

REAL PROPERTY COMMITTEE
8:30 a.m., Thursday, January 7, 2010

The regular meeting of the Real Property Committee was held at 8:30 a.m. on Thursday, January 7, 2010 in Council Chamber of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Committee members Cronin, Loftus and Stone, City Administrator Tucker, City Attorney Halversen, Jay Clarke and Carla Pope of Morgan Creek Grill, Marina Manager Brian Berrigan, Assistant to the Administrator Dziuban and City Clerk Copeland.

1. As past Committee Chair, Mayor Cronin called the meeting to order.

2. Election of Chair and Vice-Chair

Mayor Cronin nominated Councilmember Loftus to serve as Chair; Councilmember Stone seconded and there were no other nominations. Councilmember Loftus was unanimously elected Chair of the Real Property Committee.

Councilmember Stone nominated Mayor Cronin to serve as Vice-Chair; Chair Loftus seconded and there were no other nominations. Mayor Cronin was unanimously elected Vice-Chair of the Real Property Committee.

Chair Loftus acknowledged that the press and public had been duly notified of the meeting in accordance with the Freedom of Information Act.

3. Approval of Previous Meeting's Minutes

MOTION: Mayor Cronin moved to approve the minutes of the regular meeting of November 4, 2009 as submitted; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

4. **Citizens' Comments** - None

5. **Marina Manager's Report** – Brian Berrigan

Mr. Berrigan stated that he had little good to report; the economy appears to have caught up with the IOP Marina – transient rental are down; fuel sales are way down; and permanent tenants are leaving. With the weather, it was too cold to work on projects. He commented that he had contracted with GEL to generate a plan for the overall marina site, and he has had to tell them to stop for now. When the Administrator indicated that there has been no change to the dredging situation, Mr. Berrigan announced that he was suspending indefinitely all funding that he had allocated for improvements until there is resolution on the dredging project.

He reported that the same is true for the Marina Market. The store will close next week for planned maintenance; the deli is closing indefinitely. He stated that the deli has not received the support of the community or the island's employees.

Mayor Cronin asked Mr. Berrigan if he thought traffic had been impacted by the indefinite closing date of the Ben Sawyer Bridge; Mr. Berrigan repeated that the Intracoastal Waterway in both North and South Carolina was shallow causing boaters heading south to use the jetties to

get in and out. Mr. Berrigan noted that, in the past in high transient season, as many as fifteen (15) boaters a night would dock at the marina; now he is lucky to have four (4). On the other hand, he believes that there was an early transient season because of the Ben Sawyer construction.

6. Morgan Creek Grill Report – Carla Pope

Mr. Clarke asked that the report be delayed until Ms. Pope arrived; Chair Loftus agreed to proceed with the Agenda.

7. Old Business

A. Update on Beach Restoration Project

Administrator Tucker announced that the City would be receiving its first full post-project monitoring report in the near future from Coastal Science and Engineering (CSE). Included in the meeting packet is an assessment by Chris Jones from his inspection of the project area on December 17, 2009; he did alert the City to some focused erosion and plant problems.

The monitoring report will be transmitted to the City Council electronically; it is a very comprehensive document that has an approximately twenty-page (20 page) summary of the situation at the end. The Administrator cautioned that, in the coming months, she expects the Committee will be faced with actions related to beach restoration again. She did note that the final work product from CSE would address the entire Isle of Palms shoreline, and it will represent the first comprehensive look at the island's coastline and be an excellent tool for the City going forward.

Administrator Tucker noted that Coastal Science and Engineering was requesting a budget modification that has zero (0) impact on the budget; they are requesting to move thirty-six hundred forty dollars (\$3,640) from one (1) element of the work product to another element.

MOTION: Councilmember Stone moved to approve the budget modification requested by Coastal Science and Engineering; Mayor Cronin seconded and the motion PASSED UNANIMOUSLY.

Chair Loftus asked if there was the possibility that the state would purchase dredging equipment to be used by the various beach communities in the state. Mayor Cronin stated that he was not aware of active discussions taking place in Columbia, but that the City's state representative was taking on the issue as a proponent of the state's taking an active role. He added that he believed it was more likely that the state would pursue the commitment of a dredging company to address issues of the island communities than purchase its own equipment.

Mayor Cronin explained that OCRM has distributed a document with proposed adjustments to the Beach Management Act that is presently available for comment prior to public hearings. The City's coastal engineer Chris Jones has generated bullet points related to changes to that document that will be discussed with Representative Sottile. The Mayor stated that OCRM is a defensive organization, rather than a proactive one, that supports the state's retreat policy; this

report proposes more restrictive measures than the laws under which the coastal communities now operate.

6. Morgan Creek Grill Report – Carla Pope, Operations Manager, Morgan Creek Grill

Ms. Pope stated that their business for the second half of the year had been good – that their revenues had been equal to or better than the same period in 2008, but the restaurant would show a shortfall for the year. The restaurant is continuing to do a lot of promotion on television, radio and in print, as well as promotions within the restaurant. She announced that plans had been made for Morgan Creek Grill to be a venue for two (2) events for the Lowcountry Blues Bash. During the period that the restaurant was closed after Thanksgiving, the floors had been replaced downstairs and the chef's office was revamped.

7. Old Business

B. Update of Morgan Creek Grill Lease Amendment

Administrator Tucker commented that included in the meeting packets was a copy of the motion passed by this Committee at the October 2009 meeting defining the actions to be taken on the Morgan Creek Grill lease; the Administrator stated that she is in receipt of a draft amendment prepared by the City's previous City Attorney that contains the components identified in the motion. If the motion still expresses the will of the Committee, Administrator Tucker stated that she would forward the draft to Morgan Creek Grill for their review, noting that the amendment was less comprehensive than they had wanted, but was consistent with the motion.

Mayor Cronin distributed a notebook containing copies of the most current City leases to the new members of the Committee along with a synopsis of each prepared by the City Treasurer.

MOTION: Mayor Cronin moved to re-affirm the October 2009 motion from the Committee; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

Administrator Tucker explained that the next steps would be provide a copy of the draft amendment to City Attorney Halversen for her review, and, assuming there are no issues with the draft, it would be presented to Morgan Creek Grill for their consideration and approval to be followed by execution by the parties involved.

The Administrator inquired of Mr. Berrigan if he shared his mariner e-mail list with Morgan Creek Grill because she thought some of the mariner's would be enticed to the marina when armed with the knowledge of the availability and the goings-on at the restaurant.

Chair Loftus asked Ms. Pope and Mr. Berrigan if they had resolved their issues related to dinner cruises originating at the marina; Ms. Pope and Mr. Berrigan stated that they were still working on a resolution.

8. New Business

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

9. Miscellaneous Business

Next Meeting Date: 8:30 a.m., Thursday, February 4, 2010

10. Executive Session to receive legal advice on Case #09-CP-10-6578

MOTION: Mayor Cronin moved to go into Executive Session to receive legal advice at 9:22 a.m.; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

The Committee returned to regular session at 9:40 a.m. having received legal advice; Chair Loftus reported that their had not been a vote or an action taken in Executive Session.

11. Adjourn

MOTION: Mayor Cronin moved to adjourn the meeting at 9:41 a.m.; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk