

REAL PROPERTY COMMITTEE

9:00 a.m., Thursday, June 2, 2016

The regular meeting of the Real Property Committee was held at 9:00 a.m., Thursday, June 2, 2016 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Harrington and Rice, Chair Bergwerf, Administrator Tucker, Assistant Administrator Fragoso and Clerk Copeland; a quorum was present to conduct business. Also in attendance were Kirby Marshall of ATM, Scott Parker of DesignWorks, Brian Berrigan, Jay Clarke and Carla Pope from Morgan Creek Grill, Michael Fiem of Tidal Wave Watersports and several island residents.

1. Chair Bergwerf acknowledged that the press and public had been duly notified of the meeting in accordance with the Freedom of Information Act.

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Harrington moved to approve the minutes of the regular meeting of May 5, 2016 as submitted; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Elizabeth Campsen, 32 Intracoastal Court, said that she was at the meeting for the continuing discussion of the marina redevelopment plan; she has also attended Planning Commission meetings and listened to Council meetings where this was discussed. She stated that she had reviewed Concept C and liked it; she repeated that her primary concern has been trying to find a way for the site to operate within the parameters of its zoning, which is GC1 – General Commercial, Low Density, primarily for island residents and in a manner that follows the ordinance. She questioned that, as the Committee goes through the many evolutions of the plan if it will be possible to keep the site within the parameters of the zoning code with the businesses there and the way they operate. As the Committee goes through these evolutions, they should consider:

- Does this comply with the zoning code?
- How does it affect the residents?
- How does it affect the tenants?
- How does it affect the day-trippers?

In her opinion, they should be concerned about the island residents, zoning and the people who live around the marina and then fitting the redevelopment plan into that; in using those parameters, she questioned if there were other things to be done without making significant moves of some buildings to increase the parking on the footprint. She said that she did not think it would be possible for the marina businesses to continue to operate as they do and be self-contained. She suggested restricting the ramp use to residents only and limiting the use of the marina to residents only; she believes that a large part of the problem is non-resident use during peak season. Mrs. Campsen stated that off-site parking on 41st Avenue and Waterway Boulevard has been a problem since the City purchased the marina and that it has been non-conforming since it cannot contain the parking on-site. She noted that the number of services offered at the marina has expanded since the City bought it as well. She opined that, if there was any way to resolve the parking issue, it would have been found over the past twenty (20) years.

Phillip Smith, 8 Intracoastal Court, noted that he lives next door to the marina and that he was very pleased with Concept C because it addressed his only issue with the marina – TidalWave Watersports has been relocated to the other side of the marina. He has spoken many times about the disturbance caused by jet skis running from 7:00 a.m. to 7:00 p.m., seven (7) days a week in peak season; the noise level makes enjoying his porch impossible. Therefore, he asked that the Committee consider the residential impact as they work on the redevelopment plan.

4. Comments from Marina Tenants

Marina Manager Brian Berrigan recalled arriving late for the last City Council meeting; when he arrived, the discussion of awarding additional work and more money to ATM for consulting with the Real Property Committee as the most recent concept is fine-tuned was in process. One (1) Councilmember asked why the City was asking for a fourth marina conceptual drawing; Mr. Berrigan thought that the next conceptual drawing would be the third and it would be the first time ATM has been asked to engage with the marina tenants. The tenants were very pleased that they have been asked to participate in the planning process and that they embrace the opportunity. Another Councilmember asked what the increase in launch fees was going to go; Mr. Berrigan said that this increase was proposed as an attempt to appease her because she has been so vocal about the parking on 41st and Waterway. He indicated that he did not want to raise the rates because he anticipates the increase to have a negative effect on all of the businesses at the marina; he used the increased rates over the Memorial Day weekend and commented that he and his employees were called any number of names and threats were made never to come to the marina again. He stated that he would try the higher rates for a while as he gauges the impact to the marina and the businesses operating out of it.

Another comment he heard at the Council meeting was that, when the College of Charleston arena is full, it is full and no one else can enter, so the same should be true at the marina. He recalled driving onto the island from Sullivan's Island to see a couple of valets from the Boat House running down Palm Boulevard to retrieve a customer's vehicle; if the same rule were to be imposed on the Boat House, Mr. Berrigan said that they would go out of business quickly.

Mr. Berrigan said that he would like to see the community get behind and support the marina, rather than going against it. He commented that the College of Charleston has one (1) very small parking lot, but the neighborhoods around it have embraced the parking. Suggestions were made again to shut down 41st Avenue and Waterway Boulevard for resident only parking. He opined that eliminating the overflow parking on those streets "would be a one-way ticket out of office."

Michael Fiem, TidalWave Watersports, recalled comments from Mrs. Campsen and Mr. Smith that scared him. As a business owner, he has put his "life and blood" into making his business; he stated that, due to inconveniencing one (1) resident, people are talking about moving the business that he and his brother have worked so hard to build over the past twelve (12) years.

According to Mr. Smith, Mr. Berrigan had only six (6) jet-skis when he moved into his house, but, in 1996, the lease stated that sixteen (16) jet-skis were allowed to operate there and they had sixteen (16), as does TidalWave today. He added that, when Mr. Smith moved into his house, a maintenance garage was located where TidalWave is now; he knowingly built next to a commercial zone.

5. Old Business

A. Continuation of Charrette with ATM on Marina Redevelopment Plan – Discussion of Grant Funding

Chair Bergwerf initiated the discussion by saying that everyone on Council was initially excited by Concept C that was the result of Planning Commission discussions, but later, after studying the plan, issues were seen that could be problematic. She asked Kirby Marshall to explain his reasoning behind relocating TidalWave and the other marina amenities to Morgan Creek.

Mr. Marshall said that they had heard the comments made earlier in the process about the level of noise created by TidalWave, so they looked for a place to move the jet-ski operation to reduce the noise and still provide adequate access to patrons. He noted that Mr. Berrigan had indicated that he would like to see more of the traffic flow near the marina store to improve his business. If they moved the boat ramp, they could create a core of commercial businesses along Morgan Creek adjacent to the main marina offices, and they laid out the concept using that thought process. When they moved the boat ramp, they recognized the issue of novice boaters and jet-skiers. He reported that he has placed a call to Jack Kemp, who operates the ferry between Dewees' marina and the IOP Marina, but they have not heard back from him yet.

Chair Bergwerf reworded her question and asked whether Mr. Marshall thought there were safety issues associated with relocating all of the commercial activity to Morgan Creek.

He responded that "it could present some management challenges," but he did not "think that it was inherently unsafe."

On the matter of relocating the boat ramp, Mr. Berrigan thought that it could create permitting issues; therefore, Chair Bergwerf asked Mr. Marshall for his professional opinion on permitting to move the ramp due to the proximity to the Dewees Island ramp.

Mr. Marshall thought there might be feedback from the Captain of the Port at Dewees because there would be commercial activity tied to it; that was the only pushback he could foresee. From an environmental standpoint, he did not anticipate any issues.

At this point, Marina Manager Berrigan distributed a handout that was the result of a meeting on Tuesday between the marina tenants and Mr. Marshall to voice their concerns and suggestions for improving on Concept C. (The list is attached to the historical record of the meeting.) Two (2) items that are included in the FY17 budget are evaluating the severity of the problems with the bulkhead and remedying them and the replacing of the underground fuel storage tanks; in addition, Mr. Berrigan would like to see a canopy of the fuel pumps that will increase their longevity and keep people out of the weather when buying gasoline. All of the tenants preferred to have the improvements made in phases and in the off-season to avoid disrupting the site completely; on the other hand, if it has to be done at one (1) time, the tenants would prefer to see it done sooner rather than later.

Since the current location of the boat ramp is at the widest part of the creek, the tenants agree it should not be moved. He provided a graphic that was produced in 2010 that relocated the ramp, but it was agreed then that it was not practical.

The tenants also agreed that they would like to see the drop-off fixed as quickly as possible and other general improvements since the ramp has twenty to thirty (20-30) years of useful life remaining according to Mr. Marshall.

The last sentence in that bullet point is to construct a boat ramp flyover, i.e. a walking bridge over the boat ramp, to allow visitors to the marina to have a promenade around the property. He added that he thought it could be a focal point for the marina.

At the Tuesday meeting, ATM had recommended having a dedicated boat ramp staging/drop-off area that he expects to be included in the next iteration of the plan. The tenants also agree on piping the 41st Avenue ditch for a dedicated bike path, additional parking and an improvement to the drainage in front of Fire Station 2 they also supported having a point of arrival feature and burying the overhead power lines.

The recommendation was made to segregate vehicular, bicycle and pedestrian traffic with dedicated paths and boat ramp flyover; also related to traffic was the segregation of Morgan Creek Grill, TidalWave and slip holder traffic from trailer, store and charter traffic. In order to accomplish the recommendations above, the marina will need strategically placed new and improved direction/information signage. The tenants also agreed to add parking kiosks to the vehicular parking areas.

New amenities for the marina would be benches and, maybe, swings along the bulkhead on the IntraCoastal Waterway side of the marina, as well as water fountains and public restrooms. The tenants would also like to see native plants, shrubs and trees along the IntraCoastal Waterway bulkhead and for traffic separation with the necessary irrigation, upward facing LED light fixtures and surveillance cameras for safety and aesthetic purposes.

The tenants want to relocate the sewer pump station and electrical transformers currently adjacent to the boat ramp and to strategically locate the dumpster enclosure to service all tenants.

Mr. Berrigan stated that they want the City to apply for a Boating Infrastructure Grant (BIG) to meet the July 1 deadline rather than lose a year, and he noted that ATM has expertise in this field.

Other features wanted for waterside improvements were to reconfigure the Morgan Creek dock layout, to reconfigure and lengthen the boat ramp docks and to reconfigure the IntraCoastal Waterway docks to allow for a continuous run of plastic beach alongside the tie-up docks. The tenants would also like for the City to incorporate plastic beach in the next layout for paddleboard launching.

Mr. Berrigan stated that he would like to move the fuel dock and the marina office closer to the boat ramp, to have a fire suppression system on the reconfigured docks and to, possibly, have floating restrooms, which are eligible for BIG funds.

In conclusion, the marina tenants would like to see the City establish a program for dredging on a regular basis, every six to eight (6-8) years, establish a schedule for bulkhead maintenance and start a marina maintenance fund.

Chair Bergwerf thanked the marina tenants for the time and effort put into their preparation for this meeting and commented that they have given the Committee much to think about.

Councilmember Rice repeated her safety concerns with all of the water activities in Morgan Creek.

Scott Parker of DesignWorks commented that he thought the traffic to the boat ramp could be easily solved in whatever location it is placed. He suggested that Committee members look at the advantages of moving it versus the disadvantages, and to ask whether the advantages were enough for it to make sense. When looking at the future of the entire property, was the advantage of that worth the investment to make it a working business place and marina as well as an asset to the community?

Councilmember Rice suggested having the park space with benches and swing in the corner of the marina property with boundaries being the Phillip Smith property and the Intracoastal Waterway.

The only objection to having the park in that area was that it would be so far removed from the marina activities at Morgan Creek.

In Mr. Fiem's opinion, the safety on the water-side far outweighed the park space, and relocating the boat ramp to the narrowest part of the Creek created safety issues for patrons of the marina's water activities.

Responding to Mr. Parker's question of the advantages of leaving the boat ramp where it is or relocating it, Mr. Berrigan said that it was already there and functioning, it was centrally located on the site, it is on the widest part of the creek and the ramp has an additional twenty to thirty (20-30) years of useful life remaining.

Accordingly, the disadvantages of moving the ramp to the location suggested are safety, that it would be at the narrowest point in the Creek, it would be positioned where three (3) creeks come together, the proximity to the Dewees Island boat ramp, and its proximity to the stores.

Administrator Tucker stated that moving the pump station would be a half million dollar (\$500,000) endeavor. Mr. Marshall commented that the City might get a cost sharing with Dewees Island for moving it since they feed into the pump station as well.

If the parking at the Intracoastal Waterway side of the marina were to become vehicular parking only, the tenants have agreed that they would like to see parking kiosks installed. Mr. Clarke indicated that Morgan Creek Grill wanted further study on the issue, but he was not generally opposed to the kiosks.

Chair Bergwerf indicated that she did not want to tell residents that Council has spent three to four million dollars (\$3,000,000 – 4,000,000) for marina improvements, but now they must pay to park.

Councilmember Rice stated that she thought this meeting had been very productive since it allowed everyone to sit down together and work through the list of what the tenants and the Committee want to see at the marina. She commented that the docks were not discussed and could be looked at in another meeting; she stated that for safety reasons, the kayaks and paddleboards should be kept away from the boat ramp. The Councilmember indicated that she would oppose any work that would have to be torn up later despite the need to do the project in phases. Leaving the ramp located where it is now appears to be the safest and most fiscally responsible action to take. Despite being away from the bulk of activities at the marina, she thought the corner at TidalWave and the Smith property was the best location for the small park area.

Since Councilmember Rice had to leave the meeting early, Administrator Tucker asked that Mr. Marshall inform the Committee about the grants for which he thought the marina would qualify. She noted that she needed guidance from the Committee because the resident feedback has been very resident/citizen focused. The primary purpose for the BIG funds is to make improvements to accommodate vessels twenty-six (26) feet and greater. The Administrator indicated that when she hears it stated, it sounds as if the marina improvements are to attract more transient vessels, and she questions that the purpose would be in conflict with the community input. A second source of money is much smaller than the BIG and does not have the kind of stipulations on it that accompany the Boating Infrastructure Grant; with these funds, a dock is constructed that is open to the public for fishing. When the City built the FY17 budget, it did not include any matching funds or contemplate the pursuit of any of these grants; she did explain that it is within Council's purview to make changes to the budget after it is approved, and she was confident that modifications could be made to accommodate these expenditures. The Administrator asked the Committee if the City was applying for funds for the upcoming round of either grant or delaying another year; she acknowledged that the marina tenants are supportive of applying now.

Mr. Kirby explained that the Boating Infrastructure Grant (BIG) is the largest grant, and he repeated that it is designed for transient boaters staying a maximum of fifteen (15) days at the subject site. It includes improvements to restrooms, additional restrooms, fueling facilities, etc.; he commented that the Morgan Creek docks are past their useful life; the grant can pay for up to one and a half million dollars (\$1,500,000) in federal funds to improve transient infrastructure. The grant has a mechanism whereby the applicant can prorate the usage for long term boaters, i.e. resident, versus transient boaters. In the application, the City could stipulate that it wants to re-do all of the Morgan Creek docks at a cost of three million dollars (\$3,000,000) and state that it wants federal grant funds in the amount of one and a half million dollars (\$1,500,000), but only half (½) would be used for transient boaters. He reiterated that this grant is nationally competitive, and the draft applications are due July 1st to SC DNR, who administers the grant for South Carolina on the behalf of Fish and Wildlife; the awards announcements will be in April 2017. From the date of the award, the City would have three (3) years to sign a contract that the City is going

to accept the grants; the fact that matching funds are not yet appropriated in the FY17 budget is not a problem as long as the City will state that, if it is awarded the grant funds, it will commit to provide matching funds. The minimum match rate is twenty-five percent (25%), but the City would get extra points in the national ranking with a higher percentage of matching funds. Although ATM has been successful with obtaining BIG funds with a twenty-five percent (25%) match, but they have been more successful with a fifty percent (50%) match.

A second grant is a fishing grant administered by SC DNR to provide shore-based fishing opportunities for salt water anglers that is funded by saltwater license sales; SC DNR has one hundred thousand dollars (\$100,000) to give away with zero matching funds required,

The third grant is the Water Access Grant program through SC DNR that provides funding for boating access, like boat ramps; therefore, it could fund the boat ramp relocation or fund the repairs and improvements to the staging dock or improvements to the kayak and paddleboard launch. At the present time, six hundred fifty-thousand dollars (\$650,000) is available for Charleston County municipal projects.

Both grants administered by SC DNR are rolling grants.

Councilmember Rice commented that the IOP Marina has always had transient boaters, and she was not aware of any times that residents had been denied docking due to a transient boat. She added that she has never seen the presence of transient boats as a negative. She stated that she supports applying for the Boating Infrastructure Grant in this cycle.

The Administrator confirmed that a motion was necessary, but, in addition, the City would need technical expertise and funding allocated to have a firm like ATM assist.

The amount of matching funds would depend on how much infrastructure the City requests in the grant; if the City asks for five hundred thousand dollars (\$500,000), the matching funds required would be for two hundred fifty thousand dollars (\$250,000).

Administrator Tucker asked Mr. Marshall for an estimate of the types of charges ATM has made to other entities it has assisted with BIG applications.

He stated that, for a Tier 2 nationally competitive application, the fees range from ten to twelve thousand dollars (\$10,000-12,000) to prepare and submit.

Chair Bergwerf asked what ATM would charge for the other two (2) grant applications, and Mr. Marshall stated "much, much less."

MOTION: Councilmember Rice moved to pursue the Boating Infrastructure Grant due July 1, 2016 and approve \$12,000 to ATM for the preparation and submission of the application in an amount to be determined; Councilmember Harrington seconded.

Mr. Berrigan suggested increasing the amount to allow Mr. Marshall to include the repairs to the boat ramp so that they could be done over the winter; he suggested amending the motion to say "up to \$20,000."

Administrator Tucker questioned that the Committee was not acting to pursue all three (3) grants.

Mr. Marshall indicated that the Water Access Grant was somewhat complicated; the fishing pier application is much easier, and he thought the (3) grant applications could be done in the range of twenty thousand dollars (\$20,000).

Amendment: Councilmember Rice amended the motion to pursue the 3 grants in 2016 that ATM believes the City is eligible for; Councilmember Harrington seconded and the amendment PASSED UNANIMOUSLY.

VOTE: The motion as amended PASSED UNANIMOUSLY.

Chair Bergwerf noted that much of what had been dealt with in the meeting was new, but good, and she wanted to see more of a sketch than a full rendering for the next version.

Administrator Tucker stated that, since the City has planned to investigate the issues with the bulkhead and replace the underground storage tanks, she did not think they needed to be included with the tenant's recommendations. Referring to the other items in the tenants' recommendation list, the Administrator explained that the ten-year comprehensive plan notates how frequently the marina will be dredged, as well as bulkhead painting and maintenance could, therefore, be taken off their list.

Jay Clarke, owner of Morgan Creek Grill, stated that he thought "the flyover bridge was a fabulous idea" and that he and Mr. Berrigan wanted to see the Intracoastal Waterway docks reconfigured sooner rather than later to provide for alongside tie-ups. He commented that he would prefer that sketches be submitted to the tenants for comments via email to keep the costs down for the City.

Mr. Marshall complimented Mr. Berrigan on the comprehensive list he compiled from recommendations from the tenants and asked for direction on the boat ramp and the location of the watersports operation.

Chair Bergwerf stated that the consensus of the Committee was to leave the boat ramp where it is now located, and, due to safety factors, Councilmember Harrington opined that having the watersports business on Morgan Creek was untenable.

When the question about the flyover having to be ADA compliant was asked, Mr. Marshall stated that persons who are handicapped will have access to every feature of the marina; therefore it would not have to be ADA compliant.

Mr. Clarke said that he was certain that they could find a location suitable for all tenants for recycling and garbage; he also indicated that he was looking into a recycling compactor. There would be fencing to camouflage the location as much as possible.

Administrator Tucker asked whether TidalWave could reasonably be moved to an alternate location on the marina site to lessen the impact on the residential areas around the marina. She noted that the noise would continue to impact the site with the placement of jet docks since the engines must be revved up to go on to and off of them. The Administrator also asked Mr. Fiem if there was another site on the island where TidalWave could operate.

Mr. Berrigan asked whether TidalWave could switch its location on Morgan Creek with the kayak launch on the Intracoastal Waterway; the consensus was that it was worthy of further investigation.

Mr. Clarke asked whether the City would look into piping the 41st Avenue ditch; he stated that he has been led to believe that to pipe it would decrease the flooding at Fire Station 2.

Administrator Tucker responded that the City has researched this issue before, and the City would need to have a civil engineer with experience in wetlands mitigation and permitting to study it. She thought it was a possibility, but the City would have to do wetlands mitigation elsewhere on the island.

Mr. Marshall explained that the July 1 BIG deadline was the draft submittal deadline, and ATM would have time in July to re-vamp and enhance the application; in addition, ATM will receive feedback from SC DNR on the contents of the application. He told the Committee that he has a contact on the national review committee to whom the draft application can be sent informally for her feedback as well. He recommended using the closest drawing as possible as the basis for the grant application; therefore, he asked when the City would need the next sketch.

The funding to have ATM assist with the grant application would go before Ways and Means Committee on June 21st; therefore, the City will need the sketch for meeting packets that will be distributed on Friday, June 17th. Mr. Parker said that they would need the marina tenants present when the initial drawing is generated, and the tenants quickly agreed to be available when needed.

The Administrator stated that, at times, staff has difficulty, when looking at lists like the one (1) distributed today, to know what the tenants' expectations are in terms of tenant responsibility versus City responsibility or a combination of both. She then asked that a designation be placed beside the bullet points on the handout for any items they are clearly the tenants' responsibility or the City's or a combination of the two (2).

B. Update on Local Comprehensive Beach Management Plan

Included in meeting packets was a draft of the five-year (5 yr.) update that the City is required to do to the Comprehensive Beach Management Plan, and the Administrator reported that the current plan is on the City's website. She acknowledged that the City was about a year behind, but OCRM has been aware that the work was in progress and has been very patient. Chris Jones, who is a coastal engineer, wrote the original Plan and has been the person updating it as well; much has occurred in the past five or six (5-6) years, meaning that there were a lot of changes to be made. Some of those changes include the implementation of the Beach Access Parking Plan which impacted the Plan and beach restoration and shoal management projects, plus changes in

zoning. Staff has read through the draft a couple of times, but the maps of the parking will require additional study to ensure their accuracy. OCRM will give the City input on the draft, and, once the necessary adjustments are made to the Plan, the document must be approved by OCRM and City Council. The Administrator asked the Committee to feel free to inform staff if they see or question that something is correct.

The regulation requiring that beach communities adopt a beach management plan was put into effect in the 90s, and, because of controversies, the City did not come into compliance until 2007 when issues of beach restoration came into play. OCRM would not approve a project until they approved and the City adopted a beach management plan.

Two (2) additional facts worth knowing are that the budget going to the Governor for approval contains thirty million dollars (\$30,000,000) for beach restoration statewide, and the modified version of what was recommended by the Blue Ribbon Committee just passed the legislature this week.

6. New Business

Request for Handicap Access at 5th Avenue Beach Access

This was a request brought forth by a visitor about the 5th Avenue access that is an emergency vehicle access presently. If it were the will of this Committee and City Council to make a mobi-mat vehicular access there, staff would like it to be wide enough to accommodate handicap and emergency vehicles or do the same as was proposed for 42nd Avenue with two (2) parallel paths. The Administrator indicated that staff would look into finding mobi-mat wide enough to accommodate the vehicular access.

Chair Bergwerf suggested that staff investigate the cost and availability of wider mobi-mat for the Committee to discuss again next month.

7. Miscellaneous Business

Tenants' Rent Report

Administrator Tucker announced that all tenants were current.

Next Meeting Date: 9:00 a.m., Thursday, July 7, 2016 in the Conference Room.

8. Executive Session – not needed

9. Adjourn

MOTION: Chair Bergwerf moved to adjourn the meeting at 11:28 a.m.;
Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:
Marie Copeland, City Clerk