

## **Real Property Committee**

5:30 p.m., Thursday, September 5, 2015

The regular meeting of the Real Property Committee was called to order at 5:45 p.m., Thursday, September 3, 2015 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf and Buckhannon, Chair Loftus, Administrator Tucker, City Attorney Halversen 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 1, 2015 as submitted; Chair Loftus seconded and the motion PASSED UNANIMOUSLY.**

3. **Citizens' Comments – None**

### **4. Comments from Marina Tenants**

Jay Clarke, owner of Morgan Creek Grill, stated that he would be ready to re-start his lease amendment appeal at the October meeting, and he informed the Committee that the restaurant was issued a warning ticket for violation of the City's noise ordinance on Thursday, August 27<sup>th</sup>. He said that Officer Zimmerman had issued the citation and told Mr. Clarke that the caller was anonymous. When the warning was issued, Carla Pope, Operations Manager, took their decibel meter all around the property and into Wild Dunes and the noise level measured was inaudible.

The Chair thanked Mr. Clarke for coming forward with the information.

### **5. Old Business**

#### **A. Update on 42<sup>nd</sup> Avenue Beach Access Improvements**

Director Kerr stated that he had spoken with the permitting agencies and with SCDOT about an encroachment earlier in the day. Administrator Tucker indicated that the construction of the handicap access would require all of the money in the FY16 budget for beach walkovers.

The Director said that the encroachment permit was needed for the handicap parking space; the City also must provide an engineering statement on stormwater. If the access path was within OCRM requirements, no permit would be needed, but the handicap access on the island are usually wider than allowed. Since the access will end up being two (2) paths, OCRM is weighing its response. To avoid the need to meet ADA requirements and OCRM's requirement that a beach access that crosses a dune must be twenty-four inches (24 in.) above the dune, the goal is to make the handicap access as flat as possible by following the curve of the dune and avoiding such height as to require a guardrail.

Responding to Chair Loftus' question, Director Kerr stated that the path will end in the soft sand, but that a small viewing area would be constructed at the end.

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## **B. Update on Mayor Carmen R. Bunch Park sign**

Included in meeting packets was a rendering of the proposed sign for the park; Administrator Tucker opined that the park might need two (2) signs, i.e. the first identifying the property and a second with information on Mayor Bunch and her service to the community as shown on the photographs on the second page.

Councilmember Bergwerf thought that the sign was alright, but she did not think the information under the name would be readable from the street.

Chair Loftus, on the other hand, expressed the opinion that the sign was too large; he had anticipated a sign more like the Plan-a-Palm marker on Palm Boulevard.

Councilmember Bergwerf suggested that the sign be more like the message boards in size.

The Administrator cautioned the Committee that the park was a large space and that the park name had a lot of letters.

The Chair said that the City should only follow the grant requirements.

Responding to Councilmember Buckhannon statement that he liked the sign presented, Chair Loftus stated that he did like the idea of a second informational sign.

## **6. New Business**

**MOTION: Chair Loftus moved to re-order the *Agenda* to Items C and D before A and B; Councilmember Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

### **C. Discussion of Golf Cart Path between 20<sup>th</sup> Avenue and the Island Center**

The Administrator re-stated that driving golf carts on the sidewalk was illegal, making it impossible to get from 20<sup>th</sup> Avenue to the Island Center legally; the City wants to develop one side or the other to make that short trip legal for a golf cart.

Administrator Tucker has entertained the idea of a path parallel to the sidewalk on the landward side of Palm Boulevard as an option, but the topography of that area would require some type of bridge. She has contacted a local contractor who builds golf course bridges and made a site visit with him; he estimated the cost to be in excess of one hundred thousand dollars (\$100,000), which is not included in the FY16 budget. The Administrator noted that the job would have to be permitted and that utilities were located in the area that would have to be relocated.

The possibility also exists for construction of a golf cart path along the drainage easement to the rear of the property; at the moment, the Administrator does not know whom she must contact.

Administrator voiced concern about the rear easement because it was less safe, and she suspected that drivers would continue to use the sidewalk.

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If one tries to access the Island Center from the ocean-side of Palm Boulevard, the golf cart still would be on the sidewalk at the end and traverse private property.

City staff still needed questions answered as well as survey work done on the ocean-side; therefore, it will be a continuing project. Administrator Tucker noted that the City will be required to spend some amount of money to get to the best solution.

**D. Consideration of a sole source contract in the amount of \$198,781 to Coastal Science and Engineering (CSE) for planning and permitting for an off-shore dredging project for future beach restoration**

Administrator Tucker reported that funds were included in the FY16 budget for design and permitting for a major renourishment project, but this proposal was for the planning and permitting. She reminded the Committee that the City only had to pay fifty percent (50%) of the cost and the balance would come from stakeholders by allowing the City to use the approximately two hundred thousand dollars (\$200,000) the City continues to hold from the 2008 project.

The Administrator informed the Committee that the idea of a small project during this winter was not a promising one; to do a project then, the wave dissipation devices would have to be removed, and no one wants to risk the loss of that new sand to a passing winter storm.

Councilmember Bergwerf indicated that she had been told that a vote had been taken among the stakeholders and they had voted 'no' to financial participation.

Having not heard the same, the Administrator opined that the group was one of the smaller home owners associations in that area of the island. In addition, the Administrator had learned earlier in the day that the amendment the City submitted to OCRM to increase the volume of sand to be moved would have to go back out for public comment; she thought the City's having a permit allowing for smaller volumes was in place.

**MOTION: Councilmember Buckhannon moved to recommend to the Ways and Means Committee the awarding of a contract to CSE for the planning and permitting for an off-shore dredging project for future beach restoration; Chair Loftus seconded and the motion PASSED UNANIMOUSLY.**

## **7. Miscellaneous Business**

### **Tenant Rents Report – all current**

#### **A. 23<sup>rd</sup> Avenue Beach Access**

The issue before the Committee at the 23<sup>rd</sup> Avenue beach access is that the access is being encroached upon by the neighbors on the northeast side because their house is not high

enough to accommodate their large vehicles underneath. They also have landscaping and drainage encroaching on the access path. The City has made it a practice to stop vehicles from driving down or parking on other access paths; at the same time, the City wants to avoid problems that occurred with the 21<sup>st</sup> Avenue path.

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**B. Discussion of request for acknowledgement from Front Beach Property Owners**

At the north end of the island, the beach has been steadily accreting and has formed a healthy dune field according to Administrator Tucker; as personnel have serviced the garbage and recycling containers on the beach, some residents have become concerned that the City is creating a road in the dune field. The City could move the cans more ocean-ward, but, in strong winds and high tides, the cans would turn over or get carried away by the surf.

**8. Executive Session**, in accordance with SC Code 30-4-70(a)(2), to receive legal advice related to a potential claim concerning the City's beach access at 23<sup>rd</sup> Avenue and to receive legal advice related to a potential claim concerning the City's access to the beach for purposes of servicing garbage and recycling cans,.

**MOTION: Councilmember Bergwerf moved to go into Executive Session for the reasons stated above at 6:16 p.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

The Committee returned to regular session at 6:52 p.m.; Chair Loftus reported that the Committee had taken no action or a vote while in Executive Session.

Next Meeting Date: 5:30 p.m., Monday, October 5<sup>th</sup> in the Conference Room.

**9. Adjourn**

**MOTION: Councilmember Bergwerf moved to adjourn the meeting at 6:58 p.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk