

Real Property Committee
8:30 a.m., Friday, July 9, 2010

The regular meeting of the Real Property Committee was held at 8:30 a.m. on Friday, July 9, 2010 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. In attendance were Councilmember Stone, Mayor Cronin, Chair Loftus, City Administrator Tucker, Jay Clarke, owner of Morgan Creek Grill, Carla Pope, Operations Manager of Morgan Creek Grill, Assistant to the Administrator Dziuban and City Clerk Copeland; Westy Westmoreland, of SCE&G, was invited and attended the meeting.

1. Chair Loftus called the meeting to order and 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: Mayor Cronin moved to approve the minutes of the regular meeting of June 3, 2010 as submitted; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

4. **Marina Manager's Report** – Mr. Berrigan did not attend the meeting.

5. **Morgan Creek Grill Report** – Carla Pope, Operations Manager

Ms. Pope stated that the number of restaurant customers continued to be good, but the dollars of revenue were trending below 2009, which may be attributable to the very slow business at the beginning of the year. Ms. Pope reported that, Over the July 4th weekend, employee parking has been an issue and that she was working with Marina Manager Berrigan to resolve them. She was pleased to report that Morgan Creek Grill was current in its financial responsibilities to the City; invoicing from the City for solid waste disposal and insurance were due at the end of the month. Ms. Pope indicated that they had patched up the major problems in the parking lot, but that drainage continued to be a serious problem.

Mr. Clarke explained that the area designated for employee parking was being filled with trailers, trucks and other vehicles that he does not believe belong there based on the tenant leases. He indicated that Ms. Pope has been communicating with the Marina Manager about the problem, but that he has not responded to her. Mr. Clarke stated that restaurant employees would be issued tags for their vehicles identifying them as marina employees and that he would continue to correspond with the Marina Manager. Mr. Clarke stated that the fence for the electric car rental was "in the way;" Mayor Cronin responded that the fence had to be there for the storage of the vehicles. Ms. Pope indicated that the electric cars were not being kept in that area; to which Administrator Tucker responded that Ms. Pope should report such violations to the City's Building and Zoning Director.

Chair Loftus asked whether regularly scheduled meetings occurred where the marina tenants could get together to communicate and resolve their common problems, such as parking. Mr. Clarke said that no such meetings were taking place, but he did think it was a good idea.

Mr. Clarke confirmed with the City Administrator that the City had jurisdiction over the marina parking lot, and then inquired about having vehicles towed that are left overnight. The Administrator stated that Mr. Clarke should report these vehicles to the Police Department who would arrange for towing.

As for boats that needed to be moved, Administrator Tucker reminded Mr. Clarke that coordination had to take place with DNR.

When asked about golf cart parking, Ms. Pope stated that there were signs directing golf cart parking on the side, and she commented that golf cart patrons tend to follow those directions and the carts line up along the fence.

Mr. Clark stated that he was looking into placing posts or, possibly, palms, at either end of the center isle in the parking lot causing patrons to go around it. Because no reasonable means to water the side yard next to the boat ramp exists, Mr. Clarke is looking into putting sand into that area to make it more indigenous to the area.

On the subject of the feral cats at the marina, Ms. Pope reported that efforts have been made in the past to catch the cats, spay or neuter them and return them to the marina to keep the rodent population under control. At this point, the feral cat population has gotten out of control, so arrangements have been made to have a trapper to catch the cats, take them to be spayed or neutered and to relocate them to farm areas that have requested the presence of these cats.

Administrator Tucker suggested re-ordering the agenda to allow Mr. Westmoreland to review the SEC&G project, New Business, Item B.

MOTION: Mayor Cronin moved to reorder the Agenda to discuss Item B under New Business at this point in the meeting; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

7. New Business

B. Consideration of Granting Right-of-Way to SCE&G for Augmentation of Distribution System

Administrator Tucker explained that the City has been in negotiations with SCE&G for six to twelve (6 to 12) months regarding easements that SCE&G needs to have from the City in order to make improvements to the reliability of the feed to the north end of the island. The improvements entail modifications to the outflow from the sub-station behind City Hall. SCE&G's original plan was to go from the sub-station, crossing #8 and #10 Thirteenth Avenue (unimproved properties belonging to the City), going under the Connector and connecting behind the Red and White. Because the City has no plan for the two (2) undeveloped properties and because electrical infrastructure already exists along Palm Boulevard, the City and SCE&G reached a compromise with the plan being presented today. In this plan, the SCE&G improvements will come from the sub-station to Palm Boulevard, cross Memory Park, go along and under the Connector and connecting behind the Red & White. To accomplish this,

the City needs to provide easements for the construction of two (2) boxes – one (1) in parking lot at City Hall and a second in the parking lot at the Building Department.

Mr. Westmoreland explained that the three (3) circuits leaving the sub-station behind City Hall serve the entire island and that the development on the north end of the island has increased to the point that a fourth circuit is required for more even distribution and to minimize outage downtime. The placement of the box in the City Hall parking lot will eliminate a parking space, but SCE&G will add another spot at a different location in the lot. The overhead transformers in front of City Hall will be eliminated; this move will reduce the costs to the City of undergrounding the lines around City Hall by sixty to eighty thousand dollars (\$60,000-80,000).

Mayor Cronin agreed that the compromise was the best solution for the City in that the two (2) undeveloped lots will remain undisturbed and the entire island will have more reliable service from SCE&G.

Chair Loftus was concerned about the amount of time this project would take; Mr. Westmoreland stated that the work would take approximately three (3) months and the only interruption to City Hall would occur when the service was transferred from the overhead lines to the box. Oak Harbor Boulevard will have to be closed for a couple of days according to Mr. Westmoreland.

MOTION: Mayor Cronin moved to grant SCE&G's request for the easement rights for Circuit 4 across City property and to give SCE&G the rights to position switchgear in the parking lots as dictated by the accompanying drawing; Chair Loftus seconded.

Responding to Councilmember Stone's question, Mr. Westmoreland said that the switch boxes would be approximately nine feet by nine feet (9 ft x 9 ft) and about three and a half feet (3½ ft) tall.

VOTE: The motion PASSED UNANIMOUSLY.

6. Old Business

A. Update on Beach Restoration

Administrator Tucker stated that, at this time, work on the project was being done by Coastal Science and Engineering relative to the design and permitting. CSE has been in dialogue with the Wild Dunes Resort about making their aerial photographs of the affected area available with more updated information. In the unaffected areas, the dunes are forming with emerging vegetation, and the natural, finer sand is returning to the beach.

B. Update on Dredging

Assistant Dziuban announced that the change to state law concerning the extension of OCRM permits does mean that the City's dredging permit that was due to expire at the end of June 2010 remains in force through December 2012; therefore, the City now holds two (2) valid

dredging permits, i.e. one (1) with OCRM and one (1) with the Corp of Engineers that expires in 2013. The permits will have to be modified for this project.

Possible participants in the project and attendees to the dredging meetings are the City, residents of the 26th Avenue canal, residents of Dewees Island and the Morgan Creek Harbor Association. All agree that dredging is needed, but each party has a different idea about the timing and financing of the project. The 26th Avenue canal group has a contract with GEL, who is in the process of preparing their permit, a spoil site and appear financially able to proceed. The Morgan Creek Harbor Association is involved in painting their bulkhead; issues have arisen about the paint, and they are very hesitant to draw on their financial reserves for that reason; they would also like to avoid a special assessment on their membership. The residents of Dewees Island had planned on a sixteen (16) year cycle for dredging, and that cycle repeats in 2020.

Administrator Tucker directed the Committee's attention to the tentative budget that had been included in the meeting's packets; she emphasized that the budget was very preliminary and that there were many variables included in it. (A copy of this budget is attached to the historical record of the meeting.) The Morgan Creek Harbor Association has hired Jon Guerry-Taylor and Associates (JGT) to do initial engineering work, and the budget is based on JGT's information.

The Administrator stated that, according to JGT, repairs to the Goat Island disposal site would cost approximately one hundred thousand dollars (\$100,000). JGT has stated that the site cannot be used again until it is repaired, and that the Corps of Engineers, reportedly, want the site monitored for some period of time before using it again. The Corps of Engineers has not responded to JGT's proposal for the repairs.

Referring again to the budget, Administrator Tucker stated that it had been drawn up prior to the City's learning of the extension of the OCRM permit; therefore, the funding for design and permitting could be less than indicated. The Administrator noted that the existing permits would have to be modified to accommodate greater depth and to get closer to the bulkhead than when dredging was done previously.

The actual cost of the dredging itself would depend upon the bids received.

Due to the extent of project oversight involved in a dredging project, Administrator Tucker was not of the opinion that the engineering costs would be much less than indicated on the budget at one hundred thirty-one thousand dollars (\$131,000).

As for the City's administrative charge of twenty-five thousand dollars (\$25,000), this expense was charged back to the participants in the previous project; it reflects the amount of time the staff has to spend in its role as project administrator.

Administrator Tucker emphasized the City's stance that, should the City not be the partner that contracts with the project engineering firm, the City should hire an independent engineer to guard and protect the City's interest. Should any problems occur with the project, the City would be the entity that the permitting agencies go after with the City being the permit holder.

These comments are reflective of the forty thousand dollars (\$40,000) of expense in Note 4 that would be in addition to the figures quoted in the budget.

Administrator Tucker re-stated the information contained in Note 4 that, should the City not be the entity that contracts directly with the project engineer, the City should hire an independent engineer to guard and protect the City's interests as the permittee. The cost of the independent engineer would be borne entirely by the City and is not included in the budget displayed.

With one hundred thousand dollars (\$100,000) included in the FY11 budget for dredging engineering, the Administrator presented two (2) options for proceeding with the project to the Committee; the options are as follows:

- 1) The City could take control of the project and contract for the engineering; this action may not be acceptable to the other participants.
- 2) The City could pay only its percentage of the total project (24.33%) or four hundred four thousand five hundred eighty-six dollars (\$404,586). Based on the City's percentage share, the cost to the City for design, permitting and spoil site repair in FY11 would be forty-two thousand dollars (\$42,000) of the total one hundred thousand dollars (\$100,000) in the budget with the balance of the costs to be included in the FY12 budget.

The Administrator stated that, at this point, she was asking for the Committee to direct what course the staff should pursue.

Administrator Tucker pointed out that the only reason that Goat Island has been made available as a spoil site is due to its use as in a public purpose project, i.e. the reasoning for the City serving as the permittee.

Mayor Cronin expressed concern for the fact that none of the other potential partners was experienced in bidding or managing a project of this size; therefore, he thought it was imperative that the City manages the project.

On the topic of the City's hiring an independent engineer if the City were not the contracting entity, Chair Loftus voiced his opinion that doing so would be redundant and only serve to inflate costs. Councilmember Stone countered that, by the time the project was ready to move forward, the engineering work would need to be updated.

Councilmember Stone commented that he, too, had attended the last dredging meeting; he expressed his understanding of the timing for dredging by each group to be as follows;

- 26th Avenue canal residents – fall and winter of 2010;
- City of Isle of Palms – fall and winter of 2011-2012;
- Morgan Creek Harbor Association – fall and winter of 2012-2013; and
- Dewees Island – fall and winter of 2020 (their piece is small and might join in now due to the cost savings).

In response to Mayor Cronin's question, Councilmember Stone answered that the 26th Avenue groups may have no other choice but to wait for the balance of the participants due to the cost of mobilization/demobilization and the spoil site.

Administrator Tucker indicated that she would prefer to go to the next meeting in a couple of weeks to propose that the City take control and proceed with an RFP for engineering and design or propose that all meetings be suspended until a mutual timeline is closer.

Chair Loftus expressed his opinion that to proceed with dredging alone would be throwing money away, but that the City should go forward with an RFP for engineering and prepare documents similar to those for the beach restoration project for the potential participants to review. He added that the City has the experience and expertise to handle this type of project and should proceed under that premise.

Chair Loftus inquired about the possibility of the City's delaying the project until the winter of 2012-2013. Jay Clarke of Morgan Creek Grill voiced concern about a delay – he described it as "risky." He was of the opinion that, if the City were to begin the process, the Morgan Creek Harbor Association would follow.

As a member of the Morgan Creek Harbor Association, Chair Loftus stated that he had inferred that painting their bulkhead was their number one priority because it was a project they had been working toward for four (4) years. Assistant Dziuban added that the painting was already in progress.

Mayor Cronin remarked that the tasks of spoil site repair, engineering and design and permit modification would have to be completed before the project would begin; he noted that a great deal of the engineering for any dredging project takes place during the project in the way of daily project oversight. Based on that, the Mayor suggested that the City pay its pro-rata share of the project, but the City could front the initial costs as long as a legal agreement was in-place guaranteeing reimbursement to the City. In addition, Chair Loftus commented that the Corps of Engineers could take as much as a year to test the Goat Island spoil site after its repair.

Administrator Tucker repeated that the fact that the budget presented to the Committee at this meeting was based on computations by Jon Guerry Taylor and Associates for the Morgan Creek Harbor Association. JGT had several options included in their proposal relative to volumes of spoil, and staff selected the option with the greatest depth because it would be easier to scale back than to ramp up.

The Administrator then described the steps to proceed as she envisioned them:

- 1) Task legal counsel to develop an agreement with the legal costs to be paid from the FY11 budgeted amount of one hundred thousand dollars (\$100,000);
- 2) Under the agreement, explain the City's execution plan to send out an RFP for an engineering firm to do the design, engineering and construction oversight as a partner to the City; and
- 3) Distribute to the potential stakeholders for discussion.

According to the Administrator, included in the agreement would be the percentage of participation for each party and a proposal for how the money would come in to the project administrator because the project must be funded before a contract could be awarded.

Administrator Tucker anticipated the agreement preparation to take approximately eight (8) weeks.

MOTION: Mayor Cronin moved to direct staff to assign to legal counsel the task of preparing a legal agreement for the potential dredging stakeholders that will explain the City's plan of action, define the percentages of participation by the stakeholders and how money was to be paid; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

7. New Business

A. Consideration of Design Work from Structural Engineers 4SE for City Hall

Administrator Tucker reminded the Committee members that, as part of the City Hall renovations, the structural integrity of the sagging ceiling in Council Chambers/floor in General Government offices was investigated to determine if corrections needed to be made in conjunction with the other renovations. City Council authorized the structural evaluations, and the report included in the meeting packet is the engineer's report. According to the Administrator, the report states that the structural issues do not pose an imminent failure to the ceiling/floor, but significant stress points exist in the center. The engineers do suggest improvements that can be made to the ceiling/floor with a leveling compound added before replacing the carpeting; the cost of the design of these improvements, according to 4SE, is six thousand five hundred dollars (\$6,500). The construction costs of any structural repairs are a component of the budget for the renovation of City Hall; the approval needed from this Committee is for the design work by Liollo to make these improvements. Administrator Tucker noted this is a time sensitive action because Liollo is on hold with the bidding process until this decision is made.

The Administrator related to the Committee that she had asked the engineers whether delaying the improvements would turn what is now an aesthetic problem into a structural problem, and they responded that the chance existed that the stress points could become compromised and a structural problem in the building.

MOTION: Councilmember Stone moved to approve \$6,500 for the design and construction administration of improvements to the ceiling/floor on the General Government side of City Hall; Mayor Cronin seconded.

Chair Loftus stated that he would not support this action since there was not a safety issue involved; he added that the weight load on the flooring should not increase as no plan existed to increase the number of employees and work would begin to digitize the City's records in the coming year.

Following additional comments by Mayor Cronin and Councilmember Stone, Administrator Tucker reminded the Committee that City Hall had been built by the same firm that had built the two (2) fire stations that had structural issues and had to be torn down. In addition, she stated that what could cost thirty thousand dollars (\$30,000) today could be significantly more in the future.

Mayor Cronin expressed the opinion the periodic evaluations of the ceiling/flooring should be done to check for any deterioration.

VOTE: The motion FAILED UNANIMOUSLY.

C. Consideration of Street Light near Tidal Wave Dock

Chair Loftus asked Mr. Clarke of Morgan Creek Grill to address this item on the agenda.

Mr. Clarke described the light as the last light pole on 41st Avenue near the Tidal Wave Dock; he expressed interest in installing a fixture on the pole to provide additional lighting to the employee parking area at the marina.

The Administrator stated that her response to the request had been to ask who would pay for the light and to express concern that additional lighting would shine into the house of the adjacent residential property. According to Public Works Director Pitts, the pole indicated in question had a transformer installed upon it and SCE&G would not place a light fixture on a pole with a transformer.

Director Pitts stated that he has requested that SCE&G identify each light pole at the marina and indicate who pays for each one.

Chair Loftus commented that the Committee needed more information before it could make a decision, so the request will be on the agenda for the next meeting.

D. Consideration of Removal of Four (4) Pilings at Morgan Creek Grill's Section of City Docks

Mr. Clarke stated that he was making this request in order to accommodate the vessel used for the sunset dinner cruises sponsored by the restaurant each week; the removal would be a more advantageous layout for the restaurant's use in general, because he did not feel the docks had been properly configured when built. In the future, Mr. Clarke related that he would like to extend the finger piers out to the existing poles for boats to tie up, but this would require an OCRM permit. Three (3) of the poles that he would like to remove are wooden and the fourth is concrete; Mr. Clarke stated that he intends to lay the poles along the bulkhead to be used as parking stops.

Responding to Chair Loftus' question, Mr. Clarke responded that the Palmetto Breeze is currently docking at the City docks at a rate of one hundred dollars (\$100) for each trip. The problem with this arrangement is that the availability is becoming more and more difficult as business at the marina has increased. According to Ms. Pope, the Palmetto Breeze usually

arrives in the afternoon and either departs after the cruise or stays overnight depending upon the weather conditions. With the number of boats at the marina, the Palmetto Breeze has, at times, had to tie up at the fuel dock, and it is entirely too large to tie up there. Mr. Clarke reported that Wild Dunes is impacted by this problem as well because they frequently charter the Palmetto Breeze for their guests.

Mr. Clarke indicated that Marina Manager Berrigan was “somewhat on board” with their plan to remove the pilings to make accommodations for the Palmetto Breeze, and he assured the Committee that Morgan Creek Grill would bear the cost of removing the pilings.

Chair Loftus mentioned that he had spoken to Mr. Berrigan about this and that Mr. Berrigan was not in favor of the change. Chair Loftus repeated his earlier statements that the tenants at the marina had to communicate and work out problems about common issues. Mr. Clarke commented that Ms. Pope was most proactive in keeping the communications channels open with the marina manager, but he frequently does not respond.

Administrator Tucker refuted Mr. Clarke’s claim that the docks had not been configured properly by saying, “We {the City} were limited by the available budget the City had at the time and what the permitting agencies would allow us {the City} to do with the space, and I would submit that, even if Morgan Creek Grill or any of the other folks had built these dock they would have felt the same constraints and probably ended up with the same design.” The Administrator stated that many people had suggested that the fingers should be extended out further and the mooring pilings that are in, but there are limitations on intrusions into the Intracoastal Waterway.

Putting herself in the position of the marina manager, Administrator Tucker continued that one (1) reason Mr. Berrigan might be opposed to this removal was the loss of revenue from the docking of the Palmetto Breeze at the restaurant docks rather than the City docks. The Administrator recalled from prior discussions that Manager Berrigan had expressed opposition to the dinner cruise concept because he thought there were dinner cruises leaving from the marina with the revenues running through the marina. The Administrator added that the Real Property Committee approved the dinner cruises for Morgan Creek Grill in its recently amended agreement. In conclusion, Administrator Tucker stated that she thought Mr. Berrigan would argue against to the removal of the pilings because it would eliminate the potential for extending the last finger pier.

Ms. Pope commented that the Palmetto Breeze was often the first boat “bumped” for a true transient boat, which makes it very difficult for her to book the dinner cruises when she does not know where it will be. On that basis, Ms. Pope indicated that these difficulties could be money “out of restaurant’s pocket” just as the removal of the pilings would take money from the marina.

In Mr. Clarke’s words, he has a restaurant dock that he is unable to use for restaurant business.

MOTION: Mayor Cronin moved to approve the removal of four (4) pilings as indicated on the drawings provided by Morgan Creek Grill; Councilmember Stone seconded the motion.

Councilmember Stone asked whether an amendment was in order to establish a fund for replacing these pilings at some point in the future. He expressed concern that, at some time, the dinner cruises stop and the City wants the docks and pilings back in place.

Conversely, Mayor Cronin repeated Mr. Clarke's contention that this is the restaurant's dock and it should be used for the restaurant's purposes. Morgan Creek Grill has indicated that they want a change to improve the use of the dock for their purpose; if that purpose does not work out and they want to change it back for restaurant purposes, they could do so.

Councilmember Stone explained that he supported the removal of the pilings for the restaurant, but he was looking further into the future when Jay Clarke and Morgan Creek Grill were no longer at the marina and the next owner does not want the docks. He stated that his intention was to establish a contingency fund for that possibility, because he envisioned the City wanting that pier and the pilings returned.

Chair Loftus said he was not in favor of this change to the dock configuration; he contended that the parties involved should come together and agree on marina space for the dinner cruise vessel that could be available for its use on a regular basis.

Mr. Clarke countered that, in his lease from the beginning of his association with the City, the restaurant needed to have a dock, and he had offered to fund the dock, but the City agreed to finance it. He stated that the use of the dock was critical to Morgan Creek Grill to do this type of excursions; he added that this type of activity was good for the restaurant, the City, the Marina and Wild Dunes. He also indicated that he would be amenable to a contingency fund for the replacement of the pilings.

Administrator Tucker related one (1) of the Chair's concerns that should pilings be removed today, when the time came that they were to be replaced, permitting requirements could have changed to such a degree that replacing the pilings would not be permissible. The Administrator recounted that, when the docks were given to Morgan Creek Grill, the City's intention for their use, which may have been very different from Mr. Clarke's vision for them, was for the restaurant's boating patrons to park their boats there to enjoy a meal at the restaurant and depart.

VOTE: The motion PASSED on a vote of 2 to 1 with Chair Loftus casting the "nay" vote.

MOTION: Councilmember Stone moved for the exploration of a contingency plan for the replacement of the finger pier and pilings that are going to be removed; Mayor Cronin seconded and the motion PASSED UNANIMOUSLY.

Administrator Tucker stated that this action would be an amendment to the lease with Morgan Creek Grill.

E. Discussion of Public Restroom Maintenance

Assistant Dziuban explained that the City has an agreement to have an attendant present and to keep the Front Beach restrooms open for certain hours, but that agreement makes the City totally responsible for the maintenance of the restrooms. The combination of the age of the structure and the high volume of use it receives generates a great deal of general maintenance that has fallen to the Public Works Department to work into their already heavy workload. For safety reasons, the building needs to be secured when the attendant is not present. The frequency and number of Front Beach restroom tasks that fall to the Public Works Department are becoming greater than is reasonable to ask the Department to do. Included in the annual budget is a line item for maintenance of the restrooms, but the City has become aware of the need for a more systematic approach to evaluating the maintenance needs of the building.

Assistant Dziuban noted that Director Pitts and the Public Works Department's staff are called upon for general maintenance at other City facilities; the Recreation Department is the only City department with dedicated personnel for maintenance both inside and outside of the building. In addition, William Seabrook and Director Kerr are frequently called upon to assist with maintenance issues.

In the past couple of years, Administrator Tucker related that discussions with department managers have included the City's need for a general building maintenance person based on the demands on the Public Works Department, the age of some City buildings and the desire to keep the newer buildings as showplaces as long as possible. Staff is suggesting that, in a future budget, City Council consider an addition to the Public Works staff of a person dedicated to building maintenance; this person would periodically tour the City's facilities to make assessments of maintenance needs and execute the subsequent repairs. This person could also alert staff to situations that would require budgetary considerations in the future.

Administrator Tucker displayed a list of repairs and maintenance items that need attention now; she stated that the City would hire contractors to correct existing problems.

The Administrator asked that the Chair include this information in his report to City Council to make them aware of the need when another budget cycle begins.

F. Request Regarding Beach Inlet Boat Ramp

Administrator Tucker explained that process by which boaters are allowed to use the Beach Inlet boat ramp, i.e. executing a form that includes information about the boat, the owner, proof of insurance on the boat and a listing of the rules governing use of the ramp, along with a check for one hundred dollars (\$100) for residents or two hundred dollars (\$200) for non-residents and the applicant receives a key. (A copy of the form is attached to the historical record of the meeting.)

Carroll Realty has dock space that they rent; Mike Carroll has requested that the City issue Carroll Realty a key for the use of their tenants at the boat ramp. The Administrator stated that her instincts were that each tenant needed to purchase a key for their own use, because each tenant needed to provide proof of insurance, etc. In response, Mr. Carroll commented that

Carroll Realty allows the Fire Department to tie up at their docks when running water calls and to get personnel on/off apparatus they are using in the Breach Inlet area; therefore, for the City to allow Carroll Realty to have a key for their tenants to use the boat ramp would be reciprocating their allowing the use of their docks.

Mr. Carroll was not entirely pleased with what he was told and requested that the Committee give their interpretation of an appropriate response to his request.

According to the Administrator, the ramp has been locked for the ten (10) years she has been with the City. In the years that Mark Williams was the IOP City Administrator, the ramp fell into disrepair, but no one was sure who owned the ramp. When the determination was made that the ramp did belong to the City, it was repaired and the City has controlled access.

Chair Lotus suggested a compromise whereby Carroll Realty would be charged a fee per slip it owns and each boat owner must provide the necessary documentation to the City in order for the City to provide Carroll Realty with a boat ramp key.

Administrator Tucker stated that she did not know that all Carroll Realty's dock users were long-term or that a key would not be given to someone for a one-time use without the City's knowledge.

Councilmember Stone proposed that Mike Carroll could attend the next meeting to discuss this or another compromise.

Administrator Tucker reported that, in Mr. Carroll's conversation with Laura McLellan who administers the boat ramp program, Mr. Carroll had indicated that they do not carry insurance on their docks because of the cost involved.

8. Miscellaneous Business

Marina rents report: Administrator Tucker reported that all of the marina tenants were up-to-date with their rent. Marina Outpost owes the City approximately fifteen thousand dollars (\$15,000) for additional rent.

Next Meeting Date: 8:30 a.m., Thursday, September 9, 2010.

9. Executive Session - None

10. Adjourn

MOTION: Mayor Cronin moved to adjourn the meeting at 10:58 a.m.; Chair Loftus seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk