

Real Property Advisory Committee
Isle of Palms, South Carolina
October 11, 2007

The meeting of the Real Property Advisory Committee was held at 10:00 a.m. on Thursday, October 11, 2007 in City Council Chambers, 1207 Palm Boulevard, Isle of Palms, South Carolina. Present were Chairman Bettelli, Councilwoman McMackin, Jim Raih, Marina Manager Brian Berrigan, City Administrator Tucker, and City Clerk Copeland.

1. Call to Order. Chairman Bettelli called the meeting to order and acknowledged that the press and the public had been duly notified of the meeting in accordance with the Freedom of Information Act.

2. Approval of Previous Meeting's Minutes.

MOTION: Councilwoman McMackin moved for the approval of the minutes of the meeting of September 6, 2007 as written; Mr. Raih seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments: Representing Morgan Creek Grill were Jay Clark and Carla Pope; their comments were delayed until Treasurer Suggs arrived.

4. Old Business:

A. Marina Manager's Report – Brian Berrigan

Manager Berrigan began his report by informing the Committee that there had been many dock repairs throughout the month, and he is actively seeking bids to repair the dock where it was hit by the boat that sank. He related that, based on Carla Pope's excellent work monitoring the restaurant docks, it might not be necessary to install the gate that has been discussed at recent meetings. Ms. Pope has also spoken with the person who was known to be an abuser of the restaurant docks and there has been noticeable improvement.

Councilwoman McMackin asked where residents of Goat Island could dock their boats; she was told that they could rent a space at the Isle of Palms or the Wild Dunes marina; some have made arrangements at Breach Inlet or with a friend and others dock illegally. Marina Manager Berrigan said that the residents did not have a community association dock on the Isle of Palms.

Councilman Bettelli, Director Pitts, Manager Berrigan and Tim Hazel from Charleston County met at the marina regarding the lot re-surfacing; Charleston County stated that

they would begin work on or about October 18 and the work should take two (2) to three (3) days.

3. Citizens' Comments:

Jay Clark of the Morgan Creek Grill began his comments with clarifications he wanted to make to the minutes of the August 2007 meeting. He was initially critical of the Committee for receiving a last minute invitation to the meeting and asked that he be given more advance notice of meetings when issues related to Morgan Creek Grill are on the agenda. Administrator Tucker countered that the notice of meetings was posted on the message boards on either end of the island and the agendas were posted on the City's website. She continued by saying that it was not the Committee's responsibility to inform him, but it was his responsibility to keep himself informed.

Carla Pope, the General Manager of Morgan Creek Grill, asked for notification when Morgan Creek Grill is on the agenda and access to draft minutes in a timely manner. Administrator Tucker stated that this information could be made accessible if the City Clerk had her e-mail address; the Administrator did caution her that the minutes of the a meeting are not approved until the next month, so the minutes would be drafts only. Councilman Bettelli also reminded the Morgan Creek representatives that their first point of contact with the City was Administrator Tucker, not the Real Property Advisory Committee.

Again referring to the August 2007 minutes, Mr. Clark was emphatic that he has never given anyone permission or authorization to use the dock.

Mr. Clark expressed that, in his opinion, the slips assigned to the restaurant were not user friendly in that there was nowhere to tie up one's boat, which has limited the slips' use by restaurant customers. He suggested that the fingers be extended some eight (8) feet, staying inside the critical line, with hoops attached to tie up boats. Administrator Tucker reminded Mr. Clark that any dock modification would require a permit.

There was also an extended discussion on employee parking for both the restaurant and store employees.

Mr. Clark distributed a listing of building and property repairs and improvements that he has planned; he reviewed most items for the benefit of the Committee.

Mr. Clark discussed the problems surrounding the disputed solid waste fees that were still owing to the City, but that the City had paid to the vendor. It appeared that any records for the time period in question have been deleted from Waste Industries' computers making it most difficult for anyone to reconcile the dispute. Mr. Clark agreed

to pay the fee to the City by the following Monday and continue to work for an adjustment that will result in a refund to the City and, therefore, to Morgan Creek Grill.

When he had completed his presentation, Administrator Tucker referenced a statement Mr. Clark had made several times to the effect that he might come back to the City for relief on those things (repairs and/or improvements to the restaurant). She informed him that, in the event he expected the City to partner with an expenditure or to pay a part or all of, he must get permission in advance. Any such request must first be presented to the Real Property Advisory Committee, which will, if approved, forward it to the Ways and Means Committee and, ultimately, to City Council.

Another subject that Administrator Tucker wanted Mr. Clark to be cognizant of as he began to work through the list of repairs and improvements to the restaurant was the FEMA 50% rule. She noted that she was doubtful that the building was elevated to meet today's standards which means that, if the improvements exceed 50% of the value of the building, it must be elevated to meet today's standards. The Administrator asked Mr. Clark to remain in constant communication with Director Kerr relative to this matter. Director Kerr would know if the restaurant building met the current elevation standards.

4. Old Business

B. Update on Marina Store RFP

Six (6) or seven (7) RFPs had been picked up to-date. The lease contract had been edited and the new version was in the process of being reviewed

5. New Business

A. Dredging and Permitting Schedule for Marina and

B. Bulkhead Evaluation by GEL

C. Report on Hydrographic Survey

Administrator Tucker asked to combine these items for her report. She related that the Morgan Creek Harbor Association was having hydrographic studies performed periodically for on-going dredging and offered to partner with the City to get its part done at a cost of five hundred dollars (\$500.00); the Administrator authorized them to do the work. She explained that, should the City decide to proceed with a larger scope project at the marina to include bulkhead replacement, dock modifications, electrical replacement and dredging, the hydrographic data would be available.

Administrator Tucker reminded the Committee that they had requested from Zande-Jon Guerry Taylor a permitting schedule that would reflect the City's expanding the scope of

the marina project as defined above. She suggested that the Committee members take this report and the report from GEL Engineering on the bulkhead evaluation for study and to invite Chris Jones from Zande-Jon Guerry Taylor and Larry Setzler from GEL to attend the November meeting to answer questions and to provide any additional explanations.

Administrator Tucker stated that the entirety of the GEL report had not been reproduced for the Committee, but she did have additional copies for anyone to read through. Councilman Bettelli said the evaluation was summed up in sentences from the closing paragraph, which stated the following:

“With a replacement scheduled within 2 years, the repairs indicated in this report can be ignored. ADC does not expect significant additional damage or actual wall failure within this time . . .”

6. Miscellaneous

Next Meeting Date: 10:00 a.m. on Monday, November 12, 2007

7. Adjournment

MOTION: With no further business to come before the Committee, Councilman Bettelli moved to adjourn at 11:14 a.m.; Councilwoman McMackin seconded and the motion PASSES UNANIMOUSLY.

Respectfully submitted:

Marty Bettelli, Chairman