work on the RFP in hopes of finalizing it next week to, and then, sharing it with the City Attorney for her to draw up the contract. The City would then pass the RFP along to the two (2) respondents giving them two to three (2 – 3) weeks to submit their proposals in hopes of making a recommendation to Council for the award a contract at the January City Council meeting. The trailer to house the Fire Department's administrative personnel will be delivered tomorrow, and, once connected to power, personnel can move it.

Councilmember Ferencz asked that the Committee be allowed to review the RFP before it was sent to the contractors.

B. Status and intended process for marina restaurant lease RFP

Chair Bell reported that Director Kerr, the Interim Administrator and the Chair met some two (2) weeks ago with Hill Construction and an architect in an attempt to get this process underway as quickly as possible. The Chair asked that the discussion begin with the remediation of the building, some of which have been brought to the Committee's attention like the walk in freezer and infrastructure underneath. He stated that the Committee did not know the condition of the building to the extent that it should, and he did not think the City could go into a long-term agreement with anyone without having a full assessment of the building.

Pursuant of that meeting, Hill Construction has presented a proposal to the Committee to do a comprehensive assessment of the building's condition at a cost of seventeen thousand dollars (\$17,000). Under the current guidelines in the Procurement Code, the City was not required to bid out such work; by avoiding the bidding process, the Committee has likely saved three (3) months toward getting the work done. He indicated that he would like to move this through the next Ways and Means meeting and City Council meeting at the end of the month to keep the process going as expeditiously as possible.

The reason that the City reached out to Hill Construction was that several years ago, through a competitive bid process, Hill Construction was hired by the City to assess all of the City buildings. Part of their work product was to provide a list of repairs/maintenance that needed to be at that time and to establish a schedule for future maintenance on the buildings. Based on the level of satisfaction the City had with that work, it called upon them again for the restaurant evaluation. The proposal details the scope of work they would do from ADA requirements, a life safety assessment, recommendation for repairs, an estimate for parking lot improvements and much more; a copy of the proposal was included in the meeting packets. Based on a quick analysis of the Professional Services line in the marina budget, the Treasurer believes it could absorb the

cost. Assuming a decision can be made quickly, Hill Construction would complete the work by the end of February, which would tie in well with the release of the restaurant RFP.

Councilmember Ferencz was puzzled that the restaurant was not included in the building assessment the City did with Hill originally; Interim Administrator Fragoso hypothesized that it was not included because the tenant was responsible for maintenance. The Interim Administrator stated that the items included in the proposal were what the City believed would be necessary to lease the building.

Chair Bell noted that the current tenant has two (2) years remaining under the current lease that dictates certain maintenance responsibilities, but he noted that the building needed remediation. Questions also came up about the impact of the current lease as it relates to Marina Joint Ventures and the available parking, the required number of parking spaces for restaurants, etc. The broad spectrum of this conditions analysis is to give the City the ability to look at all of the options available in hopes of having a successful bid process.

Chair Ferencz did not like that she and Councilmember Ward were being asked to make a decision on this project having only minutes to study it before the discussion started.

Chair Bell stated that he would not stand for a delay in the process and not moving forward with a quality assessment of the building.

In an effort to have everyone's questions answered, Interim Administrator Fragoso suggested inviting Mr. Crane, with Hill, and the architect to a meeting to respond to questions from the balance of the Committee.

Councilmember Ward stated that he would not be ready to move forward with this until the City receives the Engagement Letter from McCay Kiddy.

C. Update on removal and replacement of the underground storage tanks at the IOP Marina

The Interim Administrator reported that the engineer was working on the spill prevention, control and counter-measures plan required by the EPA to be in place before starting the work; the actual digging was scheduled to begin in mid-January and was expected to be an eight or nine (8 – 9) week process. The City was waiting on the final word from DHEC so the gas could start to flow at the Public Works site. Before the work begins in January, a pre-construction meeting will be held including the Interim Administrator, Director Kerr, Director Pitts, the marina tenants and the contractor to iron out logistical matters.

D. Consideration of increasing the non-resident yearly decal up to an amount not to exceed \$500

Chair Bell reported that the Marina Manager Brian Berrigan asked for support from this Committee and, ultimately, City Council to increase the non-resident annual launch passes from three hundred dollars (\$300) to a maximum of five hundred dollars (\$500).

MOTION: Councilmember Moved to approve the Marina Manager's request to increase non-resident annual passes from \$300 to a maximum of \$500; Chair Bell seconded.

a parking space, but Mr. Berrigan said that the launch pass only meant that the holder would have the ability to launch his boat.

Chair Bell stated that the annual launch pass did not guarantee its holder a parking space; parking was as available.

VOTE: The motion PASSED UNANIMOUSLY.

Councilmember Ward asked how these rates would compare with other marinas in the area, and Mr. Berrigan said that other marinas do not offer annual launch passes.

E. Consideration of Creating a Citizen Advisory Committee to suggest possible Real Property Goals for 2019 Strategic Planning Session in early 2019

As the initiator of the idea, Councilmember Ferencz explained that the Personnel Committee was interested in looking at the City Code and the committees covered there to determine if the City needed different committees or a change of name or a change in scope or new committees. In that also discussion, the City's engaged residents want to be involved, and several applied for positions on boards and commissions that have a finite number of vacancies. The discussion led to the consideration of *ad hoc* committees for every standing committee; the *ad hoc* committee would be residents with experience in the field about which they would be asked to research or investigate or gather information. She looked to her co-committee members and asked if they had an appetite to engage an *ad hoc* committee to assist them with a particular task or project. She noted that *ad hoc* committees would have a specific task and a specific time frame in which to accomplish it, and the By making the *ad hoc* committee answerable to the Committee, the goal was not to take time away from staff. Serving one (1) of these committees would involve an application process, and, as stated earlier, have a background or experience in the field.

Since the *ad hoc* committee would serve at the discretion of the Committee, new ordinances would not be necessary, and, if the Committee did not find the *ad hoc* committee was not serving its purpose, it could be disbanded as quickly as it was formed.

MOTION: Councilmember Ward move to approve the formation of an *ad hoc* committee so support the Real Property Committee; Councilmember Ferencz seconded.

The Interim Administrator stated that she needed to study the City Code to learn if such *ad hoc* committees had to be addressed in the Code.

Since Chair Bell anticipated another Real Property meeting the following week, he suggested to let the Interim Administrator do her research and for the Committee to take action at the next meeting based on her findings.

Councilmembers Ward and Ferencz withdrew the motion and second respectively.

7. Miscellaneous Business – None

Interim Administrator announced that all tenants were current in their rent payments to the City.

Since the next meeting date will be in January 2019, the Committee discussed keeping the same meeting date and time; the members agreed to move the meeting time to 9:00 a.m., but to retain the same day since the marina tenants had commented that they could more easily be available at that time.

Next Meeting Date: 9:00 a.m., Wednesday, January 2, 2019 in the Conference Room

8. Executive Session – unnecessary

9. Adjournment

MOTION: Chair Bell moved to adjourn the meeting at 10:28 a.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

P.O. BOX 20336
CHARLESTON, SC 29413-0336
843.414.1040

To: Ms. Desiree Fragoso
From: Kirby Marshall
CC: ATM File
Date: October 29, 2018
Re: IOP Redevelopment Concepts

Per our discussion on October 8th of this year, please see attached three figures: the existing marina layout and two marina redevelopment concepts. Below is a brief description of each redevelopment concept.

Concept 1

- In this concept we have endeavored to show a marina layout that replaces the existing docks on Morgan Creek in a very similar arrangement and within the existing marina footprint (in like kind).
- We have made a few changes to accommodate ADA-compliant gangways for both dock areas on Morgan Creek and we have widened the finger pier widths on the floating docks behind the marina store to be more stable, sustainable, and safer. These adjustments are per current industry design standards.
- We have also shown the Intracoastal Dock shifted out (waterward) and have depicted this dock with the finger piers removed. ADA-compliant gangway access is also provided.
 - Our previous work on the project has shown that these fingers and dock arrangement are currently very inefficient and difficult to use.
- We show the Watersports Dock in its existing location, but with a new ADA gangway leading down to it.

- Total linear feet of dockage space ~2,371

- Total boat ramp staging space 155'

- Preliminary Order-of-Magnitude costs for this concept are as follows:
 - Phase I – Area A - ~\$735,000
 - Inclusive of soft costs (design, permitting, etc.)
 - Does not include grants (BIG and CVAP [pumpout])

 - Phase I – Area B -- ~\$530,000



- Phase II -- ~\$1.1M
- Phase III -- ~\$275,000
- Phase IV -- ~\$200,000

All estimated costs include separate mobilization fees. Costs may be mitigated if areas/phases are combined into larger projects.

Concept 2

- Similar to Concept 1 except that the northern dock on Morgan Creek is similar to that what we showed on some of the previously developed master plan images.
- This concept is less congested, in our opinion, especially by the boat ramp.
- This concept does, however, extend beyond the footprint of the existing marina facility and may receive more scrutiny from the regulatory agencies/public as a result

- Total linear feet of dockage space in this concept is approximately 2,474.

- Total boat ramp staging space is increased to 185'.

- Preliminary Order-of-Magnitude costs are estimated to be the same for this concept for all phases/areas, save for Phase II. In this concept the estimated cost for Phase II is ~\$1.2M

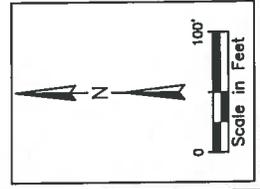
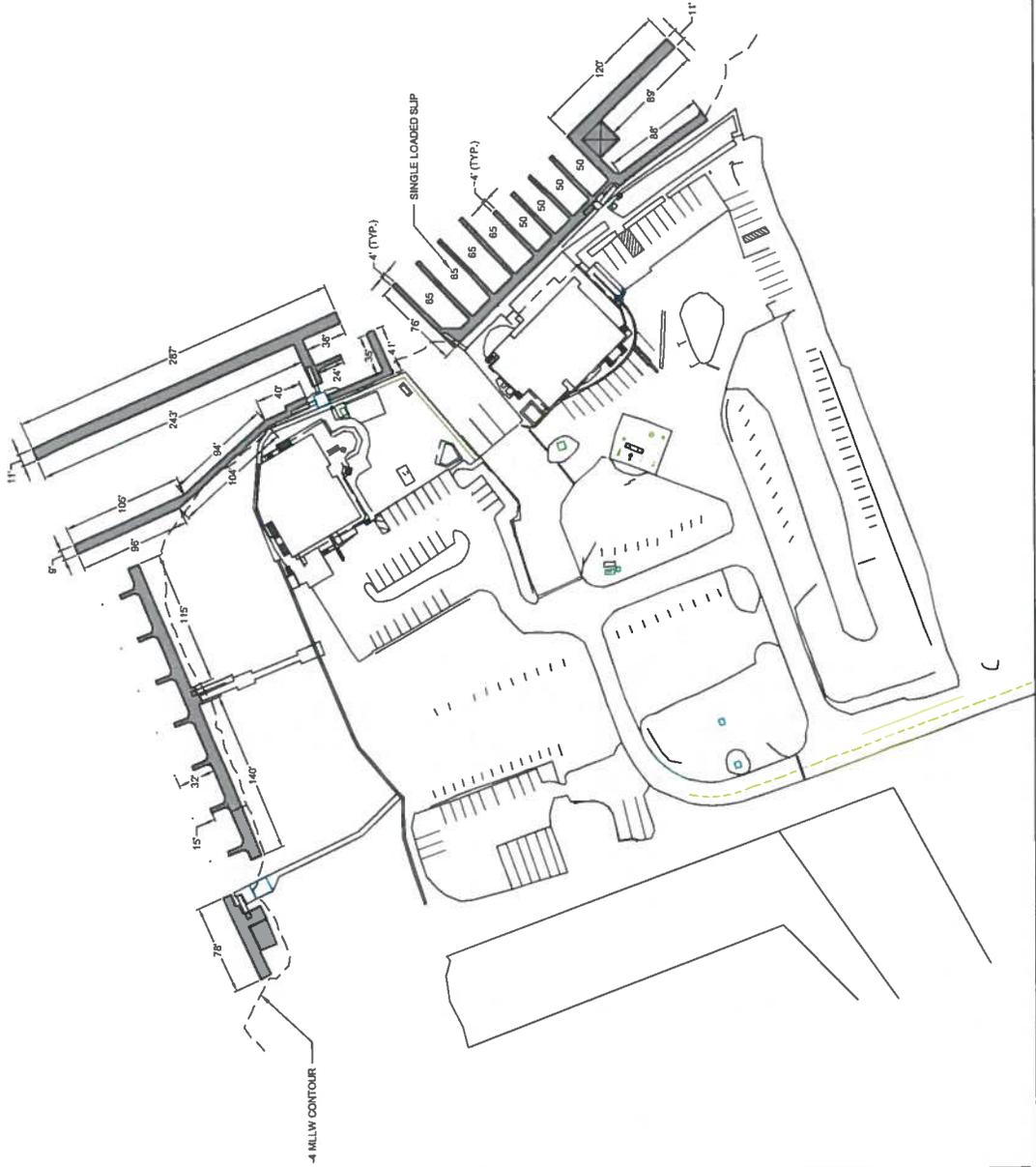
For reference, the existing marina layout provides 2,637 linear feet of dockage space and roughly 162 linear feet of boat ramp staging space. The total dockage space number is likely inflated from what is truly viable due to the nature of the existing slips on the Intracoastal Dock. Also, bringing the facility into ADA compliance and applying current marina design standards (dock widths, finger pier widths, etc.) does cut into some of the overall watersheet on both redevelopment concepts.

Please review and let me know if you have any immediate comments or questions. We look forward to discussing this information further with you and the Real Property Committee on November 7th.

Attachments



EXISTING MARINA LAYOUT



NOTE: ISLAND SURVEY COMPLETED BY GEL ENGINEERING LLC IN NOVEMBER 2016.

Applied Technology & Management, Inc.
 9411 Hixson, Norfolk Blvd.
 421 Pleasant St. 20644
 (843) 414-1040
 Certificate of Authorization 000230

MARINA REDEVELOPMENT
 ISLE OF PALMS MARINA
 EXISTING MARINA LAYOUT
 City of Isle of Palms
 Isle of Palms, Charleston County, SC

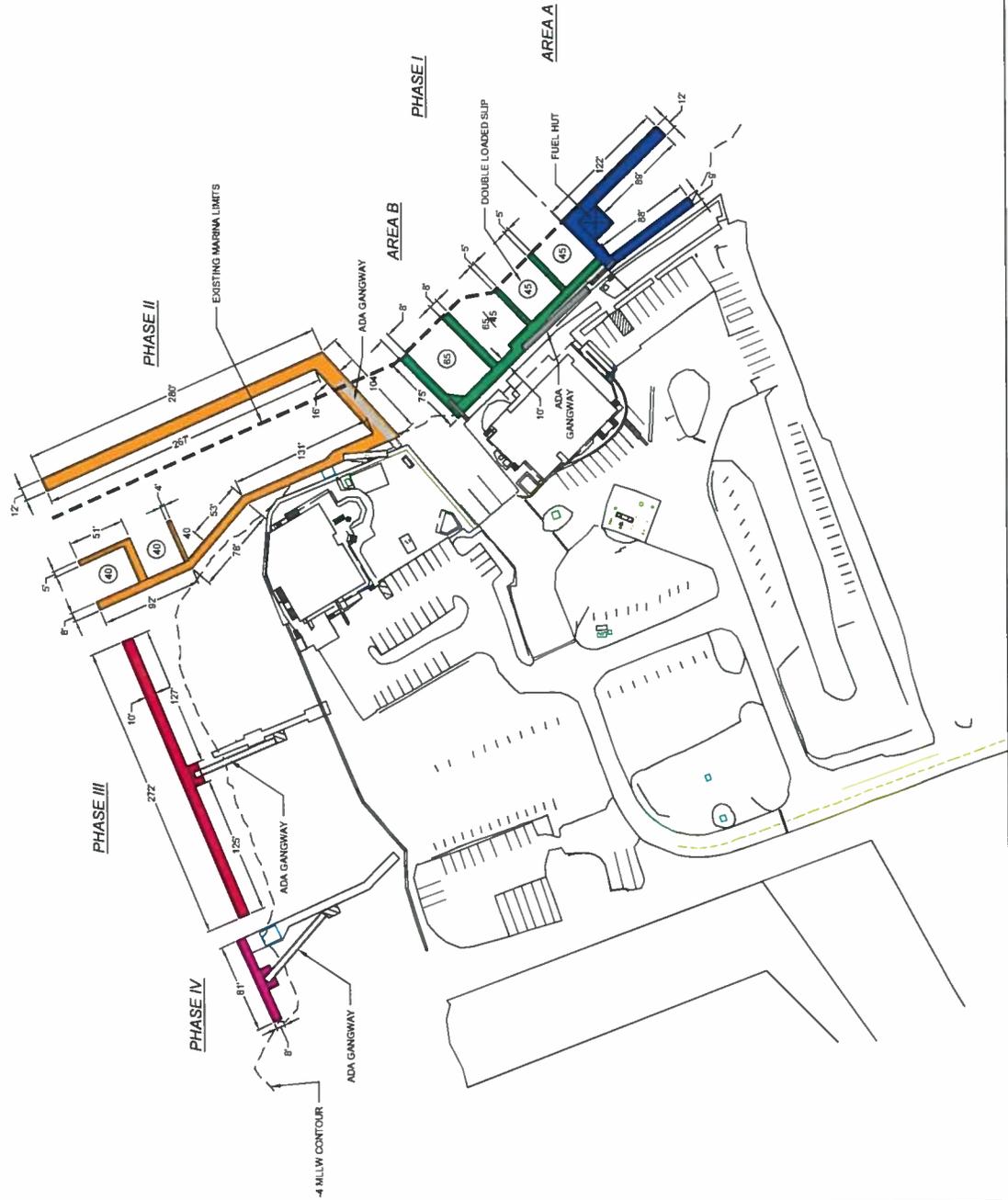
NO.	DATE	BY	CHKD.	DESCRIPTION
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2				
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5				

DATE	11/15/16
SCALE	AS SHOWN
DRAWN	ML
CHECKED	ML
DATE	11/15/16
BY	ML
CHKD.	ML
DESCRIPTION	MARINA

DRAWING NUMBER
 SHEET 1
 OF 1

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PROPOSED MARINA LAYOUT - CONCEPT 2



NOTE:
 1. UPLAND SURVEY COMPLETED BY GEL ENGINEERING LLC IN NOVEMBER 2016.

Applied Technology & Management, Inc.
 9411 Houston Woodford Blvd.
 Mt Pleasant, SC 29564
 (843) 414-1040
 Certificate of Registration #20050

ISLE OF PALMS REDEVELOPMENT
 CONCEPT 2
 City of Isle of Palms
 Isle of Palms, Charleston County, SC

DATE:	11/15/2017
SCALE:	1" = 40'
PROJECT:	ISLE OF PALMS REDEVELOPMENT CONCEPT 2
DRAWN BY:	ATM
CHECKED BY:	ATM

NO.	DATE	DESCRIPTION
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DATE:	11/15/2017
SCALE:	1" = 40'
PROJECT:	ISLE OF PALMS REDEVELOPMENT CONCEPT 2

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