

**REAL PROPERTY COMMITTEE
SPECIAL MEETING**

4:00 p.m., Thursday, September 19, 2013

A Special Meeting of the Real Property Committee was held at 4:00 p.m. on Thursday, September 19, 2013 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmember Loftus and Stone, Chair Buckhannon, City Administrator Tucker, Assistant to the Administrator Dziuban, City Clerk Copeland and John Shaffer, Ocean and Coastal Consultants. A quorum was present to conduct business.

1. Chair Buckhannon 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. Discussion of Tidal Wave Dock Replacement

A. Design Options

Assistant Dziuban reported that there is still no consensus among the parties in dispute, but they have met. The results of that meeting are the new sketches included in the meeting packet, but there are still objections. Assistant Dziuban stated that she had received an e-mail from Phillip Smith stating that he wants Tidal Wave to use the existing footprint of the building and to re-use the pilings where they are.

In response to Councilmember Loftus's desire to re-use materials when possible to save costs, Mr. Shaffer stated that he does not recommend re-using the pilings in this case because they are of an indeterminate age and are not spaced properly.

Assistant Dziuban stated that she had received no communication from the Fiem brothers, but added that the City is becoming anxious about the timeline.

Mr. Shaffer reported that his original scope of work had been to work with the tenants and the City to replace the Tidal Wave Watersports dock. He stated that he had done a visual observation of the existing dock and made certain determinations including that the repairs done last year were done properly, the pilings appear to be in good condition, but the he was unsure about the older part of the structure. The handrails are unsafe and the pilings were re-used by R.L. Morrison in an emergency repair. The existing thirty-five foot (35 ft.) pilings were never expected to be permanent. He reiterated that they are of indeterminate age and should actually be forty-five to fifty feet (45-50 ft.) in length. Re-using them would require new pilings in between them since they are improperly spaced and they complicate the length of the gangway.

Councilmember Stone noted that the structure is needed to protect the employees from the sun and to make the experience more pleasurable for their guests. The existing structure is too small to accommodate guests.

Mr. Shaffer stated that the pier head as originally drawn was twenty-four feet by twenty-four feet (24 ft. X 24 ft.); the Fiem brothers have determined that they need a minimum of twenty feet by twenty feet (20 ft. X 20 ft.), which is a reduction of one hundred seventy-six feet (176 ft.). Mr. Shaffer was confident that such a change would not require a permit modification, but a letter of explanation would suffice with the regulating agencies.

Of the new sketches, Alternate 3 is closest to the existing pier head, but would require extending the gangway and a permit modification with public notice. Mr. Shaffer pointed out that maneuvering behind the dock in this sketch would be difficult to do safely because the distance between the Tidal Wave dock and the Morgan Creek docks is only fifteen feet (15 ft.)

Councilmember Loftus expressed concern over the cost of the project and asked whether the floating dock could be re-used. Mr. Shaffer responded that the dock was not worth re-using, but that it could be included in the bid as an alternate. Councilmember Loftus remarked that the area in the design allowing for picnic tables and an observation deck may need to be removed from the final project to keep costs low.

Administrator Tucker noted that the budget for the project is three hundred twenty-nine thousand dollars (\$329,000), and Alternate 3 is estimated to cost three hundred fifteen thousand dollars (\$315,000). The Administrator also advised the Committee that they approved everything in the drawings and the permit prior to permit application. Additionally, the City can bid the construction with alternates to allow flexibility depending on the actual costs.

Mr. Shaffer explained that the Fiem brothers are going to construct the center island in the structure; he is only involved with the pier-head, cover and the utilities

Kathy Smith, 8 Intracoastal Court, asked if they could enclose that structure in the future and Mr. Shaffer assured her they could not. Administrator Tucker said she understood that they would have pull-down shutters to protect the electronics on the island.

Mr. Shaffer stated that he did not fully support either Alternate 2 or Alternate 3, which were generated based on the meeting of the Fiem brothers and Phillip Smith and which he did not attend. Neither Alternate 2 nor Alternate 3 meet industry standard guidelines; there should be a distance of thirty-five feet (35 ft.) between the Tidal Wave floating dock and the nearest docks. He noted that, when the Fiem brothers and Mr. Smith had met, he was not present to give any input to their suggestions.

Mrs. Smith stated that she and her husband interpret this new dock as a way for the Fiems to grow their business and asked if their doing so would require a modification to their lease. Mr. Shaffer indicated that that issue was between the City and Tidal Wave Watersports.

Mr. Shaffer noted that the floating dock is only two feet (2 ft.) longer than the current floating dock, but it is in a space with a lower shoaling rate, which is a better use of City funds regarding future dredging projects.

Councilmember Loftus called the Committee's attention to the Fund Balance Roll Forward schedule distributed at the last Ways and Means Committee meeting and noted that the Marina Fund balance will be reduced in FY14 due to this project. Councilmember Loftus questioned why the City had spent eighty thousand dollars (\$80,000) repairing the dock last season if only to face a costly replacement project this season. Councilmember Loftus's primary concern is a cost-effective project. Councilmember Stone recalled that the dollar figure for last year's repairs, as a result of the dredging project, cost less than fifty thousand dollars (\$50,000) and were unavoidable.

Mr. Shaffer stated that Alternate 2 was a compromise and, of the two (2), the one (1) he would recommend; this option should get regulatory approval with only a letter and possibly delay the project only a month. (This option is not the preference of the Smiths.) Alternate 3 would require another public notice period, but Mr. Shaffer indicated that he did not want to take anything to a regulatory agency until a final decision has been reached.

The Committee wondered if another meeting of the affected parties with "pen and paper" was warranted. Councilmember Buckhannon remarked that such a meeting had already taken place. Assistant Dziuban stated that another meeting could occur, but that John Schaffer's presence at the meeting would result in an expense to the City.

Marina Manager Berrigan joined the discussion and voiced opposition to both Alternates 2 and 3 presented because they were too close to marina docks. He suggested that the dock be moved close to the land-side fence and head straight out, rather than at an angle. Councilmember Loftus pointed out that this moved everything closer to the Smith's property, and Administrator Tucker noted that SCE&G has an under-water line and an easement in that area.

Discussions continued and Councilmember Loftus suggested pulling back from the project and simply dealing with the safety issues now. Councilmember Buckhannon stated that, if the two (2) parties could not reach an agreement, the Committee would make a final decision at the October meeting.

B. Expanded Scope of Ocean and Coastal Consultants Contract

Assistant Dziuban explained that the additional work, i.e. sketches, Ocean and Coastal Consultants has been asked to do puts them beyond the scope of their original contract. They have submitted a change order to their contract totaling five thousand four hundred fifty dollars (\$5,450); Task 1 is for additional technical assistance for twenty-eight hundred dollars (\$2,800) and Task 2 is for two thousand six hundred fifty dollars (\$2,650) for work if the permit must be modified. The total budget for design and engineering was thirty-two thousand six hundred dollars (\$32,600); Ocean and Coastal Consultants original contract was for twenty-six thousand six hundred dollars (\$26,600), leaving a balance of six thousand dollars (\$6,000) to accommodate the total of five thousand four hundred fifty dollars (\$5,450) for the change order.

MOTION: Chair Buckhannon moved to approve up to \$5,450 for a change order to the contract for Ocean and Coastal Consultants; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

C. Potential to Submit Permit Amendment

The possible need to submit a permit amendment has been discussed along with the design options.

3. Adjourn

**MOTION: Councilmember Stone moved to adjourn the meeting at 5:02 p.m.;
Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland
City Clerk