

REAL PROPERTY COMMITTEE

5:30 p.m., Monday, August 4, 2014

The regular meeting of the Real Property Committee was held at 5:30 p.m., Monday, August 4, 2014 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf and Buckhannon, Chair Loftus, City Administrator Tucker and City Clerk Copeland; 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 of the meeting in accordance with the Freedom of Information Act.

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Bergwerf moved to approve the minutes of the regular meeting of July 7, 2014 as submitted; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Nels Bullock, #3 5th Avenue, stated that he was an eight-year (8 yr.) resident of the island and that he has become increasingly aware of the problems that the handicapped have in accessing the beach; he especially noted that the 9th Avenue access is in very poor condition. He stated that he had visited Sullivan's Island to see their many handicap beach accesses and thought their accesses could be a benchmark for the Isle of Palms. Mr. Bullock then distributed a handout explaining what he has observed and the City's handicap beach accesses and made a number of recommendations to the Committee about improvement to those accesses. (A copy of the handout is attached to the historical record of the meeting.)

Administrator Tucker noted that she had been the Administrator at Sullivan's Island when many of their handicap accesses were constructed.

The Administrator paraphrased Mr. Bullock's recommendations by stating that he wanted to see more elevated beach accesses constructed on the island to allow the island's handicapped visitors get to the beach and to replace the mat at 9th Avenue with a boardwalk with a deck and bench at the end. She stated that DHEC is re-instating the fifty percent (50%) match program for handicap accessible beach paths they had in the past and that beach accesses are an acceptable use of Greenbelt funds. Mr. Bullock would also like to see the 8th Avenue access made flat with a deck at the end; at the County Park, he recommended that a deck be added to the end of the boardwalk. At 21st Avenue, he would like to see a flat beach access also with a deck. In his opinion, all handicap beach accesses should be ADA compliant.

Mr. Bullock commented that he was aware of budget restraints and that he was not expecting to see changes made immediately. He stated that he would insist on more maintenance to the beach paths and signage that an access is wheelchair accessible.

Councilmember Buckhannon explained that newly passed legislation allowing beach communities, like the Isle of Palms, to add a one percent (1%) accommodations tax to be used specifically for the beaches, i.e. replacement and construction of beach access, beach renourishment, etc. The City will hold a referendum in November of this year for island residents to

approve this new accommodations tax; if passed, the tax could provide an excess of eight hundred thousand dollars (\$800,000) per year specifically to be used on the City's beach.

Chair Loftus remarked that the City would be constructing a wider beach access at the public restrooms; Administrator Tucker added that the City has the permit from OCRM for the construction. The Administrator asked Mr. Bullock to help the City "get the word out" and to garner support for the referendum.

Chair Loftus suggested charging the Planning Commission with studying the beach accesses to decide which beach accesses might meet the requirements to be made into ADA compliant handicap accesses.

Director Kerr stated that a study was unnecessary since OCRM has very strict regulations regarding what can and cannot be done to the dunes; he noted that the island has very few flat beach accesses and that they are on the northern end of the island.

4. Comments from Marina Tenants – None

5. Old Business

A. Discussion of Cost of Public Restrooms

Administrator Tucker recalled that City Council had funded additional work from Liollo to prepare cost construction estimates for new public restrooms at the site in the municipal parking lot and in the present location of the public restrooms. Liollo has completed the programming phase of the work, but not yet completed the cost estimates; they expect to present to the Committee at the September meeting.

B. Consideration of Marina Outpost Lease Amendments

The Administrator reported that the City is in receipt of the formal statement of renewal for an additional five (5) years, as per the existing lease. Administrator Tucker recalled from the previous meeting discussion of amending the lease for an extended term, possibly thirty (30) years; she was tasked with getting a legal opinion on whether such a change would require that the lease be re-bid. The City Attorney has assured the Administrator that an extension of the lease term can be made without re-bidding the contract. The Administrator stated that she had gotten the impression from the tenant that he would be willing to assume responsibility for replacing City-owned property if he had a long-term lease.

Chair Loftus commented that Mr. Berrigan had offered the services of his attorney to produce the amendments to the lease; Mr. Berrigan stated that he anticipated having the documents for the Committee at the September meeting.

C. Status of 2014 Shoal Management Project

Administrator Tucker reported that letters have gone out to all of the stakeholders, i.e. from the 2008 project, the 2012 project, Dunecrest, Beachwood East and the three (3) new owners on Summer Dunes Lane, explaining the funding gap they need to fill. The Wild Dunes Community Association has taken the lead in determining the appropriate share for the stakeholders; in the letter, the stakeholders were asked to get their money to City Hall no later than August 29th. With the funding in place, the project is scheduled to start in November as soon as turtle nesting season has ended, as per the OCRM permit.

Chair Loftus asked whether the shoal was cooperating with the City's schedule; the Administrator explained that the shoal continues to move toward onshore.

The Administrator cautioned that some owners may balk and want to wait a year until the City has additional funding from the Beach Preservation Fee; to most stakeholders, the request was expected and would not be a surprise. She did recall that one (1) stakeholder in the 2012 project had held out until the very last day.

6. New Business

A. Consideration of RFP for Marina Enhancements from the Planning Commission

Administrator Tucker announced that, once the draft RFP has been put into the proper language, it will be put out for bid with the contract the winning bidder would be expected to sign; the goal of the RFP is to find one (1) vendor for a multi-disciplinary plan for the future of the marina.

John Shaffer added that a marina stakeholders' meeting has been scheduled for Wednesday, August 27; invited to the meeting were the marina tenants and adjacent neighbors as well as those on the island involved in tourism.

Councilmember Bergwerf commented that she thought the RFP was "over the top" with the details included. She recalled how excited Council had been when Stantec was hired, but, two (2) years later, no action has been taken.

Chair Loftus suggested that the Number One problem be identified, which is parking, and to do something about it; in his opinion, the City knows what needs to be done. Since the marina bond will be paid off in five (5) years, he thought that would be the time to start a parking plan and traffic re-configuration; he voiced the opinion that the engineering for the project will not be executed for five to ten (5-10) years.

Recalling John Tarkany's parking plan, the Administrator commented that he had estimated the cost to execute his plan at five hundred thousand dollars (\$500,000).

Administrator Tucker recounted that no one can know when the timing will be right for this comprehensive plan. According to the Administrator, Seabrook presented the City with a

drainage plan for the entire island with a price tag of ten million dollars (\$10,000,000); it was not supported by the residents of island and the referendum failed. Yet that same drainage plan is the master plan for the work being done today.

Mr. Shaffer agreed that the RFP had a very comprehensive scope; he anticipates that the work product will help the City prioritize its vision and assist with phasing for budgeting purposes. In addition, the RFP includes a provision for an interim parking plan to do in Year 1 or 2.

Chair Loftus pointed out that the impact on the Morgan Creek Marina Association should be included as a dry stack at the City marina might have a negative effect on them.

A brief dialogue occurred noting that the FY15 budget includes seventy-five thousand dollars (\$75,000) for this initiative, and the possibility exists that the bids will exceed that amount.

Administrator Tucker reported that a stakeholders' meeting is scheduled for August 27 in the Conference Room.

MOTION: Councilmember Buckhannon moved to proceed with the RFP for a comprehensive marina plan; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

B. Discussion of Hours of Operation of the Public Restrooms

Administrator Tucker explained that the City does not have a contract with the group that cleans the public restrooms; the original contract expired years ago and has renewed year to year. The City has maintained a good working relationship with the vendor

The City has recently received complaints from some of the Front Beach businesses that they want the public restrooms left open until 11:00 p.m. The Administrator noted that paying for additional hours was not included in the FY15 budget and that, to enter into a new contract with the current vendor with extended hours, was such a large increase that the City would have to put the contract out for bid. From a meeting with the vendor, a decision was agreed upon to continue operating under the present arrangement.

Administrator Tucker stated that, when the new restrooms are constructed, the City will look to an alternate service that will likely cost more and the City can make a decision regarding extended hours at that time.

With the population increase expected in Mount Pleasant, Councilmember Buckhannon stated that the public restrooms will see increased usage.

Councilmember Bergwerf stated that, if the restrooms were to be kept open until 11:00 p.m., the City would need to provide security. In her opinion, closing the restrooms at 8:00 p.m. was reasonable.

The Administrator reported that, on a recent Sunday, both parking lots were full at 8:00 p.m.

The Committee agreed to review the issue again after the first of the year.

C. Discussion of Beach Accesses for Physically Challenged

Councilmember Buckhannon agreed that the handicap accesses on the island need to be improved, but one (1) issue is the limit set for access widths.

Director Kerr joined the discussion and stated that there are two (2) competing interests involved; OCRM limits the access paths to a width of six feet (6 ft.) and requires that dune walkovers be two feet (2 ft.) above the dune; at the same time, ADA dictates that the slope cannot be more than 1-12. The Director explained that the City possibly has one or two (1-2) accesses that can meet both requirements, and they would be between 42nd and 50th Avenue where there is no parking.

Councilmember Bergwerf noted that the beach accesses at Sullivan's Island are flat.

Director Kerr added that the beach access at the public restrooms would possibly comply once it is replaced with the wider path.

The Committee asked staff to study the issue and to come back with ideas to be considered.

D. Status of Update to City's Comprehensive Local Beach Management Plan and Status of NFIP Community Rating System (CRS)

Administrator Tucker recalled that the existing beach management plan was written in 2008 and is required to be updated every five (5) years, which is now. Chris Jones produced the plan in 2008 so he is very familiar with the island; in addition, he works with FEMA and is, therefore, very knowledgeable about flood issues. The Administrator suggested that this update should dovetail with beach access parking.

Administrator Tucker reminded the Committee that the City far exceeds the parking requirements in the existing Beach Management Plan; in an updated plan, the Administrator would like to have identified the areas on the island where parking is required and to notate only those areas in the updated version. The Administrator cautioned that there were no guarantees that the new version would be approved by OCRM and/or DHEC.

Chair Loftus asked why the City had to do anything to the beach management plan at this time; Administrator Tucker explained that OCRM had communicated that the plan was due for an update. The Administrator expressed the opinion that parking and the beach management plan could come together at the same time.

Administrator Tucker stated that she anticipated bringing a sole source contract with Chris Jones for producing the update to the Comprehensive Local Beach Management Plan.

Councilmember Buckhannon asked whether the cost of a consultant was included in the FY15 budget; the Administrator assured the Committee that was included for approximately twenty thousand dollars (\$20,000).

Councilmember Bergwerf suggested that revising the beach management plan in this way could improve the City's position for limiting parking in the future.

Turning to the National Flood Insurance Program (NFIP) Community Rating System (CRS), Director Kerr reported that a new point system was introduced in 2013; the calculations have also changed. As he distributed a handout with a sampling of the point changes, Director Kerr indicated to the Committee that he did not know how the City would fare from the audit at the end of August; he noted that the audit results could result in a five percent (5%) increase to flood insurance premiums for property owners. The printout listed many activities included in the audit with the old point system and the new point system to show to the Committee the changes up and down.

Administrator Tucker commented that the City gets points from the City's building code; the City may be made aware of items that need to be included or changed in the code.

Responding to Chair Loftus' question, Director Kerr stated that the last audit was in 2009. The Director added that he anticipates stiffer building codes, possible changes in identifications in the code or the loss of a class. Once the changes are adopted, the City can request an immediate audit to recuperate the insurance credit for property owners.

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

7. Miscellaneous Business

Tenant Rents Report

Administrator Tucker reported that all tenants are current with rent; Morgan Creek has not provided its audit data and is behind in paying additional rent.

Next Meeting Date: 5:30 p.m., Tuesday, September 9, 2014

8. Executive Session – not needed

9. Adjourn

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 6:53 p.m.; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk