

REAL PROPERTY COMMITTEE
10:00AM, Monday, October 14, 2019
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. **Call to Order**

Present: Council Member Bell (chair), Council members Ferencz and Ward

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Director Kerr

2. **Approval of the previous month's minutes**

Council Member Ferencz made a motion to approve the minutes of the September 18, 2019 meeting, and Council Member Ward seconded the motion. The minutes passed unanimously.

3. **Citizen's Comments**

Patsy Highman, 7 Barnacle Row, said she and her family would be disappointed if Tidal Wave Watersports was no longer at the marina. She said information regarding the situation of the marina and Tidal Wave Watersports' status is hard to find on the City's website and feels this information should be more readily available to the public. She would like to see a timeline of events for marina-related projects and would like to know about the process for selecting who will occupy the Tidal Wave Watersports space. She would also like to know how Tidal Wave Sports has been in violation and if those situations have been corrected.

Scott Pierce, 4 9th Avenue, would like to see the description of the proposed development of 1100 Palm Boulevard to read "request for a zoning change on Palm Boulevard, to develop a multi-use hospitality facility for 25 or more hospitality units, banquet facilities, meeting rooms, restaurant, and recreation facilities (which is the basic description of a Boutique Hotel) on .4 acres that doesn't accommodate its parking." He also requested the Council say no to a zoning change in that area.

4. **Comments from Marina Tenants** – none

5. **Old Business**

A. **Update on marina items**

Administrator Fragoso gave a lengthy and detailed timeline of events regarding the permitting at the marina and an update on the events surrounding the marina. She stated the permitting for overall dock permitting took precedence due to the deteriorated condition of the docks, especially the condition of the dock that currently holds the fueling system. She noted that ATM is currently working on two separate permitting

processes for the City – one to have dock permits changed over to the City’s name and another to address the setback violation of which they were notified in June of this year. After some back and forth with OCRM and ACE (Army Corps of Engineers), it was determined the City will need to go through a full permitting process to address the setback issue. Discussion ensued as to how modifications had been allowed to the dock over the years if proper permits were never in place. Administrator Fragoso noted that is the issue facing the City at this point in time – what the dock looks like now versus what the 1986 permit says it should look like – and that all the issues should be solved through the permitting process.

Administrator Fragoso said that she and Mayor Carroll would like to have a meeting of the full Council on Thursday, November 7 to discuss the future vision of the entire marina, including the restaurant proposals and the pending future use of the lease with Tidal Wave Sports. She said, “It was my recommendation to them [City Council] that if they City wanted to continue leasing that piece of property for that same operation, for water sports activity that the City follow competitive procurement guidelines and best practices when it comes to bidding multi-year leases. That’s where we are now.”

In discussing the vision for the marina, Council Member Bell said, “If we were to continue with a water sports company, we should give full consideration to Tidal Wave.” He requested “lots of well-advertised public notice” for the November 7 meeting.

MOTION: Council Member Ward made a motion to suspend the rules of order to allow Michael Fiem, of Tidal Wave Watersports, to speak to the Committee. Council Member Bell seconded the motion and the motion passed unanimously.

Michael Fiem explained how the changes to the dock came about over the years without proper permitting. Administrator Fragoso added, “The last permit that we had that expired after five years was this redevelopment of that dock. The City was going to fully replace it, but it was too expensive, and the City decided not to do that and only make some minor improvements. So those minor improvements, because they fell under maintenance, they didn’t require the City a permit modification under that permit.”

Administrator Fragoso gave a brief review of the process for the proposals for the marina restaurant. Mr. John Chaffie reported that he is in regular contact with the proposers and is waiting for more specifics from one of the projects. He will be present at the October 22 City Council meeting so the issue can be further discussed in Executive Session. He said more due diligence is needed to move forward and that will take some time. He anticipates a deal could be signed in the first quarter of 2020. He believes the current City Council could make a recommendation, but it will be the new Council that will sign the deal. He added that he has asked all those who made proposals to keep all correspondence with him and to not contact City Council or City staff during the process.

B. Update on Public Safety Building rehabilitation project

Administrator Fragoso reported that the schematic estimates were \$60,000 less than budgeted. She said the next set of drawings will be presented to staff on October 31. She also noted that the project schedule is currently a week behind due to Hurricane Dorian. The project is currently within the approved budget, and she expects the next contract to be executed in the next couple of months when the design and engineering have been completed. Staff meets regularly to discuss the needs and challenges of relocating the operation of both departments while the building is being renovated. Council Member Ferencz asked if the sewer line issue at the building's entrance is being fixed in this project, and Administrator Fragoso said she will look into it further. She added the RFP for the Owner's Representative is out for a construction reviewer, and proposals are due on October 25.

C. Update on proposed hotel development at 1100 Palm Boulevard

Council Member Bell said that all the ideas offered by a developer for this property included parking challenges. After making a presentation to City Council, he said it was erroneously decided to send the proposal to the Planning Commission for discussion. There should have been a first reading of an ordinance before it was sent to the Planning Commission. He noted no decisions about the property are being made at the meeting today. Council Member Ferencz said, "A question that was posed succinctly was with our current zoning laws and current parking restrictions, this project cannot go forward."

MOTION: Council Member Ferencz made a motion "that we recommend to Council that this project not go forward." Council Member Ward seconded the motion. She later amended the motion to include "this project, as it has been presented to us."

Council Member Ferencz said, "I contend that we have ordinances in place. We have parking regulations in place that, if this is the project that they are coming forward with, that we do not let it go any further."

Council Member Bell posited the question, "If you are voting on something is that vote to consider a rezone to GC3 or is it to say that we are not going to consider anything that is not self-contained on the property?" adding that any proposal for that lot needs a parking plan.

Council Member Ward stated, "I want us to keep the current zoning as it is and any future project that goes in there be in full compliance with our laws and our zoning laws."

Council Member Bell clarified that options for the property remain open for discussion as long as they meet current zoning laws and parking requirements.

VOTE: The motion passed unanimously.

D. Discussion of potential projects for Charleston County Greenbelt Program Funding

Administrator Fragoso requested an extension of time before she presents recommendations for Greenbelt Funding projects due to her current workload. She added that the search for someone to do grant writing for the City is in the current budget.

6. New Business

A. Discussion of beach erosion at Breach Inlet and alternatives to address it

Administrator Fragoso reported that the City and SCDHEC-OCRM were approached about two related matters near Breach Inlet. First, the owner of the the Boat House Marina is concerned about sand that is building up and filling in slips. Second, several oceanfront property owners are concerned about increased erosion around 2nd Ave. The Administrator stated that it appears that beach sand is being eroded from the dunes and being transported south to Breach Inlet and wrapping around the island. The marina owner wants to excavate and/or dredge sand to remove it from his property while the oceanfront owners are looking for options to reduce the erosion they're experiencing in front of their properties.

Administrator Fragoso reminded the Committee that the City has a permit for beach nourishment in this area. If the City desires, it may be possible to amend the nourishment permit to include the sand near 101 Palm Blvd as a borrow source of sand to be placed on the beach around 2nd Ave.

This would involve the City submitting an amendment request to OCRM, consultation with state and federal resource agencies, and seeking authorization from the U.S. Army Corps of Engineers.

Administrator Fragoso said that a meeting has been set up with OCRM and the property owners to develop a strategy about what can be done to move sand from behind the Boathouse and back onto the beach at Breach Inlet. A study will need to be done to determine how much sand is available, whether it is compatible and the best strategy to move it. Mr. Jim Smiley asked that any meeting discussing this erosion issue include the property owners from that area.

Administrator Fragoso added that the FY20 budget includes funds for a feasibility study in that area and that any permitting process for such a project would include time for public comment.

B. Update on recommendation from the Planning Commission regarding short-term rentals

Administrator Fragoso said the Planning Commission has been working on this topic for several months and is expected to have recommendations for the Committee to consider next month.

7. **Miscellaneous Business**

The next meeting of the Real Property Committee will be on Wednesday, November 6, 2019 in City Hall Council Chambers.

8. **Executive Session** – none needed

9. **Adjournment**

The meeting was adjourned at 11:18am.

Respectfully submitted,

Nicole DeNeane
City Clerk