

## **CITY COUNCIL**

6:00 p.m., Tuesday, May 22, 2018

The regular meeting of City Council was called to order at 6:16 p.m., Tuesday, May 22, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Present for the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice Smith and Ward, Mayor Carroll, Administrator Tucker, Assistant Administrator Fragoso, Attorney Halversen and 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. Appointment and Administration of Oath to New Employee**

**MOTION:** Councilmember Rice moved to appoint Nicole Chapleau as a new firefighter for the City of Isle of Palms; Mayor Carroll seconded and the motion PASSED UNANIMOUSLY.

### **3. Reading of the Journal of Previous Meeting**

**MOTION:** Councilmember Kinghorn moved to approve the minutes of the regular meeting of April 24, 2018 d submitted; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

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

#### **Presentation – New Hotel Development for Wild Dunes Resort by Dan Battista and Frank Fredericks**

Director Kerr provided a brief history of the Wild Dunes Planned Development, how it has evolved over time, the impact of a new inn and how the City vies requests for planned development, today and historically. The Sea Pines Company approached the City in 1975 to create the Beach and Racquet Club Planned Residential Development (PRD), which is said to be the first planned development in the state. A PRD is an agreement between the City and the developer that is generally done in exchange for some flexibility and in return something for the City; although this is an old PRD, the Director believes it has served the City well. The document is approximately one hundred twenty (120) pages in length, and much of it is conceptual in nature, not a lot of steadfast rules. It speaks to what the aesthetics of the resort will be, the amenities to be included, etc.; however, there are some specific requirements that the City enforces as the zoning for that district. Some of the requirements that will impact this development are as follows:

- The maximum number of dwellings that can be constructed in Wild Dunes;
- The maximum number of inn units that can be developed;
- The maximum number of stories is five (5);
- The maximum height of the structure is to be eighty feet (80 ft.)

Wild Dunes currently has one hundred forty-seven (147) inn units, and the PRD allows for three hundred fifty (350) to be built, leaving two hundred three (203) yet to be built. In the document, exclusions to the count of the number of stories is the ground floor, which is to be used for parking, and the top floor that has an area equal to less than one-third ( $\frac{1}{3}$ ) of the ground floor. In the PDD,

the height is measured from the finished grade to the average roof height of the top roof if the roof is pitched.

In addition to the requirements of the PRD, some provisions in the standard zoning code apply district-wide; Director Kerr explained that in situations where the zoning is district wide and the PRD does not address the topic specifically, those zoning provisions also apply to the PRD. Examples of district-wide provisions are the tree ordinance, the flood regulations, building codes, etc.

Over the course of the past year or two (2), the Building Department has been in discussions with the design team for the new hotel about the requirements, but a permit request has not yet been made because the plans have not been finalized. Director Kerr expressed confidence that, when the plans are submitted, all of the regulatory issues will have been vetted.

Frank Fredericks, the Managing Director of Wild Dunes Resort, and Dan Battista, Senior Vice President of Development in Charleston for Lowe Enterprises, approached the podium to provide details and drawings of the hotel plan. Mr. Battista initiated his comments by thanking Director Kerr and his staff for their assistance toward this project.

In the first slide, Mr. Battista pointed out the Boardwalk Inn that was developed by Lowe in 1998, The Village condominiums that were added in 2007 and the Sweetgrass Pavilion, the conference center, that was completed in 2006; the slide gave a bird's eye view of the resort and the location of the new hotel in relation to the resort's core. The new hotel will be built on a podium like The Villages with parking underneath.

Mr. Fredericks thanked Administrator Tucker for the coordination and completion of the beach renourishment project.

2

Displaying a rendering of the hotel, Mr. Fredericks noted that it will have one hundred fifty (150) rooms; on the top, the hotel will have an enclosed function space specially designed to be a wedding space with an outdoor wedding ceremony venue looking out over the ocean. The hotel will have a full destination spa of approximately ten thousand square feet (10,000 sq. ft.) with fourteen (14) treatment rooms and an outdoor spa/garden; the pool area has also been expanded to include a kids' water feature with fountains, a second pool, two (2) hot tubs, and a covered, outdoor restaurant. According to Mr. Fredericks, the feature most impactful to the City will be an expanded entrance; the guard house has been moved more into the community to allow for more stacking. Next to that is an expanded two (2) lane entrance from Palm that grown into three (3) lanes where guests are greeted, providing three (3) lanes for stacking at the resort and not at 41<sup>st</sup> and Palm Boulevard. Operational changes remove the need for guests staying in homes or condominiums to check-in like at a traditional hotel; the guests are sent all of their credentials in advance to that they can enter and go directly to their accommodations.

The seventy (70) administrative personnel will move to offices on Daniel Island to reduce the congestion since their jobs do not require them to be on the island.

Responding to Mayor Carroll's concern that the location of the hotel will require the removal of some large trees, Mr. Battista stated that the resort adheres to the City's tree ordinance. He said that twelve (12) grand live oaks with a diameter at breast height of twenty to thirty-six (20 – 36) inches are in the footprint of the new development; six (6) will be left in place and the other six (6)

will be relocated. The landscape plan for the site will replace any trees displaced by the building footprint.

Councilmember Smith asked if they had measures beyond the new gate configuration and check-in policy to mitigate the impact of the additional traffic coming onto the island.

Other than moving the administrative personnel off the island, Mr. Fredericks explained that the hotel was designed primarily to be conference group business and that these guests do not typically rent a car but have shared transportation. He reported that the resort has arranged with the Citadel Beach House to allow the construction workers and summer seasonal employees to park in their lot.

When asked about the noise generated by the outdoor roof venue, Mr. Fredericks replied that the party space was indoors, only the ceremony would take place outside. He also commented that the resort abides by the City's noise ordinance.

Mr. Battista indicated that guests staying in the two hundred fifty (250) rental units managed by Wild Dunes and guests of the Boardwalk Inn and new hotel will be encouraged to use the new gate, which will eliminate a significant amount of traffic at the main gate.

Responding to Councilmember Rice's request for a general time line, Mr. Battista said that the plan was to raze the Administrative Building and relocate those employees before July 4<sup>th</sup> and that construction is to be completed by the late summer or fall of 2020.

Councilmember Buckhannon stated that he would like to see Wild Dunes reach out to the City to try to mitigate the extra traffic on Palm Boulevard to which they will contribute.

Mr. Battista responded that he would be happy to participate in that, and he introduced Jennifer Beale with Beale Engineering who has been involved in the planning and design having performed traffic studies with respect to the community and Wild Dunes.

Mr. Battista informed the Committee that the parking underneath the hotel would have one hundred thirty-nine (139) spaces and approximately thirty (30) other off-street spaces.

Kate Griman, 14-57<sup>th</sup> Avenue, stated that the new hotel was going to have a huge impact to her quality of life. She stated that large groups have held parties at the pool and the music has been very loud; she said that she can hear the numbers being called when the resort holds Bingo games. She added that a pump station would be next door to one (1) of her neighbors.

Bob Miller, 3 Fairway Village Lane and a member of the Coyote Coalition, stated that the Coyote Management Plan in the meeting packet on the City's website did not contain the edits suggested by the Coyote Coalition although the updated version was the one passed unanimously by the Public Safety Committee.

Rebecca Stephenson and Jessica Blaszcak reminded Council that they had spearheaded the farmers' market in 2017 and thanked Council for the opportunity to do it again in 2018.

Doreen Olson, a resident of Wild Dunes, asked Mr. Battista and Mr. Fredericks if the back gate to the community would be open to residents once the construction begins.

He also introduced other members of the development team, Mike Manzinger who heads up the construction of the project, Sam Harris and Amy Hamrick. Mr. Manzinger stated that he had learned from the community informational meetings that traffic was a hot topic and that they had decided to keep one (1) lane open for in-coming traffic.

Deborah Thompson, 4 Grand Pavilion, voiced agreement with an earlier speaker that the new hotel was going to “have a huge impact on [her] life and [her] quality of life.” She posed two (2) issues for the Wild Dunes’ representatives, i.e. Were there plans for some type of sound barrier to lessen the noise from the complex for the residents? And she expressed concern about emergency vehicles leaving the resort because “seconds matter with an ambulance.”

Mr. Manzinger expressed confidence that, if there was an emergency, they could get the appropriate help to clear the entrances clear at both ends.

Rusty Williamson, 605 Carolina, commented on the Agenda item appointing Linda Tucker the City Administrator Emeritus and asked if a job description had been written for the position and what the job would entail, but all he had been told was that it was good for the City. He questioned the transparency of Council for this action.

Jim Smiley, 16 – 44<sup>th</sup> Avenue, also directed his comments to the “Wild Dunes’ people” saying that they appear to have put forth the effort to mitigate the traffic within the planned development, and he noted that he lives about two (2) blocks from the Citadel Beach House where construction personnel will be directed to park. He noted that the zoning for that area is SR-1, single family residential, and that the Citadel was a non-conforming use within that zoning district. All of the workers who will be parking at the Citadel Beach House must pass his home on Palm Boulevard; he stated that he was ‘concerned, disturbed, dismayed’ at what was being done to his life. He said that he has put up with noise at all times of the night from parking and events at the Beach House, and now more parking for construction workers, service workers and wedding personnel will be added and it did not feel like a good deal for him.

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

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

From the regular meeting of May 15<sup>th</sup>, Councilmember Ward reported that the financial statement reviewed was through April 30, 2018; General Fund revenues were seventy-eight percent (78%) collected and General Fund expenditures were seventy-nine percent (79%) expended. Property Taxes revenue was slightly ahead for the same period in FY17, and the Treasurer expressed confidence that the budget would be met. She reported that all revenue sources, except Rental Licenses, Parking and All Other were ahead of revenues through ten (10) months of FY17. With the spending associated with the off-shore dredging project, cash balances have come down as was expected; total cash has gone down by approximately three million dollars (\$3,000,000).

The Chair, Treasurer Suggs and the City’s auditors are working on an agreed set of procedures for the marina businesses to follow to ensure the revenue and cost of sales are being presented correctly.

Year over year, Municipal Accommodations Taxes and Beach Preservation Fees are running three percent (3%) ahead of FY17. For the Charleston County Pass-through, the City was told to expect and budget for a decrease in FY18, but the City has been told to expect the amount to



increase in FY19 by approximately seventy thousand dollars (\$70,000). Hospitality Tax collections continue to be strong showing growth of five percent (5%) over FY17.

**Report on recommendation from the Public Works Committee to approve a change order in the amount of \$9,073.98 for the relocation of a junction box to avoid conflict with power line (Pg. 45, In 100 – Phase II Drainage, Contingency, \$2,209,157)**

Administrator Tucker noted that this expense was below the ten thousand dollars (\$10,000) toggle in the Procurement Code for which she has the authority to authorize and this was listed on the Agenda for reporting purposes only.

- A. Recommendation from the Public Safety Committee to award a contract in the amount of \$25,000 to Munnerlyn Pyrotechnics for the 2018 July 4<sup>th</sup> fireworks show (Pg. 28, In 268 – State ATAX, General Government, Programs/Sponsorships, \$35,000)**

**MOTION:** Councilmember Smith moved to award a contract to Munnerlyn Pyrotechnics in the amount of \$25,000 for the 2018 July 4<sup>th</sup> fireworks display; Councilmember Rice seconded and the motion **PASSED UNANIMOUSLY.**

- B. Report on emergency purchase from Technology Solutions in an amount not to exceed \$27,000 for replacement of the City Hall server experiencing interruptions in service (Pg. 22, In 27 – General Government Capital Outlay)**

**MOTION:** Councilmember Ward moved to approve the emergency purchase of \$27,000 from Technology Solutions for the replacement of the City Hall server; Councilmember Bell seconded and the motion **PASSED UNANIMOUSLY.**

5

- C. Recommendation from the Recreation Committee to approve the 2018 Farmers' Market Budget**

**MOTION:** Councilmember Kinghorn moved to approve the 2018 Farmers' Market Budget as presented; Councilmember Moye seconded and the motion **PASSED UNANIMOUSLY.**

Councilmember Ward asked that the changes to the FY19 budget that the Administrator reviewed at the Public Hearing be posted to the City's website for public review. Additionally, Councilmember Ward reported that, in budget discussions, Council agreed to use a portion of Hospitality Taxes to provide a return on investment to the island's businesses who collect and pay them; the funds could be used for a future promotion as a show of the City's appreciation.

The next Ways and Means Committee meeting will be at 5:00 p.m., Tuesday, June 19, 2018.

**B. Public Safety Committee**

From the meeting of May 2, 2018, Councilmember Smith stated that the new Collarum coyote traps have not been deployed because they must be secured to something substantial so that the coyote cannot just pull it out of the ground when trapped. Interim Chief Usry reported that the Municipal Association, the City's liability insurance carrier, has confirmed that the City would be uninsured if it chose to go forward with that action. Wild Dunes has indicated that they would not

allow the City to hunt within the gates of the community. Interim Chief Usry said that the Coyote Coalition's edit suggestions have been included in the City's Coyote Management Plan that was in the meeting packet showing those edits in yellow. Councilmember Bell noted that the plan was listed as a living document so changes could be made in the future if the need presents itself.

**MOTION: Councilmember Smith moved to adopt the edited version of the Coyote Management Plan; Councilmember Bell seconded.**

After discussing the possibility of a coyote hunt and the entity that would authorize such,

**AMENDMENT: Councilmember Kinghorn moved to amend the motion and to defer action on the Coyote Management Plan, and Councilmember Rice seconded; the amendment FAILED on a vote of 2 to 7 with Councilmember Kinghorn and Rice supporting it.**

**VOTE on ORIGINAL MOTION: The motion PASSED on a vote of 7 TO 2 with Councilmembers Kinghorn and Rice dissenting.**

Interim Chief Usry stated that, before the season begins, she speaks with the Mount Pleasant Police Department about their posting an officer to direct traffic at the intersection of Rifle Range Road and the Connector on very busy weekends when the mass exodus begins. If they are too busy and do not have an available officer, one (1) of the two (2) off-duty County officers who assist with traffic on Saturdays and Sundays would be sent to that intersection since they have jurisdiction there. She noted that the County officers cannot enforce parking or the City's ordinances on the island, but they can assist with traffic control. Referencing the construction of a new hotel in Wild Dunes and its impact on traffic on Palm Boulevard, the Administrator stated that the City could order its own traffic study from 41<sup>st</sup> and Palm Boulevard to the entrance at Wild Dunes to find a mechanism to better manage the traffic, but whatever the results, she did not think the City would have a way of leveraging Wild Dunes to do any of the things that might be recommended. The City could order its own traffic study from 41<sup>st</sup> and Palm Boulevard to the entrance at Wild Dunes to find a better mechanism to better manage the traffic, but whatever the results, she did not think the City would have a way of leveraging Wild Dunes to do any of the things that might be recommended.

The micro-resurfacing of Palm Boulevard between 21<sup>st</sup> and 41<sup>st</sup> Avenues has been rescheduled to the week of June 11<sup>th</sup> due to weather delays. Free parking will be available in the municipal parking lot for the days the work is being done.

Assistant Fragoso reported that the City is in receipt of the first draft of the sign plan and that she is working on the corrections; the final sign plan will be submitted to SCDOT with the encroachment permit. Based on this information, the recommendation has been made to defer Second Reading of Ordinance 2018-05 until the corrections to the sign plan have been completed and the encroachment permit has been issued.

Councilmember Bell noted that the recommendation made at the last Council meeting was to allow resident boat trailer parking on 41<sup>st</sup> Avenue to Frank Sottile; he was assured by Administrator Tucker that 41<sup>st</sup> would be resident only parking with no distinction of trailer from car; the ordinance reserves the area on 41<sup>st</sup> to Frank Sottile for residents to park either cars or trailers. As such, the marina could only use 41<sup>st</sup> Avenue for overflow parking of residential vehicles which solves Councilmember Ward's issue.

The Committee unanimously approved recommendations for FY19 County Transportation Committee requests for funding.

**MOTION: Councilmember Smith moved to request for the following projects in the priority stated, (1) reconfiguration of the intersection of 14<sup>th</sup> Avenue and the Connector and (2) regulation bike lanes on both sides of Palm from 21<sup>st</sup> to 57<sup>th</sup> Avenues; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.**

Interim Chief Usry showed the Committee several options for placards to replace the current guest pass booklets given to residents and indicated that she would have additional and less costly samples at the next meeting.

Interim Chief Usry announced that the City of Isle of Palms was named the Safest City in South Carolina for its size and 48<sup>th</sup> in the Nation's Safest Cities; she attributes the success to the addition of two (2) officers, one (1) each in criminal investigations and livability, in last year's budget.

The next Public Safety Committee meeting will be held at 5:00 p.m., Monday, June 4<sup>th</sup> in the Conference Room.

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

At the meeting of May 7<sup>th</sup>, Director Pitts reported that, compared to the same month in 2017, garbage collections was relatively flat and yard debris was up. The highlight for the month was the Hazardous Materials Collection and Shred Day despite the fact that the shredder went down at 10:30 or 11:00 a.m.; the company has offered to reschedule a Shred Day at no charge to the City since they were unable to fulfill their obligation. The most expensive item in vehicle maintenance was the replacement of six (6) tires for three thousand dollars (\$3,000).

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7

The Committee again discussed the drainage issues on 32<sup>nd</sup> Avenue and learned that the drainage easement belongs to Charleston County who will not commit the funds of one hundred fifty to two hundred thousand dollars (\$150,000 – \$200,000) to resolve the problem.

The Phase II Drainage project is going very well; David Stevens of Civil Site Environmental displayed a diagram of the conflict of the drainage line and a SCE&G junction box that was the subject of a change order that was discussed earlier. Assistant Frago said that the completion would be delayed a bit more than expected since the contractor has been asked not to work on the weekends through the summer; he has also been asked to staff-up when the project reaches Palm Boulevard, which might speed up the work.

Additional discussions included the support of the Public Safety Committee's recommendations for FY19 CTC funding requests and the job description for the Assistant Public Works Director for Maintenance and Facilities.

In conclusion, Councilmember Rice was very pleased to announce that weekly recycling will return to the island the week of June 13<sup>th</sup> and twice a week garbage collections will begin the week of Monday, June 4<sup>th</sup>.

The Public Works Committee will hold its next meeting at 9:00 a.m., Thursday, June 7<sup>th</sup> in the Conference Room.

#### **D. Recreation Committee**

At the meeting of May 7<sup>th</sup>, Director Page noted that the majority of children's programs and seniors' programs stop for the summer months because many residents travel since the children are out of school. In athletics, adult softball, 3 on 3 basketball, 6 vs 6 soccer and table tennis singles leagues are continuing, and, for the children, Fast Start, T-ball and machine pitch are continuing while youth baseball teams are having tournaments. The Keenagers had their last meeting before the summer break on May 2, and forty-one (41) seniors attended. Summer Camps begin Monday, June 11<sup>th</sup>, and all sections of Wee Camp and Camp Summershine have been filled. Music in the Park will be Saturday, May 5<sup>th</sup> from 1:00 p.m. to 4:00 p.m. on the grounds of the Rec Center; the 30<sup>th</sup> Annual Piccolo Spoleto Sand Sculpting Contest will be Saturday, June 9<sup>th</sup> at 9:00 a.m. on Front Beach; the IOP Beach Run is scheduled for Saturday, July 21<sup>st</sup>; and the 20<sup>th</sup> Annual Half Rubber Tournament will be Saturday, August 18<sup>th</sup> beginning at 8:00 a.m.

Councilmember Buckhannon reported that discussions related to full court basketball for adults will continue in the fall and that the Committee discussed and unanimously approved the 2018 Farmers' Market budgeted that included compensation of twelve hundred dollars (\$1,200) for the two (2) volunteer managers. With plans to open the gym on Sunday afternoons on a trial basis, the Committee discussed possible activities to take place.

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

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

Councilmember Ferencz reported on the meetings of May 8<sup>th</sup> and noted that the Committee's planned study of the City Code on Standing Committees and the frequency of employee evaluations has been deferred to August to allow the Committee to focus on the City's recruitment of a Chief of Police and City Administrator. As the Committee discussed the FY19 budget and the decision to hire a search firm, they agreed that the amount of money originally allocated should be increased to seventy-five thousand dollars (\$75,000) to cover the full expense, including possible airfare and meet-and-greets for the candidates. Under New Business, the Committee discussed the recruitment process for hiring the City Administrator, Chief of Police and Assistant Public Works Director for Facilities and Maintenance to include methods of keeping citizens informed of progress, the engagement of appropriate standing committees and a proposed timeline. Human Resources Officer DeGroot provided the Committee members with proposals developed by five (5) search firms for the City; members were asked to study them and to be prepared to discuss their top two (2) firms with the goal of choosing two (2) to recommend to the Ways and Means Committee.

From the brief May 15<sup>th</sup> meeting, the Personnel Committee made the following recommendations:

**MOTION: Councilmember Ferencz moved to appoint Assistant City Administrator Fragoso to be the Interim City Administrator with all of the duties and responsibilities as recorded in the City Administrator's job description, City procurement and City Codes effective June 1, 2018; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

**MOTION: Councilmember Ferencz moved to appoint City Administrator Linda Tucker to be appointed City Administrator Emeritus effective June 1, 2018 through**

**October 8, 2018 and as such, she will remain an IOP employee, will work exclusively from home and complete special projects as assigned by Council on May 31<sup>st</sup> and from time to time thereafter; Councilmember Moyer seconded and the motion PASSED on a vote of 8 to 1 with Councilmember Ward dissenting.**

The next regular meeting of the Personnel Committee will be at 5:00 p.m., Thursday, June 7<sup>th</sup> in the Conference Room.

Councilmember Ferencz announced the Safety Sweepstakes winners for April as Debbie Suggs in General Government, ACO Chris Enourato for the Police Department, David Micalizzi from the Fire Department and Charles Williams from Public Works,

Open positions currently are a part-time Animal Control Officer, one (1) BSO, Chief of Police and City Administrator.

#### **E. Real Property Committee**

Reporting on the meeting of May 10<sup>th</sup>, Councilmember Bell stated that a resident had asked the Committee for information on which marina leases renew in 2018 and the City's RFP process. Jay Clarke, owner of Morgan Creek Grill, stated that he wanted to forge an agreement with the other marina tenants on parking at the marina for this tourist season; Councilmember Bell indicated that the Committee would continue to work on parking issues at the marina. The Committee had a lengthy discussion about the property at 1100 Palm Boulevard; as the result of a recent survey, the new buyers found that a quarter to one-third of the structure was found to be in the right-of-way that is City owned property. The problem is that, if the property is to be developed or to change hands again, the owner(s) cannot get a clear title to the property as long as the building is situated in the public right-of-way. No action will be taken on this matter until the City receives legal advice from a real estate attorney.

**MOTION: Councilmember Bell moved for the City to hire a real estate attorney to advise the City on its options related to 11200 Palm; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

Administrator Tucker directed Council's attention to the engagement letter for the services of Sid Boone, real estate attorney, and asked Council if they had any questions regarding the letter.

**MOTION: Councilmember Bell moved to approve the engagement letter from Attorney Sid Boone; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

The Committee discussed alternative parking for marina employees; Councilmember Bell complimented the Administrator for her efforts in locating every possible alternative on the island, i.e. church parking lots, the Citadel Beach House, IOPWSC property next to the marina, etc. Councilmember Bell commented that the best option would be for the City to reach an agreement with the IOP Water and Sewer Commission for marina employees to park on their property next to the marina. A second good location would be the parking lot at the Citadel Beach House.

Additionally the Committee was told that the marina tenants have paid their share of the Charleston County Property Tax bill; the bulkhead rehabilitation has been completed; the Front Beach restroom renovations and boardwalk have also been completed. The Committee

considered having lids for the trash barrels on the beach so as not to attract animals, coyotes, to the beach; the complication to this issue was how to empty them with existing equipment. The Committee discussed at length the return on investment for the residents of the island derived from the IOP Marina and looked at how to balance the needs at the marina to drainage and other financial demands on the City. Despite the defeat of the referendum on marina improvements, the Committee and City Council acknowledged that in the short-term and long-term some investment must be made to address the safety concerns. Assistant Fragoso has been working on a RFP for an engineer to inspect the marina docks and to make recommendations on how the necessary work could be phased over several budget years.

The Real Property Committee will hold its next meeting at 4:00 p.m., Wednesday, June 6<sup>th</sup> in the Conference Room

Referring to Citizens' Comments, Councilmember Rice asked whether the Committee still was planning to send out an RFP relative to the marina restaurant, and Councilmember Bell replied that the Committee has not discussed the City's actions when the lease expires in 2020.

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

- A. Accommodations Tax Advisory Committee** – minutes attached
- 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 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 Prohibit Exemption for Emergency, Law Enforcement and Other Public Service Vehicles Parking During the Performance of Official Duties or Public Service; and to Provide for Year-Round Enforcement of the Resident Parking Districts.**

As noted earlier, the City did not have the encroachment permit from SCDOT; therefore, Second Reading of Ordinance 2018-05.

The Administrator stated that staff needed Council's input on a couple of matters relative to the sign plan for this ordinance; one issue was whether Waterway Boulevard between 20<sup>th</sup> and 21<sup>st</sup> Avenues should be included in this ordinance. The consensus of the Committee was that the area did not need to be addressed in the ordinance.

Councilmember Moye informed Council that the Beach Company owns a boat ramp in that area and that the ramp is not open to the general public.

Councilmember Buckhannon repeated the fact that the City has an ordinance prohibiting trailer parking island wide for trailers in excess of twenty feet (20 ft.) in length; he opined that signage would be needed on 41<sup>st</sup> Avenue where residential trailer parking would be allowed.

The second item for consideration was the length of 41<sup>st</sup> Avenue that extends from Waterway into the marina site that is City-owned property and how Council wanted to designate it, i.e. marina parking, resident only parking, etc. for inclusion in the sign plan when submitted to SCDOT.

Based on parking discussions in the Real Property Committee, Councilmember Bell thought that the space should be resident only parking for vehicles with or without trailers. He also thought that, at a logical place along Waterway Boulevard, the car and trailer parking naturally stopped.

Interim Police Chief Usry stated that the logical cutoff point on Waterway would be Forest Trail.

Administrator Tucker reminded Council that the City could not submit its application for the encroachment permit until the sign plan was complete because it must accompany the application.

**MOTION: Councilmember Bell moved that “no trailer parking on Waterway” end at Forest Trail; Councilmember Ward seconded.**

Councilmember Buckhannon expressed his opinion that Waterway Boulevard should be “resident only” parking from 41<sup>st</sup> Avenue to Forest Trail.

**VOTE: The motion PASSED on a vote of 7 to 2 with Councilmembers Rice and Buckhannon casting the dissenting votes.**

11

**MOTION: Councilmember Bell moved that 41<sup>st</sup> Avenue from Frank Sottile to its end at the marina site be designated as resident only parking; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

**MOTION: Councilmember Kinghorn moved to defer Second Reading of Ordinance 2018-05; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

**B. Second Reading of Ordinance 2018-06 – 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, 2018, and Ending June 30, 2019.**

**MOTION: Councilmember Rice moved to approve Ordinance 2018-06 for Second Reading and to waive the reading; Councilmember Buckhannon seconded.**

**AMENDMENT: Councilmember Ward moved to approve and incorporate the recommended additions and reductions to the FY19 budget explained in the Public Hearing; Councilmember Buckhannon seconded and the AMENDMENT PASSED UNANIMOUSLY.**

**VOTE on AMENDED MOTION: The Amended Motion PASSED UNANIMOUSLY.**

- C. Second Reading of Ordinance 2018-07 – An Ordinance Amending Title 8, Motor Vehicles and Traffic, Chapter 2, Stopping, Standing and Parking Vehicles, Article A, General Provisions, of the City of Isle of Palms Code of Ordinances to Provide Additional Regulations Related to Parking in Loading Zones; to Increase the Fine for Parking in Violation of Loading Zone Regulations to \$100.00; to Declare Certain Parked Vehicles as Nuisances and to Provide for the Immobilization and Impoundment of Certain Vehicles; to Provide Reference to State Law Related to Handicapped Parking; and to Amend Administrative Provisions Related to Deposit of Monies Collected From Pay Parking Fees and Penalties.**

**MOTION:** Councilmember Ward moved to waive the reading and to approve Ordinance 2018-07; Councilmember Bell seconded and the motion **PASSED UNANIMOUSLY.**

- D. Second Reading of Ordinance 2018-08 – An Ordinance Authorizing the City Administrator of the City of Isle of Palms to Execute the Necessary Documents to Enter Into That Certain Third Amendment to Commercial Lease Agreement Between the City of Isle of Palms and Barrier Isles, LLC, Attached Hereto as Exhibit 1 and Incorporated Herein by Reference.**

**MOTION:** Mayor Carroll moved to waive the reading and to approve Ordinance 2018-08 for Second Reading; Councilmember Bell seconded and the motion **PASSED UNANIMOUSLY.**

**10. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS**

12

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**First Reading, by title only, of Ordinance 2018-09 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 1, General Provisions, Section 5-4-16, Temporary Uses, of the City of Isle of Palms Code of Ordinances to Allow Public Parking on Lots Located in SR-1, SR-2, LC and GC-1 Zoning Districts as a Temporary Use Subject to Certain Conditions**

**Motion:** Councilmember Ward moved to approve, by title only, Ordinance 2018-09 for First Reading; Councilmember Bell seconded and the motion **PASSED UNANIMOUSLY.**

**11. MISCELLANEOUS BUSINESS**

Consideration of a Memorandum of Understanding between the City and the Isle of Palms Water and Sewer Commission to fund one-half of the expenses related to updating the IOPWSC Sewer Master Plan for the island.

Mayor Carroll noted that the proposal from Thomas and Hutton in the amount of thirty-eight thousand six hundred dollars (\$36,800) was included in the meeting packet; the City's share would be nineteen thousand three hundred dollars (\$19,300).

**MOTION:** Mayor Carroll moved to approve the Thomas and Hutton proposal; Councilmember Moye seconded.



Councilmember Rice voiced concern that language in the contract focused entirely on the IOP Water and Sewer Commission; no mention was made of meeting or reporting to the IOPO City Council.

Attorney Halversen stated that the contract would be between the IOP Water and Sewer Commission and Thomas and Hutton; the City was not a party to that contract. She noted that the City would get a copy of the results of the study.

Councilmember Ferencz shared Councilmember Rice's concerns; she pointed out that the documents have no mention of the partnership between the City and the Water and Seer Commission and that relations between the two (2) entities has not always been one of sharing information. She also understood that the Planning Commission was also to be involved, but the documents did not reference it at all.

Attorney Halversen said that the City was trying to expedite the paperwork because she was told that the Water and Sewer Commission was going to sign the Thomas and Hutton contract on Wednesday, May 23<sup>rd</sup> if the City was willing to pay half the cost. This Memorandum of Understanding expressly addresses the Thomas and Hutton contract; a second Memorandum of Understanding will be presented to the Planning Commission that addresses the other components of the partnership.

**AMENDMENT #1: Councilmember Buckhannon moved to charge Attorney Halversen to work with the attorney for the Water and Sewer Commission to make the language more inclusive of the City in meetings and reporting; Councilmember Rice seconded.**

13

Councilmember Kinghorn suggested that the City use this agreement as leverage as it wants use of the IOPWSC property for marina employee parking.

Councilmember Bel; aid that he and the Mayor have a meeting scheduled with the Water and Sewer Commission on Thursday, May 24<sup>th</sup>.

**AMENDMENT #2: Councilmember Kinghorn moved to enter into a good faith negotiation with the Water and Sewer Commission to implement a pilot program for marina employee parking at their facility beside the marina; Councilmember Bell seconded.**

Councilmember Bell informed Council that the City has received a letter from the IOPWSC rejecting the City's request for marina employee parking Because of future planned expansion.

**VOTE on AMENDMENT #2: The Amendment FAILED on a vote of 1 to 8 with Councilmember Kinghorn the single "aye" vote.**

**VOTE on AMENDMENT #1: The Amendment PASSED UNANIMOUSLY.**

**VOTE on AMENDED MOTION: The Amended Motion PASSED UNANIMOUSLY.**

Twice a week garbage collection begins the week of June 4, 2018  
Weekly recycling begins on Wednesday, June 13, 2018

Next Meeting Date: 6:00 p.m., Tuesday, June 26, 2018 in Council Chambers

**12. Executive Session – not needed**

**13. ADJOURNMENT**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 8:27 p.m.; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

City Council  
6:00 p.m., Tuesday, May 22, 2018  
Council Chambers  
1207 Palm Boulevard

**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. **APPOINTMENT AND ADMINISTRATION OF OATH TO NEW EMPLOYEE**  
Nicole Chapleau - firefighter
3. **READING OF THE JOURNAL OF PREVIOUS MEETING**  
Regular Meeting of April 24, 2018
4. **CITIZENS' COMMENTS**  
Presentation – New Hotel Development for Wild Dunes Resort by Dan Battista & Frank Fredericks
5. **REPORTS FROM STANDING COMMITTEES**
  - A. **Ways and Means Committee**
    1. Recommendation from the Public Safety Committee to award a contract in the amount of \$25,000 to Munnerlyn Pyrotechnics for the 2018 July 4<sup>th</sup> fireworks show (Pg. 28, Ln 268 – State ATAX, General Government, Programs/Sponsorships, \$35,000)
    2. Report on emergency purchase from Technology Solutions in an amount not to exceed \$27,000 for replacement of the City Hall server experiencing interruptions in service (Pg. 22, Ln 27 – General Government Capital Outlay)
    3. Recommendation from the Recreation Committee to approve the 2018 Farmers' Market Budget
  - B. **Public Safety Committee**
    1. Adoption of Coyote Management Plan
    2. Consideration of FY19 CTC requests
  - C. **Public Works Committee**
  - D. **Recreation Committee**
  - E. **Personnel Committee**
    1. Appointment of Assistant Fragoso as Interim City Administrator
    2. Appointment of Administrator Tucker as City Administrator Emeritus

**April Safety Sweepstakes Winners**

General Government – Debbie Suggs	Police Department – ACO Chris Enourato
Fire Department – David Micalizzi	Public Works – Charles Williams

  - F. **Real Property Committee**  
Affirmation of recommendation to engage the services of a real estate attorney regarding 1100 Palm and right-of-way on Pavilion Drive
6. **REPORTS FROM CITY OFFICERS, BOARDS AND COMMISSIONS**
  - A. **Accommodations Tax Advisory Committee** – minutes attached
  - 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 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 Prohibit Exemption for Emergency, Law Enforcement and Other Public Service Vehicles Parking During the Performance of Official Duties or Public Service; and to Provide for Year-Round Enforcement of the Resident Parking Districts.**

**B. Second Reading of Ordinance 2018-06 – 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, 2018, and Ending June 30, 2019.**

**C. Second Reading of Ordinance 2018-07 – An Ordinance Amending Title 8, Motor Vehicles and Traffic, Chapter 2, Stopping, Standing and Parking Vehicles, Article A, General Provisions, of the City of Isle of Palms Code of Ordinances to Provide Additional Regulations Related to Parking in Loading Zones; to Increase the Fine for Parking in Violation of Loading Zone Regulations to \$100.00; to Declare Certain Parked Vehicles as Nuisances and to Provide for the Immobilization and Impoundment of Certain Vehicles; to Provide Reference to State Law Related to Handicapped Parking; and to Amend Administrative Provisions Related to Deposit of Monies Collected From Pay Parking Fees and Penalties.**

**D. Second Reading of Ordinance 2018-08 – An Ordinance Authorizing the City Administrator of the City of Isle of Palms to Execute the Necessary Documents to Enter Into That Certain Third Amendment to Commercial Lease Agreement Between the City of Isle of Palms and Barrier Isles, LLC, Attached Hereto as Exhibit 1 and Incorporated Herein by Reference**

**10. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS**

**First Reading, by title only, of Ordinance 2018-09 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 1, General Provisions, Section 5-4-16, Temporary Uses, of the City of Isle of Palms Code of Ordinances to Allow Public Parking on Lots Located in SR-1, SR-2, LC and GC-1 Zoning Districts as a Temporary Use Subject to Certain Conditions**

**11. MISCELLANEOUS BUSINESS**

Consideration of a Memorandum of Understanding between the City and the Isle of Palms Water and Sewer Commission to fund one-half of the expenses related to updating the IOPWSC Sewer Master Plan for the island.

Twice a week garbage collection begins the week of June 4, 2018  
Weekly recycling begins on Wednesday, June 13, 2018

Next Meeting Date: 6:00 p.m., Tuesday, June 26, 2018 in Council Chambers

**12. EXECUTIVE SESSION – if needed**

**13. CONCLUSION/ADJOURNMENT**

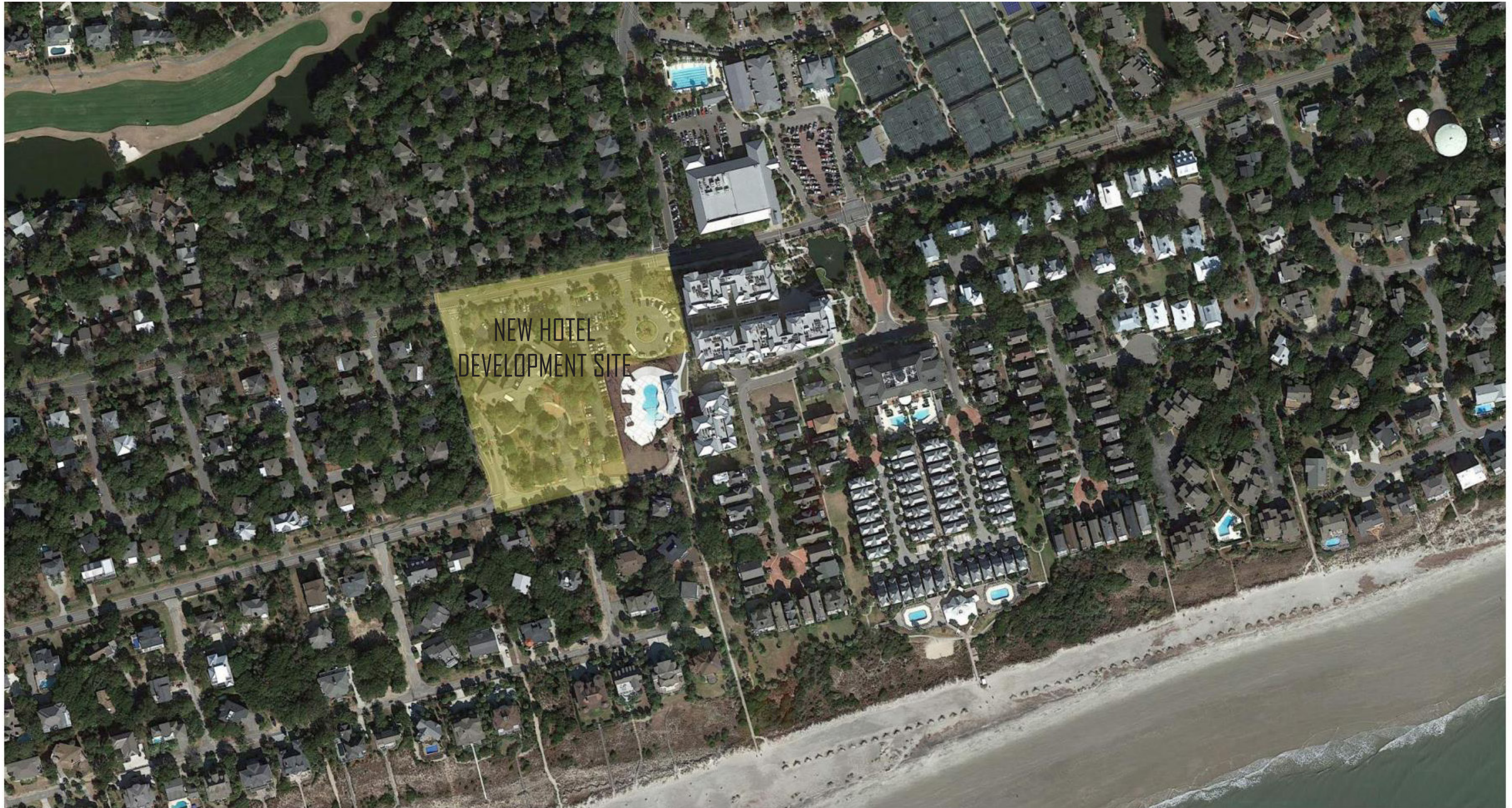


# Wild Dunes Resort | Hotel

New Hotel Presentation



















NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE.

**SW** **WILD DUNES HOTEL | MASTERPLAN**  
 SEAMONWHITESIDE LOWE ENTERPRISES  
 ISLE OF PALMS, SOUTH CAROLINA  
 APRIL 11, 2018















## **Special Ways and Means Committee Meeting**

4:45 p.m., Tuesday, May 15, 2018

A Special Meeting of the Ways and Means Committee was held at 4:45 p.m., Tuesday, May 17, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. In attendance were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice and Smith, Chair Ward, Mayor Carroll, City Administrator Tucker, Attorney Halversen, Assistant Administrator Fragoso, and City Clerk Copeland; a quorum was present to conduct business.

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

### **2. Purpose**

**Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice concerning settlement of pending claims related to the Public Safety Building.**

**Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice concerning potential claims related to the Marina. Upon returning to open session, Council may take action on matters discussed in Executive Session.**

**MOTION: Councilmember Kinghorn moved to go into Executive Session at 4:46 p.m.; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

Council returned to open session at 5:18 p.m., and Mayor Carroll announced that no action and no vote was taken in Executive Session.

### **3. Adjournment**

**MOTION: Councilmember Kinghorn moved to adjourn the Special Meeting at 5:18 p.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY**

Respectfully submitted:

Marie Copeland  
City Clerk

**Ways and Means Committee**  
5:00 p.m., Tuesday, May 15, 2018

The regular meeting of the Ways and Means Committee was called to order at 5:20 p.m., Tuesday, May 15, 2018 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 and Smith, Chair Ward, Mayor Carroll, Administrator Tucker, Assistant Frago and Clerk Copeland; a quorum was present to conduct business.

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. Approval of Previous Meetings' Minutes**

**MOTION:** Councilmember Bell moved to approve the minutes of the regular meeting of April 17, 2018 and the Special Meeting of April 11, 2018 as submitted; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments** – None

4. **Financial Statements** – Treasurer Debbie Suggs

**A. Financial Statement**

The financial statement for review was through ten (10) months of FY18, or April 30, 2018. General Fund revenues were seventy-eight percent (78%) collected and General Fund expenditures were seventy-nine percent (79%) expended. Property Taxes revenue was slightly ahead for the same period in FY17, and the Treasurer expressed confidence that the budget would be met. She reported that all revenue sources, except Rental Licenses, Parking and All Other were ahead of revenues through ten (10) months of FY17. With the spending associated with the off-shore dredging project, cash balances have come down as was expected; total cash has gone down by approximately three million dollars (\$3,000,000).

The Chair, Treasurer Suggs and the City's auditors are working on an agreed set of procedures for the marina businesses to follow to ensure the revenue and cost of sales are being presented correctly.

**B. Tourism Schedules**

Year over year, Municipal Accommodations Taxes and Beach Preservation Fees are running three percent (3%) ahead of FY17. For the Charleston County Pass-through, the City was told to expect and budget for a decrease in FY18, but the City has been told to expect the amount to increase in FY19 by approximately seventy thousand dollars (\$70,000). Hospitality Tax collections continue to be strong showing growth of five percent (5%) over FY17. The next schedule showing ten (10) years of Local Options Sales Taxes has increased by five point six percent (5.6%) over FY17; the Treasurer stated that she saw this tax as a good barometer of the overall island's economy.

**C. Projects Worksheets**

Treasurer Suggs thought that, with the exception of Coastal Science and Engineering, most of the spending for the off-shore renourishment project has been done, and she was pleased to announce that the project has been completed without the City incurring any debt. She recalled from last month's meeting that money was borrowed from existing City funds to make the last payment to Great Lakes Dredge and Dock of five million dollars (\$5,000,000); at this moment the City has a "due to" the Capital Projects Fund in excess of one and a half million dollars (\$1,500,000) and a "due to" the Disaster Recovery Fund of one point two million dollars (\$1,200,000). As the FEMA money is collected, these funds will be repaid. Expenditures for the Phase II Drainage Project in April were pay application #5 to the contractor and project management fees for Civil Site Environmental. The project shortfall will be paid from contingency funds. The rehabilitation of the Front Beach restrooms has nearly been completed and is within budget. The Bulkhead Rehabilitation has been completed within budget. And, as of yet, very little in the way of expenses has been charged against the replacement of the underground storage tanks.

**5. Old Business – none**

**6. New Business**

- A. Report on recommendation from the Public Works Committee to approve a change order in the amount of \$9,073.98 for the relocation of a junction box to avoid conflict with power line (Pg. 45, In 100 – Phase II Drainage, Contingency, \$2,209,157)**

Administrator Tucker noted that this expense was below the ten thousand dollars (\$10,000) toggle in the Procurement Code for which she has the authority to authorize and this was listed on the Agenda for reporting purposes only.

- B. Recommendation from the Public Safety Committee to award a contract in the amount of \$25,000 to Munnerlyn Pyrotechnics for the 2018 July 4<sup>th</sup> fireworks show (Pg. 28, In 268 – State ATAX, General Government, Programs/Sponsorships, \$35,000)**

**MOTION:** Councilmember Rice moved to award a contract to Munnerlyn Pyrotechnics for July 4<sup>th</sup> fireworks display; Councilmember Bell seconded and the motion **PASSED UNANIMOUSLY**.

- C. Report on emergency purchase from Technology Solutions in an amount not to exceed \$27,000 for replacement of the City Hall server experiencing interruptions in service (Pg. 22, In 27 – General Government Capital Outlay)**

**Motion:** Councilmember Kinghorn moved to approve up to \$27,000 to replace the City Hall server; Councilmember Bell seconded.

When Chair Ward asked if this server was included in the budget, the Administrator responded that it was in the FY19 budget but not in the FY18 budget; the court software is going to be moved to the existing server.

**VOTE: The motion PASSED UNANIMOUSLY.**

**D. Recommendation from the Recreation Committee to approve the 2018 Farmers' Market Budget**

Councilmember Moye noted that Council has already moved to pay the parking fee for the markets and that the budget was very conservative since it did not include the sales of alcohol or any sponsorships for music or children's entertainment. The Recreation Committee discussed at length paying the volunteers for their time, and they finally decided that to pay them was actually paying for professional services as in other City budgets.

**MOTION: Councilmember Moye moved to approve the 2018 Farmers' Market budget as presented; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

**E. Discussion of FY19 Budget**

Chair Ward stated that proposed changes to the budget were detailed on a separate page; a copy of which is attached to the historical record of the meeting. Chair Ward noted that the potential changes make a substantial dent in the deficit in FY19.

Agreeing with Councilmember Rice, Chair Ward shared her concern that more money has not been allocated to the docks at the marina; he also was disturbed that no money has been allocated to the Disaster Recovery Fund.

**MOTION: Councilmember Bell moved to add \$250,000 for general maintenance at the marina, absent any better data, from the Marina Fund; Councilmember Rice seconded, and the motion PASSED on a vote of 8 to 1 with Councilmember Ferencz casting the dissenting vote.**

3

In addition to the proposed changes on the handout, Council approved removing fifteen thousand dollars (\$15,000) from the budget for the City Hall server and adding two hundred fifty thousand dollars (\$250,000) for emergency dock repairs at the marina.

In reviewing the fund balances projected for the end of FY19, the Hospitality Tax Fund should have the biggest balance.

Since Treasurer Suggs did not think the State would approve setting aside Hospitality Taxes for Disaster Recovery, she suggested that the City adhere to past practices of putting a portion of the City's FY18 positive net results into the Disaster Recovery Fund.

**7. Miscellaneous Business – None**

Adoption of Safe Boating Week

**Next Meeting Date:** 5:00 p.m., Tuesday, June 9, 2018 in Council Chambers

**8. Executive Session – not needed**

**9. Adjournment**



**MOTION:** Councilmember Kinghorn moved to adjourn the meeting at 6:05 p.m.;  
Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland  
City Clerk

DRAFT

**Public Safety Committee**  
5:00 p.m., Wednesday, May 2, 2018

The regular meeting of the Public Safety Committee was held at 5:00 p.m., Wednesday, May 2, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Ward and Chair Smith, Administrator Tucker, Interim Police Chief Usry, Chief Graham, Assistant Administrator Fragoso and Clerk Copeland; a quorum was present to conduct business.

1. Chair Smith 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 April 9, 2018 meeting as submitted; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

**3. Citizens' Comments – None**

**4. Old Business**

**A. Update on Coyote Management**

Interim Chief Usry reminded the Committee that to-date the City's trapping efforts have resulted in catching three (3) coyotes; the Collarum traps have not been deployed because these traps must be secured to something substantial so that the coyote cannot just pull it out of the ground when trapped. She noted that the trapping can only take place on public properties and in the marshy area of the Harbor Course in the vicinity of Forest Trail and Waterway Boulevard.

On the issues surrounding a coyote hunt, Interim Chief Usry reported that the Municipal Association, the City's liability insurance carrier, has confirmed that the City would be uninsured if it chose to go forward with that action. Wild Dunes has indicated that they would not allow the City to hunt within the gates of the community.

Chair Smith commented that the Coyote Coalition had emailed Councilmembers with suggestions to the City's Coyote Management Plan, and the Chair said that she agreed with the changes.

**MOTION: Councilmember Ward moved to adopt the Coyote Management Plan as presented; Councilmember Bell seconded.**

Interim Chief Usry said that the Coyote Coalition's suggestions have been included in the City's Plan that was in your packet for the meeting.

Councilmember Bell noted that the plan was listed as a living document so changes could be made in the future if the need presents itself.

**VOTE: The motion PASSED UNANIMOUSLY.**

**B. Managed Beach Parking Plan**

Interim Chief Usry stated that, before the season begins, she speaks with the Mount Pleasant Police Department about their posting an officer to direct traffic at the intersection of Rifle Range Road and the Connector on very busy weekends when the mass exodus begins. If they are too busy and do not have an available officer, one (1) of the two (2) off-duty County officers who assist with traffic on Saturdays and Sundays would be sent to that intersection since they have jurisdiction there. She noted that the County officers cannot enforce parking or the City's ordinances on the island, but they can assist with traffic control.

Noting that parking is already on both sides of Palm up to 39<sup>th</sup> Avenue, Councilmember Bell asked if the City was going to review the Wild Dunes future development plans and its impact on traffic.

Assistant Fragoso stated that the resort would be attending the May 22 Council meeting to present the plan for their next project; they have done a traffic study, and the traffic engineer will also attend to present the results.

The Administrator stated that she did not know of anything the City could require them to do that would hold up their development plans. The City could order its own traffic study from 41<sup>st</sup> and Palm Boulevard to the entrance at Wild Dunes to find a better mechanism to better manage the traffic, but whatever the results, she did not think the City would have a way of leveraging Wild Dunes to do any of the things that might be recommended.

Assistant Fragoso reported that the City is in receipt of the first draft of the sign plan and that she is working on the corrections; the final sign plan will be submitted to SCDOT with the encroachment permit.

2

**C. Update of micro-surfacing work on Palm Boulevard between 21<sup>st</sup> and 41<sup>st</sup> Avenues**

Interim Chief Usry reported that City Hall staff and Captain Swain met with the contractor earlier today, and the Police Department is prepared to provide detour signs and other traffic control devices that might be needed. The contractor Hudson will notify the residents along Palm Boulevard, and they will begin placing "No Parking" signs on Palm on May 14<sup>th</sup> that will be one hundred feet (100 ft.) apart. She has notified Charleston County School's Security Officer Michael Reidenbach about the project, and he will pass the word along to the Transportation Department and parents. The schedule will begin with the signage on May 14<sup>th</sup>, Hudson will bring its equipment onto the island on May 15<sup>th</sup> and make preliminary preparations, May 16<sup>th</sup> is the day the actual work is to take place, which they say can be done in one (1) day, and May 17<sup>th</sup> will be for breaking down the equipment and leaving the island.

A suggestion made to Administrator Tucker was to provide free parking in the municipal lots on the work day, Wednesday, May 16<sup>th</sup>, to encourage parking there and not on Palm, Boulevard. The Committee agreed that was a good idea and requested that the minutes reflect that free parking in the municipal parking lots on May 16, 2018 was the recommendation of the Public Safety Committee.

Interim Chief Usry commented that the Police Department has asked Dave Kynoski of the Wild Dunes Community Association (WDCA) to send an e-mail blast to Wild Dunes residents and Jennifer West of Wild Dunes Operations telling them about the traffic detour on Wednesday, May 16<sup>th</sup>, and the Livability Officer is informing the rental companies.

D. Review of Fire and Police Department FY19 budgets

Councilmember Ward asked if the FY19 budget had any changes since the last review and, if so, to review only those items.

Interim Chief Usry reported that Ford is discontinuing the manufacture of sedan model vehicles; therefore, the Police Department wants to purchase SUVs in FY19 that are five thousand dollars (\$5,000) more than sedans. The advantages of SUVs are that they allow for more mobility in flooding situations and they can go on the beach; five (5) vehicles are in the FY19 budget, and, if the Committee approves the change to SUVs, the budget should be increased by twenty-five thousand dollars (\$25,000),

**MOTION: Councilmember Ward moved to approve the addition of 5 vehicles x \$5,000 per vehicle, or \$25,000, to the FY19 budget for the purchase SUVs for the Police Department in FY19; Councilmember Bell seconded.**

Responding to Chair Smith, Interim Chief Usry said that the Police Department has twenty-two (22) vehicles.

**VOTE: The motion PASSED UNANIMOUSLY.**

Councilmember Ward confirmed that the fire truck in the FY19 budget would be financed and asked Chief Graham to add "only with failure" to the line item of thirty-five thousand dollars 3 (\$35,000) for the replacement of radios.

3

Councilmember Ward stated that his goal as to reduce the deficit by half, or by two million dollars (\$2,000,000).

E. Discussion of Ordinance 2018-07 – Parking in Loading Zones

Based on discussions at the April meeting, Attorney Halversen crafted an ordinance that was approved for First Reading at the subsequent Council meeting. Since at First Reading Council does not talk about an ordinance, this meeting provides that opportunity for the Committee members.

Chair Smith acknowledged that the discussion, at the previous meeting, focused on illegal parking in loading zones; she was also concerned that the Police Department could not take immediate action for illegal parking in other ways, for instance blocking a fire hydrant.

Councilmember Ward assured the Chair that her concern was addressed elsewhere in the City Code.

Interim Chief Usry stated that every change the Department requested was made in order to make it easier for the patrol officer to do his/her job.

F. Discussion of Ordinance 2018-05 – Parking Restrictions on Waterway and 41<sup>st</sup> Avenue

Councilmember Ward stated that he has received a backlash about resident boat trailer parking on 41<sup>st</sup> Avenue and added that Councilmember Bell had come up with a good idea.

Councilmember Bell stated that parking on Waterway was an overflow issue and a lack of parking for residents at the marina, and, without concessions from the marina operator, pressure will continue outside the operating area. The original discussion on Waterway was multi-faceted stating that the right-of-way is very narrow and is an inconsistent width – in some places, it is only six feet (6 ft.). The City already has ordinances that one cannot interfere with public right-of-way, no parking on sidewalks and no parking on the street; with these ordinances in place, the Committee likely has to do nothing to prohibit parking on Waterway other than enforce the existing ordinances.

Councilmember Bell noted that the recommendation made at the last Council meeting was to allow resident boat trailer parking on 41<sup>st</sup> Avenue to Frank Sottile; he was assured by Administrator Tucker that 41<sup>st</sup> would be resident only parking with no distinction of trailer from car; the ordinance reserves the area on 41<sup>st</sup> to Frank Sottile for residents to park either cars or trailers. As such, the marina could only use 41<sup>st</sup> Avenue for overflow parking of residential vehicles which solves Councilmember Ward's issue.

Chair Smith opined that she does not want to see the street or sidewalks blocked on Waterway, and spots on the right-of-way are wide enough to accommodate a boat and trailer without encroaching on the road or sidewalk.

Councilmember Bell opined that the Committee and Council were solving the marina's problem by imposing on residents. He reiterated that nineteen (19) businesses, not counting the 4 unlicensed charter boats, are operating out of the marina, so his question was what was the marina operator going to do to deal with the overflow traffic.

## **5. New Business**

### **A. Discussion of FY19 CTC project requests**

Assistant Fragoso stated that staff was looking for direction in responding to the County's request for FY19 County Transportation Commission (CTC) project requests; last year the City submitted (1) the improvements to the intersection at 14<sup>th</sup> and the Connector with the bicycle path leading through Leola Hanbury Park and (2) regulation bike paths on both sides of Palm Boulevard from 21<sup>st</sup> to 57<sup>th</sup> Avenue. The County anticipates receiving one million dollars (\$1,000,000) in CTC funds to distribute.

Councilmember Ward thought they were both worthy projects and recommended that the City repeat the FY18 requests.

Although she wants to see bike lanes on Palm Boulevard, she was uncertain how the discussion of kiosks on Palm would evolve; therefore, she opined that a request for funds toward the multiuse path on Waterway would make more sense at this time. She was not asking to replace one (1) of the other projects but to add it to the list.

Councilmember Bell thought that the City's request should be for the project that would be more likely to get funding; he asked Assistant Fragoso if the City would have a better chance of getting funding if it "doubled down" on one (1) project.

**MOTION: Chair Smith moved to submit the following prioritized list for CTC funding: (1) long-term solution for multi-use path on Waterway Boulevard, (2) intersection improvements to the intersection of 14<sup>th</sup> and the Connector and (3) regulation bike paths**

**on both sides of Palm Boulevard from 21<sup>st</sup> Avenue to 57<sup>th</sup> Avenue; Councilmember Bell seconded.**

Assistant Fragoso reminded the Committee members that Council had included funding in the FY19 budget for design and engineering for the multi-use path on Waterway; therefore, a more strategic move might be to request funding for Waterway in FY20. She noted that, from her experience, CTC tends to contribute to construction more than design and engineering.

Councilmember Ward advocated for bike lanes on Palm being the Number One priority, not Number Three. He noted that every summer more and more cyclists are coming to the island and they add to the problem of traffic congestion on Palm Boulevard.

Interim Chief Usry opined that a number of improvements need to be made to Palm Boulevard, particularly to the shoulders on both sides of the road.

Chair Smith and Councilmember Bell withdrew the motion and second respectively.

**MOTION: Councilmember Ward moved to request for the following projects in the priority stated, (1) reconfiguration of the intersection of 14<sup>th</sup> Avenue and the 5 Connector and (2) regulation bike lanes on both sides of Palm from 21<sup>st</sup> to 57<sup>th</sup> Avenues; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

**B. Consideration of renewing Munnerlyn Pyrotechnics contract for July 4<sup>th</sup> fireworks display**

5

Chief Graham stated that the initial contract was signed in FY17 with a three (3) year automatic renewal.

**MOTION: Councilmember Ward moved to renew the contract with Munnerlyn Pyrotechnics at \$25,100 for the July 4<sup>th</sup> fireworks display; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

**C. Discussion of options for guest parking passes**

Councilmember Bell voiced strong support for doing away with the books of guest passes and for moving to a placard of some kind, but he did not know how many placards should be issued per household.

After displaying the plastic guest parking placard sold to rental companies, Interim Chief Usry stated that staff was in discussions with the printer to discuss less costly options the City could pursue. She stated that she would have samples for the Committee at the June Public Safety Committee meeting.

Councilmember Bell suggested that the guest placards should be for more than one (1) year, but Interim Chief Usry stated that the residential parking decals were issued annually.

Councilmember Ward commented that, unlike the booklets of guest passes currently available to residents, the placards should be at no charge; residents would never understand why they were required to purchase guest passes when their sister, brother, son or daughter visits their home.

Administrator Tucker informed the Committee that each of the issues discussed would require an ordinance change.

Chair Smith indicated that the goal would be to have the ordinance changes in place by the end of September.

Councilmember Bell asked that the Committee discuss the ordinance changes necessary at the June meeting.

## **6. Highlights of Departmental Reports**

### **Monthly Reports:**

Fire Department – attached to historical record of the meeting and on the website

Police Department – attached to the historical record to the meeting and on the website

Based on the outstanding job Officer Phillips did on April 22<sup>nd</sup> in preventing someone from jumping from the Connector, Interim Chief Usry was going to recommend him to the Personnel Committee for Employee of the Month.

Update on Front Beach benches, J.C. Long at Ocean Boulevard

Chief Graham stated that members of the Fire Department agree that taking out the benches would not make a difference unless the corner had a curb cut.

## **7. Miscellaneous Business**

Chair Smith stated that the Public Safety Committee has been asked by the Personnel Committee to provide input on the qualities needed in a new Police Chief, as well as level of experience, for a discussion at the June meeting.

Interim Chief Usry announced that the City of Isle of Palms was named the Safest City in South Carolina for its size and 48<sup>th</sup> in the Nation's Safest Cities; she attributes the success to the addition of two (2) officers, one (1) each in criminal investigations and livability, in last year's budget.

Discussion of dates for Special Public Safety Committee Meeting for a parking and traffic work session.

Despite his support for the concept, Councilmember Bell stated that, at the present time, the Committee should complete the work it has laid out before taking on anything else.

Next Meeting Date: 5:00 p.m., Monday, June 4, 2018 in the Conference Room

At the urging of Councilmember Bell, the Public Safety Committee will meet on the first Monday of the month at 5:00 p.m. for the balance of 2018. The Committee also agreed not to meet in the month of August.

## **8. Executive Session – not needed**

**9. Adjournment**

**MOTION: Councilmember Ward moved to adjourn the meeting at 6:30 p.m.; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk



# **City of Isle of Palms, SC Coyote Management Plan**



**City of Isle of Palms, SC  
Coyote Management Plan**

## **Purpose**

The purpose of this plan is to provide a management strategy and guidelines for staff responses to conflicts with coyotes. Public safety is the City's primary concern and coyotes and other wildlife will be managed with human safety as the priority. The plan seeks to achieve a balance between the importance of human safety and the benefits of maintaining natural wildlife populations. While the City employs educational outreach tools as part of the program to manage human/coyote conflicts, the City recognizes there are situations where immediate control may be necessary.

## **Strategic Plan**

1. Create and implement an ongoing education program.
2. Provide information about the rights and responsibilities of private property owners.
3. Track and monitor coyote activity.

4. Implement a program for lethal control, only when it is determined to be necessary for public safety. For example, when the interactions between humans and coyotes change from sightings and encounters to potentially unsafe *incidents or attacks*. (see definitions below)

This plan should not be seen as static in nature and as the situation and circumstances change the plan should likewise be reviewed and the necessary modifications made.

## **Definitions**

The following definitions should be used when obtaining information from the public and assist in standardized documentation of coyote behaviors.

**Observation** - The act of noticing or taking note of tracks, scat, and/or vocalizations without actually seeing a coyote.

**Sighting** - A visual observation of one or more coyotes from a distance.

**Encounter** - An unexpected direct meeting between human and coyote that is without incident.

**Incident** - A conflict between a person and a coyote where a coyote exhibited behavior creating an unsafe situation. A coyote may show aggression towards a person without any physical contact.

**Attack** - An aggressive action by a coyote that involves physical contact with a person and/or a person is injured by the actions of a coyote (example injured while trying to escape an incident or attack)

## **Descriptions of coyote behavior:**

### **Nuisance**

**Habituated** - A coyote that appears to frequently associate with humans or human related food sources, and exhibits little wariness of the presence of people.

**Depredating** - A coyote that is preying on pets or livestock.

**Menacing** - A coyote that exhibits aggravated abnormal behavior; however such coyote does not display the characteristics of a “dangerous coyote”. This may include coyote incidents and/or encounters where a coyote or a group of coyotes could potentially endanger public safety.

**Dangerous** - A coyote that has attacked a person, exhibits aggressive behavior towards a person and/or poses a significant threat to human safety.

### **General definitions:**

**Coyote Smart** - To exist together at the same time. Coyote Smart is not passive, but active on the person's part, including actions such as removing specific coyote habitats and employing hazing methods. It provides a mechanism by which persons obtain and maintain a level of knowledge and understanding of coyote ecology, behaviors and appropriate responses, so as to be coyote smart.

**Feeding of coyotes** - For educational purposes the following are definitions of the types and kinds of ways persons typically feed coyotes.

**Intentional feeding** - A person is actively and intentionally feeding coyotes. This category also includes intentionally providing food for animals that are in the coyote food chain, an example would be a bird or squirrel feeder.

**Unintentional feeding** - A person is unintentionally providing access to food. Examples are inappropriate composting, fruit from fruit trees left on the ground, pet food/water bowls, barbecue grills, sheds and house doors (garage) left open, etc.

**Unsecured trash** - Trash accessible to wildlife. Examples would be garbage cans, bags or dumpsters that are uncovered, open, overflowing or where trash is scattered outside the receptacle.

**Habitat** - Is a place where a coyote lives and grows and includes food, water, and shelter.

**Hazing** - Is an activity or series of activities that is conducted in an attempt to change the behaviors of habituated coyotes or to instill healthy fear of people back into the local coyote populations. It is not intended to physically damage the coyote, property or persons.

**Passive hazing** - Occurs without the presence of persons and includes methods used to discourage the presence of coyotes on one's property. This form may include but not be limited to motion activated devices such as sprinklers, spot lights or strobe lights, noisemakers, fence rollers, enclosed dog runs and electric fences.

**Active hazing** - Involves personal intervention by both physical presence and action. This may include but not be limited to yelling, clapping or waving one's arms to act threatening towards coyotes, as well as the use of devices including noise makers (air horns, whistles, rocks in cans), water from hoses or water guns, or rock/object throwing.

*\*Safety is the first priority and a coyote should never be cornered or should a coyote's young be approached.\**

### **Education and Awareness**

Public education and awareness is a key element of this plan. The City of Isle of Palms will provide education and information to residents and visitors on how to be coyote smart. The City will obtain educational materials from organizations that are knowledgeable in the areas of coyote ecology and behavior of coyotes and will distribute these materials as needed. It will be the responsibility of the Isle of Palms Police Department and Animal Control to organize and implement the education outreach program.

Examples of educational outreach:

1. Educational brochures will be made available in City's facilities.
2. Information will be distributed to community liaisons in response to reports of human/coyotes conflicts.
3. Coyote information will be available on the City of Isle of Palms website at [www.iop.net](http://www.iop.net).
4. Educational programs for HOAs and other groups will be available.
5. Educational wildlife informational signs will be posted in appropriate parks and open spaces.

### **Reporting and Tracking**

It is imperative that the City has an efficient and consistent reporting of human-coyote interactions. A City of Isle of Palms Police Department Incident report will be completed on all reports of coyote incidents, attacks and pet loss/attack (see definitions). Reported coyote encounters will continue to be tracked by the police department on a monthly list including locations and times.

These reports will be forwarded to Animal Control for tracking. Coyote observations and sightings will be reported to Animal Control for follow up and tracking. Tracking will also be maintained on intentional feeding reports, unsecured trash and active den sites.

These reports and tracking will allow Animal Control officers to identify "hot spots" where education, or habitat investigations might be needed. Educational materials will be offered to all persons reporting concerns about coyote encounters, observations, or sightings.

## **Hazing**

A main issue facing jurisdictions is that urban coyotes lose or have lost their fear of humans. Due to the coyote's nature they have easily adapted to urban living and combined with their lack of fear more coyote/human interactions and conflicts have arisen. One solution to this problem is to reinforce the coyote's fear of humans through the utilization of hazing techniques (see definitions). Animal Control will provide educational information to residents on hazing coyotes and suggested techniques.

## **Lethal Control**

The City, at the sole discretion of City Council, may implement a program of lethal control when the interactions between persons and coyotes escalate to the level of incident or attack. The City of Isle of Palms Police Department will investigate to substantiate such reports of incidents/ attacks. Lethal control may be utilized when the City determines that a coyote(s) pose an immediate danger to persons. The City recognizes it may be difficult to identify the specific coyote that has become problematic and will take reasonable measures to direct lethal control measures toward the offending coyote.

If a person is being attacked or there is an imminent threat of attack on a person by a coyote, a police officer may act immediately to ensure public safety and remove the threat.

Simultaneous to implementation of lethal control and upon conclusion of lethal control measures a comprehensive awareness and education program will be undertaken by the City of Isle of Palms Police Department in the affected area.

**Public Spaces:** The City, at sole discretion of City Council, is responsible for the decision as to whether to use lethal control for nuisance wildlife in public spaces with public safety in mind.

**Private Property:** Property owners within the City of Isle of Palms may employ lawful methods to control nuisance wildlife on their property.

**Vice Chairperson**

Bill Hanahan

**Members at Large**

Howard R. Chapman, P.E.

Larry Shirley

Paul Gawrych



**Chairperson**

Wilbert O'Brien Limehouse

**Technical Members**

James D. Armstrong

James R. Neal, P.E.

Laura S. Cabiness, P.E.

Michael Dalrymple, P.E.

Paul Lykins

April 2, 2018

The Honorable Jimmy Carroll  
Mayor City of Isle of Palms  
P.O. Box 508  
Isle of Palms, SC 29451

Subject: Project Requests - FY 2019 Charleston County Transportation Committee (CTC)  
"C" Fund Projects

Dear Mayor Carroll,

The Transportation Development staff once again will be preparing lists of resurfacing and new construction projects to be funded under the FY 2019 CTC road improvement program. Prioritizing the resurfacing of existing paved roads will be done utilizing our computerized Pavement Management System, which is based on the technical evaluation of the overall condition of each road. This eliminates the need for requests for resurfacing of specific roads. If you have questions regarding the County resurfacing program or the Pavement Management System, you may contact County staff at 202-6140.

Historically, the annual CTC allocation for new construction projects (e.g., rocking, paving, or improving earth roads; road drainage; road signage; traffic calming measures; striping; improvements to intersections; sidewalks and bike paths) has been approximately \$1 million in "C" Funds. The CTC has adopted a policy that allows its funds to be spent only on public right-of-way. If new or additional right-of-way is involved for construction, the requesting entity will be required to obtain the needed right-of-way (this policy does not apply to the TST Annual Allocation Program).

Please prioritize New Construction project requests and include a detailed description of the project scope, location, and estimated cost (when possible). Requests will be evaluated based on individual merit. Each request must meet certain criteria, such as acceptance by a government agency for perpetual maintenance, existing right-of-way, etc. For traffic calming requests, please provide documentation that the project meets all applicable guidelines and has been formally approved by the local government agency. Project requests may compete against each other, but will be considered and evaluated separately on individual merit by CTC members and budgeted accordingly.



Please forward your request(s) for proposed new construction projects **on or before June 8, 2018**. We ask that you submit a statement from the jurisdictional government entity that will be accepting perpetual maintenance responsibilities for the project, if selected. Please keep our funding limits in mind as you prepare your list of requested projects.

County staff members may contact you for additional information as they complete the processing of the requested projects.

If you have any questions regarding details of the program or if any questions arise in the development of your project requests, please contact me at (843) 202-6149.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Adams".

Eric Adams, P.E.

Charleston CTC Program Coordinator

cc: W. O'Brien Limehouse, Charleston CTC Chairman



**Public Works Committee**  
9:00 a.m., Monday, May 7, 2018

The regular meeting of the Public Works Department was held at 9:00 a.m., Monday, May 7 2018 in the City Hall Conference Room, 11207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmember Buckhannon and Kinghorn, Chair Rice, Administrator Tucker, Public Works Director Pitts, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

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 Kinghorn moved to approve the minutes of the regular meeting of April 4, 2018 as submitted; Chair Rice seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments** – None

4. **Departmental Report** – Director Pitts  
Vehicle Maintenance and Trash Collection Tracking Reports

Director Pitts reported that garbage was relatively flat against the same period last year and yard debris was up from last year. The primary action item for April was the installation of a valve on 19<sup>th</sup> Avenue. Personnel continue to clean the pad under the compactor when it is off island. The highlight for the month was the Hazardous Materials Collection and Shred Day despite the fact that the shredder went down at 10:30 or 11:00 a.m.; the company has offered to reschedule a Shred Day at no charge to the City since they were unable to fulfill their obligation. The most expensive item in vehicle maintenance was the replacement of six (6) tires for three thousand dollars (\$3,000).

Chair Rice asked if the white fencing adjacent to Oceanside Condominiums had been removed, and the Director replied that it had been removed and temporarily replaced with orange safety fencing.

5. **Old Business**

A. **Update on drainage issues at 32 Thirty-second Avenue**

After a location mix-up for a meeting on April 23<sup>rd</sup>, representatives from Charleston County met with Mr. Burke and his neighbor, but no City staff members were present.

According to Administrator Tucker, this problem has now come full circle. She stated that the problem has been identified as has the solution, but the County will not commit the funds of one hundred fifty to two hundred thousand dollars (\$150,000 – \$200,000) to resolve the problem. The question of who owns the easement has been answered, and it is Charleston County, and the problem still exists.



In addition, Mayor Carroll and Administrator Tucker met with Dickie Schweers, the City's representative on County Council, who agreed to look into it.

If the easement is confirmed to belong to Charleston County, Councilmember Kinghorn supported the City sending an official letter on behalf of Mr. Burke and Mr. Opoulos asking them "to do everything they can to expeditiously work with the citizens to resolve the problem."

**B. Status of Phase II Drainage Project and consideration of a change order in the amount of \$9,073.98 for the relocation of junction box to avoid conflict with SCE&G power line**

Included in the meeting packet was a letter and a drawing of the affected area; David Stevens of Civil Site Environmental stated that the junction box was not located initially, but personnel found the cable as they were digging. The piling goes to the guard house, and, to tie the existing line into the new line, a junction box must be added.

Councilmember Kinghorn asked if a light was needed at that location; he stated that he was bothered that SCE&G has seventy-five thousand dollars (\$75,000) annually in its non-standard service clause with the City that goes un-used. He said that he would like to see the City include a lighting project totaling seventy-five thousand dollars (\$75,000) in the budget every year or a more significant project every five (5) years.

Administrator Tucker reminded Councilmember Kinghorn that the non-standard service clause funds had to be spent on decorative lighting.

**MOTION: Councilmember Kinghorn moved to approve the change order for \$9,073.98; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

2

Since the amount of the change order was below the ten thousand dollar (\$10,000) toggle in the Procurement Code, the change order would be reported on at the Council meeting.

**C. Review of FY19 Public Works Budget**

Chair Rice reviewed the changes made to the Public Works budgets at the budget meeting as listed below:

- ½ the professional fees for the study for island-wide sewer \$ 50,000
- Drainage outfall improvements 400,000
- Assistant Public Works Director for Maintenance and Drainage 158,779

Chair Rice noted that seventy-five thousand dollars (\$75,000) had been left in the FY19 budget for drainage contingency, and she asked what could realistically be done for that amount of money.

Mr. Stevens explained that valves could be replaced for that sum since little or no professional fees would be involved.

The Chair then asked Mr. Stevens which outfall was in the worst condition based on his experience and knowledge of the island's drainage issues

Mr. Stevens responded that his plan was to start with the 41<sup>st</sup> Avenue outfall, down to the outfall at 31<sup>st</sup> and the next one (1) up for surveying, to figure out what could be done and to go upstream a little bit and identify what should be done to set the outfalls up, then engineering, permitting and surveying.

On the subject of the completion of the Phase II Drainage Project, Assistant Fragoso said that the completion would be delayed a bit more than expected since the contractor has been asked not to work on the weekends through the summer; he has also been asked to staff-up when the project reaches Palm Boulevard, which might speed up the work.

Director Pitts commented that both the flatbed Mack and the Mack garbage packer will not be delivered until FY19; therefore, they have been rebudgeted.

## **6. New Business**

### **A. Consideration of FY19 CTC requests**

Assistant Fragoso said that the Public Safety Committee was also asked to give an opinion on what projects the City should submit for consideration, and they supported re-submitting the projects requested for FY18, i.e. reconfiguration of the intersection of 14<sup>th</sup> Avenue and Palm Boulevard and regulation bike paths on both sides of Palm from 21<sup>st</sup> Avenue to 57<sup>th</sup> Avenue.

**MOTION: Councilmember Buckhannon moved to submit the same projects in the same order that were requested in FY18; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.**

### **B. Consideration of job description for Assistant Public Works Director for Maintenance and Facilities**

Director Pitts indicated that he was pleased with the job description included in the meeting packet.

Chair Rice voiced concern over one (1) of the Physical Requirements that stated:

“Exposure to various industrial hazards may include but not limited to: chemical hazard and electrical hazard.”

Councilmember Buckhannon stated that a chemical exposure could be use or contact with bleach and an electrical hazard could be as simple as plugging in an electrical tool.

Based on discussions at the Personnel Committee, the Administrator commented that, if a search firm was hired to assist in filling this position, they would want input from the Committee on what qualities the Committee would be looking for in the ideal candidate.

Assistant Fragoso asked that the Committee members mull over this issue to be able to discuss it at the June meeting.

Councilmember Kinghorn suggested that Director Pitts develop a list for the Committee’s review.

## **7. Miscellaneous Business**

Director Pitts announced that weekly recycling will return to the island the week following the week of Memorial Day, Wednesday, June 13<sup>th</sup>, and twice a week garbage collections will begin the week of Monday, June 4<sup>th</sup>.

Next Meeting Date: 9:00 a.m., Thursday, June 7<sup>th</sup> in the Conference Room.

The Committee agreed to meet on the first Thursday of the month at 9:00 a.m. for the balance of the year.

8. **Executive Session** – not needed

9. **Adjournment**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 9:47 a.m.; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

**Recreation Committee**  
5:00 p.m., Monday, May 7, 2018

The regular meeting of the Recreation Committee was held at 5:00 p.m., Monday, May 7, 2018 in the City Hall Conference Room, 1207 Palm Boulevard. Attending the meeting were Councilmembers Moye and Smith, Chair Buckhannon, Administrator Tucker, Recreation Director Page, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Buckhannon 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 April 3, 2018 as submitted; Councilmember Moye seconded.

Director Page indicated that a correction should be made to the motion on Page 4 relative to increasing camp fees; the increase would be to Camp Summershine only, not the athletic camps.

Councilmember Smith also had a correction on Page 4 about the summer camp registration; her initial concern was that grandchildren who do not live on the island were taking up spaces that should go to island children.

**VOTE on Corrected Minutes:** The motion PASSED UNANIMOUSLY.

**3. Citizens' Comments – None**

**4. Departmental Report for April 2018 – Director Page**

The Director noted that the majority of children's programs and seniors' programs stop for the summer months because many residents travel since the children are out of school. In athletics, adult softball, 3 on 3 basketball, 6 vs 6 soccer and table tennis singles leagues are continuing, and, for the children, Fast Start, T-ball and machine pitch are continuing while youth baseball teams are having tournaments. The Keenagers had their last meeting before the summer break on May 2, and forty-one (41) seniors attended. Summer Camps begin Monday, June 11<sup>th</sup>, and all sections of Wee Camp and Camp Summershine have been filled. Music in the Park will be Saturday, May 5<sup>th</sup> from 1:00 p.m. to 4:00 p.m. on the grounds of the Rec Center; the 30<sup>th</sup> Annual Piccolo Spoleto Sand Sculpting Contest will be Saturday, June 9<sup>th</sup> at 9:00 a.m. on Front Beach; the IOP Beach Run is scheduled for Saturday, July 21<sup>st</sup>; and the 20<sup>th</sup> Annual Half Rubber Tournament will be Saturday, August 18<sup>th</sup> beginning at 8:00 a.m.

Councilmember Moye asked if some residents were not able to register for their child(ren) for the "desired week(s)" of camp, and Director Page answered that it was possible, but she was not aware of any complaints.

**5. Old Business**

**A. Review of FY19 budget**

Administrator Tucker pointed out that this Committee was the only one (1) to increase revenue for the FY19 budget.

Chair Buckhannon stated he wanted the Rec Department budget to have sufficient funds for ongoing maintenance of the Bark Park.

Director Page said that the Rec staff was not on top of this issue as much as they should be; she noted that the plan was to alternate between two (2) gates to what is referred to as the acquaintance gate and mulch has been added at the entrance.

**B. Discussion of full court basketball for adults**

Councilmember Smith said that she wanted to follow up since Director Page indicated that Saturday afternoons might be a possibility for adult, full-court basketball, but, when her husband discussed the offer with his team members, he learned that Saturday afternoons were not a time that they thought would work out. The team said that they would be willing to start as early as 7:30 a.m. on Saturday morning, but Director Page replied that a Rec employee usually arrives at 8:30 a.m. for a 9:00 a.m. Tae Kwon Do class.

**C. Consideration of proposal from Farmers' Market volunteers**

The proposal, included in the meeting packet, is attached to the historical record of the meeting.

Included in the proposal is a list of management responsibilities the volunteers will assume; based on the listing, Assistant Fragoso expressed confidence that her involvement this year would be minimal. She stated that she has reached out to the Police Department to ensure that they will have sufficient personnel to outline the vendor spaces on a weekly basis.

Responding to Councilmember Moye, Assistant Fragoso said that the volunteers took the budget she presented to the Committee in April and added in their compensation; Assistant Fragoso indicated that she has shown the City's paying for parking for the markets as revenue to the market.

Councilmember Moye said that, if the Committee expected to sell the idea of compensating the volunteers to City Council, the budget must show it as coming from the revenues of the markets. He opined that the parking fees should also be paid from market proceeds and not by the City.

The Administrator commented that her memory of the discussion was one (1) where the fact was recognized that, without paid parking, the Farmers' Markets would not be a successful endeavor and that the expense of the parking fee was not paid from market revenues. Assistant Fragoso agreed.

Assistant Fragoso commented that she did not think the volunteer managers would be involved this year without compensation and recalled that they were going to pursue sponsorships to increase revenues and reduce expenses.

Councilmember Moye also noted that the budget did not show any revenue from alcohol sales.

**MOTION: Councilmember Moye moved to approve the 2018 Farmers' Market budget as presented; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.**

**D. Sunday Rec Center opportunities**

Councilmember Smith said that she had asked that this item be included on the Agenda because she had a couple of residents suggest activities for Sunday afternoons beginning in the fall. The first was the possibility of holding classes, such as yoga, for those members of the community who work full-time.

Director Page said she was happy to check with the instructors, but she expected the answer to be no; she stated that a yoga class was held on Saturday mornings for those who work.

A second suggestion was futsal, which is a version of five-a-side football played indoors.

The Director said she would be happy to offer it, but to do so would require that she have a second employee on the schedule. She agreed to talk to Aaron Sweet about it.

**6. New Business – None**

**7. Miscellaneous Business**

Next meeting date: 5:00 P.M., Tuesday, June 5<sup>th</sup> in the Conference Room.

The Committee agreed to hold meetings on the first Tuesday of the month at 5:00 p.m. for the balance of the year.

**8. Adjournment**

**MOTION: Councilmember Moye moved to adjourn the meeting at 5:30 p.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

**Recreation Committee**  
5:00 p.m., Monday, May 7, 2018

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1. Chair Buckhannon 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 April 3, 2018 as submitted; Councilmember Moye seconded.

Director Page indicated that a correction should be made to the motion on Page 4 relative to increasing camp fees; the increase would be to Camp Summershine only, not the athletic camps.

Councilmember Smith also had a correction on Page 4 about the summer camp registration; her initial concern was that grandchildren who do not live on the island were taking up spaces that should go to island children.

**VOTE on Corrected Minutes:** The motion PASSED UNANIMOUSLY.

**3. Citizens' Comments – None**

**4. Departmental Report for April 2018 – Director Page**

The Director noted that the majority of children's programs and seniors' programs stop for the summer months because many residents travel since the children are out of school. In athletics, adult softball, 3 on 3 basketball, 6 vs 6 soccer and table tennis singles leagues are continuing, and, for the children, Fast Start, T-ball and machine pitch are continuing while youth baseball teams are having tournaments. The Keenagers had their last meeting before the summer break on May 2, and forty-one (41) seniors attended. Summer Camps begin Monday, June 11<sup>th</sup>, and all sections of Wee Camp and Camp Summershine have been filled. Music in the Park will be Saturday, May 5<sup>th</sup> from 1:00 p.m. to 4:00 p.m. on the grounds of the Rec Center; the 30<sup>th</sup> Annual Piccolo Spoleto Sand Sculpting Contest will be Saturday, June 9<sup>th</sup> at 9:00 a.m. on Front Beach; the IOP Beach Run is scheduled for Saturday, July 21<sup>st</sup>; and the 20<sup>th</sup> Annual Half Rubber Tournament will be Saturday, August 18<sup>th</sup> beginning at 8:00 a.m.

Councilmember Moye asked if some residents were not able to register for their child(ren) for the "desired week(s)" of camp, and Director Page answered that it was possible, but she was not aware of any complaints.

**5. Old Business**

**A. Review of FY19 budget**



Administrator Tucker pointed out that this Committee was the only one (1) to increase revenue for the FY19 budget.

Chair Buckhannon stated he wanted the Rec Department budget to have sufficient funds for ongoing maintenance of the Bark Park.

Director Page said that the Rec staff was not on top of this issue as much as they should be; she noted that the plan was to alternate between two (2) gates to what is referred to as the acquaintance gate and mulch has been added at the entrance.

**B. Discussion of full court basketball for adults**

Councilmember Smith said that she wanted to follow up since Director Page indicated that Saturday afternoons might be a possibility for adult, full-court basketball, but, when her husband discussed the offer with his team members, he learned that Saturday afternoons were not a time that they thought would work out. The team said that they would be willing to start as early as 7:30 a.m. on Saturday morning, but Director Page replied that a Rec employee usually arrives at 8:30 a.m. for a 9:00 a.m. Tae Kwon Do class.

**C. Consideration of proposal from Farmers' Market volunteers**

The proposal, included in the meeting packet, is attached to the historical record of the meeting.

Included in the proposal is a list of management responsibilities the volunteers will assume; based on the listing, Assistant Fragoso expressed confidence that her involvement this year would be minimal. She stated that she has reached out to the Police Department to ensure that they will have sufficient personnel to outline the vendor spaces on a weekly basis.

Responding to Councilmember Moye, Assistant Fragoso said that the volunteers took the budget she presented to the Committee in April and added in their compensation; Assistant Fragoso indicated that she has shown the City's paying for parking for the markets as revenue to the market.

Councilmember Moye said that, if the Committee expected to sell the idea of compensating the volunteers to City Council, the budget must show it as coming from the revenues of the markets. He opined that the parking fees should also be paid from market proceeds and not by the City.

The Administrator commented that her memory of the discussion was one (1) where the fact was recognized that, without paid parking, the Farmers' Markets would not be a successful endeavor and that the expense of the parking fee was not paid from market revenues. Assistant Fragoso agreed.

Assistant Fragoso commented that she did not think the volunteer managers would be involved this year without compensation and recalled that they were going to pursue sponsorships to increase revenues and reduce expenses.

Councilmember Moye also noted that the budget did not show any revenue from alcohol sales.

**MOTION: Councilmember Moye moved to approve the 2018 Farmers' Market budget as presented; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.**



**D. Sunday Rec Center opportunities**

Councilmember Smith said that she had asked that this item be included on the Agenda because she had a couple of residents suggest activities for Sunday afternoons beginning in the fall. The first was the possibility of holding classes, such as yoga, for those members of the community who work full-time.

Director Page said she was happy to check with the instructors, but she expected the answer to be no; she stated that a yoga class was held on Saturday mornings for those who work.

A second suggestion was futsal, which is a version of five-a-side football played indoors.

The Director said she would be happy to offer it, but to do so would require that she have a second employee on the schedule. She agreed to talk to Aaron Sweet about it.

**6. New Business – None**

**7. Miscellaneous Business**

Next meeting date: 5:00 P.M., Tuesday, June 5<sup>th</sup> in the Conference Room.

The Committee agreed to hold meetings on the first Tuesday of the month at 5:00 p.m. for the balance of the year.

**8. Adjournment**

**MOTION: Councilmember Moye moved to adjourn the meeting at 5:30 p.m.;**  
**Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

**PERSONNEL COMMITTEE**  
5:00 p.m., Tuesday, May 8, 2018

The regular meeting of the Personnel Committee was held at 5:00 p.m., Tuesday, May 8, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmember Moye and Rice, Chair Ferencz, Administrator Tucker, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Ferencz 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 Rice moved to approve the minutes of the regular meeting of April 5, 2018 and the Special Meeting of March 26, 2018 as submitted; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

**3. Citizens' Comments – None**

**4. Old Business**

- A. Review City Code, Chapter 3, sections 1-3-31 through 1-3-36  
Develop timeline for revisions to City Code as it pertains to:
  - 1. All standing committees – name, responsibilities and meetings
  - 2. The nomination and voting process for standing committees
- B. Consideration of changing the frequency of performance reviews

At the April Personnel Committee meeting, the decision was made to defer Items A and B until August 2018. The Committee chose to delete these items from the Agenda until August.

**C. Review of FY19 budget**

Chair Ferencz stated that she had called Treasurer Suggs to find out if anything specific should be considered by the Personnel Committee relative to the FY18 budget, and the only budget item dedicated to the Personnel Committee was the allocation for the fees charged by a search firm selected by the City. The "blue budget" only has twenty-four thousand dollars (\$24,000), and based on her research to-date, HR Officer DeGroot was certain that the amount currently in the FY19 budget was too low for the services the City wanted done for two (2) positions. She stated that other costs not included would be for travel, advertising, etc.

Councilmember Rice said that she did not want to go to Council more than once for funds for this purpose and supported asking for an allocation of sixty thousand dollars (\$60,000).

The range of costs from the search firms were as follows:

	<u>3 positions</u>	<u>2 positions</u>
The Novak Group		\$38,500
The Mercer Group	\$39,000	
Gov HR	60,500	
Colin Baenziger & Assoc.	74,500	
Strategic Gov Resources	75,000	

In conversation with Director Pitts, he wanted the search firm to source candidates, but he wanted all resumes to come to him and to Human Resources.

Councilmember Moye commented that the quotes in the higher ranges were for three (3) positions; therefore, he was comfortable with putting sixty thousand dollars (\$60,000) in the FY19 budget.

HR Officer DeGroot indicated that she was leaning more toward seventy-five thousand dollars (\$75,000) to cover the additional expenses like flying more than one (1) person to Charleston for an interview, advertising and the creation of the brochure about the City and the position, etc.

**MOTION: Councilmember Rice moved to increase the funds in the FY19 budget to \$75,000 to cover a search firm and all expenses related to hiring for the positions of City Administrator and Chief of Police; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.**

## **5. New Business**

### **A. Discussion of recruitment process for hiring the City Administrator, Chief of Police and Assistant Public Works Director for Facilities and Maintenance**

- 1. Methods of keeping citizens informed of progress**
- 2. Engagement of appropriate standing committees**
- 3. Timeline**

### **B. Report from Human Resources Officer related to recruitment services**

Chair Ferencz said that she wanted to be as transparent and inclusive as possible in the search process by including as many Councilmembers via standing committees and to have them involved in the first aspect of hiring the search firm. She would like for the Committee to delve into the firms who have submitted quotes and to agree on its top two (2) choices to present to the Ways and Means Committee along with a cost analysis at the June meeting. Her goal will be for the Ways and Means Committee to vote on the firm it wants the City to hire to conduct the searches. A step that has already been taken was to speak with the chairs of the Public Safety and Public Works Committees to assist the Personnel Committee by reviewing the job descriptions and to compile a profile of the perfect candidate; the Personnel Committee will do the same for the City Administrator.

In addition, Chair Ferencz explained that she would like to form an interview committee composed of the Personnel Committee, a member of the community selected based on the criteria of a job description, and someone in North or South Carolina who currently holds the position of City Administrator and Police Chief to give an objective perspective on the candidates.

Once the three (3) top candidates have been selected for each position, Meet-and-Greets would be scheduled for each position.

Chair Ferencz said that the Personnel Committee would make its recommendation to City Council for the best candidate to fill each position.

To keep the citizens informed, the Chair wants to have space on the City's website detailing the progress that is being made month by month.

HR Officer DeGroot explained that, frequently, when a promotion occurs within a Police Department, a law enforcement officer from another local government is brought in to be part of their process. She added that she thought a sitting Chief would be quite beneficial and valuable because he/she will know the questions to ask that the Personnel Committee would not know.

A draft of a timeline for all of the steps in the process has been developed by Chair Ferencz and is attached to the historical record of the meeting, but she acknowledged that the search firm might have its own timeline. A goal for June was to sign a contract with a search firm by the end of the month and to have the process underway. Additionally in June, the Chair wanted to have revised job descriptions for the open positions.

The HR Officer stated that the search firm was not going to be as interested in the qualifications the City was looking for, but the qualities the City wanted the ideal candidate to have. Equally as important to the search firm will be the qualities about the area, the island and the City; she opined that this would be the bigger task. It will be the Personnel Committee's job to provide the search firm with a lot of information about the Isle of Palms to go into the informational packet they produce for candidates.

When Chair Ferencz stated that she wanted City Council to meet the members of search team, Councilmember Moye said that he did not think that was necessary.

Councilmember Rice opined that the search firm would have their own timeline and that they would drive the process.

Assistant Fragoso reminded the Committee that changes to job descriptions needed the approval of full Council based on a recommendation from the Personnel Committee.

3

Councilmember Rice expressed amazement with the aggressive timelines the various firms submitted.

Administrator Tucker commented that this was how these firms operated, and the steps outlined in Chair Ferencz' timeline better mirrored the City's handling the search process alone. She opined on the sense of relief the Committee would feel once the search firm was hired and that the best thing the Committee could do was to get them on board as quickly as possible.

Councilmember Rice agreed that the City was hiring someone to do the work and that the Committee needed to let go of some of the work they have discussed.

HR Office DeGroot said that the Committee might get two (2) more proposal by the end of the week.

When Chair Ferencz asked if the Committee thought it necessary to interview the search firms before making a recommendation to Council, Ms. DeGroot said that more than one (1) of the firms she spoke with offered to do a Skype interview. Most of the firms she spoke with were very flexible to do whatever the City needed.

## **6. Miscellaneous Business**

Next Meeting Date: 5:00 p.m., Thursday, June 7<sup>th</sup> in the Conference Room

7. **Executive Session** – not needed
8. **Adjournment**

**MOTION:** Councilmember Moye moved to adjourn the meeting at 6:10 p.m.; Councilmember Rice seconded and the motion **PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

## **REAL PROPERTY COMMITTEE**

4:00 p.m., Thursday, May 10, 2018

The regular meeting of the Real Property Committee was held at 4:00 p.m., Thursday, May 10, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Ferencz and Ward, Chair Bell, Administrator Tucker, Assistant Administrator Fragoso and City Clerk Copeland; a quorum 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 Ferencz moved to approve the minutes of the regular meeting of April 10, 2018 as submitted; Chair Bell seconded and the motion **PASSED UNANIMOUSLY.**

### **3. Citizens' Comment**

John Bushnell, 24 – 42<sup>nd</sup> Avenue, expressed interest in which marina leases were up for renewal in the coming year and the RFP process the City follows.

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

Jay Clarke, owner of Morgan Creek Grill, stated that he wanted to forge an agreement with the other marina tenants for parking for this tourist season. The only work remaining on the bulkhead rehabilitation is clean-up that the contractor plans to do over the weekend. Mr. Clarke presented two (2) estimates that were significantly lower than prices quoted by the contractor to replace stone pavers and refill areas where the concrete failed in the bulkhead behind the restaurant. The fill work quote was for five thousand dollars (\$5,000) and the pavers were quoted at thirty-eight hundred dollars (\$3,800) from Carolina Construction; he also requested that, in relation to the parking plan, the area behind the green fence at the end of 41<sup>st</sup> be cleaned up.

The small projects were listed in the change order from the contractor several weeks ago and the Committee chose not to have them done at that time due to the prices quoted by the contractor. In subsequent conversations with Mr. Clarke and Marina Manager Berrigan, Chair Bell recommended that they get their own quotes and, as long as they were under the Administrator's procurement limit, the City would reimburse the tenants for the work. The quotes Mr. Clarke got are about ten thousand dollars (\$10,000) less than the contractor wanted; therefore, he recommended that the tenants be allowed to move forward.

**MOTION:** Councilmember Ward moved to re-order the Agenda to take up Item A under New Business at this time; Chair Bell seconded and the motion **PASSED UNANIMOUSLY.**

**6. New Business**

**A. Discussion regarding 1100 Palm and right-of-way on Pavilion Drive**

Administrator Tucker directed attention to a drawing of this location that was included in the meeting packet showing an eighty-five foot (85 ft.) right-of-way on Pavilion Drive which the City owns. The structure on the property has recently changed hands, within the same family, and, when the survey was done, a quarter to one-third of the structure was found to be in the public right-of-way. The problem is that, if the property is to be developed or to change hands again, the owner(s) cannot get a clear title to the property as long as the building is situated in the public right-of-way. Historically, the City has not relinquished its rights-of-way or other snippets of property on the island, but, if it was the will of this Committee and City Council to convey the property on which the house is located in some way to the new owners, one (1) option would be with the understanding that, if the house were to be demolished, the right-of-way would revert to the City. Another option could be to sell the property to make it larger.

Rhett Reidenbach, President and CEO The Revere Group, a civil engineering firm located in North Charleston, noted that the plat in the meeting packet lays out the encroachment clearly, and, additionally, he displayed an aerial photograph of the site. The eighty-five foot (85 ft.) right-of-way is very generous and, in recent years, it has served as a service road for The Acme Lowcountry Kitchen. The encroachment extends, at its widest point, twelve feet (12 ft.) into the right-of-way to a low of seven feet (7 ft.) into the right-of-way. The house has been in the Mims family since 1958, and the circumstances of its construction are unknown. After sitting uninhabited for years, the current generation is interested in developing it in a manner that is complimentary to its surroundings, but there can be no re-development without financing and, without a clear title, financing is not possible. A decision between renovating the structure or demolishing it to build new has not been made; the family is doing the preliminary work to determine what the highest and best use of the structure is and what other complimentary uses would work on the site. Mr. Reidenbach expressed the family's gratitude for the City's assistance in resolving the matter, but he questioned if the right-of-way was valuable to the City to maintain ownership of. If the City was amenable to the idea, he offered that the family would be interested in obtaining a wider swath of land that would encompass the structure going from property line to property line and to leave a fifty foot (50 ft.) right-of-way

Chair Bell stated that, since renovating the structure remains a viable option, he did not think the revert option was the best choice; therefore, the issue before the Committee was whether or not the City wanted to sell property on which the structure is located to enable the owners to get a clear title. The broader decision about the right-of-way was one (1) to be made by full Council while considering how a sale could impact the businesses that abut it.

In the Administrator's mind, the City has three (3) possible choices, and they are as follows:

1. Convey enough property to obtain a clear title;
2. Convey the amount of land identified in #1 with the stipulation that, if the structure was demolished, the property would revert to the City; or
3. Sell the amount of property identified in #1 or some other amount as determined by Council.

Councilmember Ward asked what other uses the family was considering if the structure was torn down, and Mr. Reidenbach responded that the property was zoned GC-1 which has a wide variety of uses, but the owners have been thinking about a small restaurant or office space.



Director Kerr agreed with Chair Bell that the immediate issue was to get the property unencumbered so the owners can get a clear title; any decision about the right-of-way could be made at a later date.

**MOTION: Councilmember Ward moved that the City take action to hire a real estate attorney to advise the City on how it could carve out the piece of the right-of-way on which the structure is located; Chair Bell seconded and the motion PASSED UNANIMOUSLY.**

## **5. Old Business**

### **A. Discussion of alternate Marina off-site parking for employees**

Administrator Tucker recalled that staff was tasked with exploring all of the possible options for off-site parking for Marina employees, particularly the Water and Sewer property and the parking lot at the Citadel Beach House.

The first option was to do nothing, to require the tenants to stay in compliance with their lease agreements with the City and to confine employee parking to the Marina site. The challenge to this option is that things will continue as they have for some time with a lot of illegal parking.

Chair Bell added that, with the number of businesses operating out of the Marina, the marina site could not handle parking for marina employees.

A second option would be to require that marina employees purchase a seasonal pass to park in the municipal parking lot or the County Park and to take a shuttle to the marina. The biggest obstacle to this recommendation was that parking in the lots was on a first come first served basis; therefore, they could be full on the weekends when the Marina was the busiest.

When asked how many cars could be parked at City Hall and next door, the Administrator estimated a minimum of forty (40).

Chair Bell commented that the locations discussed so far were not preferences; the best option would be for the City to reach an agreement with the IOP Water and Sewer Commission for marina employees to park on their property next to the marina. A second good location was the parking lot at the Citadel Beach House.

Administrator Tucker explained that the point she was trying to make with the first options was that the marina business operators have options at their disposal to deal with the parking for their employees, but they have chosen not to take advantage of them. Other available, but less desirable options were the Exchange Club lot, the area on Palm Boulevard between 10<sup>th</sup> and 11<sup>th</sup> Avenues, all of the church parking lots, the Yacht Harbor parking lot and the Lutheran Retreat Center. The Mayor has sent a letter to the Water and Sewer Commission and to the management of The Citadel Beach House making an appeal for an agreement with the City for the use of their property for marina employee parking. Although the City has not received a response from the Water and Sewer Commission, the response from The Citadel Beach House was favorable and encouraging. They stated that they have made arrangements with Wild Dunes Resorts for the construction crews to use their lot for parking while the new hotel is being built and suggested having a meeting with the City.



Since some of these locations are in residential areas, a change in the temporary uses section of the zoning code would be required.

Chair Bell suggested that the City Administrator should proactively set up a meeting with the Water and Sewer Commission and the Citadel.

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

Carla Pope, Operations Manager for Morgan Creek Grill, reported that the marina tenants have had several meetings about parking, and she presented the Committee with their recommendations in a handout that included an aerial shot of the marina, a color-coded map showing the designated parking for the tenants and a parking layout as agreed upon by the tenants in June 2017. A copy of the handout is attached to the historical record of the meeting.

Michael Fiem of Tidal Wave Watersports indicated that he did not support the parking layout offered by Morgan Creek Grill; he stated that the area behind the green fence from the foundation of The Greenery building to the bulkhead has been parking for his business. He opined that the parking behind the green fence was as good as it could be for now. On the subject of signage, he agreed that the marina had a lot of signs, but he also thought that to remove any would be more confusing to people who went there. In addition, he told the Committee that no Tidal Wave employees were allowed to park on-site; half of his employees attend The Citadel and made arrangements on their own to park at the Beach House.

Chair Bell asked Mr. Fiem to count the number of signs he has put up for his business and to remove any that exceed the number allowed per the terms of his lease. The Chair also stated that the trailer was not allowed based on his lease and that it should be moved off-site.

Councilmember Ferencz opined that, if the parking area at the marina was reconfigured, it could accommodate many more vehicles.

Chair Bell repeated that resolving the parking problems at the marina was not City Council's responsibility or staff's responsibility; it was a problem that should be resolved by the marina tenants.

#### **B. Update on property tax payments from marina tenants**

Administrator Tucker announced that all of the tenants have paid their share.

#### **C. Update on Marina Bulkhead Rehabilitation Project**

Assistant Fragoso stated that the project was ninety-nine percent (99%) completed; the final cleanup would happen over the weekend.

According to the Chair, the plan was to use the contingency funds to pay for the items requested by the tenants at a significantly reduced cost to the quote from the contractor a couple of months ago. Director Pitts is getting quotes for replacing the sod in front of the marina store.

#### **D. Update on Front Beach walkover and restroom renovations**

This project is also nearing completion, and the restrooms were re-opened to the public last week. The restrooms will be closed for three (3) days next week as work is done to the floors and the

stall doors are replaced. The contractor has assured City staff that the project will be one hundred percent (100%) complete by Memorial Day.

Councilmember Ward voiced concern over the maintenance of the boardwalk; he has not seen a plan to put a protective coating on it to prevent rapid deterioration; he suggested that a written maintenance plan was needed

The Administrator stated that overseeing the maintenance of the boardwalk would be one (1) of the tasks assigned to the Assistant Public Works Director. For the present, the restroom attendant has been given a new list of the City's expectations, and the City has provided the attendant with the tools to accomplish the tasks assigned.

The contract for the attendant has run out, and the City has been paying the attendants on a month-to-month basis for some time. Now that the renovations have been completed, the City will be issuing an RFB in the fall for the services of an attendant who will also be responsible for maintaining the boardwalk.

Councilmember Ward asked that a sign be installed saying "Do Not Feed the Birds."

**MOTION: Councilmember Ferencz moved to re-order the Agenda to discuss Item B under New Business next and to move Item F under Old Business before Item C under New Business; Chair Bell seconded and the motion PASSED UNANIMOUSLY.**

**6. New Business**

**B. Consideration of options for securing beach trash barrels**

The Administrator stated that this was a concern of an island resident who explained that because the type of trash barrels deployed on the beach do not have covers, the smell of over-flowing or spilled trash has attracted coyotes onto the beach in search of food. She recommended that the City look into some way to keep the cans upright or, possibly, get covered trash barrels.

Currently the barrels are emptied by a device that drives up to the can, grabs and lifts the can over the cab of the device to place the trash in a hopper at the rear. Administrator Tucker was unaware of covered cans that could be emptied in the same manner, and she did not want to cause the contractor to have to buy a different type of apparatus.

**5. Old Business**

**F. Review of FY19 Budget for the IOP Marina and Front Beach**

**6. New Business**

**C. Discussion of IOP Marina community/residential objectives**

**D. Marina pro-forma P&L**

**1. Review of Marina revenue versus required expenses**

**2. Discussion of lease tenant gross profit contributions per lease terms and IOP's fiduciary responsibilities**

- E. Marina short-term investment/improvement discussion**
  - 1. Remedial dock repairs**
  - 2. BIG grant relative to underground storage replacement**

Chair Bell indicated that he wanted to combine these discussions.

He stated that he has again looked at where the City stands financially with regard to the marina; he noted that the defeat of the referendum did not make the financial situation go away, i.e. the repairs and maintenance that need to be done. The final payment on the marina debt will be made in February 2019 in the amount of approximately three hundred thousand dollars (\$300,000), but it is not enough to sustain the marina. The FY19 budget has not allocated money in any quantity for the marina. The City was awarded a grant of approximately seventy thousand dollars (\$70,000) to replace the fuel dock. In the past, the marina has been largely funded by ATAX funds, but it continues to lose money for the City. Before the State legislature is a bill that would allow for a broader use of ATAX funds, primarily drainage. In the Chair's opinion, the City must discern what the priority is for the residents relevant to the IOP Marina and how to spend the money.

The questions that come to mind are whether the marina exists for its commercial tenants or does it exist for the community's intent when purchased in 1999. If its existence is to be primarily commercial, the City must make investment decisions consistent with the return on investments, i.e. remedial repairs and maintenance that need to be done without re-engineering the entire site.

Once the marina debt is paid off, Council's intention is to put those funds into a Marina Fund to be available for on-going maintenance and repairs.

6

Chair Bell added that he does not see a residential return on investment, for example, no marina tenant has come forward with dedicated slips for island residents. He stated that, for instance, Coastal Expeditions generates revenue through renting a slip and generates additional revenue from operating the business that rents the slip. He stated that the Council has every right to understand the lease terms of the businesses operating from the marina, the insurance, the business licensing and the flow of income that generates gross profit; he commented that the leases state that the City has a right to records and receipts.

Councilmember Ferencz thought the defeat of the referendum was indicative of the feelings of the residents that they have lost ownership of their marina; she indicated that she would like to see the waiting list for slip rentals to know how many island residents are on the list. She opined that the marina needs to advertise itself as a City-owned marina to provide access to the water for the residents.

Chair Bell suggested that the marina manager charge off-island boaters a higher launch fee as a method of cutting down on congestion.

The Chair spoke very clearly that City Council was not going to invest a lot of money in a marina that refuses to change; he stated Council wants to see some changes at the marina. Council wants to find a balance between commercial business and residential value.

Councilmember Ward said that the City needed more financial controls at the marina, possibly auditing financial statements.



The Administrator remarked that staff has sought clarification on whether the City has a right to audit marina businesses and added that the City could perform a business license audit.

Councilmember Bell stated that some of the docks are “in terrible shape” and that it was the City’s responsibility to make them safe.

**3. Request for tenant recommendations and specific action plans**

Chair Bell reiterated his statement that non-resident launch fees should be increased to a level that starts to reduce the number of users, the percentage of launches for residents versus non-residents and how many launches occur daily,

Councilmember Ward opined that the marina should be partially supported by Hospitality Taxes rather than State ATAX.

Administrator Tucker stated that Assistant Frago has been working on the RFP for engineering services at the marina to determine what docks can be repaired and what docks must be replaced.

**7. Miscellaneous Business**

Marina Tenants Report – all tenants were current.

Next Meeting Date: 4:00 p.m., Wednesday, June 6, 2018 in the Conference Room

The Real Property Committee agreed to meet on the first Wednesday of the month at 4:00 p.m. for the balance of 2018.

7

**8. Executive Session – not needed**

**9. Adjournment**

**MOTION: Chair Bell moved to adjourn the meeting at 5:50 p.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

## **Accommodations Tax Advisory Committee**

12:00 p.m., Wednesday, May 2, 2018

The Accommodations Tax Advisory Committee held a regular meeting at 12:00 p.m., Wednesday, May 2, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Julise Spell, Susan Haynie, Malcolm Burgis, Sally Leydic-Muhlig, Rusty Williamson and David Nelson, Treasurer Suggs, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business. Margaret Miller was absent.

1. Mr. Nelson 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:** Ms. Haynie moved to approve the minutes of the regular meeting of April 4, 2018; Ms. Spell seconded and the motion **PASSED UNANIMOUSLY**.

3. **Citizens' Comments** – None

### **4. Financial Statements**

Treasurer Suggs stated that she had only the one (1) schedule to review; the City received and deposited the March quarter payment from the State. The quarter has historically been the lowest in State ATAX, but collections are running sixteen percent ahead of last year. She thought that this might be a good indicator of what the spring activity will be.

5. **Old Business** – None

### **6. New Business**

#### **Consideration of FY19 ATAX Budget**

Assistant Fragoso stated that the revenue has not changed since the April meeting and that she would review the expense items that have changed. She explained the reasons for the increases as being twofold, i.e. projects that have not been completed in FY18 that must be re-budgeted to FY19 and Council's request that the City re-consider its use of Hospitality Taxes to make them more about the island's businesses. The changes are as follows:

- |  |          |
|--|----------|
| • Addition of a traffic camera to 41 <sup>st</sup> Avenue<br>(possible cost-sharing with Wild Dunes) | 5,000    |
| • In-car cameras   | 30,000   |
| • Replacement of BSO pickup truck  | 29,000   |
| • Decision to lease/purchase ladder truck  | -157,500 |
| • Deferral of FD vehicle radios to FY20  | - 18,750 |
| • Addition of FD ATV   | 17,000   |
| • Addition of 50% of cost for Public Works generator   | 37,500   |
| • Re-budget 25% of replacement cost of underground<br>storage tank                                   | 70,000   |
| • Re-budget 33% of cost of Public Works garbage<br>Packer  | 68,000   |
| • Reclass of events held at Front Beach  | -36,000  |

**MOTION:** Ms. Spell moved to approve the changes to the FY19 ATAX budget since the April 4, 2018 meeting; Mr. Burgis seconded and the motion **PASSED UNANIMOUSLY**.

**8. Miscellaneous Business**

**Next Meeting Date:** 12:00 p.m., Tuesday, July 10<sup>th</sup> in Council Chambers

**9. Adjournment**

**MOTION:** Ms. Haynie moved to adjourn the meeting at 12:13 p.m., Mr. Nelson seconded and the motion **PASSED UNANIMOUSLY**.

Respectfully submitted:

Marie Copeland  
City Clerk



## 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 PROVIDE A NEW DEFINITION FOR “RESIDENT PARKING DISTRICT;” TO PROVIDE EXEMPTIONS FOR EMERGENCY, LAW ENFORCEMENT AND OTHER PUBLIC SERVICE VEHICLES PARKED DURING THE PERFORMANCE OF OFFICIAL DUTIES OR PUBLIC SERVICE; TO REFERENCE DATE OF REVISED MANAGED BEACH PARKING SIGN PLAN; AND TO PROVIDE FOR YEAR-ROUND ENFORCEMENT OF THE RESIDENT PARKING DISTRICTS.**

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 Article A, “General Provisions,” Section 8-2-2, “General prohibitions,” is hereby amended in Paragraph (1)(t) to state as follows:

- “(t) Along the rights-of-way of Palm Boulevard between 21<sup>st</sup> Avenue and 40<sup>th</sup> Avenue in any of the following manners:
- (a) Within four feet (4') of the pavement, except as otherwise posted;
  - (b) In any manner other than parallel parking in the direction of traffic; and
  - (c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.”

SECTION 2. That Article A, “General Provisions,” Section 8-2-2, “General prohibitions,” is hereby amended by adding a new Paragraph (3) to state as follows:

“(3) The prohibitions in this section shall not apply to emergency, law enforcement, or other public service vehicles, or to vehicles belonging to persons under contract with the City to perform a public service, when such vehicles are parked during the operator’s performance of official duties or public services for the City.”

SECTION 3. That Article B, “Resident Parking Districts,” Section 8-2-21, “Definitions,” is hereby amended to provide a new definition for “Resident parking district” to state as follows:

“*Resident parking district* shall mean an area in or immediately adjacent to a residential zoning district in which parking along the right-of-way of the street is limited during specified dates and times to vehicles displaying a resident parking permit or special permit as provided in this article.”

SECTION 4. That Article B, “Resident Parking Districts,” Section 8-2-23, “Dates and times of enforcement,” is hereby amended to state as follows:

“The provisions in this article will be in effect year-round between the hours of 9:00 a.m. and 6:00 p.m.”

SECTION 5. That Article B, “Resident Parking Districts,” Section 8-2-31, “Obedience to parking regulations,” is hereby amended in Paragraph (a)(16) to state as follows:

“(16) Along the rights-of-way of Palm Boulevard between 21<sup>st</sup> Avenue and 40<sup>th</sup> Avenue in any of the following manners:

- (a) Within four feet (4') of the pavement, except as otherwise posted;
- (b) In any manner other than parallel parking in the direction of traffic; and
- (c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.”

SECTION 6. That Article B, “Resident Parking Districts,” Section 8-2-32, “Areas designated as resident parking districts,” is hereby amended to state as follows:

“The public rights-of-way designated by City Council as resident parking districts are depicted in green on Sheet Nos. 5-15 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Proposed Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits Managed Beach Parking Signing Plan" prepared by Stantec Consulting Services, Inc., dated June 13, 2018, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of the current Managed Beach Parking Signing Plan shall be posted on the City's official website.”

SECTION 7. That Article C, “Beach Parking,” Section 8-2-45, “Obedience to parking regulations,” is hereby amended in Paragraph (p) to state as follows:

“(p) Along the rights-of-way of Palm Boulevard between 21<sup>st</sup> Avenue and 40<sup>th</sup> Avenue in any of the following manners:

- (1) Within four feet (4') of the pavement, except as otherwise posted;
- (2) In any manner other than parallel parking in the direction of traffic; and
- (3) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.”

SECTION 8. That Article C, “Beach Parking,” Section 8-2-46, “Areas designated as beach parking zones,” is hereby amended to state as follows:

“The public rights-of-way designated by City Council as beach parking zones are depicted in red on Sheet Nos. 5-15 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Proposed Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits Managed Beach Parking Signing Plan" prepared by Stantec Consulting Services, Inc., dated June 13, 2018, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of

the current Managed Beach Parking Signing Plan shall be posted on the City's official website.”

SECTION 9. 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 10. 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 11. 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 26<sup>th</sup> DAY OF JUNE, 2018.

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Jimmy Carroll, Mayor

(Seal)

Attest:

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Marie B. Copeland, City Clerk

First Reading: March 27, 2018  
Second Reading: June 26, 2018  
Ratification: June 26, 2018



Title 8 – Motor Vehicles and Traffic  
Chapter 2 – Stopping, Standing, and Parking of Vehicles

Article A – General Provisions

**Sec. 8-2-2. - General prohibitions.**

- (1) No person shall stop, stand, or park a vehicle in any of the following public places or manners except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, parking control officer, other authorized person, or traffic control device:
  - (a) On a sidewalk;
  - (b) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;
  - (c) Within an intersection or within twenty-five feet (25') of the center of an intersection;
  - (d) Within thirty feet (30') of a stop sign;
  - (e) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;
  - (f) Along any street curb painted yellow;
  - (g) On a crosswalk or within twenty feet (20') of the center of any crosswalk;
  - (h) More than eighteen inches (18") from the street curb;
  - (i) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;
  - (j) In the opposite direction of the movement of traffic;
  - (k) Along side or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;
  - (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";
  - (m) In front of a place of business for longer than two (2) hours between the hours of 9:00 a.m. and 5:00 p.m., except for Sundays and State and Federally sanctioned holidays, unless a different regulation is provided by sign or a pay station;
  - (n) In any area of a public parking lot not marked as a single parking space;
  - (o) In any parking space where payment is required, unless the proper payment has been deposited so that the occupancy of the space does not exceed the time indicated on the pay station receipt;
  - (p) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under State law;
  - (q) On the approaches to or upon any bridge;
  - (r) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
  - (s) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;
  - (t) **Along the rights-of-way of Palm Boulevard between 21<sup>st</sup> Avenue and 40<sup>th</sup> Avenue in any of the following manners:**
    - (a) **Within four feet (4') of the pavement ~~along the right-of-way~~ of Palm Boulevard except as otherwise posted;**

(b) In any manner other than parallel parking in the direction of traffic; and

(c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.

- (u) On a beach access as defined in section 5-4-15(C)(l), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access. Any vehicle parked in violation of this subsection may be moved from its location upon order of any police officer.
- (2) No person shall park a truck or other vehicle having an overall length of more than twenty feet (20') at any point, including trailers, upon any street right-of-way for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials. Notwithstanding the provisions of this subsection to the contrary, patrons of the Isle of Palms Marina shall be permitted to park vehicles with attached boat trailers in accordance with the following requirements:

(a) Vehicles displaying a valid resident parking permit in compliance with Article B of this chapter shall be permitted to park with attached boat trailers along the rights-of-way of 41<sup>st</sup> Avenue from Waterway Boulevard to Frank Sottile Lane and Waterway Boulevard where parking is not otherwise prohibited; and

(b) All other vehicles shall be permitted to park with attached boat trailers along the rights-of-way of 41<sup>st</sup> Avenue where parking is not otherwise prohibited or designated as resident parking pursuant to Article B of this chapter.

- (3) The prohibitions in this section shall not apply to emergency, law enforcement, or other public service vehicles, or to vehicles belonging to persons under contract with the City to perform a public service, when such vehicles are parked during the operator's performance of official duties or public services for the City.

#### Article B – Resident Parking Districts

##### **Sec. 8-2-23. - Dates and times of enforcement.**

The provisions in this article will be in effect year-round from May 15 through September 15 between the hours of 9:00 a.m. and 6:00 p.m.

##### **Sec. 8-2-31. - Obedience to parking regulations.**

(a) Vehicles with resident parking permits or special permits parking within a resident parking district shall observe and obey the parking regulations posted within the district and as set forth in section 8-2-2 and sections 8-2-4 through 8-2-6 of this chapter, including, but not limited to, the prohibitions on parking in the following places or manners:

- (1) On a sidewalk;
- (2) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;
- (3) Within an intersection or within twenty-five feet (25') of the center of an intersection;
- (4) Within thirty feet (30') of a stop sign;
- (5) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;
- (6) Along any street curb painted yellow;

- (7) On a crosswalk or within twenty feet (20') of the center of any crosswalk;
- (8) More than eighteen inches (18") from the street curb;
- (9) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;
- (10) In the opposite direction of the movement of traffic;
- (11) Alongside or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";
- (13) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under state law;
- (14) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
- (15) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;
- (16) Along the rights-of-way of Palm Boulevard between 21<sup>st</sup> Avenue and 40<sup>th</sup> Avenue in any of the following manners:
  - (a) Within four feet (4') of the pavement, except as otherwise posted; Within four feet (4') of the pavement along the right-of-way of Palm Boulevard except as otherwise posted;
  - (b) In any manner other than parallel parking in the direction of traffic; and
  - (c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way. Within four feet (4') of the pavement along the right-of-way of Palm Boulevard except as otherwise posted;
- (17) On a beach access as defined in section 5-4-15(C)(1), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access.

(b) No such resident parking permit or special permit shall exempt a vehicle from any regulation related to parking in the commercial districts or to paid parking spaces, parking pay stations and kiosks along the public streets or in the public parking lots; provided, however, that City Council may designate certain times for vehicles with valid resident parking permits to park in the public parking lots free of charge.

(c) Parking a truck or vehicle having an overall length of more than twenty feet (20') at any point, including trailers, is prohibited upon any street right-of-way in a resident parking district for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials, except that vehicles displaying a valid resident parking permit shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue from Waterway Boulevard to Frank Sottile Lane and Waterway Boulevard where parking is not otherwise prohibited for access to the Isle of Palms Marina.

#### **Sec. 8-2-32. - Areas designated as resident parking districts.**

The public rights-of-way designated by City Council as resident parking districts are depicted in green on Sheet Nos. 4-14 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Parking Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits



Managed Beach Parking Signage Plan" prepared by Stantec Consulting Services, Inc., dated ~~Insert new date~~ March 3, 2017, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of the current Managed Beach Parking Signage Plan shall be posted on the City's official website.

#### Article C – Beach Parking

##### Sec. 8-2-45. - Obedience to parking regulations.

All vehicles parking within the designated beach parking zones shall observe and obey the parking regulations posted within such areas and as set forth in section 8-2-2 and sections 8-2-4 through 8-2-6 of this chapter, including, but not limited to, the prohibitions on parking in the following places or manners:

- (a) On a sidewalk;
- (b) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;
- (c) Within an intersection or within twenty-five feet (25') of the center of an intersection;
- (d) Within thirty feet (30') of a stop sign;
- (e) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;
- (f) Along any street curb painted yellow;
- (g) On a crosswalk or within twenty feet (20') of the center of any crosswalk;
- (h) More than eighteen inches (18") from the street curb;
- (i) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;
- (j) In the opposite direction of the movement of traffic;
- (k) Alongside or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;
- (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";
- (m) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under state law;
- (n) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
- (o) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;
- (p) AAlong the rights-of-way of Palm Boulevard between 21<sup>st</sup> Avenue and 40<sup>th</sup> Avenue in any of the following manners:
  - (1) Within four feet (4') of the pavement, except as otherwise posted;Within four feet (4') of the pavement along the right-of-wayof Palm Boulevard except as otherwise posted;
  - (2) In any manner other than parallel parking in the direction of traffic; and
  - (3) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way;Within four feet (4') of the pavement along the right-of-way of Palm Boulevard except as otherwise posted;

- (q) On a beach access as defined in section 5-4-15(C)(1), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access;
- (r) Parking a truck or vehicle having an overall length of more than twenty feet (20') at any point, including trailers, upon any street right-of-way in a beach parking zone for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials.

**Sec. 8-2-46. - Areas designated as beach parking zones.**

The public rights-of-way designated by City Council as beach parking zones are depicted in red on Sheet Nos. 4-14 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Parking Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits Managed Beach Parking Signage Plan" prepared by Stantec Consulting Services, Inc., dated **Insert new date** ~~March 3, 2017~~, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of the current Managed Beach Parking Signage Plan shall be posted on the City's official website.

**ORDINANCE 2018-06**

**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, 2018, AND ENDING JUNE 30, 20189**

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 \_\_\_\_\_, 2018.

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

Seal

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

First Reading: April 24, 2018  
Public Hearing:  
Second Reading:  
Ratification:



**ORDINANCE 2018-07**

**AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, ARTICLE A, GENERAL PROVISIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE ADDITIONAL REGULATIONS RELATED TO PARKING IN LOADING ZONES; TO INCREASE THE FINE FOR PARKING IN VIOLATION OF LOADING ZONE REGULATIONS TO \$100.00; TO DECLARE CERTAIN PARKED VEHICLES AS NUISANCES AND TO PROVIDE FOR THE IMMOBILIZATION AND IMPOUNDMENT OF SAME; TO PROVIDE ADDITIONAL REGULATIONS FOR IMMOBILIZATION AND IMPOUNDMENT OF CERTAIN VEHICLES; TO PROVIDE REFERENCE TO STATE LAW RELATED TO HANDICAPPED PARKING; AND TO AMEND ADMINISTRATIVE PROVISIONS RELATED TO DEPOSIT OF MONIES COLLECTED FROM PAY PARKING FEES AND PENALTIES.**

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 the provisions contained in Article A, "General Provisions," of Chapter 2, Title 8, are hereby amended as set forth in Exhibit A attached hereto and incorporated herein by reference as if set forth verbatim.

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 22nd DAY OF MAY, 2018.

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Jimmy Carroll, Mayor

(Seal)

Attest:

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Marie B. Copeland, City Clerk

First Reading: April 24, 2018  
Public Hearing: April 24, 2018  
Second Reading: May 22, 2018  
Ratification: May 22, 2018

CHAPTER 4 – ZONING  
ARTICLE 6. - PARKING AND LOADING

**Sec. 5-4-111. - Purpose of requirements.**

Unless otherwise stated in this chapter, areas suitable for parking or storing automobiles in off-street locations shall be required in all zoning districts at the time of the initial construction of any principal building; or when a structural alteration or other change in a principal building results in an increase in dwelling units, guestrooms, floor area, seating or bed capacity, or which changes the use so as to require more parking to serve such use, or when a change in use occurs. Such off-street parking area shall have direct access to a street or alley, and shall be landscaped in accordance with a plan as approved by the Zoning Administrator.

**Sec. 5-4-112. - Required parking spaces.**

The number of off-street parking spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to requirements indicated in columns 2 and 3:

Column 1	Column 2	Column 3
Use or Use Category	Parking Spaces Required	Additional Requirements
Residential uses:		
One-family dwelling	One (1) space (does not have to be paved)	
Two-family dwelling	Two (2) spaces (same as above)	
Multifamily dwelling townhouse/condominium	Two (2) spaces per dwelling unit	
Boardinghouse/roominghouse	One (1) space per each sleeping room	Plus one (1) space per employee
Group dwelling	One space per each two (2) bedrooms	
Public and semipublic uses:		
Medical and dental office and outpatient clinic	One (1) space per each two hundred (200) square feet of gross floorspace (minimum of four (4) spaces)	

Church or other places of worship	One (1) space per five (5) fixed seats in main assembly hall	Or five (5) spaces per classroom, whichever is greater
Places of public assembly or recreation containing main assembly room	One (1) space per each one hundred (100) square feet of gross floor area in the main assembly room	
Country club or golf club	One (1) space per each five (5) members	Plus one (1) space/two (2) employees
Library, museum, art gallery or similar building	Ten (10) spaces	Plus one (1) space per each five hundred (500) square feet of floor area
Club, fraternity, sorority or lodge	One (1) space per sleeping room or suite	Or one (1) space/five (5) members, whichever is greater, one (1) space per each three (3) employees
Commercial uses:		
Office buildings	One (1) space per three hundred (300) feet of gross floor area (four (4) spaces minimum)	
Bank, savings and loan or similar lending establishment	One (1) space per each two hundred (200) square feet of gross floorspace	
Service or repair establishments	One (1) space per each two hundred fifty (250) square feet of gross floor area not used for storage	
Retail business not otherwise specifically mentioned	One (1) space per each two hundred fifty (250) square feet of gross retail floorspace not used for storage (three (3)	Plus one (1) space per employee



	spaces minimum)	
Theater, nightclub, bar and similar places of assembly	Two (2) spaces per each four (4) seating accommodations	Plus one (1) space per each three (3) employees on shift of greatest employment.
Automobile service station	One (1) space per employee but in all cases, a minimum of five (5) spaces	Plus one (1) space per each grease rack or wash rack
Motel, hotel and tourist court	One (1) space per sleeping room or suite	Plus one (1) space per each three (3) employees
Furniture, home furnishings, appliance, machinery, equipment, automotive farm and boat sales and service	One (1) space per three hundred (300) square feet of retail floor area (three (3) spaces minimum)	Except that automobile sales and service must have ten (10) spaces minimum
Shopping center	Five and one-half (5½) spaces per one thousand (1,000) square feet of gross leaseable area	
Restaurant	One (1) space per each four (4) seats	Plus one (1) space per each three (3) employees on shift of greatest employment
Drive-in restaurant	One (1) space per each thirty-five (35) square feet of gross building area	Plus one (1) space per each three (3) employees on shift of greatest employment
Take-out restaurant	One (1) space per each one hundred (100) square feet of gross building area	Plus one (1) space per each three (3) employees on shift of greatest employment

**Sec. 5-4-113. - Application of parking requirements.**

- (a) *Location of off-street parking areas.* Except as provided in section 5-4-113(h) and section 5-4-115, all parking spaces required herein shall be located on the same lot with the principal building or use or uses served.
- (b) *Mixed uses.* Where more than one (1) principal or accessory use, whether with the same or different parking requirements, occupy the same building or premises or in the case of joint use of a building or premises, by more than one (1) use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- (c) *Change in use, alteration of use, or extension of use.* Off-street parking spaces shall be provided in accordance with these regulations whenever a building or use is changed, altered, or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise.
- (d) *Requirements for uses not specifically listed.* The parking space requirements for a use not specifically listed in section 5-4-112 shall be the same as for a listed use of similar characteristics of parking demand, as determined by the Zoning Administrator.
- (e) *Compilation of total employment.* Except as otherwise provided, the number of employees shall determined based on the maximum number of employees at the premises at any one time on an average day or average night, whichever number is greater. Seasonal variations in employment may be considered in determining an average day.
- (f) *Fractional computation.* Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
- (g) *Requirements for GC-2 district.* Notwithstanding any other provision of this chapter to the contrary, off-street parking is permitted within the GC-2 district on any lot which contains at least one hundred twenty feet (120') of frontage on a public street. Any automobile parking pursuant to this section shall comply with the provisions of section 5-4-12(n) and (o). There shall be no off-street parking permitted for any lot within the GC-2 district which contains less than one hundred twenty feet (120') of frontage on a public street.
- (h) *Parking spaces in public right-of-way in commercial districts.* Notwithstanding any other provision of this chapter to the contrary, the calculation of the number of parking spaces required in the commercial districts pursuant to section 5-4-112 may include any parking spaces in the public right-of-way that are located on the same side of the street and contiguous to the lot with the principal building or use or uses served.

(i) *Use of off-street parking spaces.* Use of off-street parking spaces shall be limited to the owners, occupants, employees, visitors, and patrons of the principal building or use served, and shall be limited to motor vehicles. The storage of merchandise, motor vehicles for sale, repair of vehicles on such parking areas, construction vehicles and machinery, construction staging or overflow parking from other businesses, or establishments, events or activities are prohibited, except in connection with a City-sponsored event.

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**Sec. 5-4-114. - Area and paving required for parking spaces.**

Excluding aisles, maneuvering space, turnaround space, and drives, each required off-street parking area, lot, or other facility shall contain a minimum of one hundred eighty (180) square feet, nine feet (9') in width and twenty feet (20') in length for each automobile to be accommodated. Off-street parking spaces are not required to be paved. A scale drawing or layout of all required parking areas showing the location, size, and arrangement of the individual parking spaces, loading spaces, drives, lighting diagram and landscaped areas and the type of surface material used in the parking and drive areas shall be submitted to the Zoning Administrator for his approval.

**Sec. 5-4-115. - Joint use of off-street parking areas.**

Two (2) or more principal uses may utilize a common area in order to comply with off-street parking requirements, provided that the total number of individual parking spaces available in such common area is not less than the sum of the parking spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that where such space is not located on the same lot as the principal use or uses, the owner of such space relinquishes through a covenant agreement with the City his development rights over the property until such time as parking space is provided elsewhere or on the same premises as the principal use.

**Sec. 5-4-116. - Off-street loading area required.**

Areas suitable for loading and unloading motor vehicles in off-street locations and specifically designated for such purpose, shall hereafter be required at the time of the initial construction or alteration or conversion of any building or structure used or arranged to be used for commercial, industrial, governmental, or multifamily residential purposes. Such off-street areas shall have access to a public alley or street and shall be provided and maintained in accordance with the following requirements, the computation of which shall not be included in the off-street parking requirements.

**Sec. 5-4-117. - Number of off-street loading spaces required.**

The number of off-street loading spaces shall be calculated on the basis of the use of the land or principal building on a lot, according to the requirements indicated in this section.

Type of Use	Square Feet in Total Floor Area (in square feet)	Spaces Required
Retail and personal service establishments	0—1,999	None
	2,000—24,999	1
	For each additional 25,000	1 additional
Wholesale, manufacturing, governmental and institutional (incl. places of public assembly), educational institution, recreation, business, service, terminal and similar business uses	0—24,000	None
	25,000—49,999	1
	50,000—99,000	2
	100,000—249,000	3
	250,000—999,000	4
	1,000,000 or more	5
Offices or office buildings	0—4,999	None

	5,000—9,999	1
	10,000—20,000	2
	For each additional 50,000	1 additional
Multifamily dwelling project, mobile home development, hotel motel, tourist home, or similar establishment	0—9 units	None
	10—20 units	1
	For each additional 10 units	1 additional

**Sec. 5-4-118. - Amount of area required for each loading space.**

Each off-street loading and unloading space required by the provisions of this chapter shall be at least twelve feet (12') wide, forty feet (40') long and fourteen feet (14') high. Such space shall be clear and free of obstruction at all times.

**Sec. 5-4-119. - Location of off-street loading areas.**

Required off-street loading and unloading areas must be located on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be considered as part of the area provided to comply with off-street parking requirements as stated herein.

**Sec. 5-4-120. - Loading area.**

All uses, whether or not specified in this chapter, shall provide off-street loading areas. Loading areas shall be located so that no vehicle being loaded or unloaded in connection with normal operations shall obstruct or project into a public street, walk, alley or way.



## **ORDINANCE 2018-08**

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ISLE OF PALMS TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN THIRD AMENDMENT TO COMMERCIAL LEASE AGREEMENT BETWEEN THE CITY OF ISLE OF PALMS AND BARRIER ISLES, LLC, ATTACHED HERETO AS EXHIBIT I AND INCORPORATED HEREIN BY REFERENCE.**

WHEREAS, the City of Isle of Palms ("City") and Barrier Isles, LLC ("Tenant") have entered into that certain Commercial Lease Agreement with an effective date of May 17, 2002 for the lease of certain real property located at Isle of Palms Marina, as more fully described in said lease and commonly known as "Morgan Creek Grill," as amended by that certain First Amendment to Lease Agreement, dated March 12, 2010 (the "First Amendment") and that certain Second Amendment to Lease Agreement, dated October 26, 2017 (the "Second Amendment") (the Commercial Lease Agreement, the First Amendment, and the Second Amendment are together referred to herein as the "Lease"); and

WHEREAS, City and Tenant desire to further amend the Lease, as more fully set forth in the Third Amendment to Commercial Lease Agreement, attached hereto as Exhibit I and incorporated herein by reference; and

WHEREAS, City Council finds that leasing the Morgan Creek Grill property under such amended terms to Barrier Isles, LLC will serve the interest of the public health, safety, welfare and general convenience of the residents of the City of Isle of Palms; and

WHEREAS, S.C. Code sections 5-7-40 and 5-7-260 require that City Council act by ordinance in leasing any lands of the municipality.

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. City Council authorizes the City Administrator to execute the Third Amendment to Commercial Lease Agreement between the City of Isle of Palms and Barrier Isles, LLC which is attached hereto as Exhibit I and incorporated herein by reference.

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 and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE \_\_\_\_DAY OF \_\_\_\_\_, 2018.

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

(Seal)

Attest:

\_\_\_\_\_  
Marie Copeland, City Clerk

First Reading: April 24, 2018

Second Reading:

Ratification:

EXHIBIT I

(ATTACH THIRD AMENDMENT TO BARRIER ISLES, LLC LEASE)

STATE OF SOUTH CAROLINA     )  
                                      )  
COUNTY OF CHARLESTON     )

THIRD AMENDMENT TO COMMERCIAL  
LEASE AGREEMENT

THIS THIRD AMENDMENT TO COMMERCIAL LEASE AGREEMENT (“Third Amendment”) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2018, by and between The City of Isle of Palms, South Carolina (“Landlord”) and Barrier Isles, LLC, a South Carolina limited liability company (“Tenant”).

WHEREAS, Tenant is the tenant under that certain Commercial Lease Agreement dated May 17, 2002, between Landlord and Tenant (the “Lease”), covering certain real property commonly known as “Morgan Creek Grill,” located near the northeastern corner of the Isle of Palms Marina; and

WHEREAS, Landlord and Tenant made certain amendments to the terms of the Lease in the First Amendment (“First Amendment”) to Lease Agreement dated March 12, 2010; and

WHEREAS, Landlord and Tenant made certain amendments to the terms of the Lease in the Second Amendment (“Second Amendment”) to Lease Agreement dated October 26, 2017; and

WHEREAS, Landlord and Tenant desire to further amend the Lease as hereinafter set forth.

THEREFORE, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, and other good and valuable consideration in hand paid by each to the other, the parties hereto hereby agree as follows:

1. That the Lease is hereby amended to add the following new Section 28:
- “28. DOCK USE BY TENANT’S PATRONS. Landlord agrees to reserve the dock space (the “Restaurant Dock”) shown on Exhibit I attached hereto for the exclusive use of Tenant’s patrons from June 1, 2018 to May 31, 2019. Landlord shall have no further obligation to reserve the Restaurant Dock, or



any portion thereof, for Tenant's exclusive use after May 31, 2019. Tenant agrees to be responsible for payment of all property taxes assessed against the Restaurant Dock property which accrue during the time period for which the Restaurant Dock is reserved for the Tenant's exclusive use. Tenant agrees to prohibit overnight mooring of vessels at the Restaurant Dock other than for exceptional circumstances. Landlord agrees to be responsible for all repairs and maintenance at the Restaurant Dock which are not caused by the negligent or willful acts of Tenant or Tenant's patrons. Tenant agrees to be responsible for all repairs and maintenance at the Restaurant Dock which are caused by the negligent or willful acts of Tenant or Tenant's patrons. Tenant agrees to hold harmless and indemnify Landlord against any loss or damage, including attorney's fees and expenses, incurred as a result of any and all claims, demands, causes of action, suits, judgments, fines, or penalties (including but not limited to all fees and expenses incurred as a result of death or injury to persons or for loss of or damage to property) arising out of or in connection with the use of the Restaurant Dock by Tenant, its agents, employees, licensees, or invitees except to the extent caused by the fault or neglect of Landlord or its employees, agents, invitees and licensees."

2. That all other terms and conditions of the Lease, First Amendment, and Second Amendment which are not inconsistent herewith shall remain in full force and effect.

IN WITNESS WHEREOF, the Landlord and Tenant have caused this Third Amendment to be duly executed, sealed and delivered, by and through the undersigned agents, as of the date stated above.

WITNESS:

\_\_\_\_\_

The City of Isle of Palms, S.C., Landlord

By: \_\_\_\_\_

\_\_\_\_\_

Title: \_\_\_\_\_

(as to Landlord)

Barrier Isles, LLC, Tenant

\_\_\_\_\_

By: \_\_\_\_\_

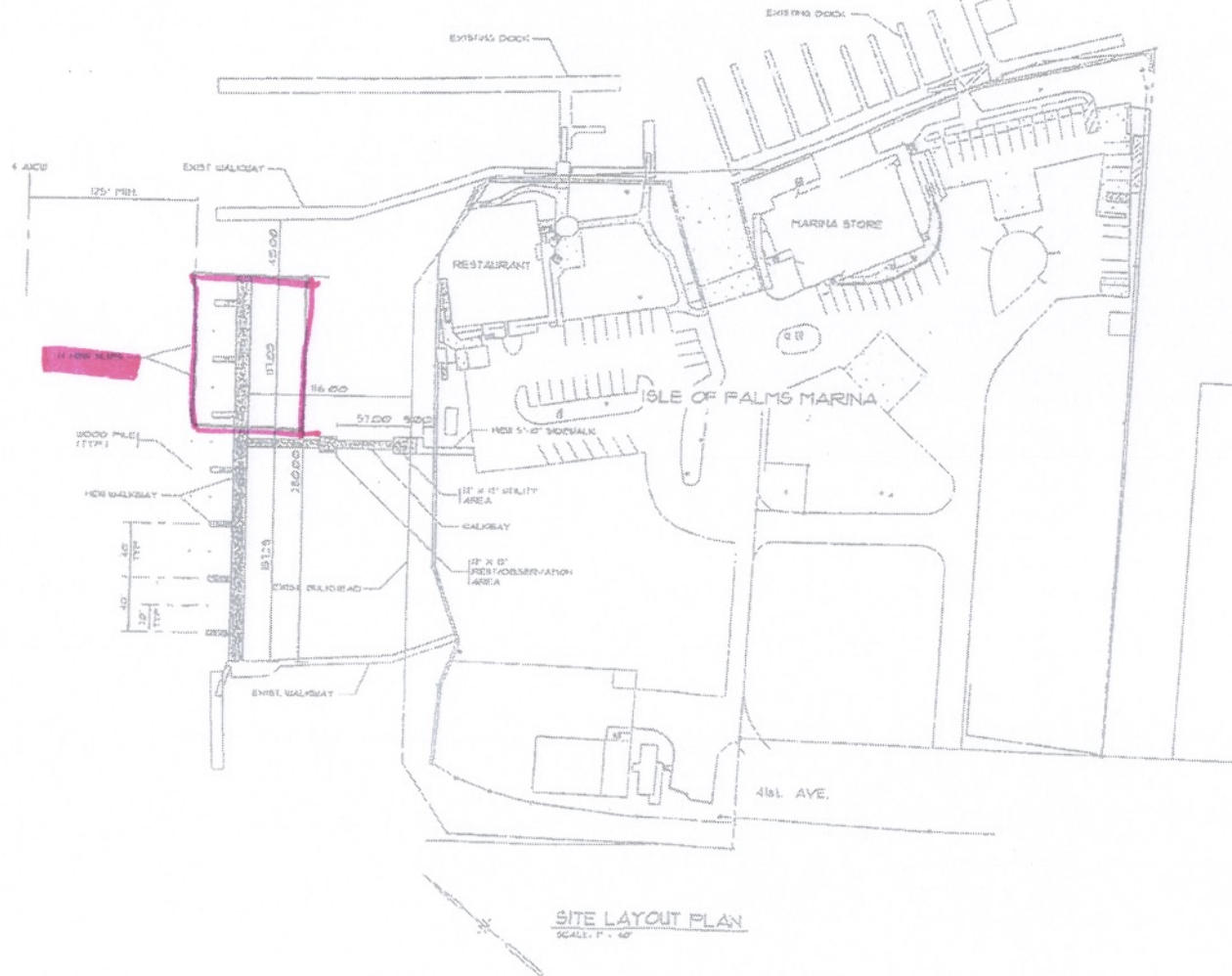
\_\_\_\_\_

Title: \_\_\_\_\_

(as to Tenant)

Exhibit I  
(Attach Map Showing Restaurant Dock)

EXHIBIT I



SITE LAYOUT PLAN  
SCALE: 1" = 40'

50% DESIGN SUBMITTAL

ISLE OF PALMS  
MARINA EXPANSION  
CITY OF ISLE OF PALMS  
CHARLESTON COUNTY

SITE LAYOUT PLAN

**H**  
Hatch, Lachar & Associates, P.A.  
Civil/Structural Engineers  
1000 West 10th Street, Suite 100  
Charleston, SC 29407

DATE	DEC 2002
DESIGNED BY	PHD
CHECKED BY	JCH
DATE	DEC 2002
SCALE	AS SHOWN

G-3



**ORDINANCE 2018-09**

**AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 1, GENERAL PROVISIONS, SECTION 5-4-16, TEMPORARY USES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO ALLOW PUBLIC PARKING ON LOTS LOCATED IN SR-1, SR-2, LC AND GC-1 ZONING DISTRICTS AS A TEMPORARY USE SUBJECT TO CERTAIN CONDITIONS.**

**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 Paragraph (a) of Section 5-4-16, "Temporary uses," is hereby amended by adding a new subparagraph (4) to state as follows:

"4. Public parking on lots located in SR1, SR2, LC, and GC1 zoning districts, for a period not to exceed four (4) consecutive months, to provide off-site, overflow parking facilities when authorized by City Council to alleviate public safety concerns caused by parking congestion."

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 \_\_\_\_\_, 2018.

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

(Seal)

Attest:

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

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

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

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

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

Title 5 – Planning and Development  
Chapter 4 – Zoning  
Article 1 – General Provisions

Sec. 5-4-16. - Temporary uses.

- (a) The Zoning Administrator may issue temporary permits for the following uses:
- (1) Religious meetings in a temporary structure in GC zoning districts for a period not to exceed seven (7) consecutive days;
  - (2) Open lot sale of Christmas trees in the GC and LC zoning districts for a period not to exceed forty-five (45) consecutive days;
  - (3) Storage and office trailers for use as construction storage and Contractor's office during construction in any district, except in fully or substantially fully developed residential districts, for a period of twelve (12) consecutive months, provided that such office is placed on the property under construction;
  - (4) Public parking on lots located in SR1, SR2, LC, and GC1 zoning districts, for a period not to exceed four (4) consecutive months, to provide off-site, overflow parking facilities when authorized by City Council to alleviate public safety concerns caused by parking congestion.
- (b) Any person, company or organization to be permitted under this section to place a mobile home, storage or office trailer must agree by written letter delivered to the Zoning Administrator prior to issuance of the permit that in the event a named storm is identified by the national weather service with a projected path that includes the City, that the permittee will cause the temporary structure to be disconnected from all water, sewer and electrical connections and removed from the City limits upon the County Emergency Operations Center declaring the City under OPCON 2.