

4:00 p.m., Wednesday, June 6, 2018
City Hall Conference Room
1207 Palm Boulevard

AGENDA

1. **Call to Order**
Call to Order and acknowledgement 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**
Regular Meeting of May 10, 2018
Special Meeting of May 22, 2018
3. **Citizens' Comments**
4. **Comments from Marina Tenants**
5. **Old Business**
 - A. Update on alternate Marina off-site parking for employees
 - B. Update on RFP for Marina dock repair/replacement
 - C. Update on removal and replacement of underground storage tanks
6. **New Business**
 - A. Consideration of engaging a real estate attorney
 - B. Discussion of Ordinance 2018-09
7. **Miscellaneous Business**
Tenant Rents Report

Next Meeting Date: _____, _____, July _____, 2018
Time Day Date
8. **Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) – if needed**
9. **Adjournment**

REAL PROPERTY COMMITTEE

4:00 p.m., Thursday, May 10, 2018

The regular meeting of the Real Property Committee was held at 4:00 p.m., Thursday, May 10, 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 City 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 April 10, 2018 as submitted; Chair Bell seconded and the motion **PASSED UNANIMOUSLY.**

3. Citizens' Comment

John Bushnell, 24 – 42nd Avenue, expressed interest in which marina leases were up for renewal in the coming year and the RFP process the City follows.

4. Comments from Marina Tenants

Jay Clarke, owner of Morgan Creek Grill, stated that he wanted to forge an agreement with the other marina tenants for parking for this tourist season. The only work remaining on the bulkhead rehabilitation is clean-up that the contractor plans to do over the weekend. Mr. Clarke presented two (2) estimates that were significantly lower than prices quoted by the contractor to replace stone pavers and refill areas where the concrete failed in the bulkhead behind the restaurant. The fill work quote was for five thousand dollars (\$5,000) and the pavers were quoted at thirty-eight hundred dollars (\$3,800) from Carolina Construction; he also requested that, in relation to the parking plan, the area behind the green fence at the end of 41st be cleaned up.

The small projects were listed in the change order from the contractor several weeks ago and the Committee chose not to have them done at that time due to the prices quoted by the contractor. In subsequent conversations with Mr. Clarke and Marina Manager Berrigan, Chair Bell recommended that they get their own quotes and, as long as they were under the Administrator's procurement limit, the City would reimburse the tenants for the work. The quotes Mr. Clarke got are about ten thousand dollars (\$10,000) less than the contractor wanted; therefore, he recommended that the tenants be allowed to move forward.

MOTION: Councilmember Ward moved to re-order the Agenda to take up Item A under New Business at this time; Chair Bell seconded and the motion **PASSED UNANIMOUSLY.**

6. New Business

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

Administrator Tucker directed attention to a drawing of this location that was included in the meeting packet showing an eighty-five foot (85 ft.) right-of-way on Pavilion Drive which the City owns. The structure on the property has recently changed hands, within the same family, and, when the survey was done, a quarter to one-third of the structure was found to be in the public right-of-way. The problem is that, if the property is to be developed or to change hands again, the owner(s) cannot get a clear title to the property as long as the building is situated in the public right-of-way. Historically, the City has not relinquished its rights-of-way or other snippets of property on the island, but, if it was the will of this Committee and City Council to convey the property on which the house is located in some way to the new owners, one (1) option would be with the understanding that, if the house were to be demolished, the right-of-way would revert to the City. Another option could be to sell the property to make it larger.

Rhett Reidenbach, President and CEO The Revere Group, a civil engineering firm located in North Charleston, noted that the plat in the meeting packet lays out the encroachment clearly, and, additionally, he displayed an aerial photograph of the site. The eighty-five foot (85 ft.) right-of-way is very generous and, in recent years, it has served as a service road for The Acme Lowcountry Kitchen. The encroachment extends, at its widest point, twelve feet (12 ft.) into the right-of-way to a low of seven feet (7 ft.) into the right-of-way. The house has been in the Mims family since 1958, and the circumstances of its construction are unknown. After sitting uninhabited for years, the current generation is interested in developing it in a manner that is complimentary to its surroundings, but there can be no re-development without financing and, without a clear title, financing is not possible. A decision between renovating the structure or demolishing it to build new has not been made; the family is doing the preliminary work to determine what the highest and best use of the structure is and what other complimentary uses would work on the site. Mr. Reidenbach expressed the family's gratitude for the City's assistance in resolving the matter, but he questioned if the right-of-way was valuable to the City to maintain ownership of. If the City was amenable to the idea, he offered that the family would be interested in obtaining a wider swath of land that would encompass the structure going from property line to property line and to leave a fifty foot (50 ft.) right-of-way

Chair Bell stated that, since renovating the structure remains a viable option, he did not think the revert option was the best choice; therefore, the issue before the Committee was whether or not the City wanted to sell property on which the structure is located to enable the owners to get a clear title. The broader decision about the right-of-way was one (1) to be made by full Council while considering how a sale could impact the businesses that abut it.

In the Administrator's mind, the City has three (3) possible choices, and they are as follows:

1. Convey enough property to obtain a clear title;
2. Convey the amount of land identified in #1 with the stipulation that, if the structure was demolished, the property would revert to the City; or
3. Sell the amount of property identified in #1 or some other amount as determined by Council.

Councilmember Ward asked what other uses the family was considering if the structure was torn down, and Mr. Reidenbach responded that the property was zoned GC-1 which has a wide variety of uses, but the owners have been thinking about a small restaurant or office space.

Director Kerr agreed with Chair Bell that the immediate issue was to get the property unencumbered so the owners can get a clear title; any decision about the right-of-way could be made at a later date.

MOTION: Councilmember Ward moved that the City take action to hire a real estate attorney to advise the City on how it could carve out the piece of the right-of-way on which the structure is located; Chair Bell seconded and the motion PASSED UNANIMOUSLY.

5. Old Business

A. Discussion of alternate Marina off-site parking for employees

Administrator Tucker recalled that staff was tasked with exploring all of the possible options for off-site parking for Marina employees, particularly the Water and Sewer property and the parking lot at the Citadel Beach House.

The first option was to do nothing, to require the tenants to stay in compliance with their lease agreements with the City and to confine employee parking to the Marina site. The challenge to this option is that things will continue as they have for some time with a lot of illegal parking.

Chair Bell added that, with the number of businesses operating out of the Marina, the marina site could not handle parking for marina employees.

A second option would be to require that marina employees purchase a seasonal pass to park in the municipal parking lot or the County Park and to take a shuttle to the marina. The biggest obstacle to this recommendation was that parking in the lots was on a first come first served basis; therefore, they could be full on the weekends when the Marina was the busiest.

When asked how many cars could be parked at City Hall and next door, the Administrator estimated a minimum of forty (40).

Chair Bell commented that the locations discussed so far were not preferences; the best option would be for the City to reach an agreement with the IOP Water and Sewer Commission for marina employees to park on their property next to the marina. A second good location was the parking lot at the Citadel Beach House.

Administrator Tucker explained that the point she was trying to make with the first options was that the marina business operators have options at their disposal to deal with the parking for their employees, but they have chosen not to take advantage of them. Other available, but less desirable options were the Exchange Club lot, the area on Palm Boulevard between 10th and 11th Avenues, all of the church parking lots, the Yacht Harbor parking lot and the Lutheran Retreat Center. The Mayor has sent a letter to the Water and Sewer Commission and to the management of The Citadel Beach House making an appeal for an agreement with the City for the use of their property for marina employee parking. Although the City has not received a response from the Water and Sewer Commission, the response from The Citadel Beach House was favorable and encouraging. They stated that they have made arrangements with Wild Dunes Resorts for the construction crews to use their lot for parking while the new hotel is being built and suggested having a meeting with the City.

Since some of these locations are in residential areas, a change in the temporary uses section of the zoning code would be required.

Chair Bell suggested that the City Administrator should proactively set up a meeting with the Water and Sewer Commission and the Citadel.

4. Comments from Marina Tenants

Carla Pope, Operations Manager for Morgan Creek Grill, reported that the marina tenants have had several meetings about parking, and she presented the Committee with their recommendations in a handout that included an aerial shot of the marina, a color-coded map showing the designated parking for the tenants and a parking layout as agreed upon by the tenants in June 2017. A copy of the handout is attached to the historical record of the meeting.

Michael Fiem of Tidal Wave Watersports indicated that he did not support the parking layout offered by Morgan Creek Grill; he stated that the area behind the green fence from the foundation of The Greenery building to the bulkhead has been parking for his business. He opined that the parking behind the green fence was as good as it could be for now. On the subject of signage, he agreed that the marina had a lot of signs, but he also thought that to remove any would be more confusing to people who went there. In addition, he told the Committee that no Tidal Wave employees were allowed to park on-site; half of his employees attend The Citadel and made arrangements on their own to park at the Beach House.

Chair Bell asked Mr. Fiem to count the number of signs he has put up for his business and to remove any that exceed the number allowed per the terms of his lease. The Chair also stated that the trailer was not allowed based on his lease and that it should be moved off-site.

Councilmember Ferencz opined that, if the parking area at the marina was reconfigured, it could accommodate many more vehicles.

Chair Bell repeated that resolving the parking problems at the marina was not City Council's responsibility or staff's responsibility; it was a problem that should be resolved by the marina tenants.

B. Update on property tax payments from marina tenants

Administrator Tucker announced that all of the tenants have paid their share.

C. Update on Marina Bulkhead Rehabilitation Project

Assistant Fragoso stated that the project was ninety-nine percent (99%) completed; the final cleanup would happen over the weekend.

According to the Chair, the plan was to use the contingency funds to pay for the items requested by the tenants at a significantly reduced cost to the quote from the contractor a couple of months ago. Director Pitts is getting quotes for replacing the sod in front of the marina store.

D. Update on Front Beach walkover and restroom renovations

This project is also nearing completion, and the restrooms were re-opened to the public last week. The restrooms will be closed for three (3) days next week as work is done to the floors and the

stall doors are replaced. The contractor has assured City staff that the project will be one hundred percent (100%) complete by Memorial Day.

Councilmember Ward voiced concern over the maintenance of the boardwalk; he has not seen a plan to put a protective coating on it to prevent rapid deterioration; he suggested that a written maintenance plan was needed

The Administrator stated that overseeing the maintenance of the boardwalk would be one (1) of the tasks assigned to the Assistant Public Works Director. For the present, the restroom attendant has been given a new list of the City's expectations, and the City has provided the attendant with the tools to accomplish the tasks assigned.

The contract for the attendant has run out, and the City has been paying the attendants on a month-to-month basis for some time. Now that the renovations have been completed, the City will be issuing an RFB in the fall for the services of an attendant who will also be responsible for maintaining the boardwalk.

Councilmember Ward asked that a sign be installed saying "Do Not Feed the Birds."

MOTION: Councilmember Ferencz moved to re-order the Agenda to discuss Item B under New Business next and to move Item F under Old Business before Item C under New Business; Chair Bell seconded and the motion PASSED UNANIMOUSLY.

6. New Business

B. Consideration of options for securing beach trash barrels

The Administrator stated that this was a concern of an island resident who explained that because the type of trash barrels deployed on the beach do not have covers, the smell of over-flowing or spilled trash has attracted coyotes onto the beach in search of food. She recommended that the City look into some way to keep the cans upright or, possibly, get covered trash barrels.

Currently the barrels are emptied by a device that drives up to the can, grabs and lifts the can over the cab of the device to place the trash in a hopper at the rear. Administrator Tucker was unaware of covered cans that could be emptied in the same manner, and she did not want to cause the contractor to have to buy a different type of apparatus.

5. Old Business

F. Review of FY19 Budget for the IOP Marina and Front Beach

6. New Business

C. Discussion of IOP Marina community/residential objectives

D. Marina pro-forma P&L

1. Review of Marina revenue versus required expenses

2. Discussion of lease tenant gross profit contributions per lease terms and IOP's fiduciary responsibilities

- E. Marina short-term investment/improvement discussion**
- 1. Remedial dock repairs**
 - 2. BIG grant relative to underground storage replacement**

Chair Bell indicated that he wanted to combine these discussions.

He stated that he has again looked at where the City stands financially with regard to the marina; he noted that the defeat of the referendum did not make the financial situation go away, i.e. the repairs and maintenance that need to be done. The final payment on the marina debt will be made in February 2019 in the amount of approximately three hundred thousand dollars (\$300,000), but it is not enough to sustain the marina. The FY19 budget has not allocated money in any quantity for the marina. The City was awarded a grant of approximately seventy thousand dollars (\$70,000) to replace the fuel dock. In the past, the marina has been largely funded by ATAX funds, but it continues to lose money for the City. Before the State legislature is a bill that would allow for a broader use of ATAX funds, primarily drainage. In the Chair's opinion, the City must discern what the priority is for the residents relevant to the IOP Marina and how to spend the money.

The questions that come to mind are whether the marina exists for its commercial tenants or does it exist for the community's intent when purchased in 1999. If its existence is to be primarily commercial, the City must make investment decisions consistent with the return on investments, i.e. remedial repairs and maintenance that need to be done without re-engineering the entire site.

Once the marina debt is paid off, Council's intention is to put those funds into a Marina Fund to be available for on-going maintenance and repairs.

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Chair Bell added that he does not see a residential return on investment, for example, no marina tenant has come forward with dedicated slips for island residents. He stated that, for instance, Coastal Expeditions generates revenue through renting a slip and generates additional revenue from operating the business that rents the slip. He stated that the Council has every right to understand the lease terms of the businesses operating from the marina, the insurance, the business licensing and the flow of income that generates gross profit; he commented that the leases state that the City has a right to records and receipts.

Councilmember Ferencz thought the defeat of the referendum was indicative of the feelings of the residents that they have lost ownership of their marina; she indicated that she would like to see the waiting list for slip rentals to know how many island residents are on the list. She opined that the marina needs to advertise itself as a City-owned marina to provide access to the water for the residents.

Chair Bell suggested that the marina manager charge off-island boaters a higher launch fee as a method of cutting down on congestion.

The Chair spoke very clearly that City Council was not going to invest a lot of money in a marina that refuses to change; he stated Council wants to see some changes at the marina. Council wants to find a balance between commercial business and residential value.

Councilmember Ward said that the City needed more financial controls at the marina, possibly auditing financial statements.

The Administrator remarked that staff has sought clarification on whether the City has a right to audit marina businesses and added that the City could perform a business license audit.

Councilmember Bell stated that some of the docks are “in terrible shape” and that it was the City’s responsibility to make them safe.

3. Request for tenant recommendations and specific action plans

Chair Bell reiterated his statement that non-resident launch fees should be increased to a level that starts to reduce the number of users, the percentage of launches for residents versus non-residents and how many launches occur daily,

Councilmember Ward opined that the marina should be partially supported by Hospitality Taxes rather than State ATAX.

Administrator Tucker stated that Assistant Fragoso has been working on the RFP for engineering services at the marina to determine what docks can be repaired and what docks must be replaced.

7. Miscellaneous Business

Marina Tenants Report – all tenants were current.

Next Meeting Date: 4:00 p.m., Wednesday, June 6, 2018 in the Conference Room

The Real Property Committee agreed to meet on the first Wednesday of the month at 4:00 p.m. for the balance of 2018.

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8. Executive Session – not needed

9. Adjournment

MOTION: Chair Bell moved to adjourn the meeting at 5:50 p.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

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 weekend, 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

ORDINANCE 2018-09

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 1, GENERAL PROVISIONS, SECTION 5-4-16, TEMPORARY USES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO ALLOW PUBLIC PARKING ON LOTS LOCATED IN SR-1, SR-2, LC AND GC-1 ZONING DISTRICTS AS A TEMPORARY USE SUBJECT TO CERTAIN CONDITIONS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Paragraph (a) of Section 5-4-16, "Temporary uses," is hereby amended by adding a new subparagraph (4) to state as follows:

"4. Public parking on lots located in SR1, SR2, LC, and GC1 zoning districts, for a period not to exceed four (4) consecutive months, to provide off-site, overflow parking facilities when authorized by City Council to alleviate public safety concerns caused by parking congestion."

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

Title 5 – Planning and Development
Chapter 4 – Zoning
Article 1 – General Provisions

Sec. 5-4-16. - Temporary uses.

- (a) The Zoning Administrator may issue temporary permits for the following uses:
- (1) Religious meetings in a temporary structure in GC zoning districts for a period not to exceed seven (7) consecutive days;
 - (2) Open lot sale of Christmas trees in the GC and LC zoning districts for a period not to exceed forty-five (45) consecutive days;
 - (3) Storage and office trailers for use as construction storage and Contractor's office during construction in any district, except in fully or substantially fully developed residential districts, for a period of twelve (12) consecutive months, provided that such office is placed on the property under construction;
 - (4) Public parking on lots located in SR1, SR2, LC, and GC1 zoning districts, for a period not to exceed four (4) consecutive months, to provide off-site, overflow parking facilities when authorized by City Council to alleviate public safety concerns caused by parking congestion.
- (b) Any person, company or organization to be permitted under this section to place a mobile home, storage or office trailer must agree by written letter delivered to the Zoning Administrator prior to issuance of the permit that in the event a named storm is identified by the national weather service with a projected path that includes the City, that the permittee will cause the temporary structure to be disconnected from all water, sewer and electrical connections and removed from the City limits upon the County Emergency Operations Center declaring the City under OPCON 2.