

**REAL PROPERTY COMMITTEE**  
9:00 a.m., Wednesday, August 3, 2016

The regular meeting of the Real Property Committee was held at 9:00 a.m., Wednesday, August 3, 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 City Clerk Copeland; a quorum was present to conduct business.

1. Chair Bergwerf 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**

Councilmember Rice directed attention to the last sentence of page 4 of the minutes where it states "under the restaurant" and noted that it should be changed to "behind the stage."

**MOTION: Councilmember Rice moved to approve the corrected minutes of the regular meeting of July 7, 2016 as submitted; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.**

3. **Citizens' Comments – None**

4. **Comments from Marina Tenants**

**Status of Off-site Parking Experiment**

Carla Pope of Morgan Creek Grill reported that the experiment that has marina employees parking at the Recreation Center and not in the marina parking lot has been in place for three (3) weekends; she noted that she and Mr. Berrigan agreed to monitor their own staffs based on the number of employees and the difference in schedules. Participation by employees has increased each week, but she acknowledged that people are reluctant to be so far away from their cars; the challenge has been patrolling the parking lot. They are trying a sticker program, but some employees refuse to put them on their cars. From the restaurant, she believes that some twenty-five (25) cars have moved out of the marina parking lot to the Rec Center.

When Councilmember Harrington asked if there was a penalty for not adhering to the new policy, Ms. Pope responded that the employee would be written up and threatened with firing, which is a two-edged sword because it is difficult to get staff. In an ideal world, as many as forty (40) cars could be eliminated from the marina parking lot.

Ms. Pope said that they will continue to have staff parking at the Rec to be shuttled to the restaurant until Labor Day.

Mr. Berrigan reported that the program is working very well for the dock staff, and they would like to continue to do it. Until the parking lot improvements are done, this program is very difficult to enforce and to organize the flow of traffic into the marina; since the announcement of the award of the Boating Infrastructure Grant (BIG) is months out, he was advocating for the City to proceed with the upland improvements.

Councilmember Harrington indicated that he would like to see a much easier and quicker fix by continuing the dialogue with the IOP Water and Sewer Commission about using their property on Waterway for employee parking.

Ms. Pope stated that she understood that the majority of Commissioners were not interested in giving the City access to the property because the liability was too great. She cautioned that, if the City gained use of the property, employee parking there would only be a temporary solution since they plan to expand that facility at some point in the future; a long-term plan that worked for all of the marina tenants was needed.

Councilmember Rice repeated her position that the only real solution was to have marina employees to park in the municipal lot via annual passes.

Ms. Pope saw two (2) problems with that plan, i.e. (1) the need to create a shuttle service and assume that liability and, (2) due to the difficulty of getting staff to the island, any negative ( the inability to have access to their vehicle during the work shift) would be cause to work at another restaurant.

Referring to the Water and Sewer Commission property, the Administrator said that the City did not know whether “the door had been slammed shut;” there may be some possibility for reconsideration since the Commissioners and Council serve the same constituents.

Mr. Berrigan spoke to the Committee about an email that was sent to Council by a slip-holder and, what he considered to be, an inappropriate response from a Councilmember. The pump-out station, the subject of the email, has been inoperable for a couple of weeks, not a couple of months as stated by the slip-holder; he may have called Mr. Berrigan a couple of months ago for another instance when the equipment was down. The pump-out station has been a source of trouble since its installation in October of 2014. The sewage must travel a long way to the lift station that is difficult and that difficulty is multiplied at low tide. The problem is with the flapper valve which is halfway between the pump-out station and the lift station; the goal is to have it repaired by the end of the week. Mr. Berrigan assured the Committee that Eco-tours, the only tenant that uses the pump-out system, is going to Toler’s Cove to pump out and is not pumping raw sewage into the out basin.

Administrator Tucker noted that the complainant was a tenant of Wild Dunes Yacht Harbor, not the IOP Marina.

Mr. Berrigan added that the complainant never contacted him, but went straight to Council.

Boats that have people living on them need to pump-out about once a week for five dollars (\$5), and currently about six (6) boats from Wild Dunes Yacht Harbor use the pump-out system at the IOP Marina.

## **5. Old Business**

### **A. Continuation of Charrette with ATM on Marina Redevelopment Plan**

Kirby Marshall of ATM was present at the meeting for the discussion, and Chair Bergwerf took a moment before talking began to tell Mr. Marshall that his presentation at the July Council meeting had been very good. She also stated that, in her opinion, the plan was nearly complete.

Mr. Marshall agreed and said that some very good questions were asked and good feedback had come from Councilmembers; everyone seem interested in finding out how much everything is going to cost. Aside from the on-site tour the Mayor suggested, Mr. Marshall thought the next step would be to get an engineered site plan that would enable the refinement of the costs. Such a site plan would be produced after a survey and would provide information about exactly how much green space would be needed for stormwater, how much fill and grading was needed, how many parking spaces can be on the site and where they should be, etc. The engineered site plan would be presented to Council with a much more refined cost estimate.

Councilmember Harrington stated that the biggest issue he has heard from constituents has been whether the boat ramp should be two or three (2-3) lanes; although Mr. Marshall contends that two (2) lanes would be faster than three (3), Councilmember Harrington thought the residents were looking for a better explanation.

In the most recent iteration of the redevelopment plan, the boat ramp is two (2) lanes with ground-out floating docks on either side, meaning that, when one launches his boat, he has instant access to it to tie it up, to park the car straight into the parking lot and come back down to get the boat – a faster cycle time for launching and retrieving a boat. With the new parking configuration, there is a better flow and fewer disruptions, and the trailer parking is concentrated in one (1) area with directly access from the ramp. Mr. Marshall stated that the efficiencies of a two (2) lane ramp more than compensate for the loss of the third lane on the ramp.

Councilmember Rice questioned having only one (1) ground-out dock as opposed to two (2).

Mr. Marshall replied that the question will be partially answered by the survey and the engineered site plan.

Councilmember Rice then asked if Tidal Wave could be moved to the other end of the dock.

Chair Bergwerf pointed out that Tidal Wave would be infringing on Morgan Creek Grill's dock space.

Michael Fiem stated that Tidal Wave needs to be away from the entrance to the marina on Morgan Creek for safety reasons; he also said that Tidal Wave could not operate on a floating dock due to the movement created by boat wakes; the only way they would consider such a move would be if they were located on a fixed pier.

Mr. Marshall countered that today there is a way to design floating docks to minimize the movement created by wakes.

Mr. Fiem added that, if they were moved to the other end on a floating dock, Tidal Wave would not be visible to potential customers at low tide.

When Councilmember Rice asked about the added cost for a fixed pier, Mr. Marshall said that the difference would be in the tens of thousands.

The Administrator recalled that, several years back, the City was looking at replacing the Tidal Wave dock, and the estimated cost was two to three hundred thousand dollars (\$200,000 – 300,000).

Administrator Tucker noted that the IOP Marina was not a commercial marina as were others in the Charleston area; considering the need for exposure to do business, she questioned that Tidal Wave would increase its business if relocated to one of the larger marinas. She pondered whether Tidal Wave had outgrown the IOP Marina. Mr. Fiem said that it was unlawful for jet-skis to operate in Charleston Harbor for safety reasons, and they were very happy at the marina. He commented that Tidal Wave was a good part of why people come to the Isle of Palms; he expressed the feeling that their “success was their own demise.” He added that he never thought that the business’ success would be the reason for it to be pushed out of the marina.

Chair Bergwerf expressed satisfaction with the existing plan and the separation between Tidal Wave and the marina’s residential neighbor, as well as the separation from the mouth of Morgan Creek. She asked Mr. Fiem to look at the floating dock at the City Marina in hopes of agreeing that the business could continue to operate successfully if it were on a floating dock.

Mr. Fiem pointed out that all of the water in front of the City Marina is a no wake zone, unlike the Intracoastal Waterway.

Mr. Marshall said that he would investigate more about the floating dock versus the fixed dock.

Mr. Fiem stated that he has discussed the conceptual plan with his partners, and they are willing to make concessions, but they do have minimum requirements that must be met.

At Council, concern was voiced about the placement of the dumpsters, but the Committee agreed that there were many ways that they could be camouflaged.

When Councilmember Rice asked about a sense of place and signage, the Chair opined that those were details that could be addressed later.

Another issue that has been brought up relates to the number of tenants at the marina today versus 1999 when the marina was purchased; many people believe there are more tenants today than then. Administrator Tucker asked Mr. Berrigan to list the businesses at the marina when the City purchased it; his list included a marina repair shop, a construction company, a landscaping company, a yacht sales office, a real estate office, air and sea charters with three (3) boats, six (6) offshore fishing boats, the Serena sailboat operated from there, Henry J Senior’s Hatteras, Low Country Kayak, Barrier Island EcoTours, a restaurant, a separate lounge, boat rentals and Tidal Wave Runners. The businesses currently operating at the marina are Tidal Wave Watersports, Coastal Expeditions, Ocean Fit, Barrier Island Ecotours, Morgan Creek Grill, Marina Outpost, Saltworks Deli, six (6) fishing charters and boat rentals. By that listing, fifteen (15) businesses were at the marina when the City purchase it, and today there are nine (9).

Councilmember Rice stated that the marina is a much less industrial and noisy space today since now it has only marina type businesses.

According to Chair Bergwerf, the success of the marina businesses has created a parking problem that must be addressed. Councilmember Rice agreed and commented that there is still a great deal of marina parking on 41<sup>st</sup> Avenue; she noted that parking on Waterway appears to have decreased.

Mr. Berrigan added that there are considerably more people going to Capers, Goat and Dewees Islands and many of the cars on 41<sup>st</sup> belong to people going to Goat Island. He said he has seen a big increase in traffic to the islands over the past couple of years, but it is up dramatically since the City bought the marina.

The Administrator indicated that was an important point, because it will not matter what is done at the marina to solve the parking issues because those cars are still going to be there.

Mr. Fiem remarked that today there are some nine (9) party rental houses on Goat Island, and they, typically, have quite a few people in them; the Goat Island people contribute greatly to the parking issues at the marina.

Mr. Fiem explained that they do a lot of business with guests in Wild Dunes, and in the past, reservations were set by Wild Dunes and the resort provided a van to transport people to and from the marina. Today, guests are using Wild Dunes' amenities less and bringing more vehicles to the marina; while the van used to run every hour, it is now running twice a day. Mr. Berrigan added that, if they knew they had to pay-to-park when they got to the marina, more would use the van service.

Councilmember Harrington opined that representatives of the City should discuss this transportation issue with the management of Wild Dunes, and the City should have a presence at the annual homeowners' association meeting on Goat Island to involve them in the redevelopment plan and get their assistance in solving these problems.

Mr. Fiem stated that the residents of Goat Island are very respectful and overall good neighbors; the problems are coming from the rental properties.

Responding to a question from the Chair, Mr. Fiem indicated that about fifteen percent (15%) of Tidal Wave's customers have reservations booked by Wild Dunes.

Administrator Tucker confirmed that a resident of Dewees Island gets one (1) parking space in their assigned parking area near the ferry and, if they have guests, another parking space is available.

The general opinion of the Committee is that the only way to resolve some of the issues with Goat Island will be through Charleston County's new Environmental Manager.

Mr. Marshall stated that he would work up a proposal for the engineered site plan for the Ways and Means Committee meeting on Tuesday, August 16<sup>th</sup>.

For Chair Bergwerf, the first project in the redevelopment plan must be the marina parking, and the City needs to know those basic costs; the landscaping could be done at a later date if necessary.

Councilmember Rice repeated her opinion that if work is done on the parking lot first, it must be done in such a way that it is not destroyed by the work to be done on the water-side. Mr. Marshall assured her that the dock work would be done from the water, only the utility installation would be done on the land.

**MOTION: Chair Bergwerf moved to discuss Item 6, New Business at this point in the meeting; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.**

## **6. New Business**

### **Discussion of Location for Fishing Pier for the Shore-based Saltwater Fishing Grant**

Mr. Marshall commented that ATM is under contract to generate an application for the Shore-based Saltwater Fishing Grant, which is for one hundred thousand dollars (\$100,000) and awarded annually. Originally this grant was considered for improvements for the City dock at the marina, but the Committee Chair and the Administrator asked that he look at other possible locations on the island, i.e. the existing Tidal Wave dock, the end of 41<sup>st</sup> Avenue, the end of 11<sup>th</sup> Avenue on Hamlin Creek, and the end of 41<sup>st</sup> Avenue. The proposed City dock at the marina is a viable alternative; it could be refurbished and rehabilitated to make it a good saltwater fishing dock. The terminus of 11<sup>th</sup> Avenue has a small swath of land owned by the City; after a site visit and aerial research, Mr. Marshall noted that there are small private docks on both sides of the City's property. Consideration was given to laying a four foot (4 ft.) wide access pier with a twenty by twenty foot (20 x 20 ft.) pier head. If the City were to put that dock in between the two (2) existing docks the space would be very constrained. In addition, the OCRM stipulation is that it must be twenty feet (20 ft.) off the property line, and the space is not available at 11<sup>th</sup> Avenue. If the City were to select this spot, putting in this pier would be very challenging. The Twenty-fifth Avenue property is on the Intracoastal Waterway; Mr. Marshall noted that this is a nice wide street with thick foliage and landscaping along the sides. The foliage could provide shielding from the residents as well as parking. Here ATM also laid in a four foot (4 ft.) wide accessing with a twenty by twenty foot (20 x 20 foot) pier head and that leaves about forty-two feet (42 ft.) off each existing dock structure. From a spacial standpoint, this location has promise. The City also owns two (2) lots at the end of 13<sup>th</sup> Avenue, and an adjacent property belongs to SCDOT. The properties there do not have any frontage on the creek, so the City has no access to build a dock without an easement from SCDOT, but there does appear to be enough space between the existing docks to construct a City pier. According to Mr. Marshall, this is a good space because it has easy access, room for parking and could be easily monitored by the City.

Mr. Marshall stated that this was a grant the City could apply for year after year; the pier as proposed for 25<sup>th</sup> Avenue would be approximately one hundred thousand dollars (\$100,000), a pier at 13<sup>th</sup> Avenue would be more, and the dock at the marina would be less.

Chair Bergwerf said that she had hoped this grant could be used at the marina since the redevelopment is going to be so expensive.

Councilmember Rice asked what would need to be done to the Tidal Wave dock since it was rehabilitated in recent years.

Mr. Marshall replied that there would be modifications to the handrail and, possibly, the roof, improvements to the floating dock because it has been pieced together over the years – therefore, not a lot of money.

**MOTION: Councilmember Harrington moved to go forward with an application for a Shore-based Saltwater Fishing Grant for the City property at the end of 25<sup>th</sup> Avenue; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.**

## **5. Old Business**

### **B. Update to the Local Comprehensive Beach Management Plan**

Administrator Tucker recalled that there were discrepancies between the beach access inventory, the inventory used by Charleston County 911 service, information OCRM has and the inventory in the plan – none of them matched. In an effort to get the inventory correct, BSOs have successfully marked the accesses to be consistent with the plan. Chris Jones has released the plan to OCRM for preliminary comments; once the City receives their comments, staff will review them to see if any tweaks need to be made to the plan. The next step would be for Council's approval, which must be in the form of an ordinance.

The Administrator reported that the City has received the most recent monitoring report from Coastal Science and Engineering (CSE) on the 2008 Beach Restoration Project, so the Beach Management Plan has been updated to include the results, as well as the latest information about wave dissipation devices and sandbags. The Administrator expects the Local Comprehensive Beach Management Plan to come before Council in the next couple of months.

### **C. Update on Handicap Accessibility to the Beach**

Administrator Tucker stated that the City's goal is to have handicap accessibility at 42<sup>nd</sup> Avenue and at the path labeled as 31A; the holdback is information needed to submit everything to OCRM in a bundle. Assuming these are approved, the City would have handicap accessibility at the Sea Cabins, 21<sup>st</sup> Avenue, 31A access path and 42<sup>nd</sup> Avenue.

Responding to Councilmember Rice's for an update on 42<sup>nd</sup> Avenue, the Administrator reported that the contractor is very busy trying to finish another job, but he is aware that there is a deadline for the work to be done.

### **D. Status of Funding for Beach Restoration**

The Administrator reported that the City continues to reach out to the state to figure out how to access those funds. Coastal Science and Engineering is trying to find an alternate borrow site

The Administrator opined that the recent occurrences related to wave dissipation devices and sandbags has encouraged the stakeholders to move forward with a beach restoration project. In the future, those who are planning to remove the wave dissipation devices and replace them with sandbags must get the sandbag emergency order, obtain the cost and bond for the removal of the bags and be associated with a major renourishment project to place the sandbags. As a result, the affected parties have reached out to the City to push the renourishment project along; if all things come together, the best scenario would be to have a winter 2017 project.

**7. Miscellaneous Business**

Administrator Tucker reported that all tenants are current with their rent.

Next Meeting Date: 9:00 a.m., Thursday, September 8<sup>th</sup> in the Conference Room.

**8. Executive Session – not needed**

**9. Adjournment**

**MOTION: Councilmember Rice moved to adjourn the meeting ty 10:30 a.m.;**  
**Chair Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk