

REAL PROPERTY ADVISORY COMMITTEE

8:30 a.m., Thursday, November 13, 2008

The regular meeting of the Real Property Advisory Committee was held at 8:30 a.m. on Thursday, November 13, 2008 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Chairwoman Rice, Councilman Cronin, Marina Manager Berrigan, Operations Manager for Morgan Creek Grill Carla Pope, City Administrator Tucker, Assistant to the Administrator Dziuban and City Clerk Copeland.

1. Chairwoman Rice 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: Councilman Cronin moved to approve the minutes of the regular meeting of October 1, 2008 as submitted; Chairwoman Rice seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Chairwoman Rice announced that Jim Raih had submitted his resignation from the Committee effective Wednesday, November 12, 2008, and he has asked to speak to the Committee during *Citizens' Comments*.

Jim Raih, 3906 Cameron Boulevard, stated that the Real Property Advisory Committee has been an ad hoc committee for about six (6) years, and he opined that it should be a standing committee of Council, thereby composed of Council members. He opined that the work of the Real Property Committee was very valuable to the City and should be composed of City Council members just as the other standing committees are; he stated that this opinion was the basis for his resignation.

Both Chairwoman Rice and Councilman Cronin thanked Mr. Raih for his service and dedication to the Committee and the Community.

Phillip Smith, 8 Intracoastal Court, noted that his property is beside Tidal Wave Water Sports and that the purpose of his attending this meeting was to ask if the City could address the drainage easement between the properties. This easement drains all of 41st and the ditches cannot be cleaned, like the ditches in other areas of the island, because the area below Waterway Boulevard was considered to be pristine wetlands. He explained that a mud flat has developed that runs from the drainage easement, into the Intracoastal and under his dock; he remarked that at a very low tide, his dock was "high and dry" as well as about twenty feet (20') in front of the dock. Mr. Smith was

asking that, if the City did not already have its permit for dredging, this mud flat be included. Chris Moore, of Jon Guerry Taylor, stated that the City did have its permit and that it was good until 2010; he stated that he would review the permit to determine if it included the area in question and investigate the possibility of adding the area to the permit if it were not already there. Mr. Moore did warn the Committee and Mr. Smith that permits were difficult to get and involved a very time consuming process.

Administrator Tucker wanted Mr. Smith to understand that the City could not spend public funds on private property; Mr. Smith was aware of that.

Marina Manager Berrigan commented that the IOP Water and Sewer Commission regularly used the easement for discharge; therefore, maybe they should also be responsible.

4. Marina Manager's Report – Brian Berrigan

The monthly written report is attached to the minutes. Mr. Berrigan reported that the bulkhead project was going smoothly and he had been informed that the fuel dock would probably be closed for hours, but no more than a day, and the same would be true for the ramp. He also noted that the transient season was beginning to pick up now that the limitation the many insurance companies have imposed (boats/ships that are usually docked north of the Mason-Dixon line were not to be in southern waters before November 1) has passed. Mr. Berrigan informed the Committee that he had heard a rumor that the Corp of Engineers had received funds to do some dredging; areas that are included that would affect the island were Breach Inlet and the marina side of the IOP Connector. He mentioned that the Ecothon had been a huge success with fifty-three (53) participants; he added that the number of participants grows each year.

5. Morgan Creek Grill Report – Carla Pope

Ms. Pope reported that new signage had been placed on the restaurant dock indicating that the dock was for restaurant patrons, and it had helped a great deal. She also noted that business at the restaurant was off some twenty percent (20%) from a year ago; as a result they have closed the upper deck a month early. She indicated that the work on the replacement of the bulkhead has not impacted their business. Ms. Pope commented that, on Saturday past, approximately twenty (20) Citadel cadets were in the parking lot interviewing business operators and regular visitors to the marina to gain additional information about the parking situation at the marina. She stated that she had offered to provide them with the restaurant's customer counts from the busy season to assist them with their study.

6. Old Business

A. Update on Bulkhead Replacement

Chris Moore, project engineer with Jon Guerry Taylor, reported that the work was progressing despite the fact that the steel has not arrived; he stated that the material was in Savannah being coated and should be on site by the middle of next week. When asked by Councilman Cronin if he would inspect the steel, Mr. Moore responded that he would be on site when it arrived. In addition, Mr. Moore noted that approximately one hundred sixty feet (160') of timber bulkhead had been installed and the holes had been cut for the tie rods.

Marina Manager Berrigan commented that Misener Marine is one of the major companies that does dredging; he asked if it would be possible to go ahead with the dredging since they were already mobilized. Mr. Moore responded that Misener was to have the bulkhead completed by March 31, and the dredging season also ends March 31. Mr. Moore also noted that the equipment and the manpower that was currently mobilized would not be the same that Misener would use to dredge. Administrator Tucker agreed with Mr. Berrigan that it would be wonderful if the dredging could be done in conjunction with the bulkhead replacement, but that there were multiple problems in trying to accomplish it. She did not think that all of the details could be handled and the money acquired to do the dredging at this time, but the Administrator did ask Mr. Moore to discuss the possibility with the dredging experts employed. Chairwoman Rice reminded Mr. Berrigan that to coordinate the two (2) projects for the same time period had been the goal of the Committee, but City Council opted to delay the dredging until next year.

Administrator Tucker informed the Committee that Misener, the bulkhead contractor, had performed a very comprehensive pre-construction survey of the marina and the structures there. They will also perform a post-project survey to ensure that there has been no damage caused by their work. In addition, there are vibration monitors in place at the marina.

B. Status of Contracts

1. Morgan Creek Grill

The Administrator stated that the City was waiting for a response from Morgan Creek Grill; Ms. Pope stated that they not going to do anything at this time.

2. Marina Joint Ventures

Administrator Tucker stated that she had spoken with Mr. Berrigan and he was amenable to extending the present contract to give the City staff and City Attorney time to restructure the RFP. (The Staff has been concentrating on the Front Beach parking lot RFP because it is more time sensitive.) With the freedom allowed under the refinancing, the City is looking at having a true lease, rather than a management agreement, and extending the term of the contract. Several time frames were discussed before a decision was reached.

MOTION: Councilman Cronin moved to extend the existing contract with Marina Joint Ventures through September 30, 2008 with the new contract to begin October 1, 2008; Chairwoman Rice seconded and the motion PASSED UNANIMOUSLY.

The Administrator assured Mr. Berrigan and the Committee that the RFP is being worked on and that the goal is to advertise it in April 2009.

3. Front Beach Parking Lots

Administrator Tucker reported that the RFP for this contract was much further along; she stated that she has a draft for review with two (2) new paragraphs on the management of money. She asked the Committee if they would be agreeable to allowing the contractor to use the lots in the off-season to use the lots for storage of unoccupied recreational vehicles or boats. The Administrator noted that she had checked with Building Director Kerr, and there would be no conflict with the zoning ordinances. To use the lots in this way would be an additional revenue source for the City since the lots would be used twelve (12) month a year. When asked by Councilman Cronin about the insurance liability, she answered that the liability passed to the contractor, but there would likely be a higher risk of theft or vandalism because of the level of traffic. The members of the Committee agreed that they did not want to proceed with the concept at this time.

Administrator Tucker stated that the RFP should be completed within the next thirty (30) days.

C. Update on Marina Parking Study

Councilman Cronin stated that there have been approximately twenty-five (25) cadets from The Citadel involved in the project. He anticipates having the results by late March or April 2009, but admitted that it could be later.

7. New Business

A. DNR Fishing Line Recycling

Chairwoman Rice explained that she had read about this program and believed that the Isle of Palms should participate. Marina Manager Berrigan said that the marina had been participating for some time; the recycling receptacle was set up in the fish cleaning area. Chairwoman Rice asked that he also place a receptacle on the new City docks because they are frequently used for fishing, and she had seen lines that have been cut and left.

B. Award of Contract in Excess of \$10,000 – None

8. Miscellaneous

Administrator Tucker asked Mr. Berrigan if he could obtain manatee signs for the marina that would inform the public about the animal and what someone should or should not do if a manatee were to be found.

Chairwoman Rice asked Ms. Pope if the restaurant was planning to recycle oyster shells this year; Ms. Pope replied that she had not yet called for the recycling container since they had not yet begun to serve oysters.

Ms. Pope told the Committee that Morgan Creek Grill was making efforts to “go green.” Within a couple of months there will be glass recycling at the marina and the takeout containers are all biodegradable.

Chairwoman Rice asked Mr. Berrigan if he had received any type of response from DNR regarding the spill that occurred a couple of months ago; he said he had not.

Next Meeting Date: 8:30 a.m., Thursday, January 8, 2009

9. Adjourn

MOTION: Councilman Cronin moved to adjourn the meeting at 9:35 a.m.; Chairwoman Rice seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk