

REAL PROPERTY COMMITTEE

5:30 p.m., Monday, July 1, 2013

The regular meeting of the Real Property Committee was held at 5:30 p.m. on Tuesday, July 1, 2013 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Buckhannon and Loftus, Chair Stone, Administrator Tucker, Assistant to the Administrator Dziuban and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Stone 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

MOTION: Councilmember Buckhannon moved to approve the minutes of the regular meeting of May 8, 2013; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments** – None

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

5. **Old Business**

Status of Tidal Wave Dock Replacement

John Shaffer of Ocean and Coastal Consultants reported that the permit application had been delayed because Tidal Wave did not have a current Operations and Maintenance Manual, which OCRM requires to accompany the application. A 1995 Operations and Maintenance Manual, belonging to the previous operator, was updated specific to Tidal Wave Water Sports and cross-referencing the marina manual, and the delay resulted from waiting for the response from OCRM. Administrator Tucker signed the permit application before the meeting, and Mr. Shaffer anticipates submitting the permit application on Wednesday.

Chair Stone asked how this delay had affected the timeline for the construction. Mr. Shaffer indicated that he is three (3) weeks behind his schedule, but it was not critical to the overall project schedule. He stated that he does not anticipate any delays in getting the state and federal permits to begin construction as planned; the bid package will be advertised in October and November for construction just after the first of the year. He estimates construction time to be in the neighborhood of ninety (90) days.

6. New Business

A. Status of Replacing Fuel Dispensers at the Marina

This discussion was postponed until Assistant Dziuban rejoined the meeting.

B. Discussion of Bandit Boats at Morgan Creek Grill

Carla Pope from Morgan Creek Grill joined the discussion.

Administrator Tucker stated that this is an on-going problem at the marina that does not have an easy cure; the Administrator described the problem as being “episodic” in that it disappears for a while when Morgan Creek Grill and the City step up enforcement, and, when vigilance wanes, the bandit boats reappear. When someone from the restaurant sees the driver of the boat not entering the restaurant, someone can be sent out to explain to the boater that the slip is reserved for patrons of the restaurant. When the boaters are not actually seen by restaurant personnel, the course of action is for the City to get the number off the boat and contact DNR for the identification of the owner once a reason for the identification is provided. Once the ownership is known, the City can communicate with the vessel owner that he/she cannot use the slips dedicated for Morgan Creek Grill patrons if he/she is not going to the restaurant. Currently the City is waiting for information on the final four (4) boats for which information was requested from DNR.

Ms. Pope agreed that this problem has been on-going for years, and, in her opinion, it has not gotten any worse and is the same two to four (2-4) people. She noted that the restaurant put up additional signs this year, and the staff is very diligent to put notes on boats in restaurant slips in the mornings when they arrive. The options for resolving this matter are tracking down the owner as the Administrator described, putting notes on the boats, towing the boats or locking the boats up, similar to booting a vehicle illegally parked. Brian Berrigan, marina manager, stated that when a boat is locked, the owner must go to the marina office to pay a fine to get the boat unlocked. Ms. Pope stated that she was very uncomfortable locking the boats.

Councilmember Loftus said that one (1) boat was on an elevated dock and had been in the slip for as much as six (6) weeks – a clear violation of the intended use of the dock. Ms. Pope noted that the elevated dock is used by the IOP Fire Department, and Administrator Tucker confirmed that the City’s jet dock has been sold.

Administrator Tucker commented that Morgan Creek Grill has seven (7) slips assigned for use by their patrons; they are located to the right on the north side of the stationary docks. The Administrator added that the responsibility for policing them belongs to the restaurant, but the City has tried to offer assistance in the past.

Ms. Pope noted that it was the restaurant’s responsibility not to take revenue from the marina. In her opinion, the primary abusers of the restaurant docks are Goat Island residents, who are taking money out of the marina’s pockets. In addition, there are many occasions when restaurant patrons have too much to drink, opt for other transportation home and leave their boats overnight; therefore, boats that are in the slips early in the morning belong to these guests. The boats that are there day after day are the ones abusing the situation. Ms. Pope said that she would like to know the method to handle the situation and asked if she was to call the police and repeated that she was uncomfortable locking up these boats.

Regarding the boats that are left overnight, Mr. Berrigan suggested that the owners be given wrist bands when they notify restaurant personnel with the date and time on it and the owners are told they have twenty-four (24) hours to move their boat. Mr. Berrigan stated that the boats of abusers should be locked up, and Councilmember Loftus said the police should be notified to lock the boat since the marina is City property.

Administrator Tucker stated that the City was bound to act within the limits of the law, and the notification that they are trespassing if not dining at the restaurant is the first thing the City can do.

Councilmember Loftus thought this problem could be handled by issuing citations that could be handled through the Livability Court. Chair Stone commented that the City does not have jurisdiction over the water, and Councilmember Loftus countered that the boats are tethered to the City's docks.

Administrator Tucker said that she could discuss the options available to the City with Chief Buckhannon again; she remarked that there are issues with what kind of citation the City can write regarding what is happening at the marina.

Councilmember Buckhannon commented that DNR must have dealt with the issue in the past and queried about their solution. The Administrator stated that she remembered they had determined that it takes DNR working with the City to solve the problem.

Mr. Berrigan suggested a change to the restaurant's signs to indicate that boats are subject to being locked up and an accompanying fine for removal. Ms. Pope asked whether Mr. Berrigan would be willing to provide that service to the marina, and Mr. Berrigan said that he would look into the feasibility of helping.

Chair Stone said that he would like to revisit this subject at the next meeting in August.

A. Status of Replacing Fuel Dispensers at the Marina

Assistant Dziuban reported that she and Mr. Berrigan are working together to write the RFB, and the lingering question is whether the existing point of sale and Veeder Root systems will interface properly with a product currently on the market, because they are so old. When the RFB is written, it will state that a new system must interact, and the bids must state that. The City did investigate whether fuel dispensers could be purchased on state contract, but they are not available due to the low demand.

Chair Stone recalled that the FY14 budget did not include a new point of sale system.

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

7. Miscellaneous Business

Marina Rents Report

Administrator Tucker reported that all tenants are current with June rents; some of the tenants have been billed for their insurance and solid waste fees – one tenant has paid. Morgan Creek Grill has been notified that the additional rent provision of their lease has reverted back to one percent (1%) of gross income between one million and two million dollars (\$1,000,000-2,000,000) and two percent (2%) of gross income over two million dollars (\$2,000,000).

Next Meeting Date: 5:30 p.m., Wednesday, August 14 in Council Chambers.

8. Executive Session – not needed

9. Adjourn

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 6:00 p.m.; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk