

**Real Property Committee  
Special Meeting**

5:30 p.m., Monday, January 30, 2012  
Marina Market, 50-41<sup>st</sup> Avenue  
Isle of Palms, South Carolina

A Special Meeting of the Real Property Committee was held at 5:30 p.m. on Monday, January 30, 2012 at the Marina Market, 50 Forty-first Avenue, Isle of Palms, South Carolina. Attending the meeting were Councilmember Buckhannon and Stone, Chair Loftus, Administrator Tucker, Marina Manager Berrigan, Assistant to the Administrator Dziuban and City Clerk Copeland. Also present were Jay Clarke and Carla Pope representing Morgan Creek Grill and Jay Leigh. A quorum was present to conduct business.

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

**2. Discussion of Removal of Pilings to Accommodate Dredging**

Administrator Tucker noted that the dredging contract had been awarded and that the contractor has mobilized. Based on the site walk-through, the contractor indicated that, in order to achieve the maximum dredge throughout the project area, the twelve (12) mooring pilings on the Intracoastal Waterway need to be removed to allow the dredging equipment to perform as designed and to achieve the goal of the project. The Administrator stated that the Committee has five (5) options from which to choose; they are

- (1) Leave the pilings in place knowing that contractor will not achieve the optimum dredge depth;
- (2) Remove the pilings permanently;
- (3) Remove the pilings and reinstall them upon completion of the project;
- (4) Remove only the pilings that are furthest from the restaurant; or
- (5) Remove all of the pilings and replace the half (6) closest to the land-side.

Administrator Tucker stated that the issue is time sensitive because a vendor is in the area for the first part of this week who has indicated that he would remove the pilings and take them as salvage at no cost to the City.

According to the Administrator, these pilings inhibit navigation around the docks, are seldom used and do not have electrical power to support larger vessels. Should the Committee have questions for the contractor, Craig Lavelle of Marcol is available via telephone.

Mr. Clarke asked specifically what piece of dredging equipment was requiring that the pilings be removed; Mr. Berrigan responded that the dredge itself was too wide and the suction arm has a reach of only twelve (12) feet. Without removing the pilings, they could only come to the edge of the pilings, which means they could dredge only to the end of the fourteen (14) foot dock and not close to the seawall or any materials from the backside of the dock.

Chair Loftus commented that additional tight spaces exist on the marina side and asked how the contractor intended to maneuver there. Manager Berrigan stated that one (1) slip provides only a few inches leeway. Responding to another question, the Marina Manager reported that the dredge is seventeen to eighteen (17-18) feet wide, and the contractor prefer a twenty (20+) foot plus workspace.

Mr. Berrigan offered another option for the Committee to consider, i.e. to allow the marina tenants to decide what to do and to do so at their own expense.

Mr. Clarke expressed the opinion that removing the mooring pilings would make the docks more difficult to get into, but he said he would be more amenable to their removal if the Committee were to give an informal "nod" to assist/cooperate with the restaurant in extending the finger piers to the next existing piling.

Councilmember Buckhannon remarked that extending the finger piers would require another permit; Administrator Tucker concurred. The Administrator reminded Mr. Clarke that the decision before the Committee at this meeting was what action to take regarding the mooring pilings and the dredging project and to try to leverage another decision would cause the Committee to lean toward the "do nothing" alternative.

At this time, Mr. Berrigan explained that the mooring pilings being discussed were the two (2) timber pilings that are between the City dock extensions.

Councilmember Stone stated that he was in favor of "removing whatever impediment" in the way of reaching the desired depth of the dredging project. Whether the pilings were an asset or a detriment to the marina was a decision he thought better left to the tenants; if they want the pilings to be replaced, let them bear the expense of re-installing them.

After a brief digression, Chair Loftus expressed concerns about letting the tenants decide the fate of these pilings which are City assets, and about the fact that City's engineer did not indicate the need for the removal of the pilings. Therefore, he was inclined to leave the pilings in place and to charge the contractor with doing the best job possible working around them.

Administrator Tucker posed the question of the cost to remove and re-install the pilings to Manager Berrigan; he replied that he had been quoted fifteen thousand dollars (\$15,000) for re-installation.

Jay Leigh agreed that the pilings were assets to the City of approximately eight hundred to one thousand dollars (\$800-1,000) each, but he thought that the figure quoted to Mr. Berrigan was "absurd" for the removal and re-installation.

At this time the Committee went to the docks for a visual inspection and continued discussion.

Responding to Chair Loftus' question as to how far the dredge would come on the back side of the docks, Manager Berrigan said that the dredge would not come to that area.

The contractor wants the pilings removed to use the arm to reach under the dock to grab the silt on the back side; otherwise, they will go to the outmost part and possibly reach up to the dock. Chair Loftus then asked whether performing the task at high tide would make a difference; Mr. Berrigan said he had asked the same question and been told that the pipe is quite rigid and the dredge needs radius in order to work it. Mr. Berrigan said that he had offered to remove a section of the dock to provide access, but the contractor had said that he would still not be able to turn and would only be able to move the cutter head.

Manager Berrigan pointed to a boat that was docked and pointed out that it was not using the center pilings, which are not set up to take lines; the only purpose the pilings serve is to save one boat from running into another. He voiced his feeling that to do the dredging improperly will mean that the docks on the Intracoastal Waterway will be sitting on mud sooner rather than later which will lead to their rapid deterioration, like the docks at the bulkhead.

For the record, Administrator Tucker clarified that the pilings being discussed are the two (2) pilings between the concrete pilings – the two (2) in-line timber piles from the land side.

Manager Berrigan was emphatic that his vote, if he had one, would be to remove the pilings. When asked what his vote would be, Mr. Clarke said that, without the knowledge that the fingers piers can be extended, he was in favor of leaving the pilings in place based on the size of the boats docking. When Mr. Leigh was asked for his opinion, he thought for the purpose of a good dredging project the removal of the pilings was vital.

The Administrator made it clear to the marina tenants that the City does not have a place to store these pilings if they are removed. Mr. Clarke suggested that they could be placed along the bulkhead as curbing.

Councilmember Buckhannon asked Mr. Berrigan if he had been quoted a price of two hundred fifty dollars (\$250) per piling to remove them and leave them at the marina. Mr. Berrigan added that the pilings have been in the water for eight (8) years.

Having completed the visual inspection, the Committee reconvened in the Marina Market to make a decision.

Councilmember Buckhannon stated that he supported removing the pilings to get the best dredge possible, but he would not support giving them away. He would have the City fund the removal, and, if the tenants want them re-installed, the cost would fall to them to do it.

Councilmember Stone agreed that the City would not get the result it wants from the dredging project if the pilings are left in place; he expressed concern that the City would face another dredging project in a short span of years if the pilings were not removed.

Since Administrator Tucker has not spoken with the vendors who would remove the pilings, she suggested that the Committee include a "not to exceed" figure in the motion.

Chair Loftus asked what the contingency amount is for the dredging project; although staff did not have a project worksheet at the meeting, the Administrator noted that the contingency was typically ten to fifteen percent (10-15%) of the total project.

Mr. Berrigan stated that Michael Morrison had confirmed a price of two hundred fifty dollars (\$250) per piling for the removal and an additional five hundred dollars (\$500) to drop them off at the boat landing for a total of thirty-five hundred dollars (\$3,500). Although Mr. Berrigan did not know exactly how or where he would store the pilings, he voiced the feeling that getting the best possible result from the dredging was worth solving that problem.

Administrator Tucker cautioned the Committee that the question remained of whether the City could remove and not replace the pilings that were included in the restaurant lease. The Administrator reiterated that Mr. Clarke had stated that he would prefer that the pilings not be removed. Chair Loftus noted that the dinner cruises aboard the *Palmetto Breeze* use those pilings to dock, and that was the reason Mr. Clarke did not want them removed. Chair Loftus also stated that the cost to re-install the pilings would be high. The Administrator displayed the drawings attached to the Morgan Creek Grill lease the clearly show six (6) of the mooring pilings in question.

**MOTION: Councilmember Stone moved to remove all twelve (12) pilings and to store them on the marina site at a cost not to exceed four thousand dollars (\$4,000); if the tenants want pilings re-installed, they will bear the expense to do so; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

### **3. Adjournment**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 6:20 p.m.; Councilmember Stone seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk