

REAL PROPERTY COMMITTEE

9:30 a.m., Tuesday, July 18, 2017

The regular meeting of the Real Property Committee was held at 9:30 a.m., Tuesday, July 18, 2017 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmember Harrington and Rice, Chair Bergwerf, City 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

MOTION: Councilmember Rice moved to approve the minutes of the regular meeting of June 15, 2017 as submitted; Councilmember Harrington seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

4. Comments from Marina Tenants

Brian Berrigan, manager of the IOP Marina, spoke to the Committee to counter the negative comments being made about the marina on social media. Despite the marina being referred to as "a disease" and "a fiasco," Mr. Berrigan wanted to share the many positive things that have been happening. Mr. Berrigan distributed pictures of the deck on the marina store that has been newly replaced; not only is it more stable, but it also provides additional shaded seating for store/deli customers. An ice machine that is available to the public twenty-four (24) hours a day has been added; it is also quite a bargain at two dollars (\$2.00) for a thirteen pound (13 lb.) bag of ice. He reported that he has removed two (2) parking spaces to add a bike/golf cart corral and a playground for children, and he is well aware that, if the referendum passes, they will be short-lived. The marina store has participated in the Adopt-a-Highway program by cleaning Waterway Boulevard four (4) times a year, and this year they were awarded for their efforts. In receiving the award, the IOP Marina becomes the first marina to be awarded by the program in its thirty-year (30 yr.) history. The marina store has joined the "Strawless Summer" campaign, as has Morgan Creek Grill; this is a program sponsored by the SC Aquarium to prevent straws from getting into the water and harming the sea animals. This program is going so well that he plans to convert the Styrofoam he uses to paper as well by the end of the year. (The photographs he distributed are attached to the historical record of the meeting.)

Mr. Berrigan stated that one (1) Councilmember seems to be encouraging the negativity toward the marina on social media which he finds very discouraging with all that they are trying to do. He expressed the opinion that, if this person owns the only other marina on the island, he should recuse himself from anything related to the IOP Marina business.

Mr. Berrigan commented that some of the negative comments relate to the marina no longer selling yearly decals; it was considered last year and implemented this year after about thirty (30) decals were sold. The reasoning behind the move was that those who purchase a yearly decal expect to have a place to park when they come to the marina to launch their boat although the

contract they sign and the decal clearly states that parking is not included. By not issuing the decals, Mr. Berrigan said they are more successful in managing parking.

When asked if he was considering selling the yearly decals next year, Mr. Berrigan answered that he was not but that he would welcome input from the Committee, the full Council and residents. He added that, if people know that parking is not included with the decal, he would consider selling them again to residents only.

Michael Fiem of Tidal Wave Watersports also spoke to the Committee to defend his business against the negative comments on social media; he reported that they, too, have switched from plastic to paper and installed bike racks. He opined that the parking plan has been successful; he has seen a decline in traffic at the marina and on the Waterway. He informed the Committee that, the week before July 4th, they received a call from the IOP Fire Department which had been notified by the Coast Guard that two (2) kayakers were at Dewees Cut; since Tidal Wave was on the water, they were the first on-scene. He reported that they have been the first on scene in thirty-two (32) incidents and first or second fifty-six (56) times; he noted that they also participate in water searches.

When members of the Committee reported that they have not seen these comments in social media, Administrator Tucker explained that they were appearing on an "invitation-only" website where you must first be accepted before receiving any of the messages.

Councilmember Bergwerf added that some people are not accepted into the group.

When asked what these websites were, Councilmember Rice responded that it was "IOP Neighbor."

For clarity, the Administrator noted that there were multiple sites where these comments were being made, and she stated that she was not on all of these websites. She reported that there was a website named "Isle of Palms" that was not the City's website; she did encourage the Committee members to get on the City's official sites on Facebook, Twitter and Instagram to receive factual information about the City. Since she is not on all of the sites, at times people take screen shots to send to her so that she is aware of comments being made about the City.

5. Old Business

A. Update on public restrooms

Assistant Fragoso announced that the renovations are out for bid, and the bid opening is scheduled for August 3rd at 2:00 p.m.

Councilmember Rice stated that the sealant on the floors looks very bad and is even peeling up in spots; she asked that the contractor who did the work to be called back to the site to re-do the floors.

When Councilmember Rice asked about the stall doors, Chair Bergwerf replied that they were included in the bid.

B. Consideration of revised concept of Marina Redevelopment Plan

Kirby Marshall of ATM attended the meeting to review changes made to the Marina Redevelopment Plan as a result of the June meeting and to go over the changes to the cost estimate. (A conceptual drawing of the revised plan is attached to the historical record of the meeting.) The changes were as follows:

- Relocate Tidal Wave Watersports from their current location to the Intracoastal Waterway docks with a covered area for conducting business;
- Construct an ADA compliant gangway to the existing Tidal Wave dock that will become the new City dock with a public kayak launching area at the end; and
- Re-orient the parking to facilitate the different user groups.

When Councilmember Rice asked about a covered area on the new City dock, Mr. Marshall said that as presented no covered area existed, but one could be easily added.

These changes increase the cost estimates to approximately five million seventy-three thousand dollars (\$5,073,000), or an increase of two hundred thirty-five thousand dollars (\$235,000). The grants that would apply toward the cost are a CVA Pumpout Grant in the amount of thirty thousand dollars (\$30,000) and a Tier I Boating Infrastructure Grant in the amount of sixty-nine thousand four hundred sixty-seven dollars (\$69,467). (A copy of the revised cost sheet with the changes highlighted is attached to the historical record of the meeting.)

Administrator Tucker asked Mr. Kirby why ATM has recommended new wooden docks over concrete docks that everyone seems to be doing now and whether the dock materials would have to be spelled out in the permit applications for the new docks.

Mr. Kirby answered the second question first stating that the construction material(s) do not have to be identified in the permit applications and, yes, concrete could be included in the bid package as an alternate. On the topic of wood versus concrete, based on ATM's extensive experience on marina design, bidding and construction, especially recently in the southeast coast and on the Intracoastal Waterway, they have a very good idea of what various materials cost based on hard-bid numbers. Concrete floating docks typically cost three times (3 x) the cost of timber docks, therefore, one (1) reason for timber was the sensitivity to the cost of the project. Secondly, the existing timber docks are nearing thirty (30) years old as are the timber docks at the Dewees Island Marina; ATM attributes the longevity to the protected location of the facility on Morgan Creek, where they are not exposed to harsh wave or wake conditions or excessive storm winds. He reported that, when they are asked by a client about the life span of concrete docks, their typical answer is thirty years (30 yrs.) that equals what the City has gotten from its timber docks. He stated that, after thirty (30) years, concrete docks begin to deteriorate substantially; they also require more maintenance. A timber will have more flex and adapt better to flotation and movement naturally. In addition, if someone runs into a dock requiring board replacement, someone can just make a run to Lowe's or a timber warehouse to get a replacement board.

The Administrator then asked if the marina would see benefit from using concrete docks in certain places and timber docks in other places. In addition, she asked the Committee to make a recommendation if they were interested in having concrete docks bid as an alternate.

According to Mr. Marshall, they were involved in a marina construction in Wilmington, North Carolina currently that has done a combination of timber and concrete docks; the concrete docks on the outside for wave attenuation and interior timber floating docks. In ATM's opinion, the IOP Marina docks do not warrant concrete docks because they are protected, as noted previously. He explained that "today's timber docks are engineered structures that have detailed structural engineering internal components that specifically resist site-specific wind, wave and other loading forces that apply to them." He opined that the City would not gain any advantage if it were to have concrete docks.

Councilmember Rice noted that, by moving Tidal Wave, the City was losing dock space on the Intracoastal docks; she asked if that amount of dock space could be gained in another part of the marina.

Mr. Marshall stated that it could not be picked up directly in other areas of the marina.

Mr. Berrigan asked what distance was between Tidal Wave's existing location and new location, and Mr. Marshall said it was eighteen to twenty-four feet (18-24 ft.). Responding to a second question, Mr. Marshall said that the cost to relocate Tidal Wave was approximately one hundred twenty thousand dollars (\$120,000). Although this plan moved Tidal Wave a little further from the Smith family, Mr. Berrigan stated that he would be opposed to relocating them unless they were to find another location off-site; he added that many of the tenants who would be displaced are island residents and that he has no place to put them. He asked that the Committee consider that as they work to get to a plan that is workable for the City and the marina tenants.

Michael Fiem stated that he, too, was not "a fan" of moving. He asked Mr. Marshall how many other marinas on the Intracoastal Waterway do not have a break-wall. He stated that having all of the infrastructure underwater produces bad results; he reported that they typically have issues over the winter months.

Mr. Fiem commented that the new location makes their business nearly invisible from the parking area, especially at low tide. The sightline they currently have is to the beginning of the no-wake zone that he described as vital to maintaining his business; with the proposed new location, they can only see to Morgan Creek. As he has stated before, he believes that they need a separate walkway. He thought the proposed parking for Tidal Wave was somewhat ambiguous; he quoted from his lease the details of the property they are allowed to have at the marina and the area that would be dedicated to their use. He said that he does not see any space for the trailer that holds additional supplies.

Stuart Coleman, 10 Live Oak Drive, stated that he saw no provision for tour buses that he frequently sees at the marina.

Mr. Marshall said that the buses were typically at the marina during the week, and the plan would be for them to park in the oversized boat/trailer parking nearer the fire station.

Addressing Mr. Fiem's concerns regarding visibility of his business, Mr. Marshall stated that new signage would be integrated into the site that would clearly indicate where Tidal Wave and Coastal

Expeditions were located. In addition, Mr. Marshall said that signage could be placed on the roof of the robust structure they will have at their location. On the subject of moving the docks further into the Intracoastal Waterway, Mr. Marshall said that currently their dock exceeded the permit limit and is out of compliance with the regulatory agencies, and the jet docks as shown are right on the offset line of the Intracoastal Waterway.

Mr. Berrigan commented that the plan under review relocates Tidal Wave to docks that are currently under the lease with Marina Joint Ventures and from which Marina Joint Ventures receives rental income. He asked if it was the City's plan for Tidal Watersports to become a tenant of Marina Joint Ventures and thus pay rent to Marina Joint Ventures, and, if not, he asked how the City would compensate Marina Joint Ventures for the loss of revenue. He asked whether the City had sought advice from Attorney Halversen on the legality of the plan since they fall under the thirty-year (30 yr.) lease with Marina Joint Ventures.

Chair Bergwerf informed marina tenants that, for this or any plan to work, the tenants must be willing to give and take; she noted that the City can have its referendum and the plan can still be tweaked.

C. Consideration of RFP 2017-04 – Rebid for Professional Services related to the removal and replacement of underground storage tanks

Administrator Tucker was pleased to announce that the City received a bid from Summit ELT, and staff has been doing its due diligence in checking their references and other similar projects on which they have worked. She is confident that this would be a contract award to them that would mean hiring a consultant who would look at the sites, write the specifications for construction and supervise the construction when it is awarded. Since this was a Request for Proposals/Qualifications, the Administrator is still waiting on the dollar amount associated with it, and she is confident she will have it later in the day for the Ways and Means Committee meeting. If the figures do come in time, she will be asking for a contract award at tonight's meeting assuming the price is reasonable and consistent with other similar projects; she added that Summit's qualifications and experience fit the job at hand.

6. New Business

Discussion of request for IOP involvement in Beach-Dune Recovery Project from the University of South Carolina

Dr. Jean Ellis explained that she and her students have been studying dune recovery post hurricane; specifically recovery of the IOP beach-dune system since Hurricane Matthew on a bi-weekly basis since October 2016 and will continue to do so for the next eighteen (18) months. The request is three (3) pronged, i.e. (1) establishing observations stations using IOP beach signs, (2) creating an IOP story map, and (3) hosting educational/outreach events. A sheet providing more detail is attached to the historical record of the meeting.

Dr. Ellis stated that they plan to put their signs on existing IOP beach signs at a minimum of three (3) locations, i.e. Front Beach, Breach Inlet and 53rd Avenue.

Councilmember Rice suggested that they include 42nd Avenue.

The outreach would likely take place in the fall.

Dr. Ellis assured the Administrator that this project would not put any demands on the City staff. Currently the project is expected to go until October 2018, but that would be revised if there were to be a hurricane in the interim.

Councilmember Harrington stated that he saw this program as a positive collaboration between IOP residents and science.

MOTION: Councilmember Harrington moved to recommend to City Council that Dr. Ellis and her students be allowed to do this research study on the Isle of Palms; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

7. Miscellaneous Business

Administrator Tucker announced that all tenants were current with their financial obligations to the City.

Next Meeting Date: 2:00 p.m., Thursday, August 3rd in the City Hall Conference Room

8. Executive Session – not necessary

9. Adjournment

MOTION: Councilmember Harrington moved to adjourn the meeting at 11:00 a.m.; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk