



Real Property Committee

1:30 p.m., Monday, October 4, 2021
1207 Palm Boulevard, Isle of Palms, SC
Council Chambers

Public Comment:

All citizens who wish to speak during the meeting must email their first and last name, address and topic to Nicole DeNeane, City Clerk, at nicoled@iop.net no later than **3:00 p.m. the day before the meeting**. Citizens may also provide written public comment here:

<https://www.iop.net/public-comment-form>

Agenda

1. **Call to order** and acknowledgment that the press and the public have been duly notified of the meeting in accordance with the Freedom of Information Act.
2. **Approval of previous meeting's minutes** – September 13, 2021
3. **Citizens' Comments**
4. **Marina Tenants Comments**
5. **Old Business**
 - a. Update on marina dock rehabilitation project
 - b. Update on marina restaurant renovation by Marker 116, LLC
 - c. Consideration of noise control agreement with Marker 116, LLC
 - d. Update on proposed public dock and greenspace at the IOP Marina
 - e. Update on ADA beach access improvements
6. **New Business**
 - a. Discussion regarding request to reinstate the no wake zone on the Intracoastal Waterway
 - b. Discussion of elevator in the new marina restaurant
7. **Miscellaneous Business**

Next meeting date: 1:30 p.m., Monday, November 1, 2021
8. **Executive Session** – If needed.
9. **Adjournment**



REAL PROPERTY COMMITTEE
1:30pm, Monday, September 13, 2021
1207 Palm Boulevard, Isle of Palms, SC 29451
and broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Council members Moye, Popson, and Streetman

Staff Present: Administrator Fragoso, Director Kerr

2. Approval of previous meeting's minutes – August 2, 2021

MOTION: Council Member Moye made a motion to approve the minutes of the August 2, 2021 meeting and Council Member Popson seconded the motion. The motion passed unanimously.

3. Citizens' Comments -- none

4. Marina Tenant Comments

Administrator Fragoso read from an email from Jon Bushnell: "We do have some questions for the committee. We would like some transparency and visibility around the shared parking lot. As tenants, we would like to know who all is sharing the shared parking lot. Questions, number one, how many business permits are issued at the IOP Marina address? Number two, does the City have any information as to how many employees are working for all these Marina businesses? Number three, what are the operating guidelines for the shared parking lot? What are the hours? Is overnight parking allowed, maximum time limit, etc. in the shared parking? Question number four, is the shared parking area specifically designated as overflow parking so that once all the other leased parking areas are full only then do tenants have their customers parking in the shared lot?"

Committee members agreed clarity on the shared parking agreement is necessary. Council Member Streetman said he would also like clarity on the residents' parking status at the Marina. Administrator Fragoso said she would respond to Mr. Bushnell's questions in writing and copy the Committee members. She reported that meetings between Marker 116 and the Marina Manager to discuss the shared parking have been held and she awaits an update from them.

5. Old business

A. Update on marina dock rehabilitation project

Administrator Fragoso reported that Salmon's is experiencing some delays (due to COVID and staffing shortages) that will not allow them to mobilize this week. They plan to mobilize and begin work on the Charter Docks (Dock Area B) next week.

She added, "They are continuing to work on the connection to the potable water service. They have had to replace some of the in-ground materials that were not identified until excavation. There are some areas there that require adjusting the materials of how they are connected to each other. Some of it is PVC. Some of it is copper, and it is just not ideal. They are changing that and that was something unforeseen. They were not aware of it until after they excavated because it is not visible until excavation happened. The pressure testing and disinfecting is ongoing."

Administrator Fragoso said she would check to see if the BT samples go through the IOP Water & Sewer Commission before they go to DHEC. She said she will speak to Kirby Marshall of ATM about the alternate materials being sought with regards to the fuel hut and aluminum extrusions.

Of the November 19 completion date, Administrator Fragoso said, "One of the reasons why I wanted to have another meeting with the engineer and the contractor was to evaluate whether that schedule will continue to still be in place and then what the City's position will be in regards to extending that. As of today, I have not agreed to extending the schedule deadline past November 19. So our position is that the project should be completed, at least substantially completed, by that date."

Regarding the pump out system at the Marina, Administrator Fragoso indicated she received a lengthy email from the Dock Manager about it which she will forward to the Committee. They have been working diligently to get it fixed and expect it to be fixed next week.

B. Update on marina restaurant renovation by Marker 116, LLC

Administrator Fragoso shared photographs of the restaurant's progress. She said meetings with the owner's representative and contractor have gone well so far, adding that issues are addressed quickly.

Council Member Popson agreed that work is progressing nicely. He said the plumbing work is complete, work continues on the electrical, and HVAC installation is anticipated next week. He spoke highly of the structure work that has gone into the building and said the City is getting a "good beefed-up product." He did note some safety issues and would like to see them properly marked.

C. Update on the proposed public dock and greenspace at the IOP Marina

Administrator Fragoso said this project remains on hold until the case with the holdover tenant is adjudicated.

D. Update on ADA beach access improvements

Administrator Fragoso said the survey of the 34A Beach Access is complete. They have received one bid from a design firm that addresses the engineering of the boardwalk and the drainage issues. They are waiting to hear from two more design firms.

Director Kerr reported that the City will be working with their landscape contractor more closely to better maintain the MobiMats. He said they have been able to extend the mat approximately 50' but it is still not out of the soft sand. The landscaper will be working over the next few weeks on a cost estimate of how much it will cost to do the work required to keep the MobiMat level and free of sand.

Administrator Fragoso said OCRM needs more time to work on the issue about changing their code to allow for any further extension of the MobiMats towards the ocean.

With regards to a resolution, Committee members agreed that a resolution from City Council urging OCRM and or the State legislature to amend the codes and statutes allowing for extension of the MobiMat towards the ocean would go a long way in the court of public opinion. It would additionally give Representative Bustos extra "clout" as he works within the General Assembly to change State law. Administrator Fragoso will present a draft resolution to Committee members for feedback prior to the September City Council meeting.

Administrator Fragoso said she is awaiting feedback from the City of Folly Beach regarding the operation of their beach wheelchair program before further discussing private/public partnerships that could provide for this service on IOP.

6. **New Business** -- none

7. **Miscellaneous Business**

The next meeting of the Real Property Committee will be held on Monday, October 4, 2021 at 1:30pm.

8. **Adjournment**

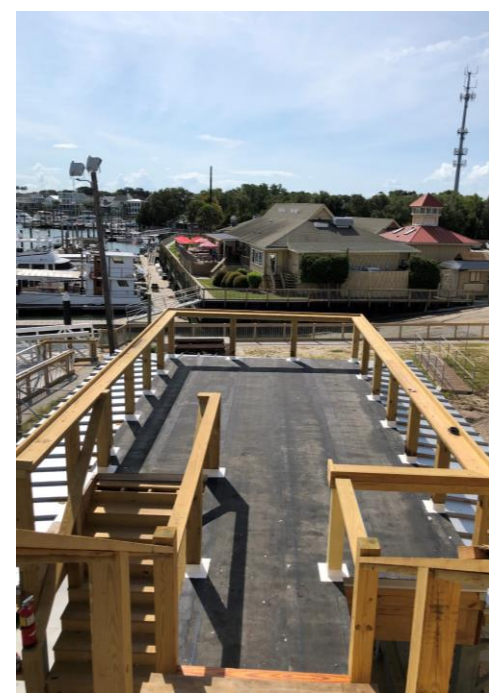
Council Member Popson made a motion to adjourn and Council Member Moye seconded the motion. The meeting was adjourned at 2:14pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Dock Area B – Charter Docks 9/30/2021





Marina Restaurant Update

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

NOISE CONTROL AGREEMENT

This Noise Control Agreement (“Agreement”) is made and entered into this _____ day of _____, 2021, by and between The City of Isle of Palms, S.C., a South Carolina municipal corporation (“City”), and Marker116, LLC, a South Carolina limited liability company (“Tenant”).

WHEREAS, on February 23, 2016, the City amended Section 9-2-5(a)(3) of the City’s Code of Ordinances to exempt City-owned property subject to a commercial lease and a noise control agreement or permit from the prohibition on amplifiers and loudspeakers being operated at outdoor public places owned or under the control of the City; and

WHEREAS, Tenant is currently operating under a commercial lease with the City dated November 12, 2020; and

WHEREAS, Tenant desires to provide live entertainment to its restaurant patrons on the outdoor public grounds immediately surrounding the Tenant’s Restaurant, including musicians who use amplifiers; and

WHEREAS, Tenant will install improvements to the property to significantly reduce the sound emanating from the amplifiers into the adjacent residential neighborhoods; and

WHEREAS, the City wishes to allow the use of amplified music at the Tenant’s Restaurant subject to certain conditions which will protect the residents in adjacent neighborhoods from unreasonably loud or disturbing noise.

THEREFORE, in consideration of the premises and the mutual covenants and conditions set forth in this Agreement, the parties hereto agree as follows:

1. The City hereby agrees and grants permission for Tenant to use, maintain or operate loudspeakers, amplifiers or other mechanical or electrical devices for increasing the volume of sound

upon the outdoor public grounds immediately surrounding the Tenant's restaurant, subject to the following conditions:

A. Tenant agrees to at all times comply with the provisions of the City's noise ordinance, as may be amended from time to time;

B. Tenant agrees to employ sufficient noise abatement measures to ensure that the amplified sound is not in violation of the City's noise ordinance and cannot be heard inside residences in the adjacent neighborhoods;

C. Tenant agrees to immediately lower amplified sound levels when it determines or is informed that sound levels are too high. Tenant will be on notice that sound levels are too high if any of the following situations occur:

- i. Amplified music can be heard inside residences in adjacent neighborhoods;
- ii. Residents have made complaints to the Tenant or the City Police Department;
- iii. City Police Officers have notified Tenant of complaints.

D. Tenant will provide the City with the name and phone number of the manager who is responsible for noise compliance. If residents contact this person, he/she will immediately determine whether sound levels are too high, and if so, immediately lower sound levels as needed to comply with this Agreement and the City's noise ordinance. As used in this paragraph, "immediately" shall mean within thirty (30) minutes of the receipt of a noise complaint or being advised by the City of a noise complaint. The Tenant, after complying with the above requirements, shall, in addition, have thirty (30) days to provide the City with a written plan which will cure sound

level problems by establishing and assuring lower levels, adding additional sound abating materials, and/or developing policies to ensure ongoing compliance with this Agreement.

2. In the event that Tenant violates any one of the conditions set forth herein, the City may, in its sole discretion, immediately terminate this Agreement.

IN WITNESS WHEREOF, the parties hereto, by and through their undersigned agents, have executed this Agreement as of the date stated above.

WITNESS:

The City of Isle of Palms, S.C.

By: _____

Title: _____

Marker116, LLC

By: _____

Title: _____