



SPECIAL CITY COUNCIL MEETING
4:00pm, Friday, October 2, 2020
Virtual Meeting via Zoom call due to COVID-19 Pandemic
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. **Call to order**

Present: Council members Buckhannon, Bell, Smith, Streetman, Ward, Pounds, and Mayor Carroll

Absent: Council members Popson and Moye

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

Also present: Brent Halversen, Jim Hinchey

2. **Purpose** – Discussion and consideration of legal options for holdover tenant at Isle of Palms Marina

Mayor Carroll said, “There has been a lot of misinformation on social media these past few months related to the City and Tidalwave. Before we discuss and take action on the issue on the agenda, I want to set the record straight with a brief timeline for the public’s benefit. I will also add this to the minutes, so anyone can read it.

- The lease with Tidalwave requires that the City give its tenant a year’s notice of non-renewal from September 30, 2020.
- On **April 12, 2019**, Tidalwave submitted by email to all members of Council a request to negotiate new lease terms. No member of Council opted to add this to an agenda for consideration.
- The first time members of this Council publicly talked about and voted on the Tidalwave lease was on **April of 2019** at a Real Property Committee meeting. It was during this meeting that the committee voted unanimously to recommend that Council notify Tidalwave that the City had NO intention to renew the lease terms or exercise its lease renewal option.
- Council met that same month on **April 23, 2019**, and voted 5-4 to notify Tidalwave Watersports that the City will not renew the lease or exercise the renewal option of the existing lease.
- The formal written notice was mailed to Tidalwave on July 5, 2019 by certified mail. The lease requires that.

- Our City Administrator restated the information I just shared with you, again, during the City Council meeting on **July 23, 2019**. During that same meeting, Mr. Fiem spoke during public comments and acknowledged receipt of the non-renewal notice.
- The City confirmed the information I just shared with you to the press through a formal statement in January of 2020.
- On **August 20, 2020**, legal counsel for Tidalwave sent a letter to the City, acknowledging receipt of non-renewal from the City in July of 2019, and requesting that Council consider a new or renegotiated lease. No member of this Council opted to put this on an agenda for consideration.
- On **September 22, 2020**, this Council voted to transform this area of the marina into a green space and public park for the island's residents and guests.

The City is and was not obligated to renew, renegotiate or obtain a new lease. This was a contract, agreed by all parties, and this contract had a non-renewal provision that City Council exercised. City Council sets policy based on what they believe is in their communities' best interest. Each council member has their own reason for voting. Council votes on the policy, and staff, is responsible for putting it in action.

This Council has remained transparent in its intent to not renew the current lease with this tenant. Despite the City's clear directive, we now have a tenant who is refusing to vacate the premises and now exposes itself and the City to liability. This vote today is about procedure; it is about how best to protect the City from risk. Staff needs a direction. We have followed the letter of this lease and provided ample notice to vacate. This tenant has had at least 17 months to plan.”

3. Executive Session

MOTION: Council Member Bell made a motion to enter into Executive Session in accordance with South Carolina Code §30-4-70(a)(2) to receive legal advice concerning holdover tenant at the Isle of Palms Marina. Council Member Pounds seconded the motion. The motion passed unanimously.

City Council entered into Executive Session at 4:07pm.

City Council returned from Executive Session at approximately 4:50pm.

MOTION: Council Member Streetman made a motion to authorize the City Administrator and legal counsel to initiate eviction proceedings over the holdover tenant at the Isle of Palm Marina. Council Member Pounds seconded the motion. The motion passed unanimously.

4. Adjournment

Council Member Buckhannon made a motion to adjourn and Council Member Pounds seconded the motion. The meeting was adjourned at 4:51pm.

Respectfully submitted,

Special City Council Meeting, 9/15/2020

Nicole DeNeane
City Clerk