



Real Property Committee

4:00 p.m., Thursday, May 14, 2020

1207 Palm Boulevard, Isle of Palms, South Carolina

Virtual Meeting Due to COVID-19 Pandemic:

The public may join the virtual meeting by clicking here: <https://www.youtube.com/user/cityofisleofpalms>

Public Comment:

Citizens may provide public comment here:
<https://www.iop.net/public-comment-form>

Agenda

1. **Call to order** - and acknowledgement that the press and public have been duly notified of the meeting in accordance with the Freedom of Information Act.
2. **Approval of previous meeting's minutes** – March 4, 2020
3. **Citizens' Comments** – Citizens may submit written comments here: <https://www.iop.net/public-comment-form> Comments received prior to the meeting will be entered into the record.
4. **Marina Tenant Comments**
5. **Old Business**
 - a. Update on marina dock permitting and dock rehabilitation project
 - b. Update on marina restaurant lease proposal
 - c. Update on Public Safety Building rehabilitation project
 - d. Consideration of rent abatement for MJV due to dock damage and UST project delay
6. **New Business**
 - a. Consideration of a change order of the Applied Technology Management (ATM) contract for additional services related to the marina dock rehabilitation project: water/wastewater permitting, pump out grant application and construction administration services.
 - b. Discussion of Front Beach public restrooms maintenance contract
7. **Miscellaneous Business**

Next Meeting Date: 5:00 p.m., Wednesday, June 3rd, 2020



8. Executive Session – If needed

9. Adjournment



REAL PROPERTY COMMITTEE
5:00pm, Wednesday, March 4, 2020
City Hall Conference Room
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Council members Buckhannon, Bell, and Popson

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Attorney Copeland,
Chief Cornett

2. Approval of previous meeting's minutes – February 13, 2020

Council Member Bell made a motion to approve the minutes of the February 13 meeting, and Council Member Popson seconded the motion. The minutes passed unanimously.

3. Citizens' Comments -- none

4. Marina Tenant Comments -- none

5. Old business

A. Update on marina dock rehabilitation project

Kirby Marshall of ATM gave an update on the marina dock rehabilitation project. He reported the regulatory permit from OCRM has been received and they are just waiting on the permits from the Army Corps of Engineers. He is working with Travis from the IOP Fire Department on the fire protection design. They are also coordinating with Brian Berrigan on several design elements of the electrical needs at the site.

Mr. Marshall gave the Committee some information and options concerning the fuel dispensers at the marina. "What we were thinking about was the potential to spread the dispensers out on the fuel to dock to eliminate those long hose lays that could present trip hazards and put the dispensers actually out there with integrated hose reels out on the docks. It would make it a lot simpler for marina staff. It would make it a lot safer and easier access for marina patrons to know where to go, gas, diesel, things like that. However, we just want to be conscious of the infrastructure investment we have already made." The current year-old dispensers cannot be relocated out on to the docks because they are not weatherproof. Tier 1 boating infrastructure grant funding can be used to help offset the cost of the new fuel dispensers. He said, "The total net impact will be about \$30-35,000." Mr. Marshall shared pictures of the proposed dispensers. It is his recommendation to add these to the design and spread the dispensers out along the dock. He said there may be some salvage value with the current dispensers.

MOTION: Council Member Bell made a motion to proceed with the new layout and replacing the fuel dispensers, and Council Member Popson seconded the motion. The motion passed unanimously.

Mr. Marshall then asked the Committee if they would like to purchase a new or reuse the existing marine pump out unit. He said there is a Clean Vessel Act grant “that will pay for 75% of whatever you do with that.” He noted there have been some failures with the current unit. Mr. Marshall added that the Clean Vessel Act pays for the annual maintenance of the unit.

MOTION: Council Member Bell made a motion to pursue the pump out and to pursue grant funding for this portion of the project. Council Member Popson seconded the motion. The motion passed unanimously.

Mr. Marshall then spoke to the electrical design of the project. He reported that redoing the site’s electrical design and purchasing new transformers will add approximately \$60,000 to the project costs. He said it is not necessary, but it will “result in a much cleaner project and site in the long term.” Regarding project financing, Administrator Fragoso said, “We are looking at \$3.3-3.4 million total including contingency, and the way that we have built the first draft of the budget assumes a 20-year term.” She added that the City has the non-standard service fund with Dominion Energy, “which would provide matching funds to the City for undergrounding utility lines.” She has requested further information on that from Dominion Energy. Mr. Marshall added that the new transformers could be integrated to help the new restaurant while cleaning up the property. Mr. Marshall said the final decision for the transformers will be needed sometime in the next few weeks to complete the design process.

Lastly, Mr. Marshall spoke to the Committee about the need for dredging the area. He shared pictures of where dredging could be helpful. He said it would make sense to update the survey of the area and initiate the permitting process to be ready when Wild Dunes is ready to dredge, which may not be for 4-5 years.

B. Update on marina restaurant lease proposal

Administrator Fragoso said she continues to work with John Chalfie and the IOP Families during the extension of the due diligence period as approved by City Council. She said they are currently having discussions with Brian Berrigan on the parking plan for the marina.

C Update on modified beach permit application request for Breach Inlet

Administrator Fragoso said, “The City requested to OCRM a modification to our beach renourishment permit. We had a number of properties that were exhibiting severe erosion in front of their property. Reached out to OCRM for the process by which they could restore the dune that is front of their homes. Normally, if the dune erosion is within 20’ of a habitable structure, the City could issue and the State could issue an emergency order. That is not the case. However, the erosion seems to progress, and they reached out to the State requesting guidance on the process by which they could apply for approval from the State, who is the entity who has jurisdiction, to restore the dune. The State reached out to us and said that the City has an active permit for the beach renourished area and this area, knowing, as you all know, we have also

funds in the budget for a feasibility study knowing that that has been becoming an erosion hot spot. So they recommended that the City submit a modified request to the permit. It doesn't cost the City anything. Rather than each individual property owner submitting an individual permit request to the State. We have done that. That goes through the same process with OCRM, goes through a public notice. The public notice I think ended last Friday or Thursday of last week, and now they will evaluate it from an environmental standpoint and then issue approval of the work. They will have a contractor. The individual property owners are splitting the cost, not the City. They would be pursuing the work in accordance with the permit."

Council Member Bell expressed concern about the City acting as a proxy for private homeowners and worries this will set a precedent. He asked if the City could incur any liability if something goes wrong in the process. Administrator Fragoso said there are several past projects that set precedent for the City to act in this manner. She said, "I think that the City's history has been protecting and preserving and enhancing the dry sand beach. I think when you look at the two beach restoration projects that have been done, they both have been done under the City's permit." She sees it as a positive public/private partnership and notes the owners are acting in a proactive manner in addressing the situation. She pointed out that the City is "facilitating a permitting process to allow them to address the situation faster, earlier rather than later." She indicated the City can be held harmless against liability.

D. Update on Public Safety Building rehabilitation project

Administrator Fragoso said she is close to executing the contract for the Public Safety Building rehabilitation project as approved by City Council. She also reported staff is moving into the trailers and are expecting water hookup by the end of the week. There will be a kickoff meeting with Trident Construction, Coast Architects, and Insight on Thursday.

6. New Business

A. Consideration of rate abatement for MJV due to dock damage

Administrator Fragoso said, "We had a portion of the face dock fail back in May of 2018, and back in April of last year, another section of what we call the restaurant dock, it is on the Morgan Creek side, also collapsed. It is roughly 125' of dock space that Brian has not been able to lease or use because of the damage. I was hoping to have the number for you all today. We will bring that to Ways & Means. We are working through the formulas and trying to decide what that number looks like and the days that he has lost of revenue. We will bring it up before Ways & Means for full Council consideration but know that that is on the pipeline and that is coming your way for consideration." She added that the insurance claim for the damage was denied as it was not due to a named storm.

B. Consideration of temporary management arrangement for restaurant docks at the Intracoastal Waterway

Administrator Fragoso said the portion of the dock in question "historically has been assigned to the restaurant lease tenant." With the closing of Morgan Creek Grill and prior to a new lease being signed, the docks are unsupervised and not being maintained or policed. She said it is

important to have an arrangement that will protect the City from liability from the unauthorized use of the docks. She has spoken with Brian Berrigan about tending to the docks during this interim period. “We are proposing, as an alternative for the City, to enter into a temporary agreement with Brian to supervise and manage these sections of docks.” Administrator Fragoso has had preliminary discussion with Brian about how to structure the agreement on a month-by-month basis and will bring something to the Committee for their consideration. She added, “Our initial thoughts were this could be used for short-term boat slips for residents, and Brian said because it would be temporary, month-to-month, he would not rent for more than a week.”

MOTION: Council Member Bell made a motion “that we entertain entering into an agreement with Marina Operator as to the potential for that for this season on a temporary, month-to-month basis.” Council Member Popson seconded the motion. The motion passed unanimously.

C. Discussion of preliminary results from marina citizen input

Administrator Fragoso shared a preliminary overview of the input received from the community meeting about the marina. She reported that Mayor Carroll has asked for a Special City Council meeting to discuss the results in full. A more complete document detailing the input will be available on the City’s website when it is complete.

7. Miscellaneous Business

The next meeting of the Real Property Committee will be on Wednesday, April 1, 2020 at 5pm.

8. Executive Session

MOTION: Council Member Bell made a motion to move into Executive Session in accordance with §30-4-70(a)(2) to discuss negotiations incident to the proposed contractual arrangements related to the marina restaurant lease and to receive legal advice. Council Member Popson seconded the motion. The motion passed unanimously.

Committee members moved into Executive Session at 6:06pm.

Committee members returned from Executive Session at 6:51pm. No decisions were made.

9. Adjournment

Council Member Bell made a motion to adjourn and Council Member Popson seconded the motion. The meeting was adjourned at 6:51pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

APPLIED TECHNOLOGY AND MANAGEMENT, INC.



PROPOSAL FOR CONSULTING SERVICES

ISLE OF PALMS MARINA

- MARINA UTILITY PERMITTING
- CVAP GRANT APPLICATION
- CONSTRUCTION ADMINISTRATION SERVICES

ISLE OF PALMS, SOUTH CAROLINA

PREPARED FOR:



Attn: Ms. Desiree Fragoso

April 15, 2020

INTRODUCTION

Applied Technology & Management, Inc. (ATM) respectfully submits this proposal to Ms. Desiree Fragoso of the City of Isle of Palms to provide assistance with the following tasks related to the rehabilitation of the Isle of Palms Marina.

1. Perform required DHEC permitting for the potable water and wastewater (pumpout) systems proposed as part of the redevelopment of the marina.
2. Development and submittal of a Clean Vessel Act (CVAP) grant application to procure grant funding reimbursement for new pumpout installation
3. Perform Construction Administration services during the marina redevelopment process

TASK 1 – WATER/WASTEWATER PERMITTING

ATM will prepare and submit on the City's behalf a permit application for the water/wastewater systems for the redeveloped portion of the marina along Morgan Creek. These authorizations are required by the South Carolina Department of Health and Environmental Control (SCDHEC) prior to installation of the systems. The permit is also required as part of the application for CVAP funding for the pumpout system (Task 2). This permit application will include the following, at a minimum:

- Transmittal letter
- Location Map
- SCDHEC permit application form
- Signed/sealed design plans and specifications (developed under previous work authorization)
- Design calculations based on applicable regulations
- Letter from the Isle of Palms Water and Sewer Commission stating their willingness and ability to serve the project; *ATM will coordinate with the utility to obtain this letter.*
- A letter from the City agreeing to be responsible for the operations and maintenance of the wastewater system; *This letter will need to be provided by the City on the City's letterhead. ATM will provide appropriate language for the letter to the City.*

After submitting the application package, ATM will coordinate with SCDHEC as required to expedite the review/approvals process. *Coordination limited to 2 hours of ATM professional labor.*

The deliverable for this task will be a completed DHEC permit application with requisite supporting documentation.

TASK 2 – CVAP PUMPOUT GRANT APPLICATION AND COORDINATION

Upon receipt of the SCDHEC's water/wastewater permit (Task 1), ATM will prepare and submit an application for a CVAP grant to the South Carolina Department of Natural Resources (SCDNR) for the marina pumpout system. Under this task, ATM will:

- Review and discuss facilities/services that are or may be included in the grant program with SCDNR.
- Coordinate with SCDNR and the City of Isle of Palms in an effort to maximize the grant funding available. To this effect, ATM will consider the following inasmuch as they are appropriate and acceptable in accordance with the grant program
 - Upland pumping facility and upland piping
 - Operations and Maintenance program funding
 - Permitting and engineering fees
- Coordinate with pumpout vendor(s) and mechanical contractor(s) to develop a detailed cost estimate for the system, including the pumpout unit, plumbing, electrical controls, and installation.
- Gather appropriate application materials and documentation for submission including:
 - Pumpout brand/manufacturer and model
 - Design plans, specifications, and calculations (developed under previous work authorization)
 - Grant application form
- Prepare the Grant Application including all the necessary documentation and design plans required by the application and discussed with SCDNR. Prior to submission, ATM will provide the City of Isle of Palms with a completed copy of the documents to review and for appropriate signatures to complete the package.
- Submit the Grant Application package to SCDNR for their consideration.
- Coordinate with SCDNR as required to expedite the review/approvals process. *Limited to 2 hours of ATM professional labor.*
- Fill out and submit, on the City's behalf, SCDNR's reimbursement request form; *It is assumed that a single reimbursement request will be made for the entire system after procurement and installation.*

Note: It is assumed that the City has, or will acquire, a registered Data Universal Numbering System (DUNS) number and is, or will be, registered in the System for Award Management (SAM). These registrations are required to receive federal funding through the program.

The deliverable for this task will be a completed CVAP application with appropriate, supporting documentation.

TASK 3 – CONSTRUCTION ADMINISTRATION SERVICES

To ensure successful completion of the marina rehabilitation project, ATM will perform the following services during construction:

- Coordinate and participate in an on-site pre-construction meeting with the City, selected contractor, key sub-contractors, suppliers, etc. *It is assumed that this meeting will occur on site and will last two hours.*
- Facilitate regulatory commencement notification.
- Review floating dock, anchorage, gangway, fixed landing pier, and fuel hut calculations and shop drawings as provided by the contractor. It is assumed that the design package for these elements will be provided in a single, comprehensive package for review. This scope includes single review only to ensure consistency with design intent of the project, performance specifications, identified loading criteria, and regulatory permit conditions.
- Review miscellaneous contractor submittals (schedule, work plan, safety plan, hurricane preparedness plan, etc.).
- Review contractor materials submittals and product certifications.
- Review utilities shop drawings and materials submittals.
- Conduct ongoing observation of the project progress to include weekly site visits during active construction. Assume 10 site visits.
 - Document site observations via written memorandum reports and digital photography.
 - Document project progress and identified project challenges or issues.
- Review and certify contractor's applications for payment. ATM will ensure the applications properly reflect the work completed, properly account for procured/stored materials, and are certified in accordance with the contract requirements.
- Facilitate project close out
 - Conduct punch list inspection of all project components
 - Conduct audit of project documentation and close out of open items
 - Establish and execute Certificate of Substantial Completion and coordinate release of retainage/final payment
 - Facilitate regulatory close out
 - Facilitate completion of as-built, operations and maintenance, and warranty documents for the City/marina operator/project record. It is assumed that the as-built drawings will be produced by the installing contractor.

Deliverables for this task will include: pre-construction meeting agenda and minutes, response to provided submittals, site observation memoranda, certified payment applications, punch list summary memorandum, and project close out documentation.

SUMMARY OF PROFESSIONAL FEES

Task	Scope Element	Professional Fee
1	Water/Wastewater Permitting	\$6,500
2	CVAP Grant Application	\$5,000
3	Construction Administration Services	\$55,000

Notes:

1. The above includes professional labor fees and anticipated expenses, with the exception of permit application fees required by SCDHEC which are assumed to be paid directly by the City.
2. This scope assumes a 6-month project duration for the demolition of existing docks and appurtenances, procurement and installation of new docks and anchor pilings, and installation of associated marina utilities.
3. ATM services may be initiated immediately upon the acceptance of this proposal and execution of a contract amendment.