

PUBLIC HEARING of CITY COUNCIL

5:45 p.m., Tuesday, January 23, 2018

A Public Hearing of City Council was called to order at 5:45 p.m., Tuesday, January 23, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the hearing were Councilmembers Bell, Buckhannon, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Administrator Tucker, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Mayor Carroll called the meeting to order and acknowledged that the press and public were duly notified of the meeting in with the Freedom of Information Act.

2. Purpose

Second Reading of Ordinance 2017-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 8, Flood Damage Prevention, of the City of Isle of Palms Code of Ordinances to Provide Definition for the Reference Datum to be used for the Base Flood Elevation Shown on the Flood Insurance Rate Maps (FIRM) and to Provide for a Minimum Elevation for Residential and Non-residential Construction.

Second Reading of Ordinance 2017-09 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, of the City of Isle of Palms Code of Ordinances to Provide That All New Construction or Substantial Improvements shall be Connected to a Public Sewer System Where a Public Sewer Line is Located Within One Hundred Fifty (150') feet and to Reduce the Lot Coverage Requirements and Floor Area Requirements for lots with Septic Systems.

After reading the titles of the ordinances to be discussed, Mayor Carroll asked Building and Planning Director Kerr to explain these two (2) ordinances. Director Kerr stated that the matter of septic tanks and public sewer were sent to the Planning Commission for study and these two (2) ordinances were a part of the work product from their deliberations. Ordinance 2017-07 deals with the Flood Damage Prevention Code and has come about as a result of the anticipated new flood maps from FEMA at the end of 2018; the maps are currently in the public comment period. In the new maps the required elevation is significantly lower than the City has traditionally had. In 1991, after Hurricane Hugo, the elevation on the flood maps increased dramatically, and the lowest elevation on the island was fourteen feet (14 ft.) and, in some places, the required elevation reached twenty-one feet (21 ft.) above sea level. The new maps show that a large part of the island is no longer in a flood zone, such as, the second and third row from the beach houses, and, therefore, homes could be built at ground level there. The highest flood zone requirements in the new maps are ten and eleven feet (10 - 11 ft.), and during Hurricane Hugo the water rose higher than that.

The Planning Commission's proposal is to create an elevation requirement of fourteen feet (14 ft.) on the island, regardless of what the future FEMA maps say; in other words, no house would be allowed to be built on the Isle of Palms with the lowest floor less than fourteen feet (14 ft.) above sea level.

A confusing part of the flood maps is that FEMA is changing the vertical datum and how they measure elevation from National Geodetic Vertical Datum of 1929 (NGVD29), the old method of

surveying, to North American Vertical Datum of 1988 (NAVD88), which has the effect of changing the elevation by one foot (1 ft.). This change will result in an elevation of fourteen feet (14 ft.) under NGVD29 or thirteen feet (13 ft.) under NAVD88.

The issue of minimizing the number of septic systems on the island also went to the Planning Commission for study, and Ordinance 2017-09 is their recommendation with for dealing with septic systems and potentially extending sewer lines. This ordinance has two (2) companion ordinances, and they are not on the Public Hearing Agenda because they do not fall under the City's Zoning Code that requires all changes to have a Public Hearing. This ordinance proposes three (3) significant changes; the first change would require that all new homes or homes undergoing substantial improvements attach to an available gravity-operated sewer line if a line was within one hundred fifty feet (150 ft.) of the property. The second change reduces the lot coverage from forty percent (40%) to thirty percent (30%) in order to have a septic system, and the third change would reduce the floor area ration of a lot from forty percent (40%) to thirty percent (30%).

Paula Urbano of 704 Palm Boulevard asked why the City was choosing not to follow the recommendations of FEMA's experts on the flood elevation and setting the minimum elevation higher than FEMA.

Jim, Raih, 3904 Cameron Boulevard, voiced the opinion that for the City, or any municipality, to decide it knows more than the experts at FEMA was dangerous. He stated that his understanding of the new flood maps was that they would be more site-specific and based on topographical maps rather than zip codes; therefore, he thought that it might be alright to build at grade on some lots on the island. On the subject of septic tanks, Mr. Raih said that a decision about septic systems was also site-specific since it is based on a soil analysis from the property; in his opinion, either a lot would support a septic system or it would not, but the decision was made by DHEC. Mr. Raih said that, according to DHEC regulations, if a property ever had a septic system, it cannot be denied for a septic tank in the future.

David Cohen, 3504 Cameron Boulevard, stated that DHEC has stated that septic systems are as environmentally safe as municipal sewer systems, and he did not understand why the City was questioning DHEC. After living in several houses on the island, he chose a location on Cameron Boulevard in 1990 to live; he stated that one (1) reason he chose the lot was that it had an on-site sewer system. He noted that, in the thirty (30) years that he has lived on this property, he has had some problems with his system, but he still preferred the septic system to a municipal system. He wanted the decision left to the property owner. Mr. Cohen agreed that decreasing the floor coverage and the impervious lot coverage should be considerations; he suggested that the area covered by the on-site septic system should be considered impervious for the calculation of the current forty percent (40%) calculations. He stated that property owners with septic systems should be allowed to build as big a house as the current regulations allow provided the owner can fit the on-site septic system in the impervious coverage. He, too, did not understand why the City was questioning the decision made by FEMA's experts; he supported the idea that every home owner should be allowed to decide whether to build higher than the minimum flood elevation or lower than the minimum knowing the risk of flooding in the home and higher flood insurance premiums. (The full text of Mr. Cohen's comments is attached to the historical record of the meeting.)

3. Adjournment

Since additional residents did not speak, the hearing was closed at 6:03 p.m.

Respectfully submitted:

Marie Copeland
City Clerk