

REAL PROPERTY COMMITTEE

5:00 p.m., Tuesday, May 8, 2012

The regular meeting of the Real Property Committee was held at 5:00 p.m. on Tuesday, May 8, 2012 in the Conference Room of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Present for the meeting were Councilmembers Buckhannon and Stone, Chair Loftus, Administrator Tucker, Assistant Dziuban and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Loftus called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Stone moved to approve the minutes of the regular meeting of April 9, 2012 as submitted; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments** – None

4. **Comments from Marina Tenants** – None

5. **Old Business**

A. Review of Budgets for FY 2012-2013

Administrator Tucker commented that this was an additional opportunity to have questions answered or to add, change or remove items from the budgets; she informed the Committee that neither the Personnel, Public Safety nor Recreation Committee have made any changes to the FY13 budgets. A member of the Recreation Committee indicated that he would make multiple recommendations to reduce the tourism budgets at the Ways and Means Committee meeting on May 15th; the Public Works Committee moved to reduce funding for the dune walkovers by forty thousand dollars (\$40,000) and established a placeholder in the amount of five thousand dollars (\$5,000) to restore and preserve the cannonball dredged up in the 2008 beach restoration project.

Councilmember Loftus suggested that possible a historical group, like the Daughters of the American Revolution (DAR), would be interested in supporting this activity; Administrator Tucker commented that the City would welcome assistance from any group or anyone. Initially the City must learn what the process is to preserve it and how long that will take and, then, how it will be mounted for display with an appropriate inscription; all of these processes will have an expense that today is unknown.

Councilmember Buckhannon stated that he had comments to make on the budget that he would prefer to hold until the Ways and Means Committee meeting on May 15th.

B. Discussion of Municipal Parking Lot Lease

The Administrator indicated that she had little to offer on this topic since the Committee. in its April meeting, made no requests of staff. The Administrator did report that she has been

dialoguing with the City Attorney on leases in general – whether they should be bid and the action necessary to amend leases; the City’s procurement code is silent on leases the City may enter into. Attorney Halversen has informed the Administrator that opinions from the Attorney General on whether or not a significant amendment can be made to a lease without going through the bidding process have come to her attention in research.

Based on discussions at the April meeting for alternative uses of the municipal lots in the off-season, for instance, RVs, Administrator Tucker related that she has assigned the task of determining what up-fits would be required for the site to two (2) department managers. In addition, staff is looking into what ordinance changes might be required should the City decide to pursue such a use and the related activities.

Councilmember Buckhannon reminded the Committee that off-season boat storage had also been suggested for the municipal lot, as well as whether the City would take over the off-season activities of the lot or it would become a part of the lot lease. Administrator Tucker stated that boat storage would be easier to do, but the biggest obstacle for boat storage at that location is the lack of security. The City may need to make improvements to ensure the safety of the boats being stored, for instance, video surveillance.

The Administrator explained that the City’s procurement code today does not require that the lease be bid out, but the City Attorney advocates that, to be more consistent with recent Attorney General’s opinions, the City should amend the procurement code to be more competitive and more transparent. The opinion, for instance, states that leases should not be amended if that amendment makes a significant financial change in the terms.

A second item uncovered in the attorney’s research was whether leases should be passed by ordinance or resolution; the City has historically passed leases on a vote of Council. In the future, the preference will be to pass new leases by ordinance as opposed to a resolution or a vote.

After discussion, the Committee agreed to allow the existing lease to expire on September 30, 2012 and to bid the lease over the winter; the RFP could state that a future offering for the remaining months was feasible. This would allow the City staff time to fully vet the opportunities available and the necessary up-fitting of the property for an off-season activity.

C. Discussion of Status of Pilings

Assistant Dziuban recounted that in January the Committee had voted to remove twelve (12) mooring pilings from the Intracoastal Waterway to allow the dredging equipment to perform as designed and to achieve the goal of the project. The original plan had been to remove the pilings and to store them on the marina property, but, once removed, they proved to be too large for the dredger’s equipment to place them on the hill. To expedite the dredging, the pilings were loaded onto a barge and taken to McClellanville for storage until a decision could be made about them. At this time, R.L. Morrison has contacted the City saying that he is not willing to store them indefinitely at no charge to the City; Morrison will charge the City two hundred fifty dollars (\$250) per month to store them. To transport them back to the marina by barge would cost four hundred twenty-five dollars (\$425) an hour plus fuel costs, and to hire a truck to trans-

port them back would cost five hundred dollars (\$500). The marina site does not have a place to store them indefinitely, nor does the marina have the equipment to move them around the site once delivered. Morrison has asked whether the City would be willing to donate the pilings to the Cape Romain Wildlife Refuge where he is rebuilding a dock *pro bono* that was destroyed by Hurricane Irene.

Administrator Tucker stated that this was a no-win situation; she voiced the opinion that the City had made the correct decision to remove the pilings to maximize the dredging project. The Administrator continued that, if the City had an immediate use for them, there would be value in hiring a truck to transport them to a storage location; since that is not the case, she expressed no issue with donating them to the wildlife refuge since it is a public endeavor.

MOTION: Councilmember Stone moved to donate the pilings to the Cape Romain Wildlife Refuge; Councilmember Buckhannon seconded the motion.

Councilmember Buckhannon questioned that Morrison would be using all of the pilings, and Assistant Dziuban stated that was her understanding.

Chair Loftus asked if the City would incur any costs should the Committee approve the motion; Assistant Dziuban said that she understood that the City would be simply walking away.

VOTE: The motion PASSED UNANIMOUSLY.

D. Discussion of Charges to Committee from Joint Meeting

1. Parking on the Ocean-side of Ocean Boulevard

After Administrator Tucker reported that she had nothing new to report to the Committee, Councilmember Stone stated emphatically that he was opposed to opening up the ocean-side of Ocean Boulevard to parking.

Councilmember Buckhannon recalled that SCDOT was not going to allow the City to reduce or eliminate any parking spaces on the south end of the island. Administrator Tucker commented that the majority of roads on the island are SCDOT roads; they, therefore, are public rights-of-way. Unless the City wants to assume responsibility for the roads, the City does not have the ability to prevent – except for safety reasons in concert with SCDOT – the public's access to the public right-of-way or to select which members of the public can or cannot have access to them, i.e. the residents and visitors must abide by the same rules.

The Administrator explained that the City Attorney's research has found that communities that have beach access parking fees and issue passes provide small public lots not on state-owned right-of-way.

Chair Loftus stated that he was willing to open up just enough parking on Ocean Boulevard to satisfy the Beach Management Plan and to restrict parking in the neighborhoods.

Councilmember Stone recalled from the Beach Management Plan that parking on Carolina and Charleston does not count toward the required beach access parking spaces, whereas the numbered streets within five hundred feet (500 ft.) of the beach accesses do count. In his understanding of the Plan, elimination of parking on Carolina and Charleston will not impact the parking requirements. Chair Loftus countered that he considers the numbered streets as part of the island's neighborhoods.

Chair Loftus explained his ideal as encouraging people to park in the County and municipal lots, have the bare minimum of spaces on the south end of the island and shut down parking on the numbered streets, Carolina and Charleston. Councilmember Buckhannon reminded the Chair that Director Kerr had stated that SCDOT will not allow such a plan.

On the subject of public safety, Councilmember Buckhannon had brought up the fact that vehicles parking on Charleston and Carolina, for instance, cannot park four (4) feet from the edge of the pavement and are, therefore, opening their doors onto the roadway. He queried that, through discussion with SCDOT, parking could be eliminated on those streets for the sake of public safety; the problem with that would be that residents and their guests would then also be precluded from parking.

Administrator Tucker remarked to the Committee that positive steps have been taken for this tourist season, i.e. the line-of-sight signs at the intersections along Palm Boulevard, the white chalk line on the ocean-side of Palm Boulevard, the stepped-up enforcement and the contracting with a consultant on wayfinding signs. All of these actions have been taken without any legal implications and are expected to make positive changes.

2. Areas for Visitor Parking

The Administrator noted that the only parcel of City-owned property that could be utilized for parking is the triangle at the post office. Chair Loftus asked that staff prepare a plan for parking on that space for the next meeting.

6. New Business

A. Discussion of Request Received for an Event at the Marina for Spring 2013

Assistant Dziuban explained that the City has been contacted about holding a food truck rodeo as a private corporate event at the marina in the spring of 2013. The event would entail circling five (5) food trucks in the general vicinity of Morgan Creek Grill employee parking as a social event for the people attending the event; attendees would be bused in from Wild Dunes. Assistant Dziuban stated that she had talked to the event planner and that tenants of the marina offer food and might want to participate as well.

Councilmember Buckhannon asked how this could happen when the tenant leases also include portions of the parking lot, and Assistant Dziuban said they, of course, would have to agree to the event.

Councilmember Stone said that he would be more comfortable if the marina tenants came to the Committee recommending this event; therefore, he suggested directing the event planner to the marina tenants.

Administrator Tucker expressed her opinion that the marina is an inconsistent venue for the type of event planned, i.e. they are bringing food in they sell when some of the tenants are in the business of selling food who struggle to remain healthy, viable businesses, particularly in the off-season. The Administrator also voiced concern for closing the marina to the public at a time of year when the marina is beginning to coming back to life.

The Committee decided that it wanted more information and would discuss the event again.

7. Miscellaneous Business

Administrator Tucker stated that she did not have the marina tenants' rent report and was asked to be prepared to give the report at the Ways and Means Committee on May 15th.

The Administrator informed the Committee that the temporary fencing at 1301 Palm was going to be removed and the permanent fence constructed in such a way as to have the large oak tree visible from Palm Boulevard. In addition, the lot was going to be graded and leveled.

The jet dock cannot be used with the new boat, so the City is going to sell it as surplus.

Next Meeting Date: 5:00 p.m., Tuesday, July 10th, 2012 in Conference Room.

8. Executive Session – not needed

9. Adjourn

MOTION: Chair Loftus moved to adjourn the meeting at 6:02 p.m.;
Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk