

REAL PROPERTY ADVISORY COMMITTEE

8:30 a.m., Thursday, July 10, 2008

The regular meeting of the Real Property Advisory Committee was held at 8:30 a.m. on Thursday, July 9, 2008 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Chairwoman Rice, Committee member Raih, 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: Mr. Raih moved to approve the minutes of the regular meeting of June 12, 2008 as submitted; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments – None

5. Morgan Creek Grill Report – Carla Pope

Ms. Pope reported that the greenery lighting had been repaired by tying into electrical power at Tidal Wave; the lighting was currently set on a time for 9 p.m. to 4 a.m., a time when Tidal Wave is closed. The total cost for the electrical work was one thousand dollars (\$1,000); since the marina is City property, Ms. Pope stated that she would like for the City to share in the cost. Although the entrance to the greenery area was not as bright as she had hoped, Ms. Pope stated that there had been a great improvement, and there had been no complaints from neighboring residences.

Due to the drought and the lack of consideration of marina-goers driving and parking golf carts in the grass, Ms. Pope reported that they were having a real problem maintaining what grass there was and getting any new growth. She reminded the Committee that, in the past, they had asked that an irrigation flow meter be installed; it had been rejected due to cost; but they were asking again.

In relation to the grass, she discussed the problems occurring at the marina with golf carts; this morning, Marina Manager Berrigan had put up a rope barrier to prohibit cart drivers from driving across the small finger of grass, even cutting in front of cars, and parking there. Ms. Pope stated that one of the reasons she had brought this subject up was to remember to include golf cart parking in the marina master plan.

Chairwoman Rice asked if the marina were included in Councilman Buckhannon's project of golf cart parking on the island; Councilman Cronin stated that it was not. On the irrigation flow meter, Chairwoman Rice said it would be addressed after the replacement of the bulkhead.

Administrator Tucker recounted that there had historically been problems at the marina with accounts placed in the City's name related to water; as a result, the City's response to Morgan Creek Grill on the irrigation flow meter would be to go ahead with it, but to have the account in the name of Morgan Creek Grill.

Chairwoman Rice asked Ms. Pope if the restaurant had reconfigured to have their security cameras to record; Ms. Pope stated that they had and that the cameras record for seven (7) days and begin recording over. Ms. Pope did add that the restaurant cameras were interior only and that they were primarily for monitoring.

4. Marina Manager's Report – Brian Berrigan

Mr. Berrigan stated that he would like to re-visit the concept of extending the new docks; he has had a new idea, to use the existing mooring pilings between the docks for new docks rather than extend the finger docks. Mr. Berrigan offered to take on the project himself to determine the feasibility and costs; Chairwoman Rice reminded him that the permit for the docks had expired. Chairwoman Rice added that she preferred professional oversight on projects for City property and that City staff was too involved in other projects currently to begin a permitting process. Mr. Raih expressed his opinion that the current design was poor and to make it more functional for more and/or better use could only be a good thing. Mr. Raih stated that Mr. Berrigan needed to provide the Committee with a proposal detailing exactly what he was suggesting before the Committee would consider making a recommendation to Ways and Means and City Council. Councilman Cronin added that the proposal should articulate the benefits to be gained, the reasons the present layout was not working, etc., plus how the project would be permitted.

Administrator Tucker clarified comments made by the Committee to Mr. Berrigan that he was not being given authorization to proceed with construction; because the marina was the city's property and the City's asset, if Mr. Berrigan were to inadvertently violate a Corps of Engineers or OCRM permit issue or regulation, the City could receive the fine of ten thousand dollars (\$10,000) per day. She noted that the first step was to get a permit for what was being conceptualized to be done, assuming that the Committee, Ways and Means and City Council approved the concept.

Mr. Berrigan related that he had asked Shane Ziegler of Barrier Island EcoTours to attend the meeting to explain to the Committee and to apologize for what had occurred

with Ashley Olrick's Coastal EcoTours flyers, but he had had to leave because of business obligations. In Mr. Ziegler's stead, Mr. Berrigan explained that an employee of Barrier Island EcoTours had gone into the dock office, removed the Coastal EcoTours flyers from the rack and thrown them into the trash. Mr. Berrigan continued by saying that Mr. Ziegler had found out which employee had done this and that the employee would apologize to Ms. Olrick and offer to reimburse her for the cost involved in the flyers that were discarded.

Chairwoman Rice expressed her hope that Mr. Ziegler would impress upon his employees, especially the younger ones, that what had happened was not an acceptable business practice. She stated very firmly that she did not want the Isle of Palms to be a place where impressionable young people learn unethical business practices.

Chief Buckhannon had been asked to attend the meeting in case he and Mr. Berrigan had not spoken about the problems at the marina that were discussed at the previous meeting, i.e. thefts at both the marina and the restaurant and decals being copied and presented as authentic to avoid paying launch fees (Breach of Trust issues). Chairwoman Rice related that Mr. Berrigan had been advised by the Committee at the last meeting to contact the Police Department when these situations occurred and not to take any action on his own. Chief Buckhannon confirmed that this action did constitute fraud and that charges could be filed, but he asked if that was an action that the City wanted to take. As the business owner, it would be up to Mr. Berrigan to determine what path he wanted to pursue according to Chief Buckhannon. Among the questions Chief Buckhannon asked for consideration were:

- Did the Marina Manager want to simply ban the guilty party(ies) from the activity?
- Was it one person?
- Was it a constant problem?
- Did the business practice need to be changed regarding the decals?

Mr. Berrigan recounted for Chief Buckhannon that he had asked, at the last meeting, for authority be put in place to take away ramp privileges for this particular violation, but the Committee preferred that the police be called with each problem.

Administrator Tucker expressed her opinion as City Administrator that one or two calls to the police where violators were made to realize the seriousness of the charge they could be facing for fraudulent use of marina decal would eliminate the problem.

Mr. Berrigan reported that the persons illegally using the boat ramp were not just with decals, but residents who just want to get their boat into the water to get it to their dock. He asked if the Committee wanted him to call the police when these instances occur, as

well. Chief Buckhannon suggested that the signage be changed to indicate that to launch without payment was considered trespassing and the vehicle was subject to be towed, then to follow through with the towing and charge of trespassing. He noted that, in many cases, there was nothing to tow because the vehicle was only there to launch the boat.

Mr. Berrigan also stated that he wanted to impose a fine for launching without decal or payment; it was his opinion that simply having to pay the five dollar (\$5) fee was no deterrent to try to do the same thing again. Chief Buckhannon noted that a trespass fine was two hundred dollars (\$200).

When Chairwoman Rice asked Mr. Berrigan about the lightning hit to the store air conditioners that was reported at the last meeting, Mr. Berrigan stated that he had missed the window to file an insurance report. He had simply paid for the units.

Chief Buckhannon responded to Mr. Raih's question that the same trespass language could be used and persons charged as at the marina about non-customers using docks assigned to Morgan Creek Grill. Chief Buckhannon offered to provide Ms. Pope with a copy of the state law.

6. Old Business

A. Update on Bulkhead Replacement Project

Administrator Tucker stated that she and Attorney Sottile were still in the process of reviewing the bid specifications; therefore, they were a bit behind schedule. They hope to complete the review by the end of the week for the bid to be advertised in a couple of weeks.

B. Update of Improvements to Marina Lighting – discussed earlier

7. New Business

A. Renewal of Morgan Creek Grill Lease

Administrator Tucker informed Ms. Pope that the City needed to know what areas of the lease she and Mr. Clarke would want to change; Ms. Pope stated that she would provide that information before the next meeting for the members to review. The renewal date is the end of September, so there was enough time for the Committee to review and make a recommendation to Ways and Means in August.

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

8. Miscellaneous

Next Meeting Date: 8:30 a.m., Thursday, August 7, 2008

9. Adjourn

MOTION: Having concluded the business to come before the Real Property Advisory Committee, Councilman Cronin moved to adjourn at 9:25 a.m.; Mr. Raih seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk