

## City Council

6:00 p.m., Tuesday, March 27, 2018

The regular meeting of City Council was called to order at 6:23 p.m. on Tuesday, March 28, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Administrator Tucker, Attorney Halversen, Assistant Administrator Fagoso and City Clerk Copeland; a quorum was present to conduct business.

1. Mayor Carroll called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act. Following a brief invocation and the Pledge of Allegiance, Clerk Copeland called the roll.

### 2. Reading of the Journals of Previous Meetings

**MOTION:** Councilmember Ward moved to approve the minutes of the regular meeting of February 27, 2018, the Special Meeting of March 14, 2018 and the Special Meeting of March 20, 2018 as submitted; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

### 3. Citizens' Comments

#### A. Consideration as City-sponsored Events and Approval to add to Approved Annual Events

- SEALKids Swim and Auction on Saturday, August 11<sup>th</sup> or September 8, 2018
- SC Aquarium Turtle Trek 5K Sunset Beach Run and Kids Fun Run, 5:30 p.m., Saturday, September 29, 2018

Representatives of these groups were not present, but Mayor Carroll noted that the events have been held on the island in the past and wish to continue to do so.

**MOTION:** Councilmember Kinghorn moved to approve the SEALkids Swim and Auction and the S.C. Aquarium Turtle Trek as City-sponsored events in 2018 and as additions to the recurring annual events approved by the City; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

#### B. Presentation by KimberMarie Faircloth to switch from single-use plastic bags to compostable/biodegradable materials for bags and straws

Ms. Faircloth was unable to attend and was less enthusiastic once she confirmed that the City has already banned plastic bags.

Catherine Main, Executive Director of the East Cooper Land Trust, stated that the organization would like to partner with the City and by being on the City's website and helping whenever possible to conserve land on the island. For those interested in learning more about the Land Trust, she left brochures in City Hall.

Rusty Streetman, 4004 Palm Boulevard, voiced support for the Managed Beach Parking Plan being enforced year-round and parallel parking on Palm Boulevard. He noted that the tourist season was getting longer and longer as each year passes; therefore, to enforce the parking plan all year was the practical thing to do. He also pointed out that parallel parking on Palm Boulevard would significantly reduce parking. He stated that the constant population growth in Mount Pleasant would only serve to increase the volume of beachgoers to the Isle of Palms increasing the need for year-round enforcement of the parking plan. He closed with the anecdote that he saw an English pointer chasing a coyote across his back yard this morning and suggested that the dog might be a good coyote management tool for the City.

Bob Miller, 3 Fairway Village Lane, with Judy Gogol, 8 Summer Dunes Lane, stated that they were members of the IOP Coyote Control Coalition, and they work to educate both residents and visitors about coyotes and want to provide assistance to both Wild Dunes and the City as a means for reducing the number of coyotes on the island. He reported that their petition now has two hundred eighty-eight (288) signatures, and he thanked Council for putting a multi-pronged coyote management plan on the Agenda for approval. He urged Councilmembers to support the plan that was unanimously approved by the Public Safety Committee earlier in the month and asked for its implementation immediately.

Garrett Krause, currently living on IntraCoastal Court and building a house on Waterway Boulevard, stated that Council would not allow the overflow boat trailer parking from the marina on Waterway. He stated that the trailer parking was a safety issue for pedestrians, cyclists and drivers alike.

Jon Regan Walters, a life-long resident of the island, stated that residents enjoy a very short off-season; he suggested that, from mid-September to May, the City should not allow parking on Palm Boulevard. He also thought that, if the City reduced parking to the number or spaces actually required by the Beach Management Plan for one (1) summer, the State and the County would be less resistant to giving the City money to support the maintenance of the beach and the public facilities the City provides. He urged Council to have the State representatives who live on the island to exert their influence in the State House to see that the City gets everything that it is entitled to. He expressed the opinion that the City should resort to active hunting to reduce the coyote population since trapping was not working.

Scott Pierce, 4 – 9<sup>th</sup> Avenue, distributed a handout to members of Council explaining his position on the proposal to enforce the Managed Beach Parking Plan year-round, suggesting the issuance of several guest placards to residents to substitute for the guest passes and suggesting that the City require parallel parking island-wide. A copy of his handout is attached to the historical record of the meeting.

Arnold Karig, 5102 Palm Boulevard, also expressed his support for year-round enforcement of the parking plan and his support for Council's forward thinking and their implementation of measures to deal with the ever-increasing numbers of people and vehicles coming to the island. He noted that the Charleston news outlets report routinely about the number of people moving to the area on a daily basis, or the number of apartments being built or developments of thousands of homes being constructed. For hundreds of these people, the Isle of Palms will be the closest public beach, and they will add to the throngs of people who already regularly come to the island. He said that, unless proactive plans are made to deal with the added visitors and cars, residents of the Isle of Palms will have no quality of life. He commented that the adoption of the year-round parking plan was only one (1) of many steps that will be required to ensure that the beach is a pleasant place.

Stan Harris, who lives at the corner of 8<sup>th</sup> Avenue and Ocean Boulevard, thanked Council for their recent decisions on year-round enforcement of the parking plan and parallel parking on Palm, but he asked that Council consider parallel parking island-wide.

Greg Wood of 19 – 42<sup>nd</sup> Avenue read a letter to Council from William Campbell of 32 – 42<sup>nd</sup> Avenue; Mr. Campbell expressed his support for the year-round managed Beach Parking Plan, parallel parking on Palm and no trailer parking on Waterway Boulevard. He stated that the City needs to take back control of parking on the island and to enforce respect for residents and property. His full comments are attached to the historical record of the meeting.

Vince DiGangi, 4 – 42<sup>nd</sup> Avenue, thanked Council for what they do and added his voice of support for year-round enforcement and parallel parking on Palm for all of the reasons people have stated. He commented that he saw these measures as ways to improve security for residents if the residential streets and safety, in general.

Elizabeth Campsen, 32 Intracoastal Court, stated that she has always supported a year-round parking plan because it would offer visitors and residents a consistent policy. She suggested having a “residential function” added to the list of special permits residents could obtain that would allow residents to get free, date-specific placards for parties and gatherings. She stated that parallel parking was SCDOT’s standard for right-of-way parking, and the implementation of parallel parking on Palm would still mean that the City was offering considerably more parking availability than was required by the Comprehensive Beach Management Plan. As for eliminating boat trailer parking on Waterway, she stated that it has been an on-going public safety issue, and expressed her opinion that all parking for the marina businesses should be confined to the marina site. The full text of her comments is attached to the historical record of the meeting.

#### **4. Reports from Standing Committees**

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

Reporting on the meeting of March 20<sup>th</sup>, Councilmember Ward stated that Joe Petro of Coconut Joe’s and Jay Clarke voiced their support for converting the kiosks in the municipal parking lots to an hourly rate; they thought that an hourly rate would help the Front Beach businesses. The Treasurer reported that, through eight (8) months of the fiscal year, General Fund revenue was at sixty-six percent (66%) of budget, and General Fund expenditures were at fifty-nine percent (59%) of budget. Under “Expenditures”, the report showed “All Other” at two hundred forty-eight percent (248%) of budget; this category was where the City charged the disaster recovery expenses of three hundred fifty thousand dollars (\$350,000) related to Hurricane Irma. These expenditures will be offset by the FEMA reimbursement funds the City will receive. Total cash on-hand was approximately twenty-one million eight hundred dollars (\$21,800,000), which includes a significant dollar amount associated with the current beach restoration project; approximately three million dollars (\$3,000,000) has been spent on that project year-to-date. The cash on-hand represents thirty-seven percent (37%) of budgeted General Fund expenditures. The City has received three percent (3%) more in Municipal Accommodations Fees and Beach Preservation Fees than in FY17. The City had no collections of State ATAX funds or Charleston County Accommodations Tax Pass-through in February. Hospitality Tax collections are running five percent (5%) ahead of last year.

- A. Recommendation from the Public Safety Committee to make the Managed Beach Parking Plan year-round, to require parallel parking on Palm Boulevard from 21<sup>st</sup> to 41<sup>st</sup> Avenue and to prohibit any trailer parking on Waterway. The proposal submitted by Stantec to get this done is in the amount of \$13,640 to revise the Managed Beach Parking Plan and to apply for the encroachment permit from SCDOT (Unbudgeted in FY18; May be funded from Municipal Accommodations Taxes; Police Department Capital Outlay, \$187,625, pg. 25, line 112 or Fire Department Capital Outlay, \$122,375, pg. 25, line 120)**

The Committee had a recommendation from the Public Safety Committee to make the Managed Beach Parking Plan year-round, to require parallel parking on Palm Boulevard from 21<sup>st</sup> to 41<sup>st</sup> Avenue and to prohibit any trailer parking on Waterway, and the proposal submitted by Stantec to get this done was in the amount of \$13,640 to revise the Managed Beach Parking Plan and to apply for the encroachment permit from SCDOT.

Administrator Tucker stated that the contract with Stantec would be a sole source award because Stantec was the only vendor capable of providing the City the necessary expertise for the work based on their prior relationship with the City.

**MOTION: Councilmember Bell moved to award a sole source contract to Stantec in the amount of \$13,640 to analyze problem parking areas, revise the parking layout plan and to re-permit plans with SCDOT; Councilmember Moye seconded.**

Council Ferencz asked if any redundancy existed between the work they did for the City in the past and the scope of work for this task, and the Administrator did not think that was true, but she expected them to use the source documents they produced.

**VOTE: The motion PASSED UNANIMOUSLY.**

**1. Enforcement of the Managed Beach Parking Plan year-round**

**MOTION: Councilmember Bell moved to enforce the Managed Beach Parking Plan on a year-round basis; Councilmember Moye seconded.**

Councilmember Smith stated that the Public Safety Committee and City Council would be discussing many traffic and parking solutions in the coming months, and, unless there was a pressing need or advantage to moving forward quickly, the Councilmember thought they should be considered in relation to one another.

Councilmember Bell explained that the intention was to do things incrementally that could be accomplished in reasonable time frames while not negating the ability to make additional changes later.

The Mayor agreed that other parking issues could be fine-tuned, but the community has spoken that they want to see changes sooner rather than later.

Councilmember Buckhannon stated that Councils have been criticized for acting reactively, and to be proactive in the face of the population growth was a wise step for Council to take.

Councilmember Rice opined that the parking plan was not needed in the months of November, December, January and February, and she stated that she was concerned about enforcement at a time when residents would be entertaining family and friends over the holidays and required to obtain the guest passes for them. She said that she does not want residents to feel as if they are being punished.

Councilmember Moyer understood Councilmember Rice's concern since the guest passes have been a point of criticism from the residents. On the other hand, he thought that the year-round enforcement was seen as a proactive action on the part of Council and that it equates to a quality of life for residents and visitors alike. He also stated that he was committed to finding a way to solve the guest pass issue in a way that would be reasonable for residents.

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

**3. Prohibition of trailer parking, resident or non-resident, on Waterway Boulevard**

**MOTION: Councilmember Bell moved to prohibit trailer parking on Waterway Boulevard; Councilmember Ferencz seconded.**

Councilmember Bell stated that the right-of-way on Waterway Boulevard at the marina was a narrow strip of land that would not accommodate the multi-use path and boat trailers which can measure six to ten feet (6 to 10 ft.) in width. At some points along Waterway, the trailers cover the multi-use path, and, in other stretches, the trailers not only cover the multi-use path but also encroach into the roadway, creating public safety concerns for pedestrians, cyclists and drivers. He stated that he, too, was a proponent of maintaining all marina traffic within the marina site.

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Councilmember Buckhannon expressed concern that, if this passed, residents would go to the marina to launch their boats, not find parking and create another problem for the City and the marina.

Councilmember Bell agreed that such a scenario could occur because too many businesses were operating at the marina, but he saw that as a separate issue from the overflow of marina traffic into the residential neighborhoods. He stated that the Real Property Committee would address the overflow marina parking issue.

Councilmember Kinghorn commented that most of the boat owners on the island do not live on the water.

Councilmember Rice noted that many residents liked to park their trailers legally and safely on Waterway Boulevard and have been doing so for a long time; she added that, when it was limited to residents, eliminating trailer parking there would not be as burdensome. If residents were allowed to park on Waterway, they would not be required to pay to park in the marina after launching their boats. She did not think this should be taken away from residents.

**Amendment: Councilmember Smith moved to make 41<sup>st</sup> Avenue to Frank Sottile resident only parking; Councilmember Bell seconded.**

Responding to Councilmember Moyer's question, Administrator Tucker explained that Stantec would now have an added assignment to make the defined area on 41<sup>st</sup> Avenue to Frank

Sottile resident only trailer parking and to include it in the plans and encroachment permit to SCDOT.

**VOTE on the AMENDMENT:** The amendment **PASSED** on a vote of 6 to 3 with Councilmembers Kinghorn and Rice and Mayor Carroll casting the dissenting votes.

**VOTE on the AMENDED MOTION:** The amended motion **PASSED** on a vote of 6 to 3 with Councilmember Buckhannon, Kinghorn and Rice casting the dissenting votes.

**2. Parallel parking on both sides of Palm Boulevard**

**MOTION:** Councilmember Kinghorn moved to require parallel parking on both sides of Palm Boulevard between 21<sup>st</sup> and 41<sup>st</sup> Avenues; Mayor Carroll seconded and the motion **PASSED UNANIMOUSLY**.

**2. Consideration of changing the kiosks in the Municipal Parking Lots to \$1 per hour, to re-program the kiosks at \$385 and new signage for the kiosks at \$2,000**

**MOTION:** Mayor Carroll moved to change the kiosks in the Municipal Parking Lots to \$1 per hour at a cost of approximately \$2,385 to help the Front Beach businesses; Councilmember Ward seconded.

Councilmember Ward reported that setting the parking lot kiosks to one dollar (\$1) an hour was approved by the Public Safety Committee to encourage residents and visitors to park in the parking lots, to come to Front Beach to shop or to dine without adding eight or ten dollars (\$8 or \$10) to their tab or to enjoy a short walk on the beach.

The Mayor stated that this rate change would also effect the agreement the City has with The Palms Hotel by increasing the daily rate to twelve dollars (\$12) because the agreement clearly states that any changes to the rates approved by City Council would also apply to the agreement.

Councilmember Ferencz asked why the Hourly rate in the parking lot was going to be one dollar (\$1) when the rate on the street was to remain a dollar and a half (\$1.50).

Administrator Tucker stated that the goal was to encourage people to park in the lots and to encourage more turnover on the street.

In responding to Councilmember Kinghorn, the Mayor stated that the City would not have a maximum rate per day, and the Administrator added that enforcement was from 8:00 a.m. to 8:00 p.m.

**VOTE:** The motion **PASSED UNANIMOUSLY**.

**MOTION: Councilmember Ward moved to amend the agreement between the City and The Palms Hotel to cap the daily rate to \$10 per day; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

The Ways and Means Committee will hold the first meeting on the FY19 Budget at 5:15 p.m., Wednesday, March 28<sup>th</sup> in Council Chambers.

The next regular Ways and Means Committee meeting will be held at 5:00 p.m., Tuesday, April 17<sup>th</sup> in Council Chambers.

## **B. Public Safety Committee**

Councilmember Smith reported on the meeting of March 5<sup>th</sup> and stated that the first act of business was the correction of an error in the minutes of the February meeting. As done earlier, the Committee moved to recommend annual, City-sponsored event status to the SEALkids Swim in September and the SC Aquarium Turtle Trek in September. Rusty Streetman appealed to the Committee for more parking enforcement for construction delivery trucks to homes being built on both sides of his home at 4004 Palm; Elizabeth Campsen cited possible changes to the Managed Beach Parking Plan being considered. Lavonne Settimo asked the Committee to build up some of the beach access that have not dried up from heavy rains and to investigate requiring all dogs, resident or non-resident, to have IOP dog licenses. Gail Jordan of 3704 Palm asked that parking in front of the homes of full-time residents be prohibited. Bob Miller, along with Sally Weisman and Judy Gogol of the IOP Coyote Coalition, urged the Committee to adopt an island-wide, comprehensive coyote management plan, containing a multi-pronged approach to controlling the coyote population on the island. And lastly, Gary Hart from the Banana Cabana voiced his concern over the need for parking for his employees in the municipal parking lot since The Palms Hotel has re-opened. Administrator Tucker advised the Committee that SCDOT has been working to reduce the overhang along Palm Boulevard and informed them that SCDOT was not responsible for obstructions on the sidewalk. The removal of overgrowth and encroachment from the sides fall to the property owner, property management companies or the City, as a last resort. The Committee talked at length about parking and possible solutions that could be implemented quickly, and ways to improve the crosswalk at 20<sup>th</sup> Avenue and Palm Boulevard to make it safer for pedestrians. The Committee approved and recommended approval by Council of the Law Enforcement Mutual Aid Agreement between Mount Pleasant and the City. Administrator Tucker stated that Council will need to approve several Law Enforcement Mutual Aid Agreements and that the City Attorney has recommended that they be approved at once.

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In the month of February, personnel responded to forty-three (43) calls, of which twenty-six (26) were EMS calls. Nineteen (19) fire inspections were conducted that located twenty-four (24) violations. Fire Department personnel averaged approximately thirty-nine (39) hours of training on a variety of subjects. A leak has been found in the radiator of the generator on the roof of the Public Safety Building; the City is waiting on a quote for the replacement of the radiator if that is possible. In the meantime, inquiries are being made to rent a generator; if the rental is necessary, the City must provide a plug for it from the building that will cost approximately ten thousand dollars (\$10,000). During the month, fire crews conducted station tours and talked about fire prevention with eighty-six (86) kindergartners and twelve (12) teachers from Jennie Moore Elementary School in Mount Pleasant.

The Police Department hosted a "Coffee with a Cop" event at Café Paname with twelve (12) residents in attendance; the Charleston County Consolidated 9-1-1 Dispatch Center Public

Education team was also present and provided information on “text 9-1-1” and “smart 9-1-1.” In February, Communication Specialists responded to three thousand nine hundred eighty-eight (3,988) calls, and, of that number, three thousand five hundred fifty-nine (3,559) were for the IOP Police Department. Officers made three hundred sixty (360) traffic stops and wrote tickets for seventy-seven (77) of them. Seven (7) coyote sightings were reported in the month. Of the twenty-eight unkempt lots carried over from 2017, five (5) remain unresolved, and, of the sixty-three (63) encroachments in the right-of-way carried over, eight (8) were unresolved and would likely be receiving citations for not complying.

### **Consideration of Recommended Changes to Reduce the Coyote Population**

Animal Control Officer Chris Enourato reported that the City has had five (5) soft-let traps deployed in the neighborhood of 2300 Palm Boulevard at the request of the property owner, but they have been relocated for a couple of weeks and will be deployed there again due to the level of activity there.

Councilmember Bell moved to recommend to City Council that (1) the City move from the current monthly fee structure to a “pay per coyote” basis, (2) the City staff provide the Committee a step-by-step plan to implement hunting as a legal and lethal means to immediately reduce the coyote population and (3) review of and recommendation for a comprehensive coyote management plan to be adopted by the City.

**MOTION: Mayor Carroll moved to go to a “pay per coyote” fee structure; Councilmember Bell seconded.**

Councilmember Bell stated that both the City’s and Wild Dunes trapping efforts have proven to be ineffective in controlling the coyote population, and he was opposed to continue to pay a trapper with no results. Trappers attended the Coyote expo who said that they would be willing to work for the City on a “pay per coyote” fee basis.

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**VOTE: The motion PASSED UNANIMOUSLY.**

For the second part of the motion, “The City staff provide the Committee a step-by-step plan to implement hunting as a legal and lethal means to immediately reduce the coyote population,” the Administrator said that a motion was not necessary since no action was recommended beyond a plan.

**MOTION: Mayor Carroll moved for a review and recommendation for a comprehensive coyote management plan to be adopted by the City; Councilmember Bell seconded.**

Administrator Tucker commented that such a plan was written a couple of years ago, but it never got out of committee.

Mayor Carroll and Councilmember Bell withdrew the motion and second, respectively. And the Mayor sent the action back to the Public Safety Committee.

The next Public Safety Committee meeting will be at 5:00 p.m., Monday, April 9<sup>th</sup>.

**C. Public Works Committee**

Councilmember Kinghorn stated that the Public Works Committee meeting on March 1<sup>st</sup> was for the express purpose of considering the staffing needs in the Public Works Department. The Committee unanimously approved and recommended to Council for approval the positions of a full-time Maintenance and Facilities Supervisor and a part-time Administrative Assistant.

The next meeting of the Public Works Committee was scheduled for 9:00 a.m., Wednesday, April 4<sup>th</sup> in the Conference Room.

**D. Recreation Committee**

Reporting on the Recreation Committee meeting of March 6<sup>th</sup>, Councilmember Buckhannon recalled that Lavonne Settimo addressed the maintenance of the Bark Park and requiring all dogs that use the Bark Park to have IOP dog licenses, Mic Smith spoke about opening the Rec Center on Sundays and reserving the basketball courts for men to play full-court basketball, and Rebecca Stephenson introduced herself as one (1) of the organizers of the IOP Farmers' Market. Upcoming events include the Easter Egg Hunt on March 31<sup>st</sup> and the annual Yard Sale on Saturday, April 14<sup>th</sup> from 10:00 a.m. to noon. Fifty (50) booths are set up for the Yard Sale, and registration has begun. The Committee continued to discuss the location and times for the 2018 Farmers' Market, the number of vendors, etc. In addition to a lengthy discussion about opening the Rec Center on Sundays, the Committee reviewed users' fees and agreed to look at fees charged by surrounding communities. Policies established for use of the Bark Park and the establishment of policies for the message boards were also issues considered by the Committee.

The Recreation Committee will meet again at 5:00 p.m., Tuesday, April 3<sup>rd</sup> in the Conference Room.

**E. Personnel Committee**

From the March 12<sup>th</sup> meeting, Councilmember Ferencz reported that she was elected Chair and Councilmember Moyer was elected Vice Chair. The Committee unanimously approved the revisions to the Employee Handbook, which will go back to the labor attorney for one (1) last review. Relative to the time of year, the Committee voted to eliminate the City Administrator's personal goal for 2018.

**MOTION: Councilmember Ferencz moved to eliminate the 2018 personal goal for the City Administrator; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.**

The section of the City Code that pertains to standing committees was assigned to staff to make recommendations as to what committees the City needs, what their responsibilities would be and committee names. When the Committee discussed staffing needs in the Public Works Department, it stated that it needed to have updated job descriptions for existing positions and the positions defined in the Continuity Plan before it could make any staffing recommendations. Staff was also charged with devising a plan for more frequent employee evaluations taking into consideration the seasonality of the City and the City's structure.

The Personnel Committee will hold its next meeting at 8:00 a.m., Thursday, April 5<sup>th</sup> in the Conference Room.

**January Safety Sweepstakes Winners**

General Government – Marie Copeland  
Fire Department- Brandon Crisp

Police Department – Officer Dylan Reynolds  
Public Works – Rob Graham

**February Safety Sweepstakes Winners**

General Government – Wynette DeGroot  
Fire Department – David Mello

Police Department – Ofc. Stephanie Tucker  
Public Works – Willie Powell

In a separate meeting, the Chair and Administrator Tucker met with Chief Buckhannon who has submitted notice of his retirement effective April 13<sup>th</sup> after thirty-seven (37) years of service to the City. Councilmember Ferencz announced that, based on the Chief's recommendation, Captain Usry has been named Interim Chief of Police.

**MOTION: Councilmember Ferencz moved to appoint Captain Usry to the position of Interim Chief of Police; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.**

Mayor Carroll thanked Chief Buckhannon for his years of service to the City and noted that "he has built a great force."

**F. Real Property Committee**

Reporting on the meeting of March 8<sup>th</sup>, Councilmember Bell stated that he was elected Committee Chair and Councilmember Ferencz was elected Vice Chair. The Administrator informed the Committee that the Bulkhead Rehabilitation Project was underway; David Osgood, project engineer from Johnson, Mimiran & Thompson, Inc. (JMT), was present to review the change orders from Martin and Son Contracting that included unforeseen conditions and requests for additional work from the marina store and marina restaurant. After some modifications were made to the change order, the balance of items were approved, and the project is expected to be completed on time. In Citizens' Comments, Scot Cagle expressed his concern over the condition of the docks at the marina; he noted that the docks were not ADA compliant and that the problems would not be solved by repairing them. Jay Clarke, owner of Morgan Creek Grill, asked that the docks that were removed from the restaurant lease at the time of its renewal be returned to the restaurant. In addition, Mr. Clarke asked that the bulkhead contractor keep the noise down to a minimum after 11:00 a.m. Councilmember Bell stated that the Real Property Committee needed to understand repair versus replace relative to the condition of the docks and to be smart about doing what was necessary at the marina to insure the safety of those who use them. The Committee discussed going to an hourly rate in the parking lot kiosks and a resident's idea to add additional loading space on Front Beach. In the course of clarifying the Committee's wishes relative to starting the permitting process for maintenance or replacement of the docks, staff was charged with developing a RFP for engineering services; the Committee wanted a qualified engineer to walk the docks with them to point out exactly what had to be replaced and what could be repaired. Councilmember Bell reminded Council that the marina debt would be paid off in February 2019, freeing up money to be re-invested in the marina. Councilmember Ferencz said that the Council was not going to look to the referendum plan but look at what must be done right away and how additional work could be phased. A motion was made and unanimously approved to return the unattended docks at the marina to Morgan Creek Grill for one (1) year. The Marina Manager was asked to provide the Committee with a list of the businesses operating out of the IOP Marina, his plan for residential and non-residential launch fees and seasonal launch passes and his plans for resident slip availability. Referencing parking at the marina, staff was asked to provide the Committee with information related to the number of parking spaces allowed to each lessee according to the current leases and/or City ordinances/Code. In addition, the Committee

asked that the Police Department attend the April meeting with plans to alleviate traffic control issues at the marina.

The next meeting of the Real Property Committee was scheduled for 4:00 p.m., Tuesday, April 10<sup>th</sup> in the Conference Room.

Administrator Tucker recalled that the City received a property tax bill from Charleston County for approximately eighty thousand dollars (\$80,000) for the marina; the City has not received a property tax bill in the past and has divided it between the four (4) leases. The County's tax assessment was calculated based on the 2013 average per square foot market values for the restaurant, the store and the docks; additionally, the County broke down the docks' market value between Tidal Wave Watersports and Marina Joint Venture based on linear feel of dockage. The City had to go one (1) step further to include the liner feet of docks assigned to Morgan Creek Grill, the marina operator, the marina store and Tidal Wave Watersports. Staff wanted to send the bills to the marina tenants for their individual share of the tax bill to allow them the time necessary to accumulate the funds; one (1) page in the meeting packet shows the calculation and the amount due from each tenant.

The Administrator reminded Council that the City has filed an objection that is now pending, but the bill must be paid while the objection is being processed by the County.

**MOTION: Mayor Carroll moved to assign the unattended docks at the marina to Morgan Creek Grill for one (1) year; Councilmember Ward seconded.**

According to Councilmember Rice, the docks were removed from the restaurant lease in hopes they would be assigned to residents.

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Attorney Halversen stated that the City would enter into a new lease with Morgan Creek Grill that would include the docks and not amend the most recent lease ordinance.

**VOTE: The motion PASSED UNANIMOUSLY.**

**5. REPORTS FROM CITY OFFICERS, BOARDS AND COMMISSIONS**

- A. **Accommodations Tax Advisory Committee** – no meeting in March
- B. **Board of Zoning Appeals** – no meeting in March
- C. **Planning Commission** – minutes attached

**6. REPORTS FROM SPECIAL OR JOINT COMMITTEES** – None

**7. PETITIONS RECEIVED, REFERRED OR DISPOSED OF** – None

**8. BILLS ALREADY IN POSSESSION OF COUNCIL**

- A. **Second Reading of Ordinance 2017-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 8, Flood Damage Prevention, of the City of Isle of Palms Code of Ordinances to Provide a Definition for the Reference Datum to be used for the Base Flood Elevation Shown on the Flood Insurance Rate Maps (FIRM); To Reduce the Time Period for Measuring Substantial Improvements From 5 Years to 1 Year and to**

**Provide for a Minimum Elevation for New Residential and Non-residential Construction.**

**MOTION: Councilmember Bell moved to approve Second Reading of Ordinance 2017-07; Councilmember Ward seconded.**

Director Kerr stated that the Planning Commission made significant changes to this ordinance since First Reading; therefore, the City Attorney has advised that a second Public Hearing should be held. It has been scheduled for Tuesday, April 24<sup>th</sup> at 5:45 p.m., just prior to the City Council meeting.

Mayor Carroll stated that the residents' voices have been heard; City Council and residents want to protect the existing houses on the Isle of Palms and to help them with repairs, renovations and other improvements.

Director Kerr explained that the FEMA maps to be adopted in December 2018 dropped the elevation requirements for all properties and took out large areas out of the flood plain entirely which would allow property owners to build on the ground. Houses being built on the ground raised questions about the resiliency of the community; the Planning Commission studied the issue and forwarded a recommendation establishing a universal elevation requirement of fourteen feet (14 ft.) above mean sea level. The new FEMA maps make certain houses built on the ground to now be in compliance, and, in establishing the minimum height requirement at fourteen feet (14 ft.), the older homes would be subjected by the fifty percent (50%) rule. Issues relative to the older, not elevated homes went back to the Planning Commission for further study and they have made two (2) recommendations, i.e. 1) referencing the homes that would become compliant under the new maps, the Planning Commission decided they would not be subject to the fifty percent (50%) rule and 2) referencing all homes that are below the current requirement, the tracking period was reduced from five (5) years to one (1) year. The Planning Commission did discuss totally eliminating the tracking period, but decided that move to be unwise.

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**AMENDMENT: Mayor Carroll moved to approve the amendments made by the Planning Commission; Councilmember Bell seconded.**

Councilmember Buckhannon asked why the Planning Commission had not gone from a five (5) years to a zero year tracking period.

When the Planning Commission discussed eliminating the tracking period, they thought that to do so would open the door for an owner to come in one day and getting a permit for improvements equal to forty-nine percent (49%) of his value of his home, and to come back the next day to pull another permit for forty-nine percent (49%) and to come back the following day for another forty-nine percent (49%) permit. The Commission chose to leave one (1) year in the amendment as a means of reining in those persons who might want to do extensive work to a home that would be more susceptible to damage. The Director stated that to eliminate tracking was open to Council to decide.

In Councilmember Buckhannon's opinion, a vote in support of this action would continue the tearing down of the older homes to build bigger homes aimed at the vacation rental market, than allowing young families to move in and fix it up. He clearly supported eliminating the tracking period.

Councilmember Moye stated that he had a J.C. Long house appraised in 2016, and the value of the structure came back at seventy thousand dollars (\$70,000).

Director Kerr said that the best way to help long-time island residents who want to stay in their homes and want to improve their homes would be to eliminate the tracking period as Councilmember Buckhannon has suggested.

**AMENDMENT:** Councilmember Buckhannon moved to amend the ordinance by eliminating the tracking period; Councilmember Bell seconded.

**VOTE on AMENDMENT to eliminate the tracking period:** The amendment PASSED on a vote of 5 to 4 with Councilmembers Ferencz, Kinghorn, Rice and Smith casting dissenting votes.

**VOTE on the AMENDED AMENDMENT:** The amendment PASSED UNANIMOUSLY.

- B. Second Reading of Ordinance 2017-08 – An Ordinance Amending Title 5, Planning and Development, Chapter 5, Land Development Regulations, of the City of Isle of Palms Code of Ordinances 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.
- C. Second Reading of Ordinance 2017-09 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, of the City of Isle of Palms Code of Ordinances to Provide That All New Construction or Substantial Improvements shall be Connected to a Public Sewer System Where a Public Sewer Line is Located Within One Hundred Fifty (150') feet and to Reduce the Lot Coverage Requirements and Floor Area Requirements for Lots with Septic Systems.
- D. Second Reading of Ordinance 2017-10 – An Ordinance Amending Title 6, Health and Sanitation, Chapter 1, General Provisions, Article D, Regulation of On-site Sewage Disposal Systems, of the City of Isle of Palms Code of Ordinances to Require Mandatory Connection to Public Sewer System Where Public Sewer Line is Available upon the Sale or Transfer of Property.

**MOTION:** Councilmember Kinghorn moved to defer Second Reading on Ordinances 2017-07, 2017-08, 2017-09 and 2017-10; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

- E. Second Reading of Ordinance 2018-04 – An Ordinance Amending Title 9, Offenses, Chapter 2, Offenses Against Public Peace, Section 9-2-5, Noise, of the City of Isle of Palms Code of Ordinances to Change the Hours During Which Pile-drivers and Other Apparatus Attended with Loud or Disturbing Noises may be Operated and to Provide for Exceptions.

**MOTION: Mayor Carroll moved to approve Ordinance 2018-04 for Second Reading and to waive the reading; Councilmember Ward seconded.**

Attorney Halversen stated that this ordinance has been amended since first reading to add the specific holidays that were included in the Sullivan's Island ordinance and to eliminate the reference to the building permit.

**AMENDMENT: Councilmember Rice moved to include the amendments stated above; Mayor Carroll seconded.**

Councilmember Bell said that residents have suggested that the City adopt Wild Dunes construction hours which were a bit more restrictive than Sullivan's Island.

**AMENDMENT: Councilmember Bell moved to amend the ordinance to state construction hours, Monday through Friday were to be 7:30 a.m. to 6:00 p.m. with quiet work to begin at 7:00 a.m. and noisy work to begin at 7:30 a.m., hours from 9:00 a.m. to 4:00 p.m. on Saturday, and no exterior work allowed on Sunday; Councilmember Moyer seconded.**

By adopting the same hours as Wild Dunes, the hours when construction work was allowed would be uniform island-wide.

**VOTE on 2<sup>nd</sup> Amendment: The amendment PASSED on a vote of 8 to 1 with Councilmember Smith casting the dissenting vote.**

Councilmember Rice and Mayor Carroll withdrew the motion and second, respectively, to adopt the amendments Attorney Halversen made.

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**MOTION: Councilmember Ward moved to defer Second Reading until the April meeting; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

## **9. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS**

**First Reading, by title only of Ordinance 2018-05 – AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO REQUIRE PARALLEL PARKING AND TO PROHIBIT DOUBLE PARKING ON THE PASSENGER SIDE OF VEHICLES ON PALM BOULEVARD BETWEEN 21<sup>ST</sup> AVENUE AND 40<sup>TH</sup> AVENUE; TO PROHIBIT BOAT TRAILER PARKING ALONG THE RIGHTS-OF-WAY OF WATERWAY BOULEVARD; TO PROVIDE EXEMPTIONS FOR EMERGENCY, LAW ENFORCEMENT AND OTHER PUBLIC SERVICE VEHICLES PARKED DURING THE PERFORMANCE OF OFFICIAL DUTIES OR PUBLIC SERVICE; AND TO PROVIDE FOR YEAR-ROUND ENFORCEMENT OF THE RESIDENT PARKING DISTRICTS.**

Administrator Tucker explained that this ordinance included the parking changes that were discussed earlier in the meeting; she suggested proceeding with First Reading now and for Attorney Halversen incorporate the changes in the ordinance for Second Reading in April.

**MOTION: Councilmember Kinghorn moved to approve Ordinance 2018-05 for First Reading by title only; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

**Consideration of Workplace Safety Resolution**

**MOTION:** Councilmember Kinghorn moved to waive the reading and to adopt the Workplace Safety Resolution; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

**10. Miscellaneous Business – None**

**Next Meeting Date – 6:00 p.m., Tuesday, April 24<sup>th</sup> in Council Chambers**

**11. Adjournment**

**MOTION:** Councilmember Buckhannon moved to adjourn the meeting at 8:48 p.m.; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland  
City Clerk