

City Council  
6:00 p.m., Tuesday, June 25, 2019  
Council Chambers  
1207 Palm Boulevard, Isle of Palms, South Carolina

**AGENDA**

1. **INTRODUCTION OF MEETING** and notification that members of the press and public were duly notified in accordance with the Freedom of Information Act.  
A. Invocation                      B. Pledge of Allegiance                      C. Roll Call
2. **READING OF THE JOURNALS OF PREVIOUS MEETINGS**  
Regular Meeting of May 28, 2019
4. **CITIZENS' COMMENTS**
5. **REPORTS FROM STANDING COMMITTEES**
  - A. **Ways and Means Committee**  
**Consideration of 2019 Merit Increases**
  - B. **Public Safety Committee**
  - C. **Public Works Committee**
  - D. **Recreation Committee** – no meeting in June
  - E. **Personnel Committee**
  - F. **Real Property Committee**
6. **REPORTS FROM CITY OFFICERS, BOARDS AND COMMISSIONS**
  - A. **Accommodations Tax Advisory Committee** – no meeting in June
  - B. **Board of Zoning Appeals** – minutes attached
  - C. **Planning Commission** – minutes attached
7. **REPORTS FROM SPECIAL OR JOINT COMMITTEES** – None
8. **PETITIONS RECEIVED, REFERRED OR DISPOSED OF** – None
9. **BILLS ALREADY IN POSSESSION OF COUNCIL**
  - A. **Second Reading of Ordinance 2019-10 – AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020.**
  - B. **Second Reading of Ordinance 2019-11 – AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS.** (lot coverage and pervious surface)

**C. Second Reading of Ordinance 2019-12 – AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, CHAPTER 3, BEACH AND MARINE RECREATION REGULATIONS.**  
(film permit)

**D. Second Reading of Ordinance 2019-13 – Prohibition of the use of single use plastics and polystyrene on the beach**

- 10. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS**  
First Reading, by title only, of Ordinance 2019-14 – AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 2, ANIMALS, ARTICLE B: DOGS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO RECOMMEND ALL DOGS, RESIDENT AND NON-RESIDENT, TO HAVE A WRITTEN PERMIT FROM THE CITY AT NO COST AND STATE ISSUED TAG TO SERVE AS PROOF OF RABIES INOCULATION AND TO ADOPT LANGUAGE IN THE ORDINANCE TO REQUIRE PROOF OF CURRENT RABIES INOCULATION.

- 11. MISCELLANEOUS BUSINESS**

**Update on 2020 Census**

Next Meeting Date – 6:00 p.m., Tuesday, July 23, 2019 in Council Chambers

- 12. EXECUTIVE SESSION in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice and consideration of settlement proposal by Jonathan Gandolfo concerning violation of tree removal ordinance on property located at 408 Palm Boulevard.**

Upon returning to open session, Council may take action on matters discussed in Executive Session

- 13. CONCLUSION/ADJOURNMENT**

## **CITY COUNCIL**

6:00 p.m., Tuesday, May 28, 2019

The regular meeting of City Council was called to order at 6:00 p.m., Tuesday, May 28, 2019 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Interim Administrator Fragoso, Attorney Copeland and Clerk Copeland; a quorum of Council 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 accordance with the Freedom of Information Act. Following a brief invocation and the Pledge of Allegiance, Clerk Copeland called the role.

### **2. Appointment and Administrator of Oath to New Employee**

**MOTION:** Councilmember Moye moved to appoint Kevin Cornett as the new Chief of Police for the City of Isle of Palms; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

### **3. Reading of the Journals of Previous Meetings**

**MOTION:** Councilmember Kinghorn moved to approve the minutes of the regular meeting of April 23, 2019 as submitted; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

### **4. Citizens' Comments**

Based on the number of people in attendance, Mayor Carroll asked that speakers keep their comments to three (3) minutes, and, if someone wishes to speak who agrees with the majority who have already spoken, to simply state their agreement.

John McMaster, 2801 Palm Boulevard, was brief and to the point; he did not think that cement trucks running up and down Palm Boulevard from 2 a.m. til 7 a.m. was a bad idea. He said that he and his wife prefer to sleep during that time.

Debbie Johnson, 7 Grand Pavilion, recounted that she was a resident when the Villages was being built; therefore, she understands what construction means in Wild Dunes. She listened to the audio of the Public Safety Committee meeting and was struck by the Lowe's construction person who stated that they "were just realizing the significance of the construction project." In her opinion, the significance should have been realized when the construction project was initially contemplated. She understood that the trucks would begin arriving at 2 a.m. and continue until 7 a.m. with six to ten minutes (6 – 10 min.) lapsing between the trucks arrivals; she commented that her husband has cancer and must get his rest at night. She also stated that she had no confidence that they would comply with their promises. She asked who would hold them accountable. Who would measure their compliance? And who with the City was going to be responsible to be on-site every night when these pouting event happen to make sure they comply? She concluded that this activity was not acceptable and she encouraged Council not to allow it to happen.

Rusty Streetman, 4004 Palm Boulevard, joined with the previous speakers and added that he was concerned about the disruption these pours would have on the island's residents. The test

of his comments are attached to the historical record of this meeting. He listed his primary concerns and the noise created by the cement trucks as they come onto and leave the island via Palm Boulevard. For those residents who work, the pours between the hours of 2 a.m. and 7 a.m. will create many a sleepless night. The timing was poor in that the majority of the pours will occur during the height of the tourist season and of hurricane season. He questioned what would be done by the City to monitor speeds and control the noise. The quality of life for a great many IOP residents will be seriously impacted for the ten (10) months this part of the construction is happening. He stated that he was "in favor of abiding by our ordinances that are in place and putting the responsibility firmly on Lowe's . . . to find ways to make this happen with a minimum of disruption and noise to our full time, taxpaying citizens."

Other residents who agreed that City Council should not approve the cement pours were:

Dan Tylak, 11 Edgewater Alley  
Fred Shinnars, 10 Fairway Village Lane  
Kay Grimes, 14 – 57<sup>th</sup> Avenue  
Abby Smith, 1 – 57<sup>th</sup> Avenue  
Carol Willingham, 2 Fairway Village Lane  
John Eddy, 4 – 56<sup>th</sup> Avenue  
Julia Eddy, 4 – 56<sup>th</sup> Avenue  
Arnold Karig – 5102 Palm Boulevard  
Doug Conrad – 27 Grand Pavilion  
Lauren Johnson – 4 Grand Pavilion

Jim Owens, 2805 Palm Boulevard, asked Council to do something about the stacking of cars parked on both sides of Palm; he stated that the situation was dangerous and that the City needed uniformity and enforcement.

Stephanie Gabosch, from the S.C. Aquarium, addressed Council about the Turtle Trek that will be held on the island on Saturday, September 21<sup>st</sup> for the fourth year and will be prefaced with a beach sweep. She noted that the Aquarium has rehabilitated two hundred seventy-four (274) turtles and returned them to the ocean in a healthy condition; many of the rehabbed turtles are returned to their natural habitat at the Isle of Palms. She stressed that the Aquarium supports keeping the beach clean and will use the beach sweep to share with the participants beach conservation messaging. She stated that the ATAX funds help to cover the costs of food for the turtles in the rehabilitation facility; she urged City Council to approve the ATAX funding of ten thousand dollars (\$10,000).

George Page, 5 Forest Trail Court 1, informed Council that he had attended the Public Safety Committee meeting earlier in the month about the house next to him that is in deplorable condition and an overall public safety issue. If the house were to be sold in its current condition, the property values would drop dramatically. The owner of the house is an island resident, and he does nothing to the house. He brought pictures for Council to see for themselves why Mr. Page was seeking assistance from the City; a copy of the photographs are attached to the historical record of the meeting. He also asked who was in-charge of parking at the marina; he stated that the launch fee was five dollars (\$5) and parking on the weekend was ten dollars (\$10). He opined that having to pay to park at the marina was "absurd"

Brad Strobel, not a resident of the island, reported that, while enjoying a day at the beach in April, his six (6) year old daughter was attacked by a pit bull with no provocation. The City's first responders arrived quickly, and after they cleaned and dressed the wound, he was advised to take his daughter to the emergency room because the wound needed attention they were not

able to provide. Mr. Strobel told Council that the dog was from out of town and had not had a rabies vaccination in three and a half (3½) years; at this point, the authority was turned over to DHEC; based on the time lapse, the dog was quarantined and monitored. He noted that the police officer(s) did not issue a ticket to the dog's owner for the two hundred dollars (\$200) fine as defined State law. When the situation went before the municipal court, the five hundred dollars (\$500) fine for "dog at-large" was reduced by the judge to one hundred thirty dollars (\$130). He voiced support for some way for the City to require all dogs, resident or visitor, to have a current rabies certification.

Joe Houdek, 65 Twin Oaks Lane, asked that the City install bike lanes on Palm Boulevard from the Connector to 41<sup>st</sup> Avenue; he reported that currently cyclists ride down the middle of a lane intended for vehicular traffic. He commented that, when the cement trucks come onto the island, they will be very heavy, and he asked who would be responsible for the repairs to the island's roads and streets when the hotel was completed.

Terri Thorvalson, Director of Conservations Programs at the SC Aquarium, thanked the IOP City Council for leading the fight in costal preservation based on its ban on single use plastic bags on the beach. She told Council that the Aquarium has treated twenty-seven (27) turtles who had ingested marine debris, and twenty-two (22) of the twenty-seven (27) were rehabilitated in the last four (4) years. She stated that over eighty-five thousand (85,000) pieces of debris have been removed from the IOP beach; she noted that that number did not represent all of the liter taken from the beach since some groups do beach sweeps and do not record their data with the Aquarium. She noted that the majority of what was taken off the beach were single-use plastic bags and Styrofoam products. She urged City Council to approve the ordinance on the Agenda that expands the plastics ban to the beach.

Mary Michaels of 7 – 47<sup>th</sup> Avenue stated that, as an avid surfer, she was a supportive of all efforts to reduce the plastic pollution, and she thanked Council for what it has done in this regard.

John Mart, 18 Seagrass Lane, informed Council that he recently got a ticket for having chickens, and he asked the Council consider changing the ordinance.

Chad Anderson, 6 Edgewater Alley, also agreed with the speakers on the cement trucks, but he also asked Council to consider crosswalks at all of the beach access paths that lead to Palm Boulevard.

Jim Owens, 2805 Palm Boulevard, asked to speak a second time to address the matter of property lines for properties on the ocean side of Palm Boulevard; he stated that he has spoken with neighbors who have palm trees very close to the road and they seem to believe that their property lines extend to Palm Boulevard. He asked that someone be assigned the task of determining the true property lines for those properties from 21<sup>st</sup> to 41<sup>st</sup> Avenue.

Carolina Bradner, 131 Spring Street, was representing the Coastal Conservation League and added their voice in support of banning plastics and Styrofoam on the beach. She stated that they would be happy to assist the City in this effort in any way they could.

Joe Houdek, 65 Twin Oaks Lane, said that the City has provided pedestrian cross walks on Palm Boulevard, but people do not seem to care and dart from behind vehicles creating a major public safety issue. He asked Council to provide police officers to insure that people do what they should.

Mike Mansanger, with Lowe Wild Dunes construction, apologized for the disruption caused by the major construction project; he said that it was a significant undertaking demanding many workers, a lot of equipment and materials that will all pass through the Isle of Palms on Palm Boulevard to get to the resort. He noted that he has been meeting with the Isle of Palms Interim Administrator, Fire Inspector and Interim Chief Usry or Captain Swain on a weekly basis and that, in an April meeting, they discussed the proposed thirty-five (35) nighttime pours that were recommended by the general contractor and his concrete sub-contractor. They discussed the impact of the large concrete pours related to the number of trucks, the limited time to dispatch the load, the traffic concerns along Palm Boulevard and its impact on public safety. He explained that they brought the issue to the City based on the potential impact to first responders' access. He noted that the communication between the construction team and the Police and Fire Departments has been excellent, and he commended them on making themselves a part of process to get the hotel constructed in the safest manner possible. The issue of the large pours was taken to the Public Safety Committee after garnering support from the Police and Fire Departments that this was a beneficial alternative to the overall public safety of the island residents. Anticipating resistance from the community relative to the nighttime pours, a public forum was held on May 16<sup>th</sup> to explain their plan. He stated that he believed the nighttime pours were the best option for the residents and the construction, but they were fully committed to work with the City and to communicate with the residents potential impacts of construction activities and will continue to work to minimize the potential impacts.

**MOTION: Councilmember Buckhannon moved to suspend the rules of order to address the recommendation from the Public Safety Committee and stated on the Agenda; Councilmember Kinghorn second and the motion PASSED UNANIMOUSLY.**

Councilmember Buckhannon confirmed that the plan for thirty-five (35) night pours was presented to the Public Safety Committee; there were not citizens comments at that meeting related to this subject; therefore, the motion passed unanimously.

**MOTION: Councilmember Buckhannon moved to deny Lowe Wild Dunes the approval of the 35 night pours and to support the City's ordinances that apply to the nighttime pours as proposed; Councilmember Ward seconded.**

Councilmember Kinghorn asked if the Committee had discussed an exception to the ordinance, but not a change to an ordinance. Councilmember Kinghorn stated that beyond its being a safety issue, a key responsibility for an elected official; therefore, he asked about what the alternative might be. If the alternative is day pours, they will occur primarily in July and August, the island's high season; will Council hear more complaints with more people on the road and will there be greater safety issues?

Councilmember Bell stated that the message the residents misunderstood was the Public Safety Committee recommending the nighttime pours; the unanimous vote from the Committee was to take it out of the Committee and to get it before the full City Council. He opined that, if the corporation was truly concerned about the citizens of the island, they would not schedule the major pours in the height of the season. If they were truly concerned, they would push the pours out three (3) months and have the major pours before the "dead" season starts; he said that he understood that they had to hit a certain date to open the hotel. He noted that to allow the pours would be an exception to the ordinance, not an ordinance change; he continued by asking, if this exception was allowed, how many more exceptions would they have?

Councilmember Smith stated that she did not think that the exemption by called the pours City-sponsored events would be contrary to the intent of the ordinance.

Looking to the construction team in the audience, Councilmember Rice asked what other alternatives were that would allow them to get the work done.

Dan Battista with Lowe restated that their primary concern was public safety which is why they brought the activity to the City for discussion and that the obvious alternative was to do the pours during the day. He noted that they would be happy to discuss the issue with the City to try to come up with better alternatives. He thought it was up to the governing body to decide what it wanted to do relative to public safety.

The Mayor thanked Lowe for their working with the City and that, over the last week, Council was plagued with phone calls, texts and emails from residents protesting the nighttime pours. In the end, Council must be responsive to the residents.

**VOTE: The motion PASSED on a vote of 8 to 1 with Councilmember Kinghorn casting the dissenting vote.**

Councilmember Buckhannon said that the Public Safety Committee would continue to work with the Lowe construction team.

## **5. Reports from Standing Committees**

### **A. Ways and Means Committee**

The financial report for April 2019 were that General Fund Revenues were at eighty-one percent (81%) of budget and General Fund expenditures were at seventy-six percent (76%) of budget. According to the Treasurer, the General Fund is forecasted to end the year one million two hundred thousand dollars (\$1,200,000) ahead of budget. The major contributors to the net positive result were business licenses, building permits and parking fees; the lower than expected forecast for expenditures can be attributed to vacancies in City Hall, the Police Department and the Public Works Department. Tourism funds were tracking as predicted, and the last couple of months of the year are expected to be high impact months for tourism revenues. Local Option Sales Taxes are running four point three percent (4.3%) that the same period in FY18. The Phase II Drainage project is nearing completion with four hundred twenty-nine thousand dollars (\$429,000) remaining to be spent. The removal/replacement of the underground storage tanks at the marina is running past its completion date, and the City will be seeking liquidated damages from the contractor.

The Ways and Means Committee had another budget work session on Thursday, May 23<sup>rd</sup>, and some members still have concerns about the FY20 budget. Based on those concerns, another budget workshop will be held the second week of June. Councilmember Kinghorn was out of Council Chambers for the votes on items one through three (1 – 3).

1. Recommendation from the Real Property Committee to approve a proposal from ATM in the amount of \$68,000 to expand the scope of work to develop a plan for the inclusion of dock areas referred to as Area B and Area C.



**MOTION:** Councilmember Ward moved to approve the proposal from ATM in the amount of \$68,000 to expand the scope of services at the IOP Marina dock replacements; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

2. Recommendation from the Real Property Committee to award a contract to Coastal Science and Engineering (CSE) for RFP 2019-02 – Island-wide Beach Monitoring in the amount of \$30,520 per year for 3 years

**MOTION:** Councilmember Ward moved to award a contract to CSE for island-wide beach monitoring at \$30,520 per year for 3 years; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

3. Consideration of an award of a one-year contract to Technology Solutions in the amount of \$40,000 for City-wide IT management and support services

**MOTION:** Councilmember Ward moved to award a one-year contract to Technology Solutions in the amount of \$40,000; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

4. Recommendations from the ATAX Committee
  - a. Sponsorship of Carolina Coast Surf Club website in the amount of \$1,000

**MOTION:** Councilmember Ward moved to approve the \$1,000 sponsorship of the Carolina Coast Surf Club website; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

- b. Sponsorship of the SC Aquarium 2019 Turtle Trek in the amount of \$10,000

**MOTION:** Councilmember Ward moved to approve the \$10,000 sponsorship of the SC Aquarium 2019 Turtle Trek; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

The next Ways and Means Committee meeting will be at 5:00 p.m. on Tuesday, June 18, 2019.

## **B. Public Safety Committee**

From the meeting of May 6<sup>th</sup>, Councilmember Buckhannon reported that multiple residents appeared before the Committee to complaining about the condition and appearance of a neighbor's house and the impact it was having on their homes and quality of live. They asked that the City find a way to force the owner to fix it up or tear it down; as lengthy discussion followed. Staff will research State law to determine if an answer can be found there and other possible sources for solutions. The Lowe Wild Dune construction team appeared before the Committee to present their concept of the best way to handle the cement pours over the coming ten (10) months. On the park 'n ride program between SCDOT, the COG and CARTA, the Interim Administrator stated that they were hopeful that the vans would be on the agenda for approval by SCDOT so that they could move forward with the program.



Interim Administrator Fragoso reported that the SCDOT meeting was today and, due to turnover of personnel, the vans were not on the meeting agenda. The search is on to find another way of funding the van so the project can become a reality.

The last meeting on coyote management was with members of the Wild Dunes Community Association board, and the City staff was going to reach out to Lowe, SCDNR and to James Westerholt of the Horry Georgetown Technical College with the intention of setting up a meeting to discuss the options the City has relative to the coyote population. Captain Swain reported that he spoke with the coyote expert with the SCDNR Jay Butfiloski, who is a font of information, but he does not appear to want to be involved beyond that. Mr. Westerholt, the professor from the technical college, was willing to bring his students here for a count, but he, too, was not interested in assisting the City in any other way. Captain Swain stated that someone had sprung all of the City's traps in one (1) location, and he confirmed that at least one (1) trap was on the golf course that was marked with a sign. The Interim Administrator put forth her idea for a film permit for filming on the beach that would be to streamline the approval process for small, unobtrusive film, video or still photography shoots on the beach. The permit application should be submitted with a minimum of a fourteen (14) day notice; the project would need to carry the City's established limit for liability insurance with the City named "additional insured." The permit's processing fee would start at ten dollars (\$10), but the fee could increase based on the project's need for City services. Councilmember Buckhannon also noted that the Public Safety Committee proclaimed support for National Safe Boating Week that was last week.

The Public Safety Committee will hold its next meeting at 9:00 a.m., Monday, June 3<sup>rd</sup> in the Conference Room.

Councilmember Kinghorn asked that the Public Safety Committee look to (a) the continuing open dialogue with Lowe relative to its project and monitoring traffic and safety on Palm Boulevard; (b) installing of a camera at Breach Inlet that would focus out in the water rather than traffic on the road; and (c) extending bike paths the full length of Palm Boulevard.

Councilmember Rice asked that Council be kept informed on any and all progress made on the dilapidated house on Forest Trail Court 1.

### **C. Public Works Committee**

Councilmember Rice reported on the meeting of May 7<sup>th</sup> when Don Thompson of Goat Island came before the Committee requesting a site where household garbage could be placed by residents of the island. Charleston County will provide the dumpster and will service it weekly; they need somewhere to put it. Interim Administrator Fragoso said that she would work with Director Pitts, Mr. Thompson and the City contractor to see if something could be worked out to accommodate Mr. Thompson and the residents of Goat Island. Based on the volume of miscellaneous garbage, Public Works Director Pitts reported that fifty-one tons (51 T.) went to the Bees Ferry Landfill; the Director thought that residents must have been in spring cleaning mode in April. He noted that the yard debris appeared low in comparison, but he reminded the Committee that a storm hit the island the year before last that skewed the numbers for that year. While the crews are still on once a week garbage collection, they try to mow and maintain the rights-of-way; they were mowed twice in April. The parking lot was mowed three (3) times and the 41<sup>st</sup> Avenue ditch once. He noted that the Mobi-mat put at the Front Beach boardwalk is problematic, and since the area has not had any rain, the soft sand is quickly covering the mobi-mat and making a big hump. He said that he and his crew would continue to do what they can to keep the mat level. The Hazardous Material Collection and Shred Day was held on April 27<sup>th</sup>,

and, as usual, the response was very good. The cost of vehicle maintenance in April was nominal at approximately seven hundred thirty dollars (\$730), but the Director believes that the year will end right at or slightly over budget. Relative to Phase II Drainage, the work has been completed and the system is working well. The project was completed under budget and the balance was transferred to the Capital Projects fund for use on Phase III drainage – the outfalls improvements. HR Officer DeGroot put together a short presentation of before and after photographs; the changes provide more space for the personnel, more organization, and a real office space for the Director, Assistant Director Washington and the new Assistant Director. The renovation was described as “the overdue re-do.” Director Pitts reported that the pipe under Marginal Road has been replaced and the road is no longer in danger of caving in; the contractor is waiting for the gate valves that are due in the next two (2) weeks. Once they are in, the contractor will complete the asphalt work. Chair Rice told the Committee that she was served with a petition from residents of Forest Trail and Sparrow Drive requesting that “City Council authorize a flood abatement solution” for them. The Chair turned the petition with forty-five signatures over to the Interim Administrator to be presented to City Council at their meeting of May 28. The Chair noted that this area has no drainage infrastructure and experiences frequent flooding. From a discussion of a comprehensive sewer implementation, the Committee agreed that ordinance deferred in 2017 should be re-introduced to City Council for re-consideration. These ordinances require the following:

- Ordinance 2017-08 – all subdivisions of lots be connected to public sewer when the public sewer line is within one hundred fifty (150) feet and that certain information related to sewer connection for subdivision approval process;
- Ordinance 2017-09 – all new construction or substantial improvements shall be connected to public sewer when requirements and floor to area ratio requirements for lots with septic systems;
- Ordinance 2017-10 – the mandatory connection to public sewer system requires where public sewer line available upon sale or transfer of property.

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Councilmember Rice told Council that the Planning Commission worked on these ordinances for months and that the May Public Works Committee meeting.

**MOTION: Councilmember Rice moved to place the above referenced ordinances on the Agenda for consideration at the City Council meeting on June 25<sup>th</sup>; Councilmember Kinghorn seconded.**

Councilmember Ward asked if the provision was in the ordinance for exemptions when property was transferred within a family or transferred as the result of an estate to a family member; he said that he wanted these exemptions in the ordinances to protect residents who were on a fixed income.

Interim Administrator Fragoso informed Council that a meeting has been scheduled with the Water and Sewer staff on Friday; the ordinances were sent to them, and the hope is that they would give their feedback at this meeting.

Councilmember Moye asked for a definition for “where sewer was accessible”, possibly one hundred fifty feet (150 ft.); he decided to go with a septic system because connecting to sewer, approximately two hundred feet (200 ft.) away, was going to add six (6) figures to the cost of constructing his home. His second concern relative to these ordinances was that piecemeal connections were being made to the sewer system that were not necessarily done in accordance with what would be a more cohesive sewer system working all together. He wanted to make sure

that, in adopting these ordinances, the City was not propitiating that type of mentality versus that something that is more consistent with what the master plan to have everything flowing more fluidly.

**VOTE: The Motion PASSED on a vote of 8 to 1 with Councilmember Moyer casting the dissenting vote.**

Councilmember Rice reiterated the need for a joint meeting with City Council and the Water and Sewer Commission.

On the subject of smoking on the beach, the Committee will continue research into communities that have successfully banned it. Relative to the FY20 budget, the Interim Administrator reported that the only change in this version of the budget is the addition of two hundred seventy-five thousand dollars (\$275,000) for improvements to the Waterway Boulevard multi-use path that staff is proposing to be paid from Hospitality Taxes. The CTC funding requests were due soon, and the Public Works Committee agreed to submit a request for funding the construction of improvements to the Waterway Boulevard multi-use path.

**MOTION: Councilmember Rice moved to support a request for CTC funds for improvements to the Waterway Boulevard multi-use path; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.**

Councilmember Rice was happy to announce that twice a week garbage and once a week recycling will begin the week of June 2<sup>nd</sup>.

The Public Works Committee will hold its next meeting at 4:00 p.m., Wednesday, June 5<sup>th</sup> in the Conference Room.

Councilmember Ward asked about the heavily-trafficked golf cart path that runs parallel to 21<sup>st</sup> Avenue beginning across the street from the Lutheran Center and whether it belonged to the City or SCDOT. Since the area has not received any rain, people are frequently getting stuck in the sand. If it was not the City's responsibility to maintain it, it should be shut down.

Councilmember Buckhannon stated that the property was SCDOT right-of-way, but the City could apply for an encroachment permit.

### **C. Recreation Committee**

From the meeting on May 6<sup>th</sup>, Councilmember Smith reported that things are changing up at the Rec Center in preparation for summer camps. Pickleball has taken up residence in the Charleston area and the Isle of Palms was not immune; having located an instructor, lessons will begin June 4<sup>th</sup> for beginner and intermediate players. New programs for the fall are "Handling Social Media with Confidence and Grace: geared toward eleven and twelve year old (11 – 12) girls and "Kids Planet Earth", a hands-on learning program for children age six (6) and up. Rec personnel tried out a new form of registering children for summer camps in that it was held on a Saturday afternoon; per the norm, some liked it and some hated it. The staff will continue to brainstorm to find a way that would be easy and convenient for island residents. As always the Easter Egg Hunt was a huge success, but parking was a real issue with so many surrounding streets marked as "Resident Parking Only"; the Public Safety Committee will try to find a way around or an exception to the parking program for that event. The Piccolo Spoleto Sand Sculpting Contest will be at Front Beach on Saturday, June 1<sup>st</sup>, and on Wednesday, June 5<sup>th</sup>, the US Air Force Heritage

Winds will give a free concert on the Rec Center grounds beginning at 7:00 p.m. Other upcoming events are the IOP Beach Run on Saturday, July 27<sup>th</sup> and the Half Rubber Tournament on Saturday, August 17<sup>th</sup>. Director Page related that Weston Smith has resigned to take a position with the Recreation Department in his hometown in North Carolina; with Baby #2 on the way, he and his wife felt the need to be closer to family. The Director noted that she is often approached by family members who want to do something at the Rec Center to honor or memorialize a loved one, and she has to tell them that she does not have a way to help them. She has been thinking about this and realized that a path from the picnic area to the front door was needed to keep people from walking on the grass; she proposed having a brick walkway, like at Front Beach. People can purchase bricks to be engraved with the family name or the name of a loved one, etc. When meeting with the managers of the Farmers' Market, the decision was made to hold the markets on Wednesday afternoons from 3:00 p.m. til 7:00 p.m. in September and October. Surfing lessons continues to be a topic of discussion, and the hope is to be able to offer classes in the summer of 2020. The Committee decided not to meet in June; future meeting dates and times will be announced later.

#### **E. Personnel Committee**

Councilmember Moye stated that the Personnel Committee held its regular meeting on May 7<sup>th</sup> but had multiple special meetings during the month relative to interviewing prospective City Administrator candidates. Interim Administrator Fragoso stated that an offer will be made for the Assistant Public Works Director's position will be made this week. Councilmember Moye reported that the Committee discussed criteria for selecting new members of boards and commissions; staff submitted a list of recommendations which the Committee decided to forward to current boards and commissions to get their feedback on those suggestions; the Personnel Committee was particularly interested in opinions for term limits and what they should be. Pursuant to the discussion of the strategic planning process, the Committee requested that five thousand dollars (\$5,000) be added to the FY20 budget to obtain assistance to ensure the process was done as it should be.

In an update on the hiring of a new City Administrator, Councilmember Moye reviewed the process that the City followed beginning with hiring a nationally known search firm that distributed the City's information from coast to coast; that search received more than one hundred (100) applicants. The applicants were reviewed and some were eliminated based on their lack of experience or their inability to meet the City's minimum job requirements; the remaining candidates were sent a pre-employment assessment tool to complete and return to the City's HR Officer that assisted in the elimination of more of the candidates. The assessment tool has been scientifically proven to predict who would be the top performer in the position being filled. Casual phone calls were placed to the remaining candidates by the HR Officer DeGroot and Vice Chair Ferencz to learn more about the applicants and their qualifications to be the new City Administrator. The search came down to four (4) finalists who had face-to-face interviews with the Personnel Committee and then a second interview with the involvement of City Council members. Both interviews were structured, and the questions were then scored by those in attendance and ranked by those scores. Interim Administrator Fragoso was one of the finalists and person after person has approached him as the Chair of the Personnel Committee saying that she has earned the position through her performance over the past eighteen (18) months. Paraphrasing Councilmember Kinghorn, Councilmember Moye said that Council needed to insure that it was hiring the person who was most qualified after conducting a national search. The Personnel Committee recommended that the City should make an offer to and begin negotiations with Desirée Fragoso for the position of City Administrator for the City of Isle of Palms.

**MOTION: Councilmember Moye, as chair of the Personnel Committee, moved to offer and to negotiate with Desirée Fragoso to hire for the position of City Administrator; Mayor Carroll seconded.**

Councilmember Bell stated that he has hired a lot of people in the course of his career and recalled that Councilmember Moye saying that you hire for potential and not what you have right now. In referring to the amount of time he spends in the Interim Administrator's office, he said he "has seen her step up and take on some of the toughest challenges this City has seen in an awful long time." He added, "She has done it with grace, done it with a great attitude, done it with a smile on her face . . ."

Councilmember Ferencz thanked Council "for putting up with" her since April 15<sup>th</sup> and for going through the process. She recalled being told that the Personnel Committee was wasting its time and money because they already had the votes to appoint Interim Administrator Fragoso. She stated that she was unable to agree with her fellow Personnel Committee members in the previous meeting because she thought the City had the opportunity to look at new ideas, but she was certain that the Interim Administrator would do an excellent job. She felt compelled to go against the other Personnel Committee members in the recommendation of her for City Administrator.

Councilmember Smith called Interim Administrator Fragoso a rock star, and she looked forward to going back to work to see what the future holds.

**VOTE: The motion PASSED on a vote of 8 to 1 with Councilmember Ferencz casting the dissenting vote.**

#### **F. Real Property Committee**

Reporting on the meeting of May 1<sup>st</sup>, Councilmember Bell noted that the lease for the Morgan Creek docks expires at the end of the month, and the Committee plans to bring forth the City's intent for those docks through the end of the Morgan Creek lease. Jay Clarke again brought up the subject of parking at the marina, and he was again told that the City would not arbitrate the parking issues at the marina and that the tenants need to get together and resolve the problem. Marina Manager Brian Berrigan stated that residents have been using social media to complain about the launch rates, and he wanted to clarify that the launch rates are, and always have been, five dollars (\$5) and apply to residents as well as visitors. Councilmember Bell also stated that Mr. Berrigan was allowed to charge for parking since it was not regulated in his lease with the City. The marina tenants have expressed concern about the revenue losses they suffered due to the delays in construction with the underground storage tanks replacements, and the Committee will look into reimbursing them a portion of their losses once it has received a comparison between sales in FY18 versus the sales in FY19 for the period the tank construction was ongoing. Hill Construction presented their report on the physical condition of the marina restaurant, which has been put on the website; in brief, the building has a lot of issues not the least of which is that the structure is thirty-five (35) years old. According to Hill, the options were to raze the structure and rebuild or to try to remedy the problems that, due to the 50% rule, will not allow sufficient funds to resolve the problems. Since the completion date for the underground storage tank replacements ended more than ten (10) weeks ago, the City will be seeking liquidated damages from the contractor. On the docks rehabilitation, the Chair repeated that when the Committee originally was talking about this project, it was being thought of as a phased project covering some five (5) years. Since then, ATM has determined that the docks are in such condition that they all of the docks need to be replaced as soon as possible; another section of the dock next to Morgan Creek Grill collapsed last week. How to finance such a project is still



being discussed by the Ways and Means Committee and City staff, but ATM has been approved for the expanded scope to include all of the marina docks on Morgan Creek. When Councilmember Ferencz asked how many major projects the City intended to begin in FY20, she was told that the City was looking not to use a large quantity of ATAX funds to pay for debt since its revenue was unpredictable. The projects include the Public Safety Building remediation, the marina docks replacement, drainage Phase III, and the fire truck refurbishment and one truck replacement. The findings of Trident Construction Company forensics into the Public Safety Building have also been made public; the estimated work is projected to be approximately six point two million dollars (\$6,200,000.). "The Status of Agreed Upon Procedures for all Marina Tenants" was the name of the assignment given to McCay, Kiddy & Associates to determine if the City was getting its share of the revenue generated by the marina tenants. Administrator Fragoso received a draft of the report today and anticipated the final draft next week; it will be discussed further at the Real Property Committee meeting in June. Discussion took place relative to the Brach Inlet boat landing, and Councilmember Ward was blunt in speaking to the Committee that it could hardly be considered an asset when there was no parking, the ramp was dangerous, etc. Consideration was dropped as quickly as it came up.

When Councilmember Kinghorn asked if consideration had been given to opening the boat landing and allowing anyone to use it, Councilmember Bell said that he would be skeptical without knowing more about liability issues.

The Committee how the neighborhoods between 21<sup>st</sup> and 41<sup>st</sup> Avenues were increasingly being encroached upon with noise issues from the short-term rentals introduced to the residential neighborhoods. The discussion led to a request to the Planning Commission to look into the issue and to develop recommendations for regaining the quality of life for the residential neighborhoods.

The Real Property Committee will hold its next meeting at 9:00 a.m., Wednesday, June 5<sup>th</sup>.

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**6. Reports from City Officers, Boards and Commissions**

- A. Accommodations Tax Advisory Committee** – minutes in process
- B. Board of Zoning Appeals** – minutes attached
- C. Planning Commission** – minutes attached

**7. Reports from Special of Joint Committees – none**

**8. Petitions Received, Deferred or Disposed of**

Petition from residents of Sparrow Drive and Forest Trail requesting flood abatement solution presented to Mayor Carroll by Public Works Committee Chair Rice

Mayor Carroll stated that the City is moving forward with the Phase III Drainage project for improvements to the outfalls at 31<sup>st</sup>, 36<sup>th</sup> and 41<sup>st</sup> Avenues; the City also has budgeted half a million dollars (\$500,000) in FY20 for smaller, but impactful drainage projects to reduce drainage in hard hit areas of the island.

**9. Bills Already in Possession of Council**

- A. Second Reading of Ordinance 2019-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 2, District Regulations** (revisions to lot subdivision regulations)



**MOTION: Councilmember Ward moved to waive the reading and to adopt Second Reading of Ordinance 2019-07; Councilmember Rice seconded.**

Director Kerr stated that this ordinance was coming before Council a second time, and it, basically, doubles the minimum lot size required for subdivisions in SR-1 and SR-2 districts to reduce density; at the current rate, the drainage systems are being overwhelmed. When this revision was initially discussed, an unintended consequence was that it would make the nearly all of the homes in the residential districts non-confirming. The Code stated that non-confirming lots have reduced front and rear setbacks, i.e. all of the new “nonconforming” properties would have the setbacks reduced to four or five (4 – 5) feet; therefore, Council sent the ordinance back to the Planning Commission. The version before Council at this meeting changes the language from non-confirming lots and directs the reader to the size of the lot that the residential zoning districts currently have.

**VOTE: The motion PASSED UNANIMOUSLY.**

**B. Second Reading of Ordinance 2019-09 – An Ordinance Amending Title 8, Motor Vehicles and Traffic, Chapter 2, Stopping, Standing and Parking of Vehicles, Article A, Standard Provisions (golf carts on the beach for handicap access)**

**MOTION: Councilmember Ward moved to waive the reading and to adopt Ordinance 2019-09 for approval of Second reading; Councilmember Bell seconded.**

Mayor Carroll stated that the City is adopting state law to allow golf carts on the beach when the driver or passenger is handicapped and the state issued handicap placard is displayed on the cart.

Councilmember Smith opined that this was going to need some public education so that residents and visitors do not think they can drive golf carts on the beach.

Councilmember Bell noted that the handicap placards were issued specific to the person, not to the vehicle.

**VOTE: The motion PASSED UNANIMOUSLY.**

**10. Introduction of New Bills, Resolutions and Proclamations**

**A. First Reading by title only, of Ordinance 2019-11 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 2, District Regulations (regarding maximum impervious surface)**

Mayor Carroll noted that this amendment reduces the percentage of lot area that can be covered by impervious surface.

**MOTION: Councilmember Ward moved to approve Ordinance 2019-11 for First Reading; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

**B. First Reading, by title only, of Ordinance 2019-12 – An Ordinance Amending Title 7, Licensing and Regulations, Chapter 3, Beach and Marina Recreation Regulations (establishing permit process for filming on the beach)**

**MOTION: Councilmember Bell moved to approve Ordinance 2019-12 for First Reading; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

**C. First Reading, by title only, of Ordinance 2019-13 – An Ordinance Amending Title 3, Public Work, Chapter 4, Single-Use Plastic Bags, of the City of Isle of Palms Code of Ordinances (regarding the prohibition of plastics and polystyrene products on the beach and adding balloons)**

**MOTION: Councilmember Ward moved to approve Ordinance 2019-13 for First Reading; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

**11. Miscellaneous Business**

Next Meeting Date – 6:00 p.m., Tuesday, July 25, 2019 in Council Chambers

**12. Executive Session – not needed**

**13. Conclusion/Adjournment**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 8:15 p.m.; Councilmember Moya seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

## **Special Ways & Means Committee Meeting**

4:00 p.m., Thursday, June 13, 2019

A Special Meeting of the Ways and Means Committee was held at 4:00 p.m., Thursday, June 13, 2019 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Smith and Chair Ward, Mayor Carroll, City Administrator Fragoso, Treasurer Suggs, and Clerk Copeland. Department heads or a department representative present were Chief Cornett, Chief Graham, Director Pitts and Recreation Supervisor Sweet. Councilmember Rice was absent.

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

### **2. PURPOSE**

#### **REVIEW AND DISCUSSION OF FY20 BUDGET**

Chair Ward stated that this meeting was the fifth meeting to review and discuss the FY20 budget, and he wanted any reservations and/or concerns about it to be resolved at this meeting so that it could be adopted at the Council meeting of June 28<sup>th</sup>. He acknowledged that several discussions have focused on forecasting relative to the debt the City could incur over the next two (2) budget cycles, but he asked that members concentrate solely on FY20. He acknowledged that the marina was an issue, but the FY20 budget recognizes only one hundred forty-seven thousand dollars (\$147,000) for permitting, engineering and design. The dock rehabilitation project construction would not begin until FY21; therefore, the City would not incur debt until that time.

The budget document and associated schedules were attached to the Agenda and posted on the City's website; the presentation is attached to the historical record of the meeting.

Administrator Fragoso noted that Council has been working on the FY20 budget since December 18, 2018, and the budget for discussion at this meeting was the fourth version that incorporates the items approved at the May 21<sup>st</sup> meeting. She stated that she and the Treasurer have worked hard to insure that it reflects Council's priorities and initiatives; due to the number of priorities facing the City, this has been a challenging budgeting process. She opined that the forecasting that has been utilized for the FY20 budget has proven to be an effective tool. She noted that a couple of issues need to be resolved relative to the marina docks before the budget can be adopted, and they are relative to funding and permitting that are responsible for the project being moved out to FY21.

The FY20 General Fund Revenues are budgeted to be eleven million eight hundred fifty-four thousand dollars (\$11,854,000); the figure represents a sixteen percent (16%) increase over FY19. The drivers for the increase in revenue are as follows:

- 1% increase in property taxes based on the average increase due to re-assessment;
- 1.4 mills increase to debt service millage for the GO bond on the Phase III Drainage Project equal to \$287,000 annually; millage schedule is located at end of budget packet; millage increase will not go into effect until GO bond issued (likely FY21).

Councilmember Kinghorn stated that the City could avoid the millage increase if it chose to reduce expenses or if Council had stayed with its approval of a franchise fee on the IOP Water and Sewer Commission's billings.

**MOTION: Councilmember Kinghorn moved to eliminate the debt service millage increase from the FY20 budget; Councilmember Ferencz seconded.**

Councilmember Bell commented that the debt service millage would go away once the debt was paid off.

Councilmember Kinghorn said that he would find it helpful for Council to agree on the dollar amount to be maintained in fund balances.

Treasurer Suggs estimated the current total fund balances to be fifteen million dollars (\$15,000,000), and Councilmember Kinghorn asked if that was adequate. The Treasurer told the Committee that the City passed a resolution several years ago defining the fund balances the City should maintain; she recalled that the City was to have thirty percent (30%) of annual General Fund expenditures should be in the total General Fund balance at the end of the year. She stated that the FY20 budget as presented at this meeting will keep the General Fund steady.

Councilmember Kinghorn remarked that, if Council were to reverse its decision on water and sewer franchise fees, they could generate twice the amount of money as the increase to the debt service millage.

Councilmember Buckhannon reiterated that a fee imposed on the residents was a tax.

**VOTE: The motion FAILED on a vote of 2 to 6 with Councilmembers Ferencz and Kinghorn casting the only supporting votes.**

The discussion proceeded with the drivers of increased revenues in FY20 as follows:

- Business Licenses were up 18% from the FY19 budget; building permits were up 89% from FY19 – the increase was due to the standardization of the building permit fees and the one-time fees from the Wild Dunes' project;
- Residential rental licenses were projected to increase by 114% based on normal growth and Council's decision to double the base fee and the incremental rate;
- Parking revenue has increased by 55% due to the increased per hour rate on the street to \$2, and the rates in the parking lots going to \$10 during the week and \$12 on the weekends;
- Transfers-in from tourism were reduced by 32% in response to Council's concerns about the city's dependence on tourism funds to cover fixed expenses.

Administrator Fragoso directed Council to the pie charts for expenditures and transfers out:

- Wages, salaries and temp labor were budgeted to be 66% of General Fund expenditures in FY20; this is a reduction of 7% from FY19;
- Debt service payments, principal and interest, exceeding \$1,000,000 include the original Public Safety Building bond, 60% of the Rec Center bond, 40% of Fire Station 2 and the debt service on the Phase III Drainage bond;
- Other expenditure percentages were documented in the chart.

Directing Council to page 3, Summary of Personnel Costs and FTEs, the FY20 budget for total personnel wages and salaries was shown to be approximately five million seven hundred thousand dollars (\$5,700,000) which represents a one point three percent (1.3%) decrease from FY19. Total personnel costs are budgeted to increase by point zero zero three percent (0.003%), i.e. total payroll costs are staying relatively flat into FY20.

The Administrator explained that several initiatives have produced the overall reduction in payroll costs for FY20, and they are as follows:

- Moving away from a 4.2% pool for COLA and merit increases, the COLA has been completely eliminated and a 2.5% pool will be available for merit-based increases in FY20 focusing on employees who are below the mid-point of their pay range; approximately 20% decrease in available funds for performance-based pay increases;
- Developing a model that limits percentage of merit increases depending on where an employee's wages fall relative to the mid-point; and
- Pursuing ways to reduce headcount through attrition in some departments.

Councilmember Bell asked that Council be provided with the mid-points for positions within the City, and the Administrator said it would be available to them for the Ways and Means Committee meeting.

After Councilmember Smith asked about the evaluation of the Police Department in terms of its positions and wages, the Administrator noted that staff was working on that. She reported that twenty thousand dollars (\$20,000) was earmarked in the FY19 budget for a third party to perform the assessment; in the interim, Chief Cornett has been hired and feels he could provide Council with an assessment of the Department.

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Councilmember Smith indicated that the City must maintain competitive wages and benefits to the surrounding local governments.

When Councilmember Ferencz asked if this assessment was being done only for the Police Department, Administrator Fragoso said that she and department managers will evaluate the need to fill specific positions as they become available.

Councilmember Buckhannon reminded Council that recently they were presented with an evaluation of wages in the Police Department and adjustments were made at that time in an effort to stem the outflow of personnel. He reiterated that many local police departments were short-staffed because they could not find qualified individuals, and he voiced confidence in the staff to recognize a problem and respond accordingly.

Chair Ward remembered hearing from councilmembers several years back how dissatisfied they were with the results of the Archer compensation study for all positions in the City and that the recommendations were discounted.

The Administrator suggested that, if Council thought that the City needed professional assistance to evaluate all positions within the City, the funding could be allocated in the FY21 budget. She stated that Folly Beach was currently having a professional assessment of their job positions and have agreed to share the final report.

Councilmember Kinghorn asked Treasurer Suggs about the state of the City's portion of the unfunded liability in the State Retirement Systems and if it was something that Council should be worried about.

According to the Treasurer, the Retirement Systems for the State of South Carolina, which all City employees participate, has an unfunded liability of approximately fifty billion dollars (\$50,000,000,000), and every local government has a share of that unfunded liability based on the number of participants. In recent years, the City must include this unfunded liability in its year-end financial statements; for the City of Isle of Palms, the share of the unfunded liability is point zero five percent (0.05%), or ten million dollars (\$10,000,000). This amount of money would only become a reality if South Carolina declared bankruptcy, which is a very remote possibility. She stated that the City is in a good position in that it has enough assets to cover its unfunded liability.

According to the Treasurer, the Plan itself was taking initiatives to reduce this liability, such as requiring a one percent (1%) increase to employer contributions to the fund for the last two (2) and coming three (3) years, changing the age for employees to access retirement funds, and changing other requirements to access retirement funds.

Other noteworthy initiatives included in the FY20 budget were as follows:

• Online financial transparency dashboard	\$12,000
• Short-term rental management software	14,000
• New performance evaluation tool	15,000
• Strategic Planning consulting	15,000
• Bond Attorney	30,000
• Grant Writing	30,000
• Financial Adviser	40,000
• Tuition reimbursement program	43,000
<b>TOTAL</b>	<b>\$199,000</b>

The Administrator informed Council that the City would be aggressively pursuing grants for the drainage project. At a joint meeting of City Council and the Planning Commission, Thomas & Hutton would review the alternatives for the Phase III Drainage Project and their associated costs, and then City Council would need to decide which option to pursue. Being cautious, the budget will plan for a three point nine million dollar (\$3,900,000) project.

Councilmember Bell expected that certain of these initiatives will be self-funding; therefore, he did not see them as expenses, such as the short-term rental software, the grant writer, and the financial adviser.

Councilmember Moya inquired about the proposed millage increase if the grant writer were to succeed in getting the project costs completely funded.

According to Administrator Fragoso, the debt service millage would not be applied if the City was awarded grants to fund the entire project.

When discussing transfers-in and transfers-out, Treasurer Suggs pointed out that, in FY20, the transfers-in would be less than the transfers-out. She also noted that this version of the budget assumed that any net positive result from FY19 would roll into the Capital Projects Fund for use in FY20. She stated that, as an island resident, she did not like tax increases any more than other



residents, but she thought that a modest increase of one point four mills (1.4 mills) was necessary to fund a very worthy project, Phase III Drainage.

Councilmember Ferencz posed the question about the budget she anticipated being asked by residents, "Since the City has a million dollars left from FY19, why are my property taxes being increased?"

Chair Ward noted that the City has more major projects than it has ever has before and none can be ignored any longer.

Councilmember Ferencz continued that Council knew what it should have done but did not do in the past, and now Council was faced with making the hard decisions. She stated that the decisions should be made when they make sense and when it appears that one (1) hand was putting money in and the other hand was taking money away from the residents.

Chair Ward stated that this Council has learned its lesson and was setting aside funds based on the assessed value of City property for future maintenance. In his opinion, the only thing lost was Council's ability to put money aside for the future purchases of large equipment, i.e. fire and garbage trucks.

Councilmember Moyer stated that the City was fortunate to have a million dollar positive net result to carryover to pay toward these projects; otherwise, the millage increase might have been larger.

Councilmember Buckhannon added that the City had a number of positions that went unfilled for an extended time and others that might not be filled that contributed significantly to the net positive result.

Councilmember Bell remarked that wages and headcount have increased by fifty percent (50%) in the past ten (10) years, and like most difficult decisions, the City would be forced to cut services, cut wages or cut the headcount. He did not think anyone on Council was taking those actions; he agreed with Mayor Carroll that, for the taxes paid, residents of IOP get amazing services. He commented that the City could not continue to increase wages by three and four percent (3% - 4%) a year and not have to raise taxes.

When Councilmember Ferencz asked how much tourism money was to be spent in the FY20 budget, Treasurer Suggs referenced page 52 of the budget document that has summary total for the various tourism funds. The total revenue to Municipal Accommodations Taxes, Hospitality Taxes and State ATAX was budgeted for approximately four point three million dollars (\$4,300,000), transfers-out were about nine hundred seventy thousand dollars (\$970,000) and total expenditures were approximately five point four five million dollars (\$5,450,000). The City will be tapping into tourism fund balances for the FY20 budget; the Treasurer reported that the biggest single impact to tourism funds was the two point two million dollars (\$2,200,000) being transferred out for the Public Safety Building remediation.

The Capital Projects Expenditures for FY20 were as follows:

- Public Safety Building repairs \$2,000,000
- Phase III Drainage 1,700,000
- Purchase of 75 ft. ladder truck 849,500
- Refurbishment of 95 ft. ladder truck 600,000

• 1 patrol vehicle	44,000
• Public Works generator – 50%	37,000
<b>TOTAL</b>	<b>\$5,230,500</b>

Total revenues for the tourism funds have been budgeted at approximately four million three hundred sixty dollars (\$4,360,000) and it broke down as follows:

• Municipal Accommodations Tax (including Charleston County Pass-through)	\$1,636,000
• Hospitality Taxes	828,400
• State ATAX	1,893,700

The tourism funds expenditures include the following:

• Public Safety Building repairs	\$2,300,000
• Landscaping and beautification	233,000
• Small, impactful drainage projects	500,000
• Special events	84,000
• Patrol vehicles (4)	176,000
• Fire Dept. pickup truck	35,000
• Pedestrian & bike connectivity study	10,000
• Public education campaign	10,000
• Public WiFi at Rec Center (inside only)	9,000
• Debt service on 75 ft. ladder truck	105,000
• Public Works generator – 50%	37,000
• Tourism promotion (30% State ATAX)	587,000

The revenue for the Beach Preservation Fee Fund would equal the revenue for the Municipal Accommodations Taxes at approximately one million one hundred thousand dollars (\$1,100,000). The funds budgeted would be used for the matching provision for planting dune vegetation, post-storm sand scraping (if needed), beach surveying and monitoring, a Breach Inlet feasibility study about the need for a beach restoration project and general maintenance and improvements to dune walkovers and mobi-mat. For locations that need dune walkovers, the City would again aggressively pursue grant-matching funds because they were expensive to construct.

Recent discussions have taken place regarding the amount of money sent to the Charleston Visitors Bureau (CVB) and their use of those funds; Council would like to have a stronger voice in how the island is promoted. Some members of Council would like to see the function of promoting the island in-house and funds used in different ways rather than the CVB's promotion of the entire Charleston area. This subject will be investigated and considered during the coming year.

When Folly Beach assumed control of their advertising and promotion seven (7) or so years ago, the decision was somewhat controversial since the CVB was not happy to lose that amount of funding for their projects. Folly Beach hired a marketing team to develop marketing materials and tourism promotion materials emphasizing what they felt was important to tell people who might visit or were returning visitors to their community.

If the City wanted to eliminate using the CVB as the City's tourism promotion vehicle, the City Administrator thought it would be challenging in the beginning, but was certainly do-able.

Revenues for the Marina Enterprise Fund were budgeted at four hundred thirty thousand dollars (\$430,000); this was a reduction from FY19 of thirteen thousand five hundred dollars (\$13,500) for one-time rent abatement to the marina manager for the loss of approximately one hundred (100) linear feet of dockage. The administrator reminded Council that the City was responsible for maintaining the docks. Expenditures in the Marina Fund were budgeted at fifty thousand dollars (\$50,000) for a maintenance contingency, the real estate consultant for the marina restaurant at one hundred thirty-five thousand dollars (\$135,000), eighteen thousand dollars (\$18,000) to authorize a review of marina tenants' financial information and one hundred forty-seven thousand dollars (\$147,000) for the design, engineering and permitting of the marina dock rehabilitation.

The Administrator confirmed that ATM would be permitting and designing all of the marina docks, Morgan Creek and the Intracoastal Waterway.

Since the contractor missed his deadline for completion of the installation of the underground storage tanks at the marina by fifteen to seventeen (15 – 17) weeks, the City will be due liquidated damages from the contractor. The City intends to reimburse the marina tenants for any lost revenue during that timeframe from the liquidated damages received when it receives the revenue information for these weeks in 2018 and 2019 for comparison.

Councilmember Bell sought to clarify for Council that the Administrator was talking about two (2) separate issues of rent abatement with the marina operator. The first issue was the loss of revenue for the two (2) docks that collapsed over the past year, and the amount of that rent abatement was thirteen thousand five hundred dollars (\$13,500). The second rent abatement issue was derived from the loss of business incurred in the weeks that the contractor was unable to complete the installation of the underground storage tanks at the marina; the amount of liquidated damages the City would receive have been estimated to be between thirty and forty thousand dollars (\$30,000 – 40,000).

Based on discussions with her financial adviser, Councilmember Ferencz told the Committee that he had warned her about the likelihood of a coming recession. With that in mind, she asked Treasurer Suggs what the tourism revenues had been during the last recession; the Treasurer responded that, in 2008, revenues were two million three hundred thousand dollars (\$2,300,000), in 2009, two million two hundred thousand (\$2,200,000) and in 2010, two million one hundred thousand dollars (\$2,100,000). The FY20 budget has tourism revenues in excess of four million three hundred thousand dollars (\$4,300,000) and expenditures in excess of five million four hundred thousand dollars (\$5,400,000). She then asked Council, the Treasurer and City Administrator to tell her what the plan was should a recession actually occur bringing with it a reduction in tourism because families could not afford extras, like vacations.

Chair Ward commented that Council was trying to be less reliant on variable revenues for fixed costs, such as wages, and, now when the City was facing three (3) multi-million dollar projects, he was glad that the funds were healthy.

City Administrator Fragoso stated that an economic condition like a recession was one (1) reason that Council was provided with the schedule of fund balances and the changes that occurred over the past month at every Ways and Means Committee meeting.

Councilmember Moye said that he would welcome a long-term analysis of how the City would fare in a recession using best-case and worst-case scenarios.

Councilmember Buckhannon remarked that such an economic downturn was why the City has chosen not to deplete its fund balances.

Mayor Carroll thanked Treasurer Suggs and Administrator Fragoso for a job well done in the preparations and presentations of the FY20 budget; he opined that the presentations were clearer, more understandable and more transparent than in years past.

**3. Adjournment**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 5:17 p.m.; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

**Public Safety Committee**  
9:00 a.m., Monday, June 3, 2019

The regular meeting of the Public Safety Committee was called to order at 9:00 a.m. in the City Hall Conference, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell and Ward, Chair Buckhannon, City Administrator Fragoso, Battalion Chief Hathaway, Police Chief Cornett, Captain Swain and City Clerk Copeland; a quorum of the Committee was present to conduct business.

1. Chair Buckhannon welcomed Chief Kevin Cornett on his first day as the new Chief of Police for the City of Isle of Palms. The Chair called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. **Approval of Previous Meeting's Minutes**

**MOTION:** Councilmember Bell moved to approve the minutes of the regular meeting of May 6, 2019 as submitted; Councilmember Ward seconded and the motion **PASSED UNANIMOUSLY.**

3. **Citizens' Comments** – none

4. **Old Business**

A. **Discussion of beach parking along Palm Boulevard**

Captain Swain reported that the parallel parking “held its own” through one of the busiest traffic weekend he has seen on the island in a long time and that officers and BSOs wrote a lot of tickets, about twice what were written on the Memorial Day weekend last year.

Councilmember Bell said that he would like to be proactive toward beach parking, but, on the Memorial Day weekend, he saw fifteen (15) blocks of double and triple parking on Palm Boulevard, and he knows that BSOs cannot be there twenty-four (24) hours a day. He said that when one car double parks, the next car decides he can do the same starting a chain reaction for blocks. He said that he would prefer to see the BSOs on Palm warning drivers that what they are about to do is not allowed over counting how many tickets were written. He opined that a visitor to the island would prefer a kind warning to a fifty dollar (\$50) ticket.

After talking with Captain Swain, the Administrator noted that most people do not know where the rights-of-way end and the property owner's yard begins. She added that there were so many cars on the island that there was a lot of confusion – even with officers out in force directing traffic. The officers expected challenges with the very busy, holiday weekend, and staff has already discussed what they can do differently in the future.

Councilmember Bell was pleased with the impact the parallel parking on Palm; his overall opinion was that it has reduced some of the chaos.

Captain Swain reported that he has been sending the BSOs out early in the morning to see those first parking illegally and to educate them about the current regulations. If the driver is no longer

with the car, a ticket should be written for those who would tend toward repeating the same illegal parking issue.

Chair Buckhannon wanted to initiate a dialogue with Charleston County Park personnel about the line of cars waiting to get into the park at 8:00 a.m. and finding the gate still locked; by 8:15 a.m., cars are packed up into the intersection and blocking traffic down Palm Boulevard. He noted that the City pays off-duty Charleston County officers to assist with parking on the weekends, but they end up managing the traffic trying to get into the County Park. He suggested that the park should be treated as a parking garage, i.e. cars go in and park then pay when they leave and not when they enter; he saw this as a way to eliminate the line into the intersection at 14<sup>th</sup> Avenue and Palm.

Having spoken with Cynthia Wilson who manages the County Park, Administrator Fragoso reported that they would be willing to sit down with the City to work out any problems; she is trying to schedule a meeting this week to include Chief Cornett and Captain Swain to brainstorm about ways to ease line forming to get into the park. At the suggestion of pay-when-you-leave, Ms. Wilson explained that every Charleston County park operates with pay-as-you-enter; to pay upon leaving would be a dramatic change for them.

Chair Buckhannon mentioned that Kiawah, Edisto and Seabrook outsource their beach services officers; these persons give first aid, look for missing children, treat jellyfish stings, code enforcement, etc. taking part of the load off the City's personnel. With the difficulty in hiring BSOs this year, he questioned how much code enforcement was being done on the beach.

Captain Swain explained that BSOs were allowed to write tickets for cars but not for people; when they see a person violating a City ordinance, they try to correct the action and educate the person about the ordinance. When they encounter issues of non-compliance or belligerence, they put a call in for an officer.

The Chair asked what had to be done to allow BSOs to write City citations, and Captain Swain thought that to write tickets for City Code infractions, a person must be a Class 3 officer certified by the State.

Chief Cornett stated that issuing a Municipal Summons did not require a sworn officer; they were not allowed to arrest someone, but were allowed to write municipal citation for municipal code violations.

Councilmember Bell said that he would like to get close the loop by getting the statistics from the courts on the disposition of tickets. A neighbor recently told him that, when she got a ticket, she just arrived for court a few minutes early, talked to the judge and the ticket was dismissed. In such a case, the full circle of law was not being met, and, if that was the case, he wanted to see statistics.

Returning to the outsourcing of BSOs, the Chair thought that it was a situation that deserved further research to free-up the City's BSOs allowing them to be proactive with parking and to issue tickets as necessary.

Chair Buckhannon stated that from what he has seen and heard, the Isle of Palms' parking plan was working better than others in the region.



Administrator Fragoso noted that signage has been installed at the beach access paths between 41<sup>st</sup> and 54<sup>th</sup> Avenues to create better visibility for pedestrians.

**B. Update on Flowbird mobile app implementation**

Captain Swain said that he was very pleased with the app's appearance on phones and that it was running perfectly now. Having taken the baby-steps along the way, he was now comfortable advertising the app. He said that he has some signs and stickers he needs to display promoting the service, but he has not yet determined the best place to do so. He indicated that he would be advertising it on social media for the coming weekend. He did say that he was disappointed in the response from Flowbird in its response from their "ambassadors" because they did not do much to aid in the implementation.

Councilmember Bell asked her to add a tutorial for the app could be added to the City's website.

**C. Status of public transit initiative**

Due to some personnel turnover in their office, the purchase of the vans was not on the SCDOT agenda for the May meeting, and they do not meet in the summer. In the interim, the COG and SCDOT are working on the legal documents and agreements; currently the anticipated number of riders will require two (2) vans and s their availability has been confirmed with the vendor. Potentially the service will be up and running by late summer.

From the CARTA meeting, Councilmember Ward and Jim Owens from Mount Pleasant were pushing for the service because they both felt that it had been pushed down the priority list, and they had been trying to get something in place since late last summer.

The Administrator noted that the money for the vans has been allocated, but the projects will be delayed waiting for the final SCDOT signature.

When asked what would happen to the vans in the winter, the Administrator answered that, if the need was there, they would continue to run between Mount Pleasant and the Isle of Palms.

Councilmember Ward stated that both CARTA and the COG should push for advertising of the service because, if is not used, CARTA will not hesitate to shut it down.

**D. Discussion and update on standards for dilapidated structures**

Director Kerr explained that currently, if a house is vacant, the City insures that the house is secured from rodents, has no holes in it, is not an attractive nuisance to kids and not a safety concern; it is simply locked up. The Police Department insures that the grass/weeds are kept at an acceptable level; for a pool, the Livability Officer meets with the Mosquito Control people from Charleston County who put out pellets that develop an eco-system that eats the mosquito larva.

Per Director Kerr, staff looked at other tools available and found a state code provision that deals with blighted buildings; additionally, an International Property Maintenance Code deals with habitable structures that exits to prevent putting humans to live in squalor and/or unsafe conditions. He said that they were having a difficult time finding a code that goes beyond what the City is doing for vacant buildings.

Trying a different approach, Chair Buckhannon noted that the house on Forest Trail Court 1 has HVAC and electricity; he asked how it was different from the home next door if someone stays in in twice a week.

From an on-site visit accompanied by the City Administrator, Building Inspector and Livability Officer, they found the house to be structurally sound; it was closely sealed up, had electricity and HVAC to control the humidity and had no open windows. If the City had enacted the Property Maintenance Code and if it applied to vacant buildings, which it does not, staff thought it could cherry-pick parts of that code . . .

Councilmember Bell commented that this house was habitually vacant and appears as if it was not meant to be inhabited any time in the future. He asked if the City would be smart to adopt a code saying that “after a house has been vacant in excess of . . . years” He thought that these houses would fall into a category all of their own.

Director Kerr recalled maybe seven (7) properties on the island that would fall into this special category and stated that all of the owners come into the offices and ask about the fifty percent rule. He indicated that the owner of this property complies with whatever is asked of him, i.e. he keeps the property within the limits of the City’s Code. The Director pointed to the Mayor’s house that has been sitting empty for three (3) years in litigation. Director Kerr said that he did not know how to draw the line that a property owner must take action.

What was found in research was that no one else was doing this, but staff could pick and choose parts of the Property Maintenance Code, such as the house has rot on it, peeling paint, screens falling off, a pool filter that is not turned on, loose railing, etc. The Director thought that the City could pass those five (5) codes, but would likely get feedback that Council was over-reaching and getting into aesthetics. He reminded the Committee that one-third ( $\frac{1}{3}$ ) of the homes on the island were second homes and do not have eyes on them every week.

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Chair Buckhannon cautioned that the City has some buildings that would fall into one (1) or more of those categories.

Mount Pleasant described their ordinance as a passive ordinance, and Director Kerr was unsure exactly what that meant and if it was enforceable. The Director felt that the Building Official was telling him that it was not really enforced.

If the house was occupied and if the City had adopted the International Property Maintenance Code, the City would have more enforcement power. Chair Buckhannon contended that since the house has electricity and an operating HVAC system, the house was habitable, and someone would live there although it was currently empty. Since one-third ( $\frac{1}{3}$ ) of the houses were rental properties, they would not be considered vacant just because when a count was taken, it was not occupied.

Director Kerr stated that this house was not habitable.

Chair Buckhannon asked if a house could lose its Certificate of Occupancy.

The Director said that the property would have to be condemned, and this house has not reach that point. He stated that, when walking around the house, one would see rotten siding, peeling paint, screens falling off and a pool filter that is not on. Director Kerr reminded the Committee

that if they adopted the International Property Maintenance Code, it would apply to every house on the island.

Councilmember Ward asked if the house has a termite bond and if it was dangerous for the neighbors.

The Director did not know about the termite bond, but he did not think it was dangerous to the neighbors' properties. The peeling paint was only a small area of the house; the issue to him was the mildew over much of the exterior.

Administrator Fragoso explained that, in their research, they have not found anything that would address the situation without making it feel punitive.

Councilmember Ward stated that Mr. Page has asked on two (2) occasions for help from the City, and he thought the City owed him an answer.

Director Kerr asked about drafting an ordinance stating that the City prohibits peeling paint, rotten siding and a pool filter that was not operating. After talking about this house for two (2) months, the Committee was at a point where they must act, and the blowback will be that the ordinance would be so far reaching.

Councilmember Bell and Chair Buckhannon asked the Director to proceed with an ordinance listing those three (3) issues.

The Director stated that ten to fifteen (10 – 15) houses will be sent enforcement letters relating to peeling paint, and one might be sent to the Mayor.

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Councilmember Bell was concerned about the pool, and he suggested that it should be filled in until the owner plans to use it again.

According to Councilmember Ward, the owner could at the least cover the pool.

Director Kerr said that this pool has become a retention pond due to the lack of care.

Councilmember Bell said that people who come to the City asking for assistance need to understand that actions taken by a Committee start a process, and that nothing would happen as quickly as they want. He asked that they know that the Committee is diligently working toward a solution but it will take time.

Chair Buckhannon stated that an officer's discretion would also be a factor in enforcement, for instance, not everyone that was pulled over would be issued a ticket.

Relative to the pool, Director Kerr said that the current law was that the pool must be surrounded by a fence, but he understood the Committee advocated for the filter potentially turned on, and if the owner refused, then he must permanently cover it or fill it in.

Chair Buckhannon noted that simply covering the pool did not eliminate the problem if it was not treated.

## **5. New Business**

**A. Discussion of policy for golf carts abandoned on the beach due to an emergency**

Captain Swain stated that the Police Department would treat the golf cart abandoned on the beach the same as any vehicle abandoned due to an emergency. He cautioned that he was not guaranteeing that they would be able to get every golf cart off the beach, but with due diligence, officers would do their best to get it off the beach.

Councilmember Bell questioned that it should be made clear that it is "best effort" in order not to place any liability on the City.

**B. Discussion of installing a camera at Beach Inlet**

The Chair clarified that this camera would face the water, not the Breach Inlet Bridge to track traffic.

The Administrator stated that this camera was more about water safety than traffic monitoring; she noted that swimming is not allowed in that area. The Communication Specialists will monitor the camera feed along with the other surveillance cameras at Front Beach. Since this was mentioned at the City Council meeting, the Administrator has hesitated to do much work on it until she received guidance from this Committee.

Captain Swain spoke to Joe Shivers from the City's IT company, and he recommended a handheld zoom camera that are much cheaper now. If someone wanted to monitor traffic, the camera could be turned away from the water to capture the traffic on the Breach Inlet Bridge.

When Councilmember Bell asked what constituted "much cheaper," Captain Swain was quoted five to six thousand dollars (\$5,000 - \$6,000) for the camera and installation; in addition, the camera would need a dedicated connection line that was installed by Comcast in the past and would carry a monthly fee.

Since SCDOT owns the parking lot at Breach Inlet, the City would have to get an encroachment permit to erect a structure for the camera installation.

Councilmember Ward was pleased that the camera would have the zoom feature.

Although swimming in Breach Inlet carries with it an eleven hundred dollar (\$1,100) fine, people who do not know about the currents there and go right into the water.

Administrator Fragoso said that this could be added to the FY20 budget and could be paid from tourism funds.

Battalion Chief Hathaway asked how difficult it would be for the feed to go to the Fire Department as well. He explained that, being able to see what was going on when the call comes in, would provide the Battalion Chief the visual he needed to decide whether he needed to go to the beach or to go by boat.

Captain Swain and Administrator Fragoso agreed that the cost would be nominal for the additional line to the Fire Department.

**C. Discussion of requiring all dogs that live or visit the Isle of Palms to have proof of current rabies vaccination**

Chair Buckhannon stated this subject made it to the Agenda based on Citizens' Comments at the last Council meeting when a gentleman reported that his six-year-old daughter was bitten by a dog when visiting the IOP beach. The dog involved was visiting from out of town and had not had a rabies vaccination in three plus (3+) years despite State law requiring all dogs to have current vaccinations for rabies. Enforcement of State law must be done by sworn uniformed officers; the goal here was to duplicate the State code in the City's code so that the Animal Control Officer. . .

Councilmember Bell commented that any new ordinance should eliminate the five dollar (\$5) citizen's only fee for a dog license and then to add the language from the State code to the municipal code.

The recommendation from the Administrator was to follow the Mount Pleasant Code that makes dog registration voluntary and to require that all dogs have proof of current rabies vaccination.

By adopting the language of the State Code, the Animal Control Officer would be in a position to enforce it.

Councilmember Bell suggested that staff learn what the other beach communities were doing about dogs on the beach in an effort to be consistent with neighboring communities. He stated that Folly Beach now prohibits dogs on the beach.

**MOTION: Chair Buckhannon moved to adopt the State Code that required all dogs to have current rabies vaccinations and to make the IOP registration requirement voluntary and to eliminate the \$5 fee; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

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Councilmember Bell suggested promoting the fee-free dog registration to get more dogs registered.

**D. Discussion of installation of bike lanes on Palm Boulevard**

The Chair said that this also was brought to Council in the May City Council meeting and that it came up every few years. He agreed that it was a wonderful idea, but he did not know where the money would come from to do the project.

Councilmember Ward that, when Councilmember Kinghorn was first on City Council, he advocated from bike lanes from the Connector to Breach Inlet, and somehow it happened.

Administrator Fragoso said that the bike lands for both sides of Palm Boulevard to Brach Inlet was a repeated request to SCDOT, and they finally put them in. In her opinion, the problems with extending bike lanes down both sides of Palm to 57<sup>th</sup> Avenue were parking and extending the right-of-way; additional costs would come from surveying, marking utility line locating, and the large number of palm trees in the right-of-way.

Chair Buckhannon told the Administrator that bike lanes on both sides of Palm to 57<sup>th</sup> has been a request from the City to SCDOT for many years, but the project has not gained any traction to get funding.

The Administrator said that one (1) of her plans was to revamp the narrative of the proposal and to use a different strategy in hopes of getting better results. She also suggested that the cost of the project would lend it toward a phased approach.

Chair Buckhannon recommended that staff look to some of the other groups in the area promoting cycling for cost sharing possibilities.

**E. Discussion of installation of crosswalks from 41<sup>st</sup> Avenue to second gate at Wild Dunes**

The Administrator explained that crosswalks require SCDOT permission for installation, but the City assumes the expense for the installation and maintenance.

Captain Swain reported recently filing two (2) requests for crosswalks on Palm at intersections in the higher twenties blocks. The crosswalks themselves cost approximately six thousand dollars (\$6,000) with the additional cost for signage. The Captain did not see a plan for the crosswalk installations other than, wherever Wild Dunes wanted a crosswalk, one (1) appeared.

Although it was prior to her employment with the City, Administrator Fragoso remembered seeing an application for crosswalks on the north end of the island that she thought were denied. She would go back into the records and confirm this information.

Captain Swain said that SCDOT makes its determinations on what it decides is the need, and they do not consider the funding source, i.e. the City of Isle of Palms or Wild Dunes.

The Chair suggested that, if some crosswalks were approved in that area, the City should to Wild Dunes to share in the cost. He thought this was particularly appropriate when they have a new hotel under construction that will increase the number of people crossing Palm to get to the beach.

During Citizens' Comments, someone asked about enforcement at crosswalks, and the Chair acknowledged that, to use the crosswalk, one must be in the crosswalk in order for a violation to occur.

Captain Swain said that he has seen crosswalks in Summerville, where as one approaches a crosswalk, yellow caution lights begin flashing.

Chair Buckhannon said that he did not know what more the City could do, but enforcement was key.

Councilmember Bell commented that another problem was people crossing wherever was closest to their vehicle and not using the crosswalks.

**G. Discussion of possible sourcing of a beach patrol vendor**

Administrator Fragoso commented that staff would research this concept, look into the cost and look into how these people would tie in with the Police Department. She noted that each year the City budgets for ten (10) BSOs, but the City has only been successful in hiring that number one (1) year.



Councilmember Bell stated that, if the City was going to change the municipal code to give BSOs the authority to write tickets via the municipal code ticket books, the City could provide more active patrolling of the beach and less for parking control.

Battalion Chief Hathaway to have some people with the qualifications Chair Buckhannon spoke of earlier, i.e. first aid training to deal with jellyfish stings and provide other first aid, looking for missing children, etc. to free up Fire Department personnel to deal with other issues that arise on a summer day.

**F. Discussion of submitting an SCDOT encroachment permit for Palm Boulevard golf cart path**

The Chair commented that this path runs parallel to 21<sup>st</sup> and across it to get on the golf cart path at Carmen R. Bunch Park, but, despite its heavy use, it has never been authorized by SCDOT. He wanted the City to reach out to SCDOT for an encroachment permit so that it can be properly maintained.

Administrator Fragoso said that she would research the cost of maintaining the path and get back to the Committee.

**6. Highlights of Departmental Reports**

**Fire Department  
Police Department**

(The monthly reports can be found on the City's website.)

Councilmember Bell suggested that the Fire Department advertise their CPR classes to the community; although he has been trained, he would like to take the class again to be familiar with the most recent change(s). He was certain that other people on the island would be interested as well and he opined that the City cannot have too many people trained.

Captain Hathaway stated that Department personnel dealt with some serious medical issues over the last month, and he was proud of how well the guys handled them.

Councilmember Bell complimented Chief Hathaway on the shortened report.

Captain Swain told the Committee that Police Department personnel responded to eighteen (18) founded noise violations. In the month of May, officers made nine (9) alcohol arrests and four (4) drug-related arrests. He took the opportunity to comment both the Fire and Police Department on how well they worked together to handle the traffic issues on the island for the Memorial Day weekend; he said, "All the City employees really did a good job in handling an incredibly crowded island." He agreed with the Administrator that the problem was not the number of people, but the number of cars on the island trying to park legally.

Chair Buckhannon opined that signage should be on the Mount Pleasant side of the Connector telling people that parking was full on the Isle of Palms in an attempt to divert people away from the island.

Captain Swain announced that one (1) officer has completed the Justice Academy and would be returning to the island to begin field training for a month. Currently three (3) officers are attending the Academy, and one (1) will be completing his training in the month of June.

When the Chair asked about coyote management, Captain Swain stated that very few sightings were reported in May and that the traps had successfully caught possums and raccoons, but not any coyotes.

**7. Miscellaneous Business**

**Next Meeting Date:** 9:00 a.m., Monday, July 1 in the Conference Room

As the meeting was ending, Chief Cornett said that he was glad to be here.

**8. Executive Session – not needed**

**9. Adjournment**

**MOTION:** Chair Buckhannon moved to adjourn the meeting at 10:25 a.m.; Councilmember Bell seconded and the motion Passed unanimously.

Respectfully submitted:

Marie Copeland  
City Clerk

**Public Works Committee**  
4:00 p.m., Wednesday, June 5, 2019

The regular meeting of the Public Works Committee was held at 4:00 p.m., Wednesday, June 5, 2019 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmember Smith and Chair Rice, Administrator Fragoso, Public Works Director Pitts and Clerk Copeland; a quorum of the Committee was present to conduct business. Councilmember Kinghorn was absent.

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

**2. Approval of Previous Meeting's Minutes**

**MOTION: Councilmember Smith moved to approve the minutes of the regular meeting of May 7, 2019 as submitted; Chair Rice seconded and the motion PASSED UNANIMOUSLY.**

**3. Citizens' Comments**

Katrina Limbach, 5 Duck Lane, was back to the Committee wanting to work with the City on an official trash/litter themed beach campaign; she said that she has some ideas, but did not know the right time to bring them up. She wanted to include the local businesses and short-term rental companies to assist in getting the word out about the new ordinances and suggestions about how to better approach the beach and live in a cleaner way when they are on the island. Since her background is in public relations, she would very much like to be involved; she said that she was willing and anxious to be a part of whatever the City does to promote a cleaner beach. She also asked for an update on the lidded trashcans for the beach, and she was told that, at three hundred dollars (\$300) each and with some one hundred fifty (150) barrels deployed on the beach plus those at the end of the beach accesses, they were cost prohibitive.

**4. Departmental Reports for May 2019**

Director Pitts reported that compared to May 2018, garbage was up only slightly while yard debris was down significantly from the prior year; he reminded the Committee that the island was still cleaning up from a storm a year ago. Miscellaneous garbage was about equal to last year; he believes that homeowners were still cleaning out and getting ready for the season. Personnel conducted ten (10) beach sweeps in the month, and the Director mowed the rights-of-way from 21<sup>st</sup> to 41<sup>st</sup> Avenues once – if the drought continues, they will not need to be mowed again anytime soon. DOT was on the island fixing sidewalks on Palm and Waterway Boulevard, and Eadies began the vac truck portion of the general ditch maintenance contract. In May, vehicle maintenance reached fifty-six hundred dollars (\$5,600); with less than one thousand dollars (\$1,000) remaining in the vehicle maintenance budget, the Public Works Department will go over budget a couple of thousand dollars.

Director Pitts reported that four (4) candidates were interviewed for the Public Works Assistant Director of Facilities and Maintenance, and an offer has been made to one (1). Assuming he accepts the offer, he will begin on Tuesday, June 18<sup>th</sup>.

Responding to Councilmember Smith's question, the Director explained that a beach sweep happens when Public Works personnel remove the chairs, umbrellas, etc. that visitors have left on the beach and the Police Department has tagged as having been left on the beach overnight. They typically remove truckloads after a weekend.

The Director also reported that, on May 25<sup>th</sup>, some one hundred fifty (150) bags of restaurant garbage was all over the compactor and running down the pad; the employees who left it simply did not know to turn it on. The Director reached out to Captain Swain, and he contacted the restaurants involved for them to clean up the area and to train their wait staff on the proper operation of the compact. He has not had a problem since.

The Administrator reported that the message had been delivered that the situation was unacceptable and would not be tolerated.

## **5. Old Business**

### **A. Update on Phase II Drainage**

Administrator Fragoso reported that Thomas and Hutton was finishing up with the conceptual plans and the cost estimates, and they are to be sent to the City by the end of the week. She noted that they are also selecting the small and impactful projects to be done with the five hundred thousand dollars (\$500,000) earmarked in the FY20 budget; they expect to deliver them to the City in four to six (4 – 6) weeks.

### **B. Status of the renovations to the Public Works workshop**

The Director said that two (2) items remain on the punch list, and two (2) pieces of furniture have not been delivered. In order to keep the workshop in pristine condition, the Director has hired the same crew that cleans City Hall for a weekly cleaning.

He also reported that the air conditioner has a new condenser and coil and is fully operational.

Once the furnishings come in, the Chair wants to hold a meeting in the workshop.

### **C. Update of general ditches and drainage issues**

Director Pitts reported that Eadie's has been all over the island; he noted that the new financial software lists the specific streets/ditches that are included in each invoice for excellent record keeping.

Administrator Fragoso informed the Committee that she and Directors Kerr and Pitts met with representatives from SCDOT earlier in the day, and their personnel will be on the island beginning Monday to complete work orders that have been placed by residents and other small drainage projects in the SCDOT right-of-way. One (1) particular flooding issue they were asked to solve was on 25<sup>th</sup> Avenue, and the proposed solution was more comprehensive than staff had anticipated and could positively affect the problems on Tabby Lane. Tabby Lane resident's came to the Committee offering to fund the improvements. She reported that Director Kerr has contacted the property owners, and Thomas & Hutton has completed the design for the project according to SCDOT's recommendation. The City was going to allow SCDOT to proceed with their solution and then reassess the flooding/drainage situation for 25<sup>th</sup> Avenue, Tabby Lane and surrounding streets.

Responding to the Chair's question about the area on Hartnett between 30<sup>th</sup> and 31<sup>st</sup> Avenues, Director Pitts said that he had taken the County engineer there but no action has been taken; he said that he would reach out to the County again.

**D. Update on Public Works Assistant Director**

As the Director stated earlier, four (4) candidates were interviewed, and an offer has been made to one (1) of them. The Administrator indicated that they were negotiating the salary and expect to have him on-board beginning June 18<sup>th</sup>.

**E. Update on dumpster location for Goat Island residents**

Director Pitts had no update for the Committee.

**6. New Business**

**A. Thomas & Hutton recommendations for small drainage projects**

Administrator Fragoso reported that Thomas & Hutton would have the report ready in four to six (4 – 6) weeks.

**B. Discussion of garbage on the beach**

Chair Rice commented about the volume of garbage left on the beach Memorial Day weekend, and she asked Mr. Garrels, the City's contractor (JLG Enterprise) for beach garbage collection, to inform the Committee about what he is finding to be problematic on the beach.

Mr. Garrels stated that the whole weekend was terrible and the garbage was concentrated from the pier to Coconut Joe's. He indicated that, when he empties a barrel, he also tries to clean twenty to thirty (20 – 30) feet around it. He told the Committee that they would be surprised the people that are on the beach between midnight and 3:00 a.m.; he frequently sees people sitting on a blanket eating and drinking when he is picking up garbage. When he returns to the beach later to setup his chairs and umbrellas, he sees that the late night people simply got up and left everything where it was; he added that it has become a commonplace occurrence.

Answering Councilmember Smith, Director Pitts said that the late-night beachgoers has become a problem in the last six (6) years.

Mr. Garrels thought that these people were locals, not tourists staying in the condos, but residents of surrounding communities. He said that many people were coming to the beach from the municipal parking lot and down the ramp between 1140 Ocean and Sea Cabins; he noted that he has eight (8) trash barrels there that they were always overflowing, and he was dumping them twice a day sometimes. The bulk of the recycling he picks up is beer cans and beer and liquor bottles; he sees very little plastics.

Director Pitts explained that the responsibility for keeping the beach clean falls to the Public Works Department; therefore, when a piece of equipment breaks down that was used on the beach, he would call in two (2) of his lowest paid employees to clean the beach. Cleaning the beach by hand means emptying the garbage barrels. It is, at least, an eight (8) hour job for two (2) people; they will be paid at their overtime rate, and they might complete the job. The Director noted that Mr. Garrels has been adamant about doing the job himself while the equipment is being repaired;

his wife helped him one (1) day and he hired a young man to help him on another day. In an effort to keep costs down, Director Pitts has allowed Mr. Garrels to do the task, and, according to the Director, "he has done an exceptional job."

Councilmember Smith asked Mr. Garrels if he thought stepped up enforcement would help, but he was not sure it would help.

Since the City has only been able to hire five (5) of the ten (10) BSOs budgeted for, the Administrator told the Committee that the Public Safety Committee discussed following Kiawah and Seabrook in contracting for beach patrol services. These patrol officers are non-certified persons who would be authorized to issue municipal summons for violations of the City's ordinances on the beach. She noted that this would produce another expense, and she was not sure that they would expand their services to the Isle of Palms. With the shortage of BSOs, she stated that the City could not dedicate officers or BSOs to patrol the beach for City Code violations.

The Committee agreed with the need to run an educational campaign and to take advantage of Ms. Limbach's talents and enthusiasm. Chair Rice urged Mr. Garrels to contact her or Director Pitts about any ideas he has that might help him to do his job.

### **C. Discussion of construction and household garbage and debris**

Chair Rice commented that construction projects were happening all over the island and that the contractor did not have a dumpster on site; she asked if the City had a means of requiring a dumpster to hold construction debris.

Director Kerr said that he thought the City could enact an ordinance requiring a dumpster, but, when he and the Administrator discussed it, they questioned how one would distinguish between those projects that must have a dumpster and which do not. The Director said that the Building Department is alerted to three or four (3 - 4) jobs per year that need dumpsters, but do not have them. Maybe twice a year, a massive pile has been left for Public Works to pick up, and they do not do it; it must be removed by the property owner or the contractor.

As the Building Inspector travels the island, he has not noticed a problem he thought deserved addressing, and Director Pitts has not had anyone contact him about a particular address that was problematic. Director Kerr recommended that, when the Chair sees or is contacted about a problem with construction debris to report it to him or Director Pitts.

Director Pitts said that, if a resident is renovating a bathroom himself, the City will pick up construction debris when it is placed on the street; if a contractor is re-doing a bathroom, the City does not pick it up.

Chair Rice has seen homeowners with a do-it-yourself renovation create tremendous amounts of debris, and the projects continues for months. She does not think the City should remove it and that the homeowner should be required to get a dumpster.

If the pile was massive, Director Pitts said that he would call with the Livability Officer or Director Kerr.

Another of the Chair's complaints involved those contractors or residents who fill a pickup truck with debris and go across the Connector with their debris blowing out all along the way; she questioned that the City had an ordinance requiring that the debris be covered and tied down.



According to Director Pitts, enforcement of the debris blowing off a truck would fall to the Police Department as littering violations; it is a state law that such debris must be covered. He also stated that enforcement could only happen when the contractor was caught in the act.

Councilmember Smith asked Director Kerr if any instructions or statement of the City's expectations were given to contractors when they got their permits.

Director Kerr responded that, when ordinances change that affect their work, the Building Department staff does have an educational period, for instance when the work hours were changed a couple of years ago; however, they do not have a standard packet of information for contractors.

The Chair advocated having a handout for contractors about their responsibility to remove building materials and other debris from the island, and, if the materials and/or debris were removed in an open truck, they must be securely covered so that it will not blow off.

Administrator Fragoso told the Committee that, when the City received a complaint about debris blowing off trucks and onto the Connector, it was typically accompanied with photographs identifying the company, and the City then contacts the company and warns it about any future violations of littering laws.

Director Kerr said that he could definitely produce a poster with the State code on it related to covering loose materials in a truck; he suggested that the City could have a different message for each month, for instance, securing a construction site prior to a major storm, requiring drainage plans for new construction, etc.

Director Pitts stated that, when a large pile of construction materials is left for the City to remove, he is notified by one (1) of the drivers and asked to come to the address involved.

Use of the City's website and social media sites were also referenced as good ways to get the message to contractors and do-it-yourselfers.

A final issue for the Chair was, when houses were cleaned out, the family members frequently put all of the furniture, carpet, books, etc. on the street for Public Works to remove. She wanted to know the Director's policy on this type of debris and if he wanted to continue the practice of removing it. She asked if he thought that type of debris should be contained in some way to keep it from blowing around.

Director Pitts stated that he did not know how it would be enforced since the person(s) must be caught in the act; he reported that these large piles show up in the spring and fall. He referenced the May monthly report that showed forty-four tons (44 T.) of miscellaneous garbage was taken to the landfill; miscellaneous garbage is furniture, mattresses, books, etc. In addition, he said that all municipalities pick up miscellaneous garbage. He stated that the Public Works personnel typically picks up miscellaneous garbage on Wednesdays although they cannot get to the whole island in one (1) day.

Just as residents cannot put their household garbage out until 5:00 p.m. the day before the scheduled pickup by ordinance, Chair Rice suggested that a copycat ordinance be adopted regarding miscellaneous garbage.

Director Pitts said that, if miscellaneous garbage pickup was limited to one (1) day and the truck was full at 21<sup>st</sup> Avenue, the remainder of the island would not be picked up since the round trip to Bees Ferry took three (3) hours. The remaining two (2) days of the week would be consumed with garbage pickup although it takes more than one (1) day to pick up yard/miscellaneous debris on the island; in reality, yard/miscellaneous debris is picked up five (5) days a week.

Chair Rice expressed amazement that so many island residents did not know that Wednesday was the pickup day for miscellaneous garbage, so she suggested a short educational piece on Facebook to inform people about the garbage schedule. She also thought that having a sticker with the annual garbage schedule placed on garbage roll-out carts, similar to Charleston County's recycling calendar, would be effective.

According to Director Pitts, the amount of miscellaneous/yard debris drops dramatically during the months of June, July, August and September.

**D. Discussion of the ordinances related to the connection to the public sewer system that were deferred:**

- **Ordinance 2017-08 - An Ordinance to Require that all Subdivisions of Lots be Connected to the Public Sewer System and to Require Certain Information Related to Sewer Connection for the Subdivision Approval Process.**
- **Ordinance 2017-09 - An Ordinance 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**
- **Ordinance 2017-10 - An Ordinance to Require Mandatory Connection to Public Sewer System Where Public Sewer Line is Available upon the Sale or Transfer of Property.**

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With Councilmember Kinghorn's absence in mind, the Chair deferred this item until the next meeting.

**7. Miscellaneous Business**

**Next Meeting date: 9:00 a.m., Wednesday, August 7<sup>th</sup> in the Conference Room**

**8. Executive Session – not needed**

**9. Adjournment**

**MOTION: Councilmember Smith moved to adjourn the meeting at 5:08 p. m.; Chair Rice seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

**PERSONNEL COMMITTEE**  
8:30 a.m., Tuesday, June 4, 2019

The regular meeting of the Personnel Committee was held at 8:30 a.m., Tuesday, June 4, 2019 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmember Rice, Chair Moyer, City Administrator Fragoso and Human Resources Officer DeGroot. Councilmember Ferencz was absent and Clerk Copeland was late; a quorum of the Committee was present to conduct business.

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

2. **Approval of Previous Meetings' Minutes**

**MOTION:** Councilmember Rice moved to approve the minutes of the regular meeting of May 7, 2019 and the Special Meeting of May 28, 2019 as submitted; Chair Moyer seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments** – none

4. **Old Business**

A. **Status of Boards and Commissions criteria and selection process**

Administrator Fragoso reported that an Administrative Policy to assist the Committee in selecting persons to fill vacancies on boards and commissions; this policy was presented to the Planning Commission at their most recent meeting to get feedback from them. They asked for more time to study the policy and come back with their input. She noted that HR Officer DeGroot will be working on a draft of the administrative policy and revising the application for boards and commissions. The goal is to have these documents ready by the end of the month and presented to the Committee at the July meeting.

Councilmember Rice reminded the Chair that she would be on her vacation and unable to attend the July meeting. On the issue of boards and commissions, she said that she does not want to have appointments for life for any committee or board.

B. **Status of hiring Assistant Director of Public Works**

The Administrator told the Committee that an offer was made last week to Robert Asero currently with the Recreation Department and he accepted it. Since Director Pitts was heading on vacation next week, Mr. Asero will begin his work with the Public Works Department on Tuesday, June 18<sup>th</sup>, and Director Page hoped to fill his position by that date.

Chair Moyer expressed his assumption that Mr. Asero was not a licensed CDL driver and if a plan had been established for him to become qualified or certified in all facets of the job as it was envisioned.

A prime objective for this position was to be trained as a Class A operator for the underground storage tanks (UST), and he will be trained in the job beginning his first day. The Administrator added that she did not think that it was necessary for him to become a CDL driver.

Chair Moye thought that he should receive the UST training before hurricane season gets too far along.

Chair Moye said that he wanted the Committee along with staff to do a retrospective on the hiring process they have gone through over the past year to identify the things that went well and those that went awry and things that could be standardized.

## 5. New Business

### Discussion of implementation of new policy for 2019 merit adjustments

The Administrator acknowledged that the City has revamped its way of distributing the pool of money assigned to each department for the COLA and merit increases; this year, the City has adopted a full merit based performance evaluation. Council voiced a concern about the compounding effect of past increases over the years allowing the expense to grow at an unsustainable rate.

One (1) concept considered was to focus the merit-based pay increases on those employees who were below the midpoint of their pay range, and to have a separate scale for those employees who were above the midpoint of their pay range. This way of dealing with salaries should slow the growth of wage expenses.

The City staff will be evaluating a new tool for evaluating the performance of employees over the summer, but for the 2018 performance evaluations, the department managers used the same tool the City has used for many years. In the past, each department manager had his/her own scale for awarding the merit increases; Administrator Fragoso has worked to standardize the scale so that employees with the same evaluation score would get the same percentage increase. The evaluation scale is one to five (1 – 5) and the Citywide plan for employees below their midpoint is as follows:

<u>Evaluation Score</u>	<u>Percentage Increase</u>
• Below 3	0%
• 3.0 – 3.49	1.00%
• 3.50 – 3.99	1.50%
• 4.00 – 4.49	1.75%
• 4.50 – 5.00	2.00%

The Administrator and Treasurer Suggs were continuing to calculate increases using varying percentages since each department has a budgeted merit pool of money to work with.

For those employees who are at or above the midpoint of the salary range is as follows:

<u>Percentage Over</u>	<u>Percentage Increase</u>
• 0.00 to 10.0%	2.00% - 0.25% = 1.75%
• 10.01% - 19.99%	2.00% - 0.50% = 1.50%

Generally, a reduction of a quarter of one percent (0.25%) for each ten percent over the mid-point applied to the scale above for employees below their midpoint.

Councilmember Rice expressed strong concerns about the plan because she felt that long-term employees were being punished.

Chair Moyer said that it was not a penalty when an employee was getting a merit increase.

She added that she did not have an answer, but did have a concern. Councilmember Rice continued that the employees above the midpoint should have and deserve to have the same opportunity for pay increases; in her opinion, these employees worked just as hard as those below the midpoint did.

According to the Administrator, this model was used across the country, private companies as well as local governments. She responded to Councilmember Rice that employees do not have any other opportunity to get pay increases in any other fashion since the COLA adjustment has been eliminated.

Councilmember Rice contended that the cost of living continues to increase, and the pay adjustments proposed for employees over the midpoint would not offset the increases of goods and services.

Chair Moyer reminded Councilmember Rice that Council was working with finite resources in a finite budget. Simultaneously, Council must be stewards of the taxpayers' money and the City's employees.

Administrator Fragoso told the Committee that each position in the City has a salary range that was increased every year by the CPI. She noted that, for the past ten years, the CPI has averaged two point one or two point two percent (2.1% - 2.2%); she suggested that the cap on the merit scale be two point two percent (2.2%) not two percent (2%) as presented. After more discussion, she suggested using the year's CPI, published by the US government in February, as the ceiling for the merit adjustments.

Chair Moyer asked if the goal for the meeting was to make a recommendation to Council of the plan and the numbers.

The Administrator indicated that she wanted feedback from the Committee and a discussion of the plan with the numbers; after the discussion at Ways and Means, she anticipated a recommendation for City Council's approval the following week. She acknowledged that the proposed plan was a work in progress and that evaluations were still being turned in from the Police Department. Tangential to this discussion was the need for a new evaluation tool and the training to follow; she added that little training happened with the current tool and she was not sure that it was being used objectively. The Administrator said that she would send each Committee member the schedule showing how this plan played out in FY19, and she hoped that she would get feedback on it before the Ways and Means Committee meeting.

Chair Moyer opined that a new evaluation tool was "critical" because staff must have faith in and trust the evaluation tool to measure an employee's performance. He thought it would be difficult for Council to make a final decision on the proposed merit increase plan going forward without seeing, studying and discussing the new employee evaluation tool.

Councilmember Rice remembered the ceiling for the performance-based merit increases to be two point five percent (2.5%).

Administrator Fragoso responded that the Treasurer would run the numbers with a two point five percent (2.5%) ceiling so she could see the impact it makes on the merit pool for each department. The Ways and Means Committee will see the total of merit increases done the old way and the proposed new plan with a two and two point five percent (2.0% - 2.5%) ceiling for comparison.

The Chair said that he, Councilmembers Rice and Ferencz would like to see the other entities that are using the model being presented.

Chair Moyer said if they had looked at other models and discarded them for whatever reason(s), and the Administrator answered that they have focused on this model.

Councilmember Rice stated that Council had to be cognizant of the fact that the City of Isle of Palms was not a part of the private sector but a local government and to try not to compare one (1) against the other.

The Administrator and Treasurer have disused the possibility of bringing back the longevity proposal, an established dollar amount for a one time performance-based adjustment; this would be applied to those employees who are consistently evaluated at the top and have reached the top of their wage range due to the number of years worked.

Again, Councilmember Rice was uncomfortable with this proposal; in her opinion, employees must have a reason to remain employed with the City and to continue to perform at a high level.

## **6. Miscellaneous Business**

Councilmember Rice asked if a date had been set for the 2<sup>nd</sup> Annual Employee Appreciation Day, and HR Officer DeGroot answered not yet.

Next Meeting Date: 8:30 a.m., Tuesday, August 6<sup>th</sup> in the Conference Room

## **7. Executive Session**

**MOTION:** Chair Moyer moved to go into Executive Session at 9:02 a.m. to discuss personnel matters; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

The Committee returned to open session at 9:06 a.m., and the Chair announced that the Committee had not taken a vote or any other action while in Executive Session.

## **8. Adjournment**

**MOTION:** Councilmember Rice moved to adjourn the meeting at 9:07 a.m.; Chair Moyer seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland  
City Clerk



## **REAL PROPERTY COMMITTEE**

9:00 a.m., Wednesday, June 5, 2019

The regular meeting of the Real Property Committee was held at 9:00 a.m. on Wednesday, June 5, 2019 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmember Ward and Chair Bell, Administrator Fragoso, Attorney Copeland and City Clerk Copeland; Councilmember Ferencz was absent. A quorum of the Committee was present to conduct business.

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

2. **Approval of Previous Meeting's Minutes**

**MOTION:** Councilmember Ward moved to approve the minutes of the regular meeting of May 1, 2019 as submitted; Chair Bell seconded and the motion **PASSED UNANIMOUSLY**.

3. **Citizens' Comments** – none

4. **Comments from Marina Tenants** – none

5. **Old Business**

A. **Status of removal/replacement of the underground storage tanks at the IOP Marina**

Administrator Fragoso reported that the contractor has completed the work, and Marina Outpost was issued a temporary permit to pump gas. The temporary permit expires on June 14<sup>th</sup>, and they will issue the permit as soon as the City pays the necessary fees, i.e. the City received the invoice today. Director Pitts and the Marina Manager Berrigan have been trying to schedule the final testing as soon as possible, but it will not impact the Permit to Operate.

B. **Update on the marina docks rehabilitation project and status of permitting process**

Kirby Marshall of ATM was present for the meeting today with a couple of questions that need to be answered for the permit application to be submitted. He informed the Committee that they have a draft application package ready to submit to OCRM and the Corps of Engineers for the docks approved by this committee. He recalled that, in 2015, the Committee discussed the possibility of improvements to the boat ramp that would increase the angle, eliminate the drop-off at the end and replace the slippery finish. Since the City was going through the regulatory process for the docks and the permits are good for five (5) years, the consensus was that the boat ramp should be included in the permit although its replacement was not contemplated in the near future. The second issue that he needs feedback from the Committee was related to the replacement of the fuel dock and hut; Marina Manager Berrigan has discussed the possibility of applying to replace it with a slightly larger hut and adding ADA restrooms. Mr. Marshall cautioned that enlarging the hut could present some challenges from the regulatory perspective, and the restrooms will draw additional scrutiny. He also noted that the increased size of the fuel hut

increased the costs. He again asked for direction from the Committee about including these features to the permit application.

Administrator Fragoso stated that she was told by several Councilmembers that they wanted the docks replace "as is" in the rehabilitation, and she has explained that was the original direction given to ATM. Certain changes have been necessary to become ADA compliant.

The issues Mr. Marshall brought before the Committee at this meeting were expansions of the existing footprint and would add costs to the project for which the City was already searching for funding to accomplish.

Chair Bell stated that he was unaware of anything that would preclude the marina operator from participating in the costs of those items he was asking for. When Mr. Marshall stated that the permit application would be ready to mail in about a week, Chair Bell was confident ATM could wait until after the budget workshop to get an answer to his questions.

Mr. Kirby was asked to provide conceptual drawings for the budget meeting comparing what was there now and what was being asked for as well as cost comparisons; he agreed to provide them to the Administrator.

In addition, Mr. Marshall recalled that, when ATM was contracted to do the design work for the rest of the marina, no restrooms or mechanical systems were included that will now come into play with the addition of the expanded fuel dock. He said there could be additional design costs.

When asked about the permitting of the Tidalwave dock, Mr. Marshall told the Committee that he was regularly contacting the Corps of Engineers trying to get updates from them.

Michael Fiem said that he was told by the Corps of Engineers that they would not be allowed to encroach into the restricted area from the center of the Intracoastal Waterway.

### **C. Status of Public Safety Building Repairs project**

Administrator Fragoso stated that the City has received the assessment of the building along with the estimate for repairs and replacement of equipment that was at or beyond its useful life. The first step in the process, the forensics, has been completed, and it is now time to contract for the second phase which will be the negotiation of the design fees, overhead and profit percentages. Two (2) options are under consideration to fund the additional two million two hundred thousand dollars (\$2,200,000); the first is to issue a General Obligation (GO) bond and the second is to use fund balance since a large portion of the two million dollars is contingency funds. If Council decides to fund the balance of that project with fund balances, the City would avoid additional debt beyond that Phase III Drainage project. Once a decision is made, staff will enter negotiations with Trident Construction for the design and construction of the Public Safety Building remediation.

Councilmember Ferencz expressed concerns about the construction oversight which everyone agrees was seriously lacking in the original construction. Administrator Fragoso reported that she has met with Trident about the next phase of work, and they explained their plan for quality control. Trident will hire outside personnel to review and inspect the design, to make recommendations for improvements before construction begins. Third party inspectors will also be brought on for testing the major issues relative to the envelope and the roof, and included in the scope of work are third party inspectors to test the balancing of the HVAC system and of the roof and siding.

Additionally, the Administrator stated the City has the option to hire its own inspectors for quality control as well. The inspector would perform random testing of various components of the repair and would cost the City approximately fifteen thousand dollars (\$15,000).

Chair Bell opined that the third party inspectors hired by the contractor was simply another employee to the contractor, and his decisions would likely fall to the party signing his paycheck. On the other hand, he thought that the City's hiring its own quality control had merit and should be considered.

On the subject of funding, Chair Bell understood that the contractor included contingency in his calculations and the City added its own contingency. And he recalled that the idea of moving cash over to offset debt was a request made by Councilmember Smith, but he thought that Council should remain cognizant of the amount of cash on-hand. He repeated his belief that when the funds are drained and when eighty percent (80%) of the budget is related to headcount, the next step is a reduction in headcount due to spending of the fund balances. He agreed that the City could always move money around, but it could not always find sources of new money.

#### **D. Status of Agreed upon Procedures for all marina tenants**

Administrator Fragoso recalled sending a draft of the report from McCay Kiddy to all Council members; today she received the final report with no changes from the draft. She will share the final document with Council and the marina tenants; she stated that they would attend the Ways and Means Committee to present the report.

Councilmember Ward expressed his view of the report that they found no material discrepancies and noted that Morgan Creek Grill was perfect "with no variances whatsoever." He said that he was glad that the City went through the procedure.

Chair Bell explained that the intent of the procedure was "to identify all source revenue for the businesses being conducted out of the marina and to insure the proper flow of that income was represented in the submissions to McCay Kiddy."

#### **E. Update on marina restaurant RFP process with Lee and Associates**

Jon Chalfie and Hailey Clifton from Lee and Associates were present for the meeting to discuss their progress on the RFP accompanied with a draft document and to clarify some issues with the Committee; they refer to the RFP as a Call for Offers

The Call for Offers was to be put on the street as early as Monday, June 10<sup>th</sup> with a preliminary deadline of August 15<sup>th</sup>; he added that he has been speaking with prospective bidders around town. Mr. Chalfie said that he had not included anything saying that the City's preference was not to put in a dollar; he asked if it was possible for the City to get traditional financing to put a significant amount of money into the deal.

Chair Bell said that the City did not want to preclude any possibility, but, with the challenges to the infrastructure the City is facing, it would prefer not to put money into the deal.

Having been on Council when Hurricane Hugo hit, Councilmember Ward said that he did not like to pay fixed costs with tourism funds, aka variable income.

After the discussion, Mr. Chalfie said that he would not change the document relative to the City's contribution. He reported that the document includes a link to the building assessment done by Hill Construction.

Administrator Fragoso noted that a change was needed to the site plan of the marina to properly show the parking assigned to the restaurant.

Prior to sending out the Call for Offers, Mr. Chalfie told the Committee that he plans to meet with Jay Clarke and Brian Berrigan to discuss what they like and do not like, their concerns, what they want and do not want, etc.

Based on feedback he has received, Chair Bell thought that a deadline in mid-August giving roughly sixty (60) days to complete and submit offers was too short and asked that it be extended to September 1; he expressed his desire for quality responses.

The Administrator reminded Mr. Chalfie that they were responsible for assessing the offers once they were received to make their recommendation(s) to the Committee and City Council.

Mr. Chalfie explained that the selection process has two (2) separate pieces; they are

- 1) Choosing the offer that would benefit the City the most, and
- 2) Negotiating the deal with the party submitting the offer.

The Administrator said that the City's timeline indicated that the City had a clear direction about where it was going and negotiations began, and that was at the end of October.

Mr. Chalfie opined that the City would know September 1 if it had received an offer it was interested in pursuing. If no offer was acceptable, the process would start over.

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## **6. New Business**

### **Request of Tidalwave Watersports to provide an inventory of activities and vessels operating from the leased property and the boundaries of operation per SCDHEC-OCRM regulations**

Michael Fiem distributed a letter from his attorney to the Committee members, Administrator Fragoso, Attorney Copeland and Clerk Copeland; a copy is attached to the historical record of the meeting.

Chair Bell provided a printed copy of his comments for the historical record of the meeting; these comments concluded with statements about Tidalwave Watersports being in compliance with the terms of their lease and in compliance with all federal, state and local regulations. He stated that, while boating over the weekend, he saw two (2) parasailing boats belonging to Tidalwave when their lease explicitly states that they are allowed to operate one (1).

At this time, the meeting became quite contentious and Councilmember Ward intervened suggesting that the Committee go into Executive Session.

## **8. Executive Session**

**MOTION: Councilmember Ward moved to go into Executive Session at 9:45 a.m. to receive legal advice regarding contractual matters; Chair Bell seconded and the motion PASSED UNANIMOUSLY.**

The Committee returned to open session at 10:28 a.m., and the Chair announced that the Committee had taken no action and no votes while in Executive Session.

**7. Miscellaneous Business**

All marina tenants are current with their lease payments.

**Next Meeting Date:** 9:00 a.m., Wednesday, July 3, 2019 in the Conference Room

**9. Adjournment**

**MOTION: Councilmember Ward moved to adjourn the meeting at 10:29 a.m.; Chair Bell seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

Board of Zoning Appeals  
Minutes  
June 4, 2019

I. Call to order

The regular meeting of the Board of Zoning Appeals was called to order on June 4, 2019 at 5:30 p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Members present were Elizabeth Campsen, Carolyn Holscher, Arnold Karig and Glenn Thornburg; also, secretary Douglas Kerr was present. Pete Doherty was absent.

Mr. Kerr acknowledged that the meeting had been advertised in compliance with State law and the properties had been posted.

II. Approval of Minutes

Ms. Holscher stated that the minutes should be corrected since it states that she was present for the May 7, 2019 meeting when she was not. Mr. Karig pointed out that the word “made” was missing the “e” in the approval of minutes section.

Ms. Holscher made a motion to approve the minutes as corrected, and Mr. Karig seconded. The motion passed unanimously.

III. Special Exception - 3208 Hartnett Boulevard

Mr. Thornburg stated that the Board acted as a quasi-judicial body; therefore, all comments were treated in the same manner as court testimony and any person who would like to speak to the Board should be sworn in. He then swore in all members of the audience that would be speaking.

The applicant for 3208 Hartnett Boulevard was absent and the Board agreed to grant a continuance until the next meeting.

IV. Variance - 626 Palm Boulevard

Mr. Thornburg stated that the next item on the agenda was a variance request for 626 Palm Boulevard. Mr. Kerr read Sections 5-4-2(17), 5-4-33(6)(a), 5-4-12(h), and 5-4-5(b) of the City Code and explained that the subject property was a triangular lot in the SR2 zoning district located at the intersection of Palm Boulevard, a fork of Palm Boulevard and 7<sup>th</sup> Avenue. He stated that the SR2 zoning district has a 25-foot front setback requirement and corner lots were required to meet the front yard setback requirement on all street sides, which in this case is all three sides of the property.

He said that the applicant was requesting three setback variances to allow the construction of a new home. The request was to allow the house to project five feet into the 25-foot front yard setbacks on all three front sides to allow the house to be 20 feet from each property line.



Mr. Kerr noted that the applicant claims that the property is exceptional because of its unique triangular shape and that, because of this condition, the property presents an unnecessary hardship. Without the variances, the buildable area of the property was reduced, and the shape of the lot presents design challenges that could ultimately result in a home that does not match the character and aesthetics of other homes in the district.

Mr. Thornburg asked the applicant if he wanted to address the Board. Mr. Gray Taylor explained that he was representing Sea Island Builders in this case and that this was one of the most unique properties on the island. He stated that he understood the ordinance, but that technically it is impossible for every side to be a "front." He explained that the buildable area of this lot would be reduced to only 12 percent of the lot if the 25-foot setback were to be applied to all sides.

Mr. Taylor went through the four criteria the Board must consider when granting a variance. For criterion one, clearly the lot is exceptional as it is triangular with fronts on all sides. He believed criterion two was met because there were no other lots similarly situated. He believed that the third criterion was met by the fact that the buildable area was reduced to only 12 percent of the lot thereby unreasonably restricting the utilization of the lot. The fourth criterion was met because, without the variance, the house that would be built would have to be triangular in shape, tall, skinny and out of character with the houses around it.

Ms. Holscher asked if the buyers were unaware of the code requirements before they purchased the property. Mr. Taylor replied that his clients have not yet purchased the property.

Ms. Holscher asked if the property was going to be developed as a speculative home. Mr. Taylor answered that his clients would build the house pursuant to a contract with an owner.

Mr. Thornburg asked if anyone was present to make comments.

Joyce Tyler, 700 Carolina Boulevard, stated that, as she understood the plans, the applicant could build a 3,521 square foot house without the variances, and she did not see a need to give exceptions to allow the house to be any larger. She explained that the larger the house, the more people it would accommodate, which that was not what the neighborhood needed.

Steve Souther, 622 Palm Boulevard, stated that he is probably the closest neighbor to this lot and that the triangular shape of a house that could fit on the property would not be out of character with the area. He opined that it would fit nicely with the Patel's house that was just built behind this lot. He recalled that the Patel's made a similar request on a similarly shaped lot and they were denied a variance by the Board. Therefore, he could not see how the Board could deny the Patel's request and approve this request. He explained that the neighborhood already struggles with a lack of greenspace and an abundance of traffic; a house with a

larger footprint than what was allowed would not help the situation. He stated that he was opposed to the Board granting the variance.

Mr. Hamlin O'Kelly, an attorney representing the applicant, explained that issues, such as traffic, parking and open space, were not at hand in this request and the discussion should be limited to the setback request.

Mr. Jennings Wise, 620 Palm Boulevard, reported that everyone in the neighborhood was contacted by the applicant regarding this case, except him, but his property would be the most impacted by the request. He believed it would be unfair for the Board to approve this request after recently denying the Patel's request, which was almost identical.

Ms. Gloria Friedgen, 518 Palm Boulevard, explained she would be concerned about the precedent that the Board would be setting by granting this variance.

Mr. Fowler, Sea Island Builders, stated that he knew there were concerns, and he tried to get out into the neighborhood to hear them. He explained that he did not want to show up at Mr. Wise's house unexpectedly, so he did not knock on the door. He stated that he met with Mrs. Patel and that the proposed configuration preserves more of their view and would benefit them. He believed that, if the variances were granted, a more traditional design, would be the best fit for the neighborhood. Since the lot is residentially zoned, something will be built, but he wanted it to be keeping with the neighborhood.

With no more comments, Mr. Thornburg asked for a motion. Mr. Karig made a motion to deny the request based on the fact that the request does not meet Section 5-4-(b)(3) of the City's Code because a house of reasonable size and shape can be developed without the issuance of variances. Ms. Campsen seconded the motion and explained that, in the submittal, the applicant has shown a house that can be built without the variances, and it is only 24 square feet smaller than what is being requested. The vote was unanimous to deny the request.

#### V. Miscellaneous Business

Mr. Kerr stated that the Personnel Committee of Council has requested that each City Board and Commission provide feedback and guidance for selecting members for the particular board. He stated that issues that have been requested include term limits, board composition and qualities of an ideal board member. He stated that he would include this on next month's agenda for discussion.

#### IV. Adjournment

With no other business, the meeting was adjourned at 6:05 p.m.

MINUTES OF THE ISLE OF PALMS  
PLANNING COMMISSION MEETING  
June 12, 2019

The Isle of Palms Planning Commission met in the City Hall conference room, 1207 Palm Boulevard on June 12, 2019 at 4:30 p.m. Members attending included Richard Ferencz, Ron Denton, Bill Mills, Vince DiGangi, Lewis Gregory and Lisa Safford; the Director of Planning Douglas Kerr was present as well. Phillip Pounds was absent.

Mr. Ferencz acknowledged that the press had been notified of the meeting and the agenda for the meeting was posted in City Hall and the Building Department to comply with the Freedom of Information Act.

**PUBLIC COMMENTS**

Elizabeth Campsen, 32 Intracoastal Court, explained that she wanted to offer comments on the short-term rental issues. She felt it was the large party groups, like fraternity and sorority groups, that disrupted neighborhoods. She also suggested that the Commission look at the timing of when the residential parking limitations expire and when the overnight parking limit for short-term rentals comes into effect. She believed that there was a gap in coverage after 6 p.m. when there was no limit to the amount of on-street parking a rental house could use. She suggested that the City look at the enforcement policies of Edisto Beach; they do not have a formal short-term rental policy, but they appear to be very stringent on livability codes like noise, trash and parking. She stated that a modification to the wording of the noise ordinance should be considered.

Mr. Mills asked if Ms. Campsen has had any enforcement issues. She answered that she has had instances when her neighborhood was overrun with cars, and she has called about the issue, but she believes the cars might have been there during the time when the ordinance does not regulate non-resident parking.

Mr. Denton stated that to address the issue of the party houses, the Commission may want to focus on the ordinance's definition of family, as it appears to allow unrelated people to be considered a family. Ms. Campsen agreed and stated that she did not want to see the Isle of Palms become a party destination city.

**APPROVAL OF MINUTES**

Mr. Mills moved to approve the minutes of the May 8, 2018 meeting, and Mr. Denton seconded. The motion passed unanimously.

## **RECOMMENDATIONS ON FUTURE PLANNING COMMISSION MEMBER SELECTION**

Mr. Ferencz asked if the Commission was agreeable to reordering the agenda to move this item up, and they agreed. Mr. Kerr recalled that the Personnel Committee had asked for feedback on how future Planning Commission members should be selected, whether term limits would be helpful to get new ideas, what the ideal makeup of the Commission would be in terms of background and the location of their home. He stated that Wynette DeGroot, the City's Human Resources Officer, was present and could provide more information on the Personnel Committee's request. He stated that Mr. Ferencz had provided an outline of qualifications to consider as a starting point for discussions.

Ms. DeGroot explained that this task originated from the Personnel Committee's desire to get more residents involved with the City. Mr. Kerr stated that the Chair advocated for four-year terms, up from two-years, and that terms could be renewed at the discretion of City Council. Mr. Mills asked if the Chairman was ever consulted by the Personnel Committee when a member was up for renewal. Mr. Ferencz answered no. The Commission agreed with the Chairman's suggestion and added that the Personnel Committee consult with the Chairman at renewal time to discuss the current needs of the Commission.

The Chairman's suggested composition of the Commission was a commercial real estate agent, a residential architect, a commercial general contractor, a financial manager, a marina operator, a real estate investor, and two at-large members, with two representatives living inside Wild Dunes.

The Commission generally agreed that the makeup as define by the Chair was the ideal, with the modification of there being one at-large member and one or two Wild Dunes' residents.

The Chairman's list of alternate skills, if the ideal makeup is not available, included a residential real estate agent, a residential builder, a civil contractor, an investment adviser, someone with marina experience and a civil engineer.

The Chairman's list of what personality traits the Committee should seek included being a team player, a full-time resident, knowledgeable of the island, availability during the day and a commitment to attending meetings, and the Commission members agreed.

## **DISCUSSION OF LOT COVERAGE ORDINANCE**

Mr. Kerr recounted that, at the last meeting, the group recommended that Council adopted an ordinance reducing the allowable lot coverage for SR1 and SR2 from 40% to 35% and requiring all new hard landscaping to be pervious. He explained that the staff had prepared an ordinance and Council had given the ordinance first reading. Since the Commission had not seen the final version, it was attached for review.

Ms. Safford stated that the draft was consistent with the Planning Commission's recommendation and moved to recommend that Council adopt the ordinance as amended. Mr. DiGangi seconded the motion and the motion passed unanimously.

## **DISCUSSION ON SHORT-TERM RENTAL ISSUES**

Mr. Kerr noted that, at the last meeting, the Commission agreed to pull together data on short-term rentals. He stated that the packet included a comparison of local short-term rental regulations, the number of short-term rentals licensed in the city over time, data on noise complaints over the last 12 months, and data on the percentage of newly constructed homes that are rented. He also included a previously considered zoning scheme whereby the areas farther from the ocean had more stringent rental limitations than those closer to the beach and the report from the Planning Commission's review of issues from a similar effort in 2009.

Mr. Kerr stated that, from his research on the issue, clearly there are more municipalities regulating short-term rentals providing many more examples of how to approach the issues. He noticed a lot of communities include a cap on the total number of rentals, many communities limit the area where rentals are allowed, some require a safety inspection, and many require that the owners be present during the rental.

The Commission agreed that the analysis does not show any trends that indicate an increase in the number of rentals, the number of complaints, or the number of buildings being built to be rented.

Mr. Kerr explained that, in the next fiscal year, the Commission should have more data to review when the new tracking software is implemented that will track and map short-term rentals. He believes that the new software would also identify short-term rentals that are currently operating without a rental license.

Mr. Gregory voiced interest in knowing if any conclusions could be drawn to determine whether a locally managed rental was less likely to have a complaint than a rental that was remotely booked and managed. Mr. Kerr said that he could gather this information from the noise complaint data compiled.

Mr. Mills questioned the enforcement of these standards and asked if the Livability Sergeant could attend the next meeting. Mr. Kerr answered was confident that those arrangements could be made.

The Commission generally discussed the idea of formalizing the “three (3) strikes and you are out” policy that is currently implemented administratively; this would be useful topic to discuss with the Livability Officer.

Mr. Mills stated that the City of Charleston requires that the rental license number be listed on advertising materials to easily monitor compliance. Mr. Kerr was willing to consider that requirement, but he did not know if it would be necessary once the compliance software was tracking compliance through location.

The group agreed that research should be done to ensure that the short-term rental parking policies were not contrary to the residential parking policies and that there was not an unintended time gap when neighborhoods are not protected. According to Mr. Kerr, at the time the short-term rental policies were implemented, the concern was too many cars on the rental property, and it could have the effect of pushing cars onto the right-of-way. Additionally, he stated that the short-term rental provisions predated the residential parking provisions, so it could be that the impact was different now.

For the next meeting, the Commission would look at

- whether or not having a locally- managed rental impacts the likelihood of a complaint,
- whether the parking requirements need to be amended not to impact the residential parking program,
- whether 40 people at once was too many,
- whether the “three strikes and you are out” provision needs to be formalized,
- whether or not an inspection of each rental creates liability issues for the City,
- whether listing the rental license number on any marketing materials would be helpful for enforcement, and
- to discuss some of these matters with the Livability Officer.



### **UPDATE ON DRAINAGE PLANNING**

Mr. Kerr recalled that the Commission had received conceptual materials from Thomas and Hutton regarding drainage and had agreed that it would be helpful to have a joint meeting with City Council, Thomas and Hutton, and the Planning Commission to discuss next steps.

### **UPDATE ON MOU WITH WATER AND SEWER COMMISSION**

Mr. Kerr reported that the City staff and the Water and Sewer Commission staff had met and would try to facilitate a joint meeting regarding future steps to expand the public sewer system. In the meantime, the Public Works Committee of City Council has asked that the Planning Commission's recommended ordinance changes relative to the expansion of the sewer system come back before Council for consideration.

### **MISCELLANEOUS BUSINESS**

Mr. Kerr stated that the Commission has not had its annual legal briefing and he would try to schedule it for July. Mr. Mills asked if special attention could be paid to the legal issues involving short-term rentals. Mr. Kerr responded that he would pass this request along to the City Attorney.

### **ADJOURNMENT**

With there being no further business, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,  
Richard Ferencz, Chairman

**ORDINANCE 2019-10**

**AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020.**

WHEREAS, Subsection 3 of Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, requires that a municipal council shall act by ordinance to levy taxes and adopt a budget pursuant to public notice;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Isle of Palms, South Carolina, in council duly assembled, that the following provisions are hereby adopted and enacted:

Section 1. The prepared budget and estimated revenue for the payment of the same is hereby adopted and made a part hereof as if fully incorporated herein and a copy thereof dated \_\_\_\_\_ is attached hereto.

Section 2. The City Administrator shall administer the budget and may authorize the transfer of appropriated funds within departments as necessary to achieve the goals of the budget as established by City Council.

Section 3. If, for any reason, any sentence, clause or provision of this ordinance shall be declared invalid, such shall not affect the remaining portions thereof.

Section 4. This ordinance shall become effective immediately upon its ratification by City Council.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF ISLE OF PALMS ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jimmy Carroll, Mayor

Seal

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

## **ORDINANCE 2019-11**

### **AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS.**

WHEREAS, the Isle of Palms Council is empowered with the authority to make substantive amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so;

WHEREAS, the City of Isle of Palms, like most municipalities in the Lowcountry, have experienced significant increases in flooding associated with tidal and stormwater influences;

WHEREAS, the City of Isle of Palms believes that additional impervious surfacing only adds to the problems associated with stormwater runoff and less stormwater absorption and it is necessary reduce the amount of impervious surfacing added to the island;

WHEREAS, the Council of the City of Isle of Palms desires to amend its ordinance on maximum lot coverage, to reduce the amount of area allowed to be covered by impervious materials in order to address these concerns;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 4, Zoning of the Isle of Palms Code of Ordinances, specifically Section 5-4-13 (Maximum lot coverage; floor area ratio requirements; additional setback requirements).

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 5-4-13. - Maximum lot coverage; floor area ratio requirements; additional setback requirements.

1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:
  - (a) Not more than thirty-five percent (35%) of the area of a lot shall be covered by impervious surface, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet.
  - (b) All newly installed hard landscaping, including, but not limited to walkways, driveways, pool surrounds, and ground level patios, shall be constructed using pervious materials.

- (c) A homeowner or his/her designee may make substantial repairs or replace an existing impervious surface within its original footprint, as long as all work is commenced and substantially completed within six (6) months from the date of removal. If the work is not
- (d) substantially completed within the six-month time frame, the surface will be subject to the current regulations.

SECTION 2. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: May 28, 2019

Public Hearing: June 25, 2019

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

## **ORDINANCE 2019-12**

### **AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, CHAPTER 3, BEACH AND MARINE RECREATION REGULATIONS.**

WHEREAS, City Council of the City of Isle of Palms, South Carolina has a duty to protect its natural environment, its economy, and the health of its citizens;

WHEREAS, in an effort to further this goal, the City desires to regulate the use of its beaches for the purposes of commercial film and photography;

WHEREAS, City Council of the City of Isle of Palms finds that it is in the best interests of the residents and visitors of the City to amend its ordinances to regulate and monitor commercial activity on its beaches as it relates to the film industry;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Title 7, Licensing Regulations, Chapter 3, Beach and Marine Recreation, is hereby amended to state as follows:

#### **“CHAPTER 3. – BEACH AND MARINE RECREATION**

##### **Sec. 7-3-20. - Commercial activities restricted.**

No person shall sell or rent, or offer to sell or rent, any goods, merchandise, or services, or solicit any trade or business, on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge, except pursuant to a franchise granted by City Council, or pursuant to a City-sponsored activity or event.

Any commercial photographer or videographer who seeks to take photographs and/or shoot film or video in a professional capacity, must submit an application for a permit no later than 14-days prior to the shoot and satisfy the requirements to obtain such permit. The City may limit production of these activities at any time it believes it may create disruption on the beach or pose a health/safety risk to the public.

However, a commercial photographer who is not soliciting on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge, will not be required to obtain a permit to implement a prior contract to take still photographs on the beach for a fee. The use of the beach to take still photographs for a fee shall be limited to no more than one (1) hour on the beach per day for this activity.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction; the remaining parts shall be severable therefrom and shall continue to be

in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: May 28, 2019

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_



## **ORDINANCE 2019-13**

AN ORDINANCE AMENDING TITLE 3, PUBLIC WORKS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, CHAPTER 4, SINGLE-USE PLASTIC BAGS.

WHEREAS, City Council of the City of Isle of Palms, South Carolina has a duty to protect its natural environment, its economy, and the health of its citizens;

WHEREAS, in an effort to further this goal, the City desires to eliminate the use of single use plastics on its pristine beaches;

WHEREAS, City Council of the City of Isle of Palms finds that it is in the best interests of the environment, marine life, and residents of the City to prohibit the use of single-use plastic bags, plastic straws, polystyrene coolers and polystyrene food containers, cups, and balloons from its beaches and amends its ordinance to reflect the same;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Title 3, Public Works, Chapter 4 is hereby amended to state as follows:

### **“CHAPTER 4. – ENVIRONMENTALLY ACCEPTABLE PACKAGING AND PRODUCTS**

#### **Sec. 3-4-6. Prohibited Sales and Uses.**

- a) No Business Establishment or event promoter in the City of Isle of Palms may sell, rent, or otherwise provide any single-use plastic bag, Disposable Food Service Ware, or polystyrene/plastic foam product which is not wholly encapsulated or encased within a more durable material, except as exempted in this Ordinance. This specifically includes, but is not limited to cups, plates, bowls, clamshells, and other products intended primarily for food service use.
- b) To improve and maintain the pristine beach and ocean environment of the City of Isle of Palms, single-use plastic bags, plastic straws, polystyrene coolers and polystyrene food containers, cups, and balloons will be prohibited on the beach.

#### **Sec. 3-4-5. – Enforcement and penalties.**

- (1) The Police Department has primary responsibility for enforcement of this chapter. The designated Livability Officer is authorized to promulgate regulations and to take any and all other actions reasonable and necessary

to enforce this chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any business establishment during business hours.

(2) If the Livability Officer determines that a violation of this chapter has occurred, he/she will issue a written warning notice to the owner or operator of the business establishment that a violation has occurred and the potential penalties that will apply for future violations.

(3) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall be deemed guilty of a misdemeanor and shall for each violation, upon conviction thereof, be punished as provided in section 1-3-66. The penalty shall not exceed One Hundred (\$100.00) Dollars for a first violation; Two Hundred (\$200.00) Dollars for a second violation within any twelve (12) month period; and Five Hundred (\$500.00) Dollars for each additional violation within any twelve (12) month period. Each day that a violation continues will constitute a separate offense.

(4) For offenses of section 3-4-6 (b) a verbal warning may be issued; however, violators are subject to a penalty of one hundred (\$100) dollars per offense.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction; the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance shall take effect on January 1, 2020.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

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Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

ORDINANCE 2019-14

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 2, ANIMALS, ARTICLE B: DOGS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO RECOMMEND ALL DOGS, RESIDENT AND NON-RESIDENT, TO HAVE A WRITTEN PERMIT FROM THE CITY AT NO COST AND STATE ISSUED TAG TO SERVE AS PROOF OF RABIES INOCULATION AND TO ADOPT LANGUAGE IN THE ORDINANCE TO REQUIRE PROOF OF CURRENT RABIES INOCULATION.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Section 6-2-11, is hereby amended by deleting in its entirety and replacing it to state as follows:

“Sec. 6-2-11. - Permit recommended; Term.

It is recommended that any person, resident or visitor, to own, keep, harbor or allow a dog within the City limits, exercise, walk, or allow a dog on public properties apply for a free permit from the City. Each permit shall be valid for one calendar year commencing January 1 of each year, and no longer.”

SECTION 2. That Section 6-2-12, is hereby amended by deleting in its entirety and replacing it to state as follows:

“Sec. 6-2-12. - Certificate of vaccination required and presented prior to permit and tag issuance.

No person shall own, keep or harbor any pet within the city, or be issued a permit, unless the pet has been vaccinated against rabies as provided herein.

(A) Unless the pet has received (as evidenced by certificate) a vaccination from a licensed graduate veterinarian using a vaccine which is good for a period of one year, provided the vaccine has been approved with the longer period of time specified by the State Department of Health and Environmental Control after consultation with the executive committee of the Association of Veterinarians.

(B) A State Department of Health and Environmental Control certificate of pet rabies vaccination will be issued by a licensed graduate veterinarian for each pet, stating the name and address of the owner, the name, breed, color and markings, age, sex of animal and the veterinary or pharmaceutical control number of the vaccination.

(C) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal tag bearing the same number and year as is on the certificate. The metal license tag shall bear the name of the veterinarian and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag have been issued. Tags must be of the same color and shape when issued in offices of veterinarians.

(D) The owner shall have a valid certificate of rabies vaccination readily available at all times for inspection by the animal control officer, law enforcement officer or the SCDHEC designee.

(E) In the event that a rabies tag is lost, the owner shall obtain a duplicate tag within seven working days.

(F) A certificate of rabies vaccination issued by a licensed veterinarian from another state will be accepted as valid evidence provided it is less than a year from date of issue.

(G) Rabies inoculation must be given by age four months to all cats and dogs.”

SECTION 3. That Section 6-2-13 will be deleted in its entirety and will now read as follows:

“Sec. 6-2-13. - Removal of tag from dog prohibited.

No person shall wrongfully remove a tag from a dog registered as required by this article.”

SECTION 4. That Section 6-2-14 will be deleted in its entirety and will now read as follows:

“Sec. 6-2-14. - Running at large prohibited; exceptions.

(a) No person owning, having an interest in, harboring or having charge, care, control, custody or possession of any dog shall cause or permit the dog to be off the premises of its owner or custodian, unless such dog is securely confined by a strong leash, securely and continuously held by a competent person owning, having an interest in, harboring, or having charge, care, control, custody or possession of the dog, or unless the dog is confined within a vehicle, within an enclosure surrounded by an adequate fence or within a house. Provided, however, that a dog owner or other person charged with the custody and control of a dog may allow the dog to roam at large on the beach between the hours of 4:00 p.m. to 10:00 a.m. from September 15 through March 31, and between the hours of 5:00 a.m. to 9:00 a.m. from April 1 through September 14. Such owner or custodian shall at all times be in close proximity to the dog, have a leash in hand, and have the dog under control. Nothing contained herein shall affect a dog owner or custodian's duty to comply with all state laws regarding vicious or dangerous dogs, or the duty to comply with section 62-26 requiring the removal of animal excrement.

(b) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any diseased dog on the streets or public places of the City or allow the dog to run on the premises of another, at any time; unless and in addition to the other requirements of this chapter the dog shall be securely muzzled to effectively prevent it from biting any person or other animal.

SECTION 5. That Section 6-2-15 will be deleted in its entirety and will now read as follows:

Sec. 6-2-15. - Violation, impoundment, penalties.

- (a) It shall be unlawful for any person to fail to comply with the requirements of this article or to suffer or permit a dog to be a danger to the health, safety, or welfare of the public in violation of this article.
- (b) Any dog running at large in violation of this article shall be impounded. The owner of a licensed dog shall be given notice that the dog may be claimed from the City kennel within three (3) days. A dog with no license or identification will be held in the City kennel for two (2) days. An owner claiming a dog must comply with all requirements of this article and pay to the City an impoundment fee as established by City Council. Dogs not claimed within the applicable holding periods will be transferred to the County SPCA for disposal.
- (c) Violation of this article is a misdemeanor punishable pursuant to section 1-3-66.”

SECTION 6. That Section 6-2-23 will be deleted in its entirety and will now read as follows:

“Sec. 6-2-16. - Dogs not to disturb protected species and habitats.

In addition to the requirements of section 6-2-14(a), no person shall allow a dog to disturb protected species and habitats, as follows:

- (a) It shall be unlawful for any person to allow a dog to disturb nesting sea turtles, turtle nests or turtle hatchlings.
- (b) It shall be unlawful for any person to allow a dog to enter into critical habitat areas which have been posted to prohibit such entry by the City or the State Wildlife and Marine Resources Department.”

SECTION 7. That Sections 6-2-17 through 6-2-30 shall be reserved.

SECTION 8. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 9. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 10. That this Ordinance take effect and be in full force as of January 1, 2020.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)



Attest:

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Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_