

## AGENDA

- ## June Safety Sweepstakes Winners

6. **REPORTS FROM SPECIAL OR JOINT COMMITTEES** – None
7. **PETITIONS RECEIVED, REFERRED OR DISPOSED OF** – None
8. **BILLS ALREADY IN POSSESSION OF COUNCIL**

Second Reading of Ordinance 2018-11 – AN ORDINANCE AMENDING TITLE 1, GOVERNMENT AND ADMINISTRATION, CHAPTER 5, BUDGET, FINANCE AND TAXATION, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE CONSISTENCY WITH THE PROCUREMENT CODE RELATED TO APPROVAL OF APPROPRIATIONS AND EXPENDITURES.

Second Reading of Ordinance 2018-12 – AN ORDINANCE AMENDING TITLE 1, GOVERNMENT AND ADMINISTRATION, CHAPTER 10, PURCHASING PROCEDURES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE NEW EXCEPTIONS FROM COMPETITIVE PROCUREMENT REQUIREMENTS AND TO DELETE REFERENCE TO THE STATE BUDGET AND CONTROL BOARD.

Second Reading of Ordinance 2018-13 – AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 1, GENERAL PROVISIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE A NEW DEFINITION FOR IMPERVIOUS SURFACE; TO DELETE REFERENCE TO “IMPERVIOUS MATERIAL” AND REPLACE IT WITH “IMPERVIOUS SURFACE;” AND TO PROVIDE ADDITIONAL REGULATIONS RELATED TO FILLING OR RE-COUNTOURING OF LOTS, GROUND ELEVATION, AND SITE CHANGES REQUIRING A STORMWATER MANAGEMENT PLAN.

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

First Reading, by title only, of Ordinance 2018-14 – AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 6, PARKING AND LOADING, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO PROVIDE PARKING REQUIREMENTS FOR USE OF OFF-STREET PARKING SPACES IN THE SR-1, SR-2 AND SR-3 DISTRICTS.

First Reading, by title only, of Ordinance 2018-15 – AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO PROVIDE FOR CESSATION OF NONCONFORMING USE OF OFF-STREET PARKING SPACES IN THE SR-1, SR-2 AND SR-3 DISTRICTS.

10. **MISCELLANEOUS BUSINESS**

Adoption of Resolution to Support and Approve the CARTA FY19 budget

Adoption of Resolution Supporting the Elimination of all Forms of Discrimination and Violence Against Women and Girls

Public Hearing – 5:45 p.m., Tuesday, August 28, 2018 in Council Chambers  
Next Meeting Date – 6:00 p.m., Tuesday, August 28, 2018 in Council Chambers

11. **EXECUTIVE SESSION** – if needed
12. **CONCLUSION/ADJOURNMENT**

## **CITY COUNCIL**

6:00 p.m., Tuesday, July 24, 2018

The regular meeting of City Council was called to order at 6:00 p.m., Tuesday, July 24, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moyer, Rice, Smith and Ward, Mayor Carroll, Interim City Administrator Fragoso, Assistant City Attorney Copeland, and City Clerk Copeland; a quorum was present to conduct business.

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

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

**MOTION: Councilmember Bell moved to approve the minutes of the regular meeting of June 26, 2018 as submitted; Councilmember Rice seconded.**

Councilmember Rice stated that, on page 3 paragraph 3, Morris should be corrected to Hanbury.

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

### **3. Citizens' Comments**

Jim Raih, 3904 Cameron Boulevard, clarified that Attorney Copeland has been serving as the Assistant City Attorney and has now moved into the position of City Attorney. Addressing the item of business about hiring a search firm to assist with filling the positions of City Administrator, Chief of Police and Assistant Director of Public Works, Mr. Raih commented that Council frequently opts to hire consultants, but he questions the return on investment for the citizens. He stated that his definition of luck was when preparation meets opportunity, and he said that he has been waiting seventeen (17) years for this opportunity. He informed Council that he had applied for the position of City Administrator when Linda Tucker was hired, and he did not want the opportunity to pass him by again; he expressed interest in becoming the IOP City Administrator.

Christine Donovan, 31 – 26<sup>th</sup> Avenue, spoke to Council in regards to “common sense in the setting and enforcing of parking ordinances.” The full text of her comments and accompanying photos are attached to the historical record of this meeting.

Michael Fiem of Tidal Wave Watersports invited island residents to the first Residents Day hosted by Tidal Wave on Saturday, September 8, 2018; residents will be allowed to enjoy the various water activities provided by Tidal Wave at no charge. Donations will be accepted and will go to the MUSC Children's Hospital. Reservations for activities will be taken beginning on August 15<sup>th</sup>.

Bill Campbell of 34 – 42<sup>nd</sup> Avenue explained to City Council the dramatic changes to his street neighborhood since the house directly across the street went from being occupied by fulltime island residents to a fulltime short-term rental property with owners in Seattle, Washington. The text of his comments and suggestions are attached to the historical record of this meeting.

#### 4. Reports from Standing Committees

##### A. Ways and Means Committee

Reporting on the meeting of July 17<sup>th</sup>, Councilmember Ward stated that Rebecca Stephenson, one (1) of the managers of the IOP Farmers Market, addressed the Committee about the Agenda item about relocating the market to the City's parking lot; she told the Committee about the positive aspects of holding the market in the County Park. After discussing the issue, the Committee decided not to move the Farmers Market to the City parking lot. Treasurer Suggs provided the Committee with preliminary and unaudited financial statements for the end of FY18; she informed the Committee that the City would accrue revenue and expenditures possibly through August as funds and invoices are received reflecting activity prior to June 30, 2018. The auditors will begin their work in September. General Fund Revenues were ninety-nine percent (99%) collected and expenditures were at ninety-six percent (96%) of budget; General Fund cash on-hand was at three million eight hundred thousand dollars (\$3,800,000), which represents thirty-five percent (35%) of General Fund budgeted expenses. Municipal Accommodations Taxes and the Beach Preservation Fee Fund are running two percent (2%) ahead of FY17. Although the Charleston County Accommodations Pass-through ended the year down sixteen percent (16%) from FY17, Treasurer Suggs reminded the Committee that Charleston County was not obligated to send these funds to the City; she noted that, according to the County, these funds will increase in FY19. The City has not yet received the fourth quarter's State Accommodations Taxes. Considered a good economic indicator, Local Option Sales Taxes were running five percent (5%) ahead of FY17.

1. Consideration of the award of a contract to The Mercer Group, Inc. for the recruitment of a City Administrator, Chief of Police and Assistant Director of Public Works for Maintenance and Facilities in an amount not to exceed \$39,000 (General Fund, Gen Govt, Professional Services pg. 9, Ln 55 - \$80,000)

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**MOTION: Councilmember Ferencz moved to award a contract to The Mercer Group, Inc. in an amount not to exceed \$39,000 for the purpose stated above; Councilmember Rice seconded.**

As Chair of the Personnel Committee, Councilmember Ferencz reported that they selected three (3) search firms for more in-depth vetting by contacting several municipalities for which they have previously worked; this resulted in a unanimous decision to recommend The Mercer Group to City Council. The Committee opined that they were a good fit for the City, and, coincidentally, they were the least expensive.

Councilmember Moyer added that, based on the leadership requirements and importance of these positions, the Committee recognized the level of effort to be put into the searches, and this sentiment was echoed and affirmed in the conversations with other cities. All reported bad experiences when they chose not to work with search firms.

When Councilmember Ward asked if the City would be obligated to hire a candidate they introduced to the City, Councilmember Ferencz stated that the City would not be so obligated. She explained that local candidates would be considered, but they should apply through The Mercer Group and not directly to the City's Human Resources Department.

**VOTE: The motion PASSED UNANIMOUSLY.**

2. Report on annual purchase of beach path matting from AccessRec (FY18 budget – State ATAX, Public Works Capital Outlay, pg. 29, ln. 295 - \$60,000)

Interim Administrator Fragoso was requesting an approval from Council for the purchase of beach path matting made at the end of June from the FY18 State ATAX budget; this matting will replace the matting at the beach accesses at 42<sup>nd</sup>, 9<sup>th</sup> and 30<sup>th</sup> Avenues, which are heavily used.

**MOTION: Councilmember Ward moved to approve \$59,999.92 from the FY18 State ATAX budget spent on beach access matting; Councilmember Kinghorn seconded.**

Councilmember Bell asked if the City was replacing the lighter weight matting that tends to tear away when emergency vehicles drive over them; he stated that he has received complaints that it is slippery, that some have skid marks and that others have been torn out of the ground in two (2) months' use.

Director Pitts encouraged Councilmembers to go to the 9<sup>th</sup> Avenue access where the two (2) shades of blue matting on the landward side of the toe of the primary dune are essentially the same in density and exhibit no slipping. Once across the toe of the primary dune, the matting moves with the loose sand underneath on a daily basis with the winds, requiring a lot of maintenance; he stated that he anticipated this type of movement from the beginning of its use. The primary difference with the new matting is that it is wider to better accommodate the wheel base of the public safety vehicles that access the beach.

**VOTE: The motion PASSED UNANIMOUSLY.**

3. **Approval of an amount not to exceed \$15,000 for the replacement of 2 AC condensing units at the Public Safety Building** (Capital Projects Fund, Fire, pg. 22, ln. 40 - 50%, from Hill Report maintenance - \$225,058 and Capital, Projects, Police, pg. 22, ln. 31 – 50% from Hill Report maintenance - \$186,496)

Chief Graham has reported that one (1) unit was “shot” and the other was failing; additionally, a lift truck will be needed to install one (1) unit since it is located on the roof.

Interim Administrator Fragoso noted that the cost would be split evenly between the Fire and Police Departments' maintenance budgets; the City has now received three (3) proposals and will select the lowest one (1). With a maximum expenditure of fifteen thousand dollars (\$15,000), it will fall under the threshold for the Purchasing Agent to approve.

**MOTION: Councilmember Bell moved to approve an amount not to exceed \$15,000 for the replacement of 2 AC condensing units at the Public Safety Building; Councilmember Buckhannon seconded.**

Councilmember Buckhannon asked if the City could apply to OCRM to make the base layer more stable; Director Pitts responded that he would be unable to take any action until twice a week garbage collections ended after Labor Day.

The most heavily trafficked beach accesses are at 5<sup>th</sup>, 9<sup>th</sup>, 25<sup>th</sup>, 42<sup>nd</sup> and 53<sup>rd</sup> Avenues; with only five (5) heavily travelled accesses, Councilmember Bell asked if the City would be better served with a longer lasting product.

Director Pitts explained that the 5<sup>th</sup> Avenue access has hard-packed sand shell and no mobi-mat; the 9<sup>th</sup> Avenue access has sand shell to the landward toe of the primary dune with matting across the primary dune to the toe on the beach side; and 25<sup>th</sup> Avenue is also hard-packed sand shell. The biggest problems are at 42<sup>nd</sup> Avenue and the 53<sup>rd</sup> Avenue accesses that have become very hard due to their use by the heavy equipment associated the renourishment project.

Councilmember Bell repeated his question relative to the 42<sup>nd</sup> Avenue access.

Interim Administrator Fragoso noted that the City staff was having on-going discussions about a product to use on the beach access paths that would be long-lasting but not too labor intensive.

**VOTE: The purchase received UNANIMOUS APPROVAL.**

- 4. Consideration of the award of a contract to Parkeon in the amount of \$58,939.25 for 5 replacement kiosks with accessories** (State ATAX Fund, pg. 29, ln. 200 - \$70,000)

**MOTION: Councilmember Bell moved to award a contract to Parkeon in the amount of \$58,939.25 for 5 replacement kiosks with accessories; Councilmember Buckhannon seconded.**

Interim Administrator Fragoso pointed out that the sole source explanation was on the dais when Councilmembers arrived for the meeting this evening, and a copy will be attached to the historical record of the meeting.

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**VOTE: The motion PASSED UNANIMOUSLY.**

- 5. Report on the purchase of 2 A/C-heating units from Berkeley Heating and Air in the amount of \$20,750 at the Recreation Center** (Capital Projects Fund, Recreation, pg. 23, ln. 62 - \$30,000)

The Interim Administrator stated that the two (2) HVAC systems being replaced were fourteen (14) years old. The purchase was under budget and under the threshold for the Purchasing Agent to approve; the Agent was required only to report it to Council, but no action was needed by City Council.

The next Ways and Means Committee meeting will be at 5:00 p.m., Tuesday, September 18<sup>th</sup>.

## **B. Public Safety Committee**

Reporting on the meeting of July 2<sup>nd</sup>, Councilmember Smith stated that Elizabeth Campsen thanked the Committee for its efforts to protect the neighborhoods around the marina, and Christine Donovan spoke to the Committee about common sense parking ordinances and enforcement. As in previous meetings, the Committee discussed various aspects of the managed beach parking plan, i.e. guest passes versus hang-tags for visitors to the island and the Request for Bid for new signage, which was opened on Monday, July 23<sup>rd</sup>. Interim Chief Usry informed the Committee that hang-tags would be much more expensive; as a result, the Committee

decided to stay with the visitor pass booklets and to allow residents to have two (2) booklets at no charge.

**MOTION: Councilmember Smith moved to allow residents to have 2 visitor parking pass booklets at no charge assuming that a funding source can be found in the FY19 budget without creating an over-budget line item; Councilmember Rice seconded.**

Councilmember Bell suggested finding a way to re-use the visitor passes.

Interim Chief Usry stated that the Police Department could easily follow Council's directive by not requiring the passes to be dated or the passes could be good for one (1) year; she also pointed out that, once the ordinance has been amended, the passes would require a slight design change.

Councilmember Rice recommended that the issue go back to the Public Safety Committee to define the changes being considered.

Councilmembers Smith and Rice withdrew the motion and second respectively.

**MOTION: Councilmember Buckhannon moved to allow residents to re-use the current visitor passes for the balance of 2018 and to eliminate the requirement to write a date on the passes; Councilmember Bell seconded.**

Interim Administrator Fragoso indicated that staff would draft an ordinance with the requested changes to the managed beach parking plan for the Public Safety Committee's review at their next meeting.

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**VOTE: The motion PASSED UNANIMOUSLY.**

Other topics discussed were a method for doctors to exit the island quickly in the face of summer traffic, the addition of lights and sirens to the vehicles of volunteer firefighters, surfing instruction on the beach, the best course of action for repairs needed to the Public Safety Building, public safety at the IOP Marina, traffic counts on 41<sup>st</sup> Avenue and the review of the revised job description for the Chief of Police position.

The next scheduled Public Safety Committee meeting will be at 10:00 a.m., Wednesday, September 5<sup>th</sup> in the Conference Room.

Councilmember Buckhannon asked that the Public Safety Committee consider free parking at Front Beach for veterans whose vehicle license plates indicate that they served in the military; since the City owns Ocean Boulevard, this action should not be difficult to accomplish. Commenting that he and one of his sons were issued citations over the July 4<sup>th</sup> holiday, the Councilmember stated that, in both cases, the officers said that Council was "pushing for more citations" to be written. When he looked back over the minutes of past meetings, he did not find a reference to City Council urging patrol officers to write more tickets; he asked if such a directive had come through the Public Safety Committee.

Councilmember Smith stated that, although the Committee has discussed enforcement on more than one occasion, it has not taken any action or given a directive to issue more citations to either Chief Buckhannon or Interim Chief Usry.

Councilmember Bell acknowledged that he was likely the source of that idea; based on information included in the Police Department's monthly report, he has noticed that the number of traffic stops has increased year to year, but the number of fine citations has decreased relative to the number of stops. Several months ago, he asked why patrol officers were stopping so many people to write warnings; from his viewpoint, driving at certain speeds should automatically mean a citation with a fine attached. The amount of ticketing for speeding has increased as a percentage of the number of stops, but he stated that the Committee has not discussed having officers issue more tickets.

Responding to Councilmember Ferencz' comments, Councilmember Smith stated that the Committee did discuss a shuttle running between Mount Pleasant and the Isle of Palms, and Councilmember Ferencz indicated that she was pleased to see the discussion revived. She referenced recent newspaper articles reporting that a quarter of a million (250,000) new homes and/or apartments were to be constructed, and she noted that these people were going to want to come to the beach, but the island would not be able to provide parking for such growth. In Councilmember Ferencz' opinion, a collaborative effort would be necessary to devise some form of public transportation between Mount Pleasant and the City.

As the City's representative on the CARTA board, Councilmember Ward stated that the biggest hindrance to shuttle service from Mount Pleasant to the island was locating a spot in Mount Pleasant that was large enough to hold one hundred fifty to two hundred (150 – 200) cars and that was reasonably priced.

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

At the Public Works Committee meeting of July 6<sup>th</sup>, Bill Schupp introduced John Garrells as a prospective buyer for his garbage and recycling collection business; Mr. and Mrs. Garrells have retired to the island and now operate Chunky's Chairs & Umbrellas. Mr. Garrells agreed to provide the Committee with a written overview of the policies and procedures he would employ if he succeeds in buying the business.

In the departmental, monthly report, Director Pitts stated that garbage collections were up slightly and debris collections were down; he attributed the reduction in debris collections to having a truck out of service for the majority of the month. The Phase II Drainage project continues with a projected completion date of mid-September; the removal and replacement of the underground storage tanks at the Public Works site is due to begin in mid-July. In addition, the Committee discussed the drainage issues on 32<sup>nd</sup> Avenue and Cross Lane, the issues with chairs and tents left on the beach and the use of commercial dumpsters in Wild Dunes.

The next meeting of the Public Works Committee will be at 9:00 a.m., Wednesday, August 1<sup>st</sup> in the Conference Room.

### **D. Recreation Committee – no meeting in July**



The Recreation Committee will hold its next meeting at 9:00 a.m., Tuesday, August 7<sup>th</sup> in the Conference Room.

**E. Personnel Committee**

Reporting on the meeting of July 5<sup>th</sup>, Councilmember Ferencz recalled that the first item of business was the selection of the search firm that would assist the City in hiring a City Administrator, Chief of Police and Assistant Director of Public Works for Maintenance and Facilities, which was covered earlier in the meeting. The Committee made a list of traits and characteristics the ideal City Administrator would have and reviewed the revised job description for the position of City Administrator.

**MOTION: Councilmember Ferencz moved to approve the revised job description for the City Administrator; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.**

The Committee also prepared a list of traits and characteristics they would like to see in the ideal Chief of Police and reviewed the revised job description for that position.

**MOTION: Councilmember Ferencz moved to approve the revised job description for the Chief of Police position; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.**

Councilmember Ferencz noted that the revised job descriptions were reviewed by the City's labor attorney.

The Safety Sweepstakes winners for June were Karrie Ferrell of the Recreation Department, Joshua Phillips of the Police Department, Dana Burnette from the Fire Department and Joseph Washington from the Public Works Department.

The only job opening with the City was for the Chief of Police.

The next meeting has tentatively been set for 5:00 p.m., Thursday, August 2 in the Conference Room.

**F. Real Property Committee**

From the Real Property Committee meeting of July 3, Councilmember Bell reported that Holy Spokes, a bike share business now operating in the downtown area, made a presentation to the Committee about the possibility of bringing their ride share business to the IOP. The bid opening for RFP 2018-01 – Engineering, Design and Permitting for the IOP Marina Dock Rehabilitation was held on June 25<sup>th</sup>, and the City received three (3) proposals. Due to the complexity of the request, City staff continued its evaluation the proposals to ensure they met all of the specifications of the RFP. According to the Interim Administrator, the survey for the property at 1100 Palm has been completed and supplied to the City's real estate attorney; City staff is awaiting his advice. After considerable discussion of Ordinance 2018-09, an ordinance to allow

public parking on lots located in SR-1, SR-2, LC and GC-12 zoning districts, the Committee deferred the ordinance indefinitely. The removal and replacement of the underground storage tanks at the Public Works site was to begin on Monday, July 16<sup>th</sup>. At the request of the Committee, the Interim Administrator requested copies of every lease, sub-lease and insurance coverage from the four (4) primary tenants of the City; the City is in receipt of the documents requested. Of note was learning that Marina Joint Ventures submitted twenty-four (24) sub-leases, including individual slips. City staff was sorting through the documents to ensure that each major tenant was in compliance with the terms of their lease with the City, and, after a brief review, some tenants must bring their insurance into compliance with their leases. Copies of the sub-leases held by Marina Joint Ventures will be used to trace fees/rent from them through Marina Joint Ventures and ultimately to the City. The Committee discussed whether other business using the IOP Marina as their base of operations, such as charter boats, should carry the same insurance coverage as those entities with leases either with the City or Marina Joint Ventures. Abandoned or derelict properties generated a lengthy discussion with Director Kerr on how the City determined if a property has been abandoned, and how the City could tighten up code enforcement. The discussion about the use of the Citadel Beach House parking for construction vehicles for the new hotel in Wild Dunes led to the consideration of non-conforming uses and a new ordinance sun-setting the non-conforming use of properties in the SR-1, SR-2, LC and GC-1 zoning districts. In the discussions, an unintended consequence of such an ordinance would be that it would apply to all other properties in those zoning districts throughout the island. Since the intent of the ordinance was, specifically, to prohibit the vehicles associated with the hotel construction in Wild Dunes at the Citadel Beach House, the suggestion was made that an easier solution might be to have an agreement between The Citadel and Lowe Wild Dunes relative to the construction.

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

### **Results of RFB 2018-03 – Fabrication and Installation of Managed Beach Parking Signs**

Interim Administrator Fragoso announced that the City opened bids on Monday, July 23<sup>rd</sup> for RFB 2018-03 – Fabrication and Installation of Managed Beach Parking Signs. The City received two (2) bids, and the low bid was from A&H Co., Inc. of Ironton, Minnesota, the same company that made and installed the signage initially. Since their bid was thirteen thousand five hundred dollars (\$13,500), no action was required from City Council, i.e. the bid was less than twenty-five thousand dollars (\$25,000) and was budgeted.

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

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

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

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

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

**Second Reading of Ordinance 2018-11** – An Ordinance Amending Title 1, Government and Administration, Chapter 5, Budget, Finance and Taxation, of the City of Isle of Palms Code of Ordinances to provide consistency with the Procurement Code related to the approval of appropriations and expenditures.

The Mayor stated that this ordinance was primarily a housekeeping item relative to an ordinance adopted in January 2018.

**MOTION: Councilmember Ward moved to waive the reading and to approve for Second Reading Ordinance 2018-11; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

**Second Reading of Ordinance 2018-12** – An Ordinance Amending Title 1, Government and Administration, Chapter 10, Purchasing Procedures, of the City of Isle of Palms Code of Ordinances to Provide New Exceptions from Competitive Procurement Requirements and to Delete Reference to the state Budget and Control Board.

**MOTION: Councilmember Ward moved to waive the reading and to approve for Second Reading Ordinance 2018-12; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

Mayor Carroll stated that Ordinance 2018-13 was about impervious surfaces and had come to Council from the Planning Commission; he announced that no action was required at this meeting because, as part of the Zoning Code, a Public Hearing was required before Second Reading.

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**MOTION: Councilmember Bell moved to defer Second Reading of Ordinance 2018-13 until the August City Council meeting; Mayor Carroll seconded and the motion PASSED UNANIMOUSLY.**

## **9. Introduction of New Bills, Resolutions and Proclamations**

**First Reading, by title only, of Ordinance 2018-14** – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 6, Parking and Loading, of the City of Isle of Palms Code of Ordinances to Provide Parking Requirements for Use of Off-street Parking Spaces in the SR-1, SR-2 and SR-3 Districts

Mayor Carroll reiterated Councilmember Bell's caution that this ordinance could have unintended consequences for the Exchange Club, the Lutheran Retreat Center, the IOP United Methodist Church, etc. The ordinance would negate the flexibility for vehicles to park in a lot when the passengers are not necessarily attending the venue on the site; it would also create enforcement problems because the patrol officers would not know the reason the vehicles were on the site.

**First Reading, by title only, of Ordinance 2018-15** – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 2, District Regulations, of the City of Isle of Palms Code of Ordinances, to Provide for Cessation of Nonconforming Use of Off-street Parking Spaces in the SF-1, SR-2 and SR-3 Districts.

Mayor Carroll coupled Ordinance 2017-15 with Ordinance 2018-14 and repeated that these two (2) ordinances would have far-reaching repercussions on the island; he also noted that the City was engaging The Citadel and Lowe Wild Dunes in discussions to determine if an agreement can be reached on the use of The Citadel Beach House for the overflow parking of construction vehicles associated with the new hotel.

**MOTION: Councilmember Kinghorn moved to defer indefinitely Ordinance 2018-14 and Ordinance 2018-15; Councilmember Rice seconded.**

Councilmember Bell reported that the members of the Real Property Committee do not believe that Wild Dunes has sufficient parking to handle the number of vehicles that will be on-site for the hotel construction, but, as the Code reads today, the City has no means to stop that from happening. If no agreement can be reached between The Citadel and Lowe Wild Dunes, the Real Property Committee might bring these ordinances back to Council.

Interim Administrator Fragoso told the Committee that City staff has communicated with the management of The Citadel Beach House and Lowe Wild Dunes; both stated that they have heard the message “loud and clear” and that Lowe Wild Dunes was not considering using The Citadel Beach House parking lot after construction has been completed.

**VOTE: The motion PASSED UNANIMOUSLY.**

#### **10. Miscellaneous Business**

##### **Adoption of Resolution to Support and Approve the CARTA FY19 Budget**

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**MOTION: Councilmember Ward moved to waive the reading and to approve the draft CARTA FY19 budget; Councilmember Buckhannon seconded.**

Mayor Carroll asked the CARTA representative to come forward and to make a brief comment; Andrea Coslosky introduced herself as the Deputy Director of the BCD Council of Governments (COG). She reported that the COG has taken over administration of CARTA in the last two (2) years and that the cover memo included in the meeting packet gave a detailed, line-by-line description of the budget, the changes made, and the progress made since the COG took over, such as improved technology on-board and off-board the buses. The ribbon-cutting for the new Intermodel Center is scheduled in February, and Express Service from Summerville to Downtown will begin next year. She stated that she will meet with Councilmember Ward about a possible shuttle from Mount Pleasant to the Isle of Palms.

**VOTE: The motion PASSED UNANIMOUSLY.**

##### **Adoption of Resolution Supporting the Elimination of all Forms of Discrimination and Violence Against Women and Girls**

**MOTION: Councilmember Ward moved to waive the reading and to adopt the Resolution; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.**

Public Hearing: 5:45 p.m., Tuesday, August 28, 2018 in Council Chambers  
Next Meeting Date: 6:00 p.m., Tuesday, August 28, 2018 in Council Chambers

11. **Executive Session** – not needed

12. **Conclusion/Adjournment**

**MOTION:** Councilmember Ward moved to adjourn the meeting at 7:50 p.m.;  
Councilmember Moya seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland  
City Clerk

## **WAYS and MEANS COMMITTEE**

5:00 p.m., Tuesday, July 17, 2018

The regular meeting of the Ways and Means Committee was called to order at 5:00 p.m., Tuesday, July 17, 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 and Smith, Chair Ward and Mayor Carroll, Interim Administrator Fragoso, Treasurer Suggs 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 Meeting's Minutes**

**MOTION:** Councilmember Bell moved to approve the minutes of the regular meeting of June 19, 2018 as submitted; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

### **3. Citizens' Comments**

Rebecca Stephenson, 18 – 26<sup>th</sup> Avenue, was present as one (1) of two (2) managers for the IOP Farmers' Market, to address Council about the Agenda item about the possible re-location of the Farmers' Market. She stated that she has no objection to moving it from the County Park to the City's parking lot as long as the following needs could be met, i.e. free parking, electricity, if needed, permission to sell beer and wine on City property and some kind of seating for people to enjoy the food trucks and a cool drink. She thanked City Council for supporting the Farmers' Market.

**MOTION:** Mayor Carroll moved to re-order the Agenda to insert Item C under New Business at this point in the meeting; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

### **6. New Business**

#### **C. Discussion of the location of the Farmers' Market**

Councilmember Kinghorn noted that the City parking lot does not have restrooms.

Ms. Stephenson said that she did not think that the walk to the public restrooms would be a problem for attendees of the market, but it would make it difficult for the vendors to take a bathroom break. At the County Park, a vendor would typically ask the vendor next door to mind his booth while he goes to the on-site restrooms.

When Councilmember Kinghorn asked Ms. Stephenson if she had a preference for a location, she responded that, if the City could provide the same amenities that they enjoyed last year, she did not have a preference. She noted that a goal of the market was to have more involvement by local businesses, and that would be more likely to happen if the market were held in the parking lot.

Councilmember Smith stated that the Recreation Committee discussed the possibility of holding the market on City property, but, for the reasons stated by Ms. Stephenson, the Committee concluded that the County Park was the best location. Based on that discussion, City staff investigated a way for market attendees to park for free and succeeded in getting a fee of twelve hundred dollars (\$1,200) for the eight markets; this amount was approved by Council and included in the FY19 budget.

Councilmember Rice voiced confusion about why this item was included in the Agenda since Council discussed and subsequently added the cost of offering free parking for attendees and the funds to compensate the volunteer managers for their time in the FY19 budget. In addition, she thought that re-locating the market at this late date would only confuse the public. She asked the Chair why he had added it to the Agenda.

Chair Ward said that he had added it to the Agenda after he was contacted by a Front Beach merchant who expressed a desire to participate if the market was held in the City's parking lot.

No member of the Committee came forward with a motion to relocate the Farmers' Market; therefore, the Chair indicated that the market would operate in the County Park as it did last year.

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

##### **A. Financial Statement**

Treasurer Suggs stressed that the financial statement for June 30, 2018 was preliminary and unaudited for the FY18 budget. She informed the Committee that the City would receive or accrue funds and maybe some invoices possibly through August reflective of FY18; she stated that the auditors would begin their work in September. Per the Treasurer, General Fund revenues were ninety-nine percent (99%) collected and ninety-six percent (96%) expended. Reviewing General Fund revenue, Treasurer Suggs commented that the City would receive three (3) additional months' of Local Option Sales Taxes; Business Licenses exceeded the budget as a result of a one-time settlement and approximately fifty thousand dollars (\$50,000) from Great Lakes Dredge and Dock. General Fund cash was at three million eight hundred dollars (\$3,800,000) that represent thirty-five percent of annual General Fund expenses.

##### **B. Tourism Schedules**

Municipal Accommodations Taxes and the Beach Preservation Fee Fund are running two percent (2%) ahead of FY17. Although the Charleston County Accommodations Pass-through ended the year down sixteen percent (16%) from FY17, Treasurer Suggs reminded the Committee that Charleston County was not obligated to send these funds to the City; she noted that, according to the County, these funds will increase in FY19. The City has not yet received the fourth quarter's State Accommodations Taxes. Based on the amount received in Hospitality Taxes in June, the Treasurer delved into the detail to learn why the collections were so far behind FY17; in her research she found that classifications errors had occurred in the conversion to the BS&A software, i.e. some hospitality taxes accounts were actually coded to business licenses. Since the population of taxpayers is low, she would review them individually to correct these errors going forward and to adjust the collections for FY18. Considered a good economic indicator, Local Option Sales Taxes were running five percent (5%) ahead of FY17.

##### **C. Projects Worksheets**

For Phase II Drainage, the major expense in June was for the eighth construction pay application of approximately ninety-seven thousand five hundred dollars (\$97,500). The renovations to the Front Beach restrooms and new boardwalk have been completed under budget and under contract; this schedule will be retired.

Treasurer Suggs directed attention to the Parking Revenue Summary she prepared and pointed out that the revenue from the kiosks in the parking lot was forty-six percent (46%) of fees in FY17 and that the number of transactions was down three percent (3%). The reduced revenue is attributed to the reduction in parking fees from eight dollars (\$8) a day during the week and ten dollars (\$10) per day on the weekends to one dollar (\$1) per hour and possibly to the rainy months of April and May.

Councilmember Smith commented that one (1) reason the fees in the lots were reduced was to draw visitors away from Palm Boulevard.

Councilmember Buckhannon remarked that the closure of the bridge on I-526 was also a likely contributor to the reduced parking revenue.

Based on the modest increase to the number of transactions, Councilmember Moye saw an indicator of the fact that the goal of turnover in the lots was not achieved.

Councilmember Kinghorn noted that beach visitors do not select a place to park based on cost.

Councilmember Bell has observed the density on Palm Boulevard between 21<sup>st</sup> and 41<sup>st</sup> Avenue become greater and greater; in some areas cars are parking three (3) deep. He anticipated the parking on Palm to dramatically change once the signs are installed and enforcement begins for parallel parking only.

Councilmember Buckhannon stated that he has seen increased parking on the side streets beyond 41<sup>st</sup> Avenue up to 45<sup>th</sup> Avenue.

5. **Old Business – None**

6. **New Business**

A. **Recommendation from the Personnel Committee for the award of a contract to The Mercer Group, Inc. for the recruitment of a City Administrator, Chief of Police and Assistant Director of Public Works for Maintenance and Facilities in an amount not to exceed \$39,000**

**MOTION: Councilmember Ferencz moved to hire The Mercer Group in amount not to exceed \$39,000 to do the work detailed above; Councilmember Rice seconded.**

Mayor Carroll explained that the Personnel Committee narrowed the field of search firms to three (3), and each member of the Committee was assigned a firm to vet by calling several of their past customers.



Councilmember Rice was assigned to investigate The Mercer Group and spoke with the mayors of Kiawah and Sun Valley, Idaho and the City Administrator for Hanover, New Hampshire. All three (3) gave The Mercer Group high marks. She also noted that, of the three (3) firms considered, The Mercer Group was the lowest cost. One of the people the Councilmember interviewed stated that Jim Mercer was “the dean of government search nationwide.”

Councilmember Rice told the Committee that the Personnel Committee agreed that not one (1) of the proposals stood out above the others in excellence or particularly grabbed their attention. After the vetting of The Mercer Group, she was confident that the Personnel Committee was making a good recommendation to Council and that they would do a good job for the City as it looks for a City Administrator, Chief of Police and an Assistant Director of Public Works for Facilities and Maintenance.

Councilmember Moye told the Committee that each municipality he talked to advocated for the use of search firms when looking to fill key positions.

Chair Ward was told that the Committee’s vote was unanimous to recommend The Mercer Group.

Councilmember Ferencz cautioned Council that she was told the market for government positions was thin; the most qualified candidates have chosen to go into private businesses where the money is better. With that information in mind, she said the City might go through more than one (1) round of interviews, but, on the other hand, due to their longevity in the market and their reputation, the statement was made that The Mercer Group has a good base of people.

**VOTE: The motion PASSED UNANIMOUSLY.**

**B. Discussion of replacement of 2 AC condensing units which serve the training room and lobby of the Public Safety Building**

Chief Graham reported that one (1) unit was “shot” and the other was failing; additionally, a lift truck will be needed to install one (1) unit since it is located on the roof. She thought it was sensible to replace both at the same time; she reminded the Committee that the units at the PSB were ten (10) years old, a reasonable useful life for air conditioning units. She has acquired one (1) quote and expects two (2) more tomorrow.

Interim Administrator Fragoso told the Committee that staff was drafting the Ways and Means Agenda and requested of the Chair to add it to the Agenda since the Committee does not plan to meet in August. Since that time, the Chief has received one (1) quote for approximately ninety-one hundred dollars (\$9,100) which is below the threshold the Purchasing Agent is authorized to approve.

Responding to Chair Ward’s question if this purchase was included in the FY19 budget, the Interim Administrator answered that the units would be funded from money budgeted

for the Hill Report maintenance and that it would be split between the Fire and the Police Departments.

**MOTION: Councilmember Rice moved to approve up to \$15,000 for the replacement of 2 AC units at the PSB; Councilmember Moye seconded.**

When Mayor Carroll asked about the status of the roof of the PSB since it is planned to be replaced in this fiscal year, Chief Graham said that she had been told the roofers could work around the units.

**VOTE: The motion PASSED UNANIMOUSLY.**

**7. Miscellaneous Business – None**

Nest Meeting Date: 5:00 p.m., Tuesday, September 18<sup>th</sup> in Council Chambers

**8. Executive Session – not needed**

**9. Adjournment**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 5:45 p.m.; Mayor Carroll seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted;

Marie Copeland  
City Clerk

**PUBLIC SAFETY COMMITTEE**

5:00 p.m., Monday, July 2, 2018

The regular meeting of the Public Safety Committee was called to order at 5:00 p.m., Monday, July 2, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Present for the meeting were Councilmembers Bell and Ward, Chair Smith, Interim Police Chief Usry, Battalion Chief Smith, Interim City 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 regular meeting of June 4, 2018 as submitted; Councilmember Ward seconded.**

Chair Smith directed attention to paragraph 4 on page 4 of the minutes and asked that the final sentence be changed to read as follows:

She stated that her goal was to have any dog ordinance change recommendations . . .

The Chair also requested a change to paragraph 5 on page 5 so that it reads as follows:

Chair Smith proposed considering that Breach Inlet . . .

**VOTE on Changes to the Minutes: The changes PASSED UNANIMOUSLY.**

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Chair Smith explained that she makes such suggestions because she hopes that the Committee members come to the meetings with open minds ready to receive input from staff and fellow Committee members in order to make the best decisions for the City.

**VOTE in Minutes as Amended: The amended motion PASSED UNANIMOUSLY.**

**3. Citizens' Comments**

Elizabeth Campsen, 32 Intracoastal Court, thanked the Committee for its efforts in protecting the residential neighborhoods around the Marina. (The full text of Ms. Campsen's comments is attached to the historical record of the meeting.)

Chris Donovan, 31 – 26<sup>th</sup> Avenue, noted that she sent letters to members of Council and was encouraged by their feedback. She read a short portion of her letter into the minutes of the meeting saying:

"I am well aware of the growth in our area, that change comes with growth, and that our laws and ordinances must address the change. However, I do not believe that friendliness of our island or the commonsense of our public employees need to be sacrificed during these changes."

(The text of Ms. Donovan's comments are attached to the historical record of the meeting.) Ms. Donovan was responding to a bevy of tickets issued to vehicles which were clearly parked there

while visiting residents of the homes. She asked that, in areas of the island where parking is not an issue, enthusiastic parking enforcement officers should not create one.

#### 4. Old Business

##### A. Update on Managed Beach Parking Plan

- Update on parking hangtags and daily visitor parking pass booklets

Interim City Administrator Fragoso recounted that City Council had approve the changes to the Managed Beach Parking Plan at the meeting of June 26, 2018; the changes include parallel parking on both sides of Palm Boulevard between 21<sup>st</sup> Avenue and 40<sup>th</sup> Avenue, no double parking on the passenger side of any vehicle parallel parked along the right-of-way, and enforcing the parking plan year-round. The RFB for the fabrication and installation of new signs was advertised the following day with a deadline for questions of July 12<sup>th</sup> and bid opening on July 23<sup>rd</sup>. Staff plans to study the bids and make a recommendation for a bid award at the next meeting. She noted that funding for the signs was included in the FY19 Municipal Accommodations Tax budget.

Interim Chief Usry met with Chair Smith to be certain that Police Department staff members were moving in the same direction as the Committee. She commented that the Department issues residents the residential stickers and will give the owner a single booklet of thirty (30) visitor passes. She noted that she inquired what the purpose of the hang tags was to be and what they would be replacing, and she remains unsure about what they would do. As stated at the June meeting, the booklets of thirty (30) passes cost the City approximately one dollar eighty cents (\$1.80), or six cents (\$0.06) per coupon. If the hang tags were to be distributed the same as the coupon booklets, the cost would be approximately twenty-three dollars (\$23); therefore, the Interim Chief's recommendation was to stay with the coupon booklets. The residents have become accustomed to them and use them effectively, and they are easily visible to officers. Since the parking plan will now be enforced year-round, she also recommended giving residents two (2) free coupon books.

Councilmember Bell stated that he followed up with Ms. Donovan and visited her to see what had been done. As a result, he opined that Council needed to hold another post-season evaluation of the parking plan to know if other tweaks need to be made to the ordinance. For families with children returning to the island from college, he thought it would be logical to get residential stickers for their vehicles eliminating confusion. He stated that the ordinance exists to protect the residents when there is a problem, but, for areas without problems, he suggested that the BSOs be trained to use their judgement in the internal neighborhoods before automatically writing tickets. This would allow BSOs to double-down on the problem areas like 41<sup>st</sup> Avenue, Waterway Boulevard, Front Beach, etc.

Chair Smith agreed to abandon the hang tag idea due to the added expense, but she agreed with Interim Chief Usry that residents should be given two (2) booklets since the parking plan is now enforceable twelve (12) months a year.

**MOTION:" Councilmember Bell moved to give residents two (2) visitor parking booklets; Chair Smith seconded.**

Interim Administrator Fragoso stated that the FY19 budget did not anticipate giving residents two (2) visitor parking booklet and that staff needed to determine if it was affordable.

Councilmember Ward said that he would not support this action until he knew where the funding was coming from.

**AMENDMENT:** Councilmember Ward amended the motion to include that the implementation of this action would be contingent upon finding a place in the budget where it can be funded without creating an over-budget condition; Councilmember Bell seconded and the amendment PASSED UNANIMOUSLY.

Councilmember Ward asked the Committee members to act cautiously and reminded them that the parking ordinances were passed in response to the citizen's demands. In his opinion, the ordinances should be enforced island-wide or not enforced at all.

When asked to describe the process in place for enforcement of the parking regulations, Interim Chief Usry stated that, at the beginning of each shift, the BSO's are assigned an area of the island to work; on the weekends, the full contingent of BSOs are assigned to Front Beach. On an average day, the BSO rides his area and, when he has completed the route, he starts over again; typically after lunch, the areas are shifted.

Chait Smith asked if the BSOs were more concentrated in problem areas of the island.

The Interim Chief said that traffic issues at Front Beach require four or five (4 – 5) BSOs to keep vehicles moving, leaving four (4) BSOs to work the neighborhoods, and this only happens when a full contingent of BSOs is working. Since they are required to work on the weekends, they are given days off during the week.

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

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**B. Update on assistance for doctors on-call to exist the island when responding to emergencies**

When conferring with Attorney Halversen, they learned that a bill is before the General Assembly to allow physicians to have rotating green lights on the dash of their vehicles; the bill has been stuck in the Committee for Education and Public Works since January 2018. Interim Chief Usry suggested that, if it was the will of the policy-setting body, individual members of Council and the Mayor could send letters to the City's representatives in the legislature in support for this bill.

The Interim Chief also informed the Committee that the City's insurance carrier has advised against escorting a doctor off the island due to the liability to the City.

**MOTION:** Councilmember Ward moved to suspend the rules and to discuss item D under New Business at this time; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

**MOTION:** Councilmember Ward moved to suspend the rules to invite the stakeholders to come forward to join the discussion; Chair Smith seconded and the motion PASSED UNANIMOUSLY.

**5. New Business**  
**D. Discussion of surfing lessons on the beach**

The stakeholders in this venture were invited to join the Committee for the discussion, and Marshall Depass, Kyle Busey and Ross Appel, attorney with the McCullough Khan, LLC firm, came forward.

Having presented their request, Council charged staff with looking at all of the options available to the City that might allow surfing lessons to be taught on the beach, and Councilmember Bell asked if anything temporary could be done to allow Mr. Busey to operate his business as soon as possible so that he would not lose the entire summer season. As a result of conferring with Attorney Halversen and Director Kerr, Interim Administrator Fragoso stated that he could seek City-sponsored event status for the balance of the season; a precedent to allow this was established when Morgan Creek Grill was given City-sponsored event status as they were building the sound stage and tweaking equipment to resume outdoor music while the City worked on the noise ordinance. It would be a one time approval, and he would be required to meet the terms established for a City-sponsored event, and the City could add additional conditions if it thought they were necessary, for instance, the location on the beach the lessons were to be given, the work hours, etc. To expedite a decision would require a Special City Council meeting. For a more permanent solution, the City staff advised that entering into a franchise agreement would be the most appropriate approach; the City could offer an exclusive franchise agreement or offer more than one (1) franchise. The franchise agreement would take longer to make happen, but would give the City more control over how the business was operated since the City could include stipulations about the business, would bring revenue to the City, as well as indemnify the City through its insurance coverage. The optimum and fairest way to offer a franchise would be through issuing a Request for Proposal (RFP), for which Folly Beach provides a good example; to do this would also require an amendment to the current ordinance.

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Councilmember Bell opined that the only way Council would approve this request would be for the surfing lessons to be given only in Wild Dunes because the business has a contract with Wild Dunes and only at the Boardwalk in Wild Dunes. He asked if the RFP could require that the proposers to have a contract with Wild Dunes. He also questioned if granting Carolina Salt Surfing a temporary status was corrupting the bid process that could damage the company in the long term.

Interim Administrator Fragoso replied that research was ongoing about how narrowly the RFP can be written.

Marshall Depass introduced their attorney Ross Appel who has spoken with Attorney Halversen about the possible RFP, and he stated that he “wholeheartedly agrees with staff with their decision about what the options were for the near-term as well as the long-term.” He said that they were aware that this was a sensitive issue and were happy that they have gotten as far along in the discussion as they have. He explained that one (1) way they considered packaging their request was have it as a pilot program from which the City could gather information while it considers the best course of action for the long-term.

When Councilmember Smith asked for more of an explanation of Mr. Busey’s plans, he would teach surfing between 9:00 a.m. and 3:00 p.m. in Wild Dunes from Memorial Day to Labor Day; the classes would be an hour and a half to two hours (1.5 – 2 hrs.) in length with one (1) person in each session.



Councilmember Smith expressed the opinion that to grant the surfing lessons City-sponsored event status was stretching the intent on the classification and setting a bad precedent.

Councilmember Bell stated that Council was opposed to granting a license as a City-sponsored event that would exist in perpetuity; the Councilmember then asked if there was a legal way the City could allow Carolina Salt Surfing to operate this year that Council could be comfortable with. The use of City-sponsored event status was not being discussed in the same context as it was at the Council meeting; the consideration was much more in-line with the City's previous use of the term with Morgan Creek Grill a few years ago. In this case, the request for City-sponsored event status would be a one-time request without changing any of the rules for a City-sponsored event.

**MOTION: Councilmember Ward moved to grant Carolina Salt Surfing Lessons City-sponsored event status through the end of this year; Councilmember Bell seconded.**

Councilmember Ward indicated that it would be unfair to keep them dangling to the end of this month or longer; he voiced the desire to give them the benefit of the doubt and see how it works out through the end of the summer.

Councilmember Smith said that she has made it known that she was in favor of the City finding a way to provide surfing instruction, but she wanted to ensure that the City does it the right way. She told Mr. Busey that she was very impressed with his qualifications.

Interim Administrator Fragoso queried the Committee about adding any kind of stipulations to granting City-sponsored event status and asked the stakeholders in Carolina Salt Surfing to provide the City with a written proposal for review before City Council would make any decisions.

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**VOTE: The motion PASSED on a vote of 2 to 1 with Chair Smith casting the dissenting vote.**

**C. Update on emergency lights and sirens for volunteer firefighters**

Chief Graham reported that she has communicated with the City's insurance carrier and the City Attorney; the insurance company did not recommend that the City follow this course although it was legal. If the City should decide to go forward, the insurance company recommended that the City maintain insurance described as 100/300/100. In addition, they provided the City with a form used by another local government that requires that the driver complete a driver's training class offered by the South Carolina Fire Academy, maintain a minimum of insurance, and have both lights and sirens; if the insurance is terminated for any reason, the use of the lights and sirens must stop. Chief Graham stated that she would prefer to have the support of the full Council before any change was made because it would impact the City's insurance rates.

**MOTION: Councilmember Bell moved to recommend to City Council that, under the direction of the Fire Chief and at her discretion, to allow certain volunteer firefighters to outfit their vehicles with lights and sirens provided they have the required insurance; Chair Smith seconded and the motion PASSED UNANIMOUSLY.**

The Chief's recommendation was that the City not pay for the lights and sirens for volunteers.

**D. Status on process for undertaking the Public Safety Building repairs and results of air quality test**

On the air quality testing, Chief Graham reported that she had met with a local individual, but he has not performed the test yet; she was waiting on a price quote. She has decided that, in order to speed up the process, she would contact another company; the firm that was highly recommended did not show up for the appointment.

On the process for undertaking the repairs to the building, Director Kerr, Chief Graham and Interim Administrator Fragoso have met and were working on a Request for Qualifications (RFQ) for the design and construction oversight. The firm selected would assist with the preparation of the package to go to the construction companies who would do the work. The goal was to advertise the RFQ by the end of July.

The Public Safety Committee agreed to move the issue of the repair and construction needed for the Public Safety Building to the Real Property Committee; the Public Safety Committee will be kept apprised of the progress.

Chief Graham explained that the RFQ would be published with broad parameters; the top two to four (2 – 4) bidders would be interviewed and would participate in a mandatory walk-through. The company chosen will assist the City with selecting a design/build team.

**5. New Business**

**A. Discussion of traffic counts on 41<sup>st</sup> Avenue, Waterway and Palm Boulevards**

Councilmember Bell stated that he had gone through minutes of old meetings looking for traffic counts and only found data from October 2016 when the traffic counter was set up on 41<sup>st</sup> Avenue; it recorded approximately eleven thousand one hundred (11,100) vehicles travelling in both directions in this seven (7) day period. The Councilmember was interested in seeing the traffic counts this summer to look at how the numbers have changed; in addition, he would like to know just how many vehicles were going into the marina; he anticipated the volume to be “outrageously high.” Based on the number of concerned citizens, he would like to project how the operation of the new hotel was going to impact the traffic on Palm Boulevard.

Interim Chief Usry stated that she would ask SCDOT if they would assist City by lending traffic counters; additionally, she reminded the Committee that replacement traffic counters for the end of the Connector and Breach Inlet are in the FY19 budget. The counters at the Connector will indicate the number of vehicles that are turning left or right and going straight.

When the Interim Chief asked if the Councilmember wanted the traffic counters placed at specific locations, he noted that the Committee was certainly interested in containing the volume at the marina.

Relative to traffic flowing into Wild Dunes, Chair Smith thought a counter should be placed near the first gate into the resort.

**B. Discussion of public safety at the marina**

Chair Smith explained that this Agenda item came from an experience shared by a group of people that included her and her family. She recounted that, on June 10<sup>th</sup>, she and her family



were enjoying a day of boating when a storm suddenly came up causing them to seek shelter at the IOP Marina. They joined several other boats docking in spaces leased by the Marina Manager near Morgan Creek Grill; once docked, her family and the other boaters sought safety to wait out the storm, but they found that the gate into the marina was locked and required a key to open. The Chair stated that they were following a safe harbor boating principle stating that a boater in a dangerous situation should be allowed to dock in any open dock space. Representatives of both the marina and Morgan Creek Grill were present and the Chair asked that they come forward to join the discussion; she wanted to insure that her situation was not repeated.

Councilmember Bell commented that he received several emails regarding this incident saying that they were denied safe harbor, that they were waved off because a big boat was coming in and that no one seemed to have the code for the gate.

Chair Smith explained that the gate was next to the Morgan Creek bar, but the bartender did not have the code to open it. As the storm got closer, the boaters were climbing over the fence to find shelter.

Chris Wukovitz, floor manager on duty at Morgan Creek Grill at the time of the incident, and Brian Berrigan, Marina Manager, were attending the meeting to assist in finding the best way to keep this sort of thing from repeating itself.

Based on a conversation between Mr. Berrigan and Chair Smith, the Chair stated that Mr. Berrigan had agreed to share the code to the gate with the bartending staff at the restaurant. Mr. Wukovitz commented that he and Mr. Clarke, owner of Morgan Creek Grill, talked with Mr. Berrigan earlier in the day about sharing the code with the five (5) floor managers at the restaurant.

Mr. Berrigan stated that the Marina has a written safety policy relative to emergency response to weather, and he stated that the policy does address weather, but it does not address situations like the one Chair Smith and others had. As a part of the public safety policy, the gate code was changed monthly; when he notifies the Fire and Police Department of the new code, he will include the management of Morgan Creek Grill.

Councilmember Bell asked the marina manger to explain the policy for temporary docking.

Since Morgan Creek Grill has been assigned docks at the marina, Mr. Berrigan asked that they do a better job of managing them and not to let patrons in just because they have the code since it is designed to be for an emergency. At the time Chair Smith was seeking refuge from the storm, public dock space was open according to Mr. Berrigan, but, under the circumstances, he understood that they went to the first open slip they saw.

### **C. Discussion of ideas for public transit and seasonal shuttle to IOP**

Councilmember Ward noted that he was now a member of the CARTA Board, and, at the last meeting, they discussed the new Park 'n Ride system in Downtown Charleston that has been quite successful. From his understanding, residents of the outlying areas, i.e. North Charleston, Awendaw, etc., park in the designated parking lot for five dollars (\$5) per day and get on the shuttle that operates on the quarter hour making a wide loop through downtown; the shuttle is aimed at commuters who work downtown in hospitality services and operates from 6:00 a.m. to 3:00 a.m.

Councilmember Ward stated that this is a big picture project for CARTA, and he asked that it stay on the Agenda for future meetings so that he will have the support of City Council to go to the CARTA Chairman noting the City's support and asking how the City could benefit.

Problems CARTA is facing are finding a space in Mount Pleasant for the parking lot that would be affordable and educating the people. He understands that the only fee the commuters pay is the five dollars (\$5) for parking, and the bus ride is free. Federal funds are available for this type of service.

The Councilmember added that he sees the service as the solution to a multitude of problems on the beach. He recalled that CARTA had tried a route to IOP in the past, but people were reluctant to use it because they brought so much paraphernalia for their visit to the beach. (He noted that some beach communities have banned the tents, chairs and umbrellas that visitors bring to the beach, for instance Hilton Head and Myrtle Beach.)

Councilmember Bell suggested that the City form partnerships to solve some of its problems, and it will require some form of public transportation; he opined that no one would take public transportation to the beach until the City starts to charge for parking island-wide. The ordinance passed at the last Council meeting that mandates parallel parking on Palm Boulevard from 21<sup>st</sup> to 40<sup>th</sup> Avenues will dramatically reduce the number of parking spaces, and people are going to complain. To make the changes more palatable, the City must work with CARTA, adjoining communities and others to make getting to and from the beach easy. At the end of the season, he would like to see Council put in the time to develop a comprehensive view of the parking issues on the island that will clearly indicate that problem A contributes to problem B, etc., and that to solve one (1) problem will not necessarily ease or eliminate problem B.

Chair Smith asked that this subject be on the September Agenda.

#### **E. Consideration of revised Chief of Police job description**

Interim Administrator Fragoso stated that staff was hoping to get feedback on the job description for the Chief of Police that was included in meeting packets; the goal of the Personnel Committee is to present an approved version to City Council for adoption at the July meeting.

Having studied it, Councilmember Bell asked if this job description was consistent with one from other local governments of the same size, particularly Sullivan's Island.

Interim Administrator Fragoso noted that, before the job descriptions for the Chief of Police and City Administrator are submitted to City Council for adoption, they will be reviewed by the City's labor attorney.

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

The monthly reports for the Police and Fire Departments are posted in full on the City's website.

Interim Chief Usry announced that the Police Department has partnered with Palmetto Pride and Charleston County Parks and Recreation for an IOP Beach Clean-up on Thursday, July 5<sup>th</sup> from 6:00 a.m. to 10:00 a.m.; she said that thirty to forty (30 – 40) people have signed up, but more than one hundred fifty (150) have expressed interest in participating.

Councilmember Bell asked if the Police Department tracked golf cart citations separately. Interim Chief Usry stated that golf cart citations were difficult to track because some dispatchers enter them as a traffic stop and others go in as suspicious activity, citizens' complaints or contact with. The software does not allow reports to be generated by type of vehicle.

Councilmember Bell asked if a method for tracking them could be devised because it was clear that visitors have no idea that the driver should hold a valid driver's license. He stated that residents are noticing and asking what is being done to stop it.

The Interim Chief stated that a couple of residents were renting golf carts from their homes and officers could verify that their customers were receiving proper training before leaving with it.

Chair Smith recommended that information about the use of golf carts be posted to the City's website.

**7. Miscellaneous Business**

The Committee agreed not to meet in August.

The next Public Safety Committee meeting will be at 10:00 a.m., Wednesday, September 5, 2018 in the Conference Room.

**8. Executive Session – not needed**

**9. Adjournment**

**MOTION: Councilmember Bell moved to adjourn the meeting at 6:52 p.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

**Public Works Committee**  
10:00 a.m., Friday, July 6, 2018

The regular meeting of the Public Works Committee was called to order at 10:00 a.m., Friday, July 6, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Buckhannon and Kinghorn, Chair Rice, Director Pitts, Interim Administrator Fragoso and 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 Buckhannon moved to approve the minutes of the regular meeting of May 7, 2018 as submitted; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments**

Bill Schupp introduced John Garrels of #5 30<sup>th</sup> Avenue who is interested in buying Mr. Schupp's beach trash and recycling collection business beginning January 1, 2019. Mr. Schupp said that Mr. Garrels and his wife have retired to the Isle of Palms and have two (2) sons in the area to help him when needed. Responding to Chair Rice, Mr. Garrels informed the Committee that he has another business operating on the island, Chunky's Chairs and Umbrellas; when that business winds down in mid-October, he will be free to ride with Mr. Schupp and to learn the equipment.

**MOTION:** Councilmember Kinghorn moved to re-order the Agenda to discuss item C under Old Business at this time; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

5. **Old Business**

C. **Discussion with Bill Schupp about sale of his trash collection business**

Director Pitts told Mr. Garrels that this business involved shift work in that the trash collection must be done when the tide is out.

Councilmember Kinghorn thought that Council would like to have a brief written overview of the policies and procedures Mr. Garrel's would employ when he operates the business; the Councilmember also asked that he include his plans for the transition period.

When Councilmember Buckhannon asked why this was on the Agenda for the Public Works Committee, he was told that a provision in Mr. Schupp's contract was that the City must approve an assignment of the lease.

Mr. Schupp said that he has two (2) years remaining on his contract with the City and, with sixty (60) days' notice, the contract would automatically renew for an additional five (5) years. He also

told the Committee that a one (1) year probation period for a new operator was also a part of his contract.

Chair Rice referenced comments from residents that they would like for the City to have covered trash cans on the beach because the smell of the garbage seems to draw coyotes to the beach. Mr. Schupp and Mr. Garrels agreed that it would be nearly impossible to have garbage cans with lids on the beach. Mr. Schupp said that the barrels often have more garbage than the can is built to hold with bags on top of bags, and to have covered barrels would make the emptying process a two (2) person task with the second person removing and replacing the lids. Director Pitts added that some vacationers/second home owners will put the household garbage accumulated in a beach barrel rather than put the rollout cart on the street because the property owner does not want to pay a service to roll it back. He stated that, when the beach garbage collection was weekly, lids would have made more sense, but with collection now five (5) days a week, he did not think it would make a difference.

Councilmember Buckhannon asked that the members of the Committee be sent copies of Mr. Schupp's contract with the City.

Chair Rice asked Mr. Garrels to send his proposal to Interim Administrator Fragoso for review at the next Public Works Committee meeting; Mr. Schupp offered to inform him of the date, and he was advised that the date would be on the City's website.

#### **4. Departmental Reports for June 2018 – Director Pitts**

The Director reported that garbage was up slightly and debris was down; he attributes the reduction in debris to the fact that one (1) truck was down for most of June. He commented that the island is having garbage collections twice a week, debris removal once a week, and recycling weekly. A new style of popper-scooper was made available at the Bark Park for a test, and they have been well received by the community; the help to the Public Works personnel is that the individual boxes contain more bags. On eleven (11) days of the month, beach sweeps were done to remove broken beach chairs and broken or abandoned tents and umbrellas. With twice a week garbage pickup, the rights-of-way are now being mowed by HDR Services on a ten (10) day rotation schedule. He reminded the Committee that the pad and the ramp to the compactor are pressure-washed every week when the compactor is off-island; currently the Director sees two (2) issues with the City's compactor, i.e. the compactor and illegal dumping of all manner of stuff. When discussed at staff level, the consensus was that some of the users need additional training and the Police Department planned to re-direct the surveillance camera. The Department exceeded its FY18 budget for vehicle maintenance by approximately one thousand dollars (\$1,000) as a result of the Director's decision to rebuild the hopper structure in June.

#### **5. Old Business**

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

Interim Administrator Fragoso reported that the contractor has now crossed Palm Boulevard and has installed the large pipe at 46<sup>th</sup> Avenue; because the area between 46<sup>th</sup> and 47<sup>th</sup> Avenues is relatively tight, the engineer has requested that the contractor do vertical locates along Palm where the system will be installed so any adjustments that might be needed can be handled at the same time. The projected end date is the end of September for the construction.

**B. Update on removal/replacement of underground storage tanks**

Director Pitts had a pre-construction meeting with the contractor and the construction oversight engineer, and the work at the Public Works site is scheduled to begin in mid-July and is expected to take four to five (4 – 5) weeks to complete. The work at the marina is scheduled to begin at the end of September.

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

Interim Administrator Fragoso informed the Committee that she and Director Pitts met with David Stevens of Civil Site Environmental, and a representative from Charleston County to get an update on what the County plans to do with the ditch at 32 Thirty-second Avenue since it is in a County easement. Included in the meeting packets was a memo from Frank Pandullo, Charleston County Storm Water Utility Manager, summarizing the meeting; in it, Mr. Pandullo stated that their recommendation was not to pipe the ditch and that they would cut-back the vegetation in the ditch and investigate the ditch downstream from Mr. Burke's property. (A copy of the letter is attached to the historical record of the meeting.) The consensus is that the problem is at the outfall which is not draining properly.

**6. New Business**

**A. Discussion of tents on the beach**

Director Pitts reported that Public Works personnel are on the beach at least three (3) days a week to remove broken chairs, tents and umbrellas or some simply left on the beach when the vacationers head home; one (1) beach sweep can take three to four (3 – 4) hours. The week of July 4<sup>th</sup>, Joseph Washington was on the beach every day, and he typically returns with the pickup truck filled to overflowing.

Chair Rice proposed somehow to franchise a beach chair and umbrella/tent business and to encourage visitors to rent them. She thought that to do this would reduce the amount of beach debris.

Councilmember Buckhannon remarked that this has been a problem for a long time, and he opined that, with the ever increasing population in Mount Pleasant and the construction just across the Connector, the re-appearance of this problem was inevitable. He commented that the only way he saw to avoid it would be through an ordinance.

Councilmember Kinghorn suggested adding the rental of tents or umbrellas to the two (2) chair rental franchises now operating.

**B. Discussion of commercial dumpsters in Wild Dunes**

Director Pitts recalled that, at the last meeting, he expressed concern that the Public Works staff was unable to complete the Tuesday/Friday routes in Wild Dunes in a normal work day and maybe not in a nine or ten (9 – 10) hours per day. The Director stated that, historically, as the island has "grown out," single-family residential garbage cans, both forty (40) and ninety (90) gallon cans, were distributed in Wild Dunes, some condominium complexes, for example Mariners Walk and Port o' Call, have sixteen to eighteen (16 – 18) single-family cans in an enclosure. Over time, the Director has observed the need to replace the single-family cans with a commercial dumpster; the City assumes payment for the dumpsters, but not the user fees, which are seven dollars (\$7)



per dump per big container. Changing to the commercial dumpsters makes the Public Works Department work more efficiently because they can now run the Tuesday/Friday routes in an eight-hour (8 hour) day. He stated that the City does not want to buy an additional packer for an estimated two hundred fifty thousand dollars (\$250,000) to make a Tuesday route; today, he said that he has five (5) packers on the route. Having gotten through July 4<sup>th</sup>, Director Pitts indicated that he considered the season “pretty much gone.” For any condominium community the Director might choose, the change out must be done in the off-season; he anticipates removing the single-family cans and replacing them with commercial dumpsters in, possibly, two (2) condominium complexes.

Councilmember Buckhannon suggested that the Council might consider initiating a tiered system, like the Water and Sewer Commission has based on the consumption of water; whereby, residences would be charged for garbage pickups based on the number of cans in excess two (2) at each address.

Director Pitts explained that each residence was given one (1) complimentary can from the City; any additional cans cost the property owner a one-time payment of seventy-five dollars (\$75), which the Director described as “a cost pass-through.”

Since additional cans put an additional burden on the Department and the taxpayers, Councilmember Buckhannon recommended finding a way to offset the additional expense to the City, if possible.

Councilmember Kinghorn saw two (2) ways to increase revenues to the City; the first would be to increase the cost to the property owner for the second and any additional cans based on the life expectancy of the can; the second would be a regular monthly charge per can in excess of two (2) to be attached to the property owner’s water bill.

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Director Pitts informed the Committee that each garbage can has a number, and he has a record of every can by address on the island in the Assistant Director’s computer.

### **C. Discussion of Cross Lane ditch**

Chair Rice explained that concerns have been voiced about the re-growth in the ditch on Cross Lane, and she wanted to know when it would be cleaned again by Eadie’s.

Director Pitts responded that, with the beginning of the FY19 budget year, Eadies will begin its cycle of cleaning the ditches again. He understood that they would be starting soon.

## **7. Miscellaneous Business**

Next Meeting Date: 9:00 a.m., Wednesday, August 1, 2018 in the Conference Room

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

## **9. Adjournment**

**MOTION: Councilmember Kinghorn moved to adjourn the meeting at 10:47 a.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland.  
City Clerk

DRAFT



**PERSONNEL COMMITTEE**  
10:30 a.m., Thursday, July 5, 2018

The regular meeting of the Personnel Committee was called to order at 10:30 a.m., Thursday, July 5, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending were Councilmembers Moyer and Rice, Chair Ferencz, Interim Administrator Fragoso, Human Resources Director DeGroot 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 Moyer moved to approve the minutes of the regular meeting of June 7, 2018 as submitted; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments** – none

4. **Old Business**

A. **Consideration and selection of search firm for a recommendation to the Ways and Means Committee**

The Chair recalled that, at the June meeting, each member of the Committee was assigned a search firm and asked to contact several of their past clients to learn more about them than was contained in their materials that accompanied their proposal.

Councilmember Moyer called three (3) cities about Colin Baenziger; he chose the cities because they were either beach communities or had comparable populations. The first two (2) cities were emphatic about how easy the process was and how much they liked working with Colin Baenziger; the process for one (1) of the cities was five (5) months and the second was six to eight (6 – 8) weeks. All three (3) of the communities with whom he spoke had only one (1) round of candidate. The third city thought the process was fine, but they thought the candidates were not a good fit. He told Councilmember Moyer that they were pressured to increase the salary, and the person they selected had a short tenure. He also told Councilmember Moyer that they had not asked for a second round of candidates because they were operating under a timeline; in retrospect, he indicated they acted too hastily and should have given themselves more time. All three (3) cities were strong advocates for the search firms and would not go back and do the process themselves.

Councilmember Rice called to vet The Mercer Group; the first call was to a community in New Hampshire where she spoke with the City Administrator who hired The Mercer Group to find a Chief of Police. She thought the Police Department needed a new direction; therefore, she wanted to spread a wide net. The City hired a man from Reidsville, North Carolina that she felt they would have never found without the assistance of Mercer. She found them to be "incredibly thorough;" she referred to Jim Mercer as "the dean of government search nationwide." She told Councilmember Rice that Mercer was very responsive. She also spoke with the Mayor of Sun Valley who said that Mercer has integrity and that their follow through amazing; he had nothing but praise for Mercer; he said that they brought in good candidates and the person they hired has

stayed with them and appears to be very content. Her final call was to Kiawah, and she spoke with the person they found through Mercer. The Mayor said that he had not been very involved in the process, but, from his view on the sidelines, Mercer brought them good candidates at a time when Kiawah was mired with legal problems involving previous employees. The Mayor expressed being amazed at how the person hired has stepped in and handled things.

Councilmember Rice said that no one has anything negative to say about The Mercer Group and their experiences with them; each said they would turn to Mercer again in the future when filling a key position.

Chair Ferencz was tasked with vetting GovHR, and she started with the City Manager of Fayetteville, North Carolina. He indicated that he generally had a good experience, but he found no one in the first round the candidates who was outstanding. After bringing in a second round of candidates, the City decided to start over from scratch, and GovHR obliged; the City did hire one of the candidates presented. When calling Beaufort County, she spoke with the City Attorney, and, he, too, had only positive things to say about GovHR. On the other hand, he noted that the market is slim because the really good people in that salary range are moving away from government work. From her conversation with Beaufort County, she was warned that the City should select back-up candidates because the first candidate might take a job somewhere else between the time the City sees its candidates until the City makes an offer. A Cape Cod community also had praise for GovHR, and they described a company that did everything they asked and was on schedule. They went through two (2) rounds of candidates, and, at the end of ninety (90) days are in the process of making an offer. The Chair concluded that GovHR is a good firm with a good process, stay on schedule and are very responsive.

Councilmember Rice was told by one (1) of the cities she call that given the length of time that Mercer has been operating and the stature they had achieved in the field, they have a good base of people. She also noted that one (1) issue that Kiawah faced was that housing prices have risen to such a level that government employees have a difficult time finding affordable housing.

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**MOTION: Councilmember Moyer moved to recommend The Mercer Group as the search firm for the open positions of City Administrator and Chief of Police; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.**

Councilmember Rice recalled that the FY19 budget has allocated seventy-five thousand dollars (\$75,000) for recruitment.

Chair Ferencz noted that they typically want one-third up front, one-third in the middle of the process and one-third at the end; she expressed negotiating the final third be paid when a contracted employee is in place.

**B. Discussion of traits, characteristics, and qualities of the ideal City Administrator**

The Chair stated that the Committee was given a list of descriptive terms often use to describe a City Administrator and Committee members were to prioritize the top five (5).

Councilmember Moyer informed that the Committee members that the Department of Labor has an on-line database where they have conducted extensive studies to measure performances of thousands of jobs, i.e. these are the traits that make a person successful. Starting there, he noted

that they equate the City Administrator with a corporate CEO, and he selected five (5) from a long list of traits. His list, in no particular order, was as follows:

- Innovation/forward thinking
  - Capable of using creativity and alternative thinking to develop new ideas and answers forever
- Integrity
- Leadership
- Initiative
- Results oriented

Councilmember Rice added communication skills, oral and written, task oriented, a team builder, and environmentally conscious.

A trait that particularly stuck with the Chair was “ability to exhibit empathy with coworkers and not follow a dictatorial style of management;” in addition, she added “the ability to utilize past experiences to make correct, thoughtful decisions and stand by them,” “ability to be committed to position and the residents of the island,” “ability to organize and prioritize projects, timeline and budgets,” and “ability to establish and foster effective City and County-wide working relationships.”

The consensus of the Committee was not to try to prioritize the list, but to provide it to Mercer as the priority traits for the ideal candidate.

### **C. Discussion of proposed revisions to the job description for the City Administrator**

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When Councilmember Rice commented that she believes that a lot has been taken out of the existing job description, Chair Ferencz recalled that she was on the Personnel Committee when the current job description was brought forward, and the environment was different at that time resulting in “a lot of two to one votes.” The job description the Committee adopted was the one (1) that is the most current, but Chair Ferencz did not think it was best for the City; they tried to put everything this position could ever possibly do in it.

When HR Director showed the Chair the existing job description, she asked that Ms. DeGroot draft a job description for the City Administrator position that was what the City really needed.

Ms. DeGroot told the Committee that the details from the existing job description were not removed, but were condensed and stated more generally; she also noted that she had studied job descriptions for this position from multiple communities, including some beaches.

A lengthy discussion took place relative to whom this position reports, the Mayor or Council; Interim Administrator Fragoso opined that the full City Council should make that decision based on their expectations for the position; she agreed that the statement in the job description should clearly define “reports to.”

Ms. DeGroot reminded the Committee that the position of City Administrator was set by the City Code so the Committee must be cautious that the position acts “under the direction of Council;” the job description could say “under the direction of Council” with strong language about communication with the Mayor.

Referring to the sentence stating:

“Responsible for the City’s Real Property including the Isle of Palms Marina and the supervision of leases relative to the Marina”

Chair Ferencz said that she has never understood why the City Administrator would do that; she thought that function would fall to the Building Department because it deals with buildings, leases, rents, etc.

The Interim Administrator commented that she interpreted the statement to more global oversight of the marina.

Councilmember Moye suggested re-wording the statement eliminating the specific reference to the marina and inserting “including all City owned or leased properties.”

**MOTION: Councilmember Rice moved to recommend to City Council the adoption of the revised job description, including the changes made in the Personnel Committee meeting, for the position of City Administrator; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.**

**D. Discussion of traits, characteristics and qualities of ideal Chief of Police**

Again the Committee members stated their lists beginning with Councilmember Moye who included communication skills, ethical and highest level of integrity, ability to motivate and inspire others, creativity, forward-thinking skills as well as analytical abilities, and environmentally conscious.

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Commenting that all of the characteristics on the list were important, the key ones that stood out to Councilmember Rice were approachable, conflict resolution skills, flexibility to see shades of gray, positive attitude and outlook, and team building spirit.

Chair Ferencz prioritized her list as follows:

1. Ethical and highest level of integrity;
  - \* live values and have a good moral compass;
2. Ability to build a culture of “team”
  - \* title does not define leadership,
  - \* mentor and coach while still holding people accountable
3. Ability to embrace and guide change;
  - \* delegate to the expert in the room,
  - \* accept the ability to learn new ideas,
4. Excellent communication skills;
  - \* admit mistakes,
  - \* say “thank you” often,
5. Establish and foster effective City and County-wide relationships.

The Chair asked that the selections from the Committee members be compiled into a single list for each job position.

**E. Discussion of proposed revisions to the job description for the Chief of Police**

HR Director DeGroot told the Committee that the revised job description does not contain any major changes.

After questions were asked on social media about the revised description, Ms. DeGroot contacted the City's labor attorney; as a result of that conversation, the paragraph enclosed in the box on the last page was added relative to the Americans with Disabilities Act (ADA). The physical requirement for the position have always been in the job description; the added paragraph specifically deals with the federal regulation. She noted that as other job descriptions are revised, the paragraph about the AEA will be added.

Interim Administrator Fragoso stated that, once the job descriptions for City Administrator and Chief of Police have approved by the Personnel Committee, she will send them to the City's labor attorney for a final review to insure that they comply with all City, state and federal regulations before providing them to City Council for final adoption.

**MOTION: Councilmember Moyer moved to approve the revised job description for a Chief of Police as submitted; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.**

5. **New Business – None**

6. **Miscellaneous Business**

**Next Meeting Date: 5:00 p.m., Thursday, August 2, 2018**

If the City has not heard from the search firm before the meeting, it will be cancelled, and the next meeting will be the first Thursday in September, 2018.

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7. **Executive Session – not needed**

8. **Adjournment**

**MOTION: Councilmember Rice moved to adjourn the meeting at 11:35 a.m.; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted,

Marie Copeland  
City Clerk



**Isle of Palms  
Position Description**

Position Title: **City Administrator**  
Department: General Government  
Reports To: Mayor/Council  
Employment Status: Full -Time / Exempt  
Date: 2018

**General Summary:**

Under general policy direction of the City Council, the City Administrator carries out the policies and programs determined by the elected City Council ensuring the execution of the City's comprehensive plan, Capital Plan, budget and City ordinances. The Administrator plans, directs and coordinates the administrative and operational activities of the City, and serves the needs of the Isle of Palms residents and other stakeholders, according to the duties established in Section 1-4-11 of the City of Isle of Palms Code of Ordinances. This position provides administrative oversight to the operational and policy functions of City government, provides leadership, and supervises, directly and indirectly, all City department heads and staff.

**Essential Job Functions: \***

- Responsible for, directs, and manages all department activities of the City, including the Marina, in accordance with City Ordinances
- Provides strong strategic leadership and direction to City departments regarding programs and services directed by City Council
- Organizes and integrates fiscal controls to ensure effective implementation of City Council's goals and objectives and oversees City expenditures
- Directs and collaborates with the City's Department Heads for the development of the annual operations and capital projects budgets for approval by Council
- Responsible for the oversight of expenditures and distribution of all funds of the City
- Annually reviews and updates a ten (10) year capital plan collaboratively with department heads and treasurer
- Develops and issues administrative policies, rules and procedures, and long-term programs to ensure efficiency of operations

- Communicates to City Council conditions of significance including problems and/or all other situations impacting residents
- Oversees compliance with City personnel policies, state and federal laws
- Recruits, trains, directs, motivates and evaluates department heads and assigned staff; establishes, maintains and implements discipline and termination procedures
- Implements grievance procedures
- Responsible for ~~all City owned and leased properties, the City's Real Property including the Isle of Palms marina and the supervision of leases relative to the Marina~~
- Serves as the Procurement Officer for the City of Isle of Palms and manages adherence to the Procurement Ordinance
- Serves as the Emergency Manager in the preparation for and the endurance of emergency events
- Serves as the Public Information Officer
- Manages adherence to all environmental laws related to the City's being a barrier island community
- Executes the policies and ordinances of the City, as set by Council, and state, including periodic review and revision recommendations
- Interprets City ordinances, codes and applicable laws and regulations to ensure compliance
- Develops Council meeting agendas with Mayor; attends and participates in all Council meetings
- Works closely with the City Council and neighboring local governments in developing and implementing programs to achieve City priorities and solve community issues
- Works closely with Committee Chairs and Councilmembers by providing prompt, thorough, and complete information
- Coordinates the activities of city government with all other agencies within the City, county, state, and federal agencies
- Recommends and manages personnel policies, classification, compensation, and evaluation policies for all City employees
- Continually updates City Council on administrative activities throughout the month
- Advises Ways and Means Committee of the financial condition of the City on a monthly basis and makes recommendations and ensures preparation and submission of end-of-year annual fiscal report to City Council
- Ensures completion of all capital investments on time and on budget and includes appropriate protections in contracts for errors, omissions or mistakes
- Participates in professional organizations on behalf of the City
- Other duties as may be assigned by City Council

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**Knowledge, Skills and Abilities:**

Knowledge of applicable federal, state and local rules and regulations

Thorough knowledge of theory, principles and practices of public and business administration

Advanced principles and practices of public and local government administration

Knowledge of employee and employer rights and regulations

Working knowledge of municipal finance, personnel management, public works, recreation, public safety and community and economic development

Thorough knowledge of management and lease negotiations

Considerable knowledge of planning and land use principles

Thorough knowledge of operation and capital budgeting

Ability to deal with the public on a wide range of topics and issues

**Educational and Experience Qualifications:**

Graduation from an accredited 4-year college or university with a degree in public administration, political science, business management or closely related field

Five years of experience as a municipal administrator

Master's Degree in Business or Public Administration is preferred, but not required

Must possess or be able to obtain a valid South Carolina driver's license

City Council may consider a different combination of education and experience

**Physical Requirements:**

- Predominately works under typical office conditions with noise levels usually moderate
- Exposure to the elements may occur in performing duties associated with the Marina and beach area
- Mobility to work in a standard office setting and use standard office equipment, including computers
- Ability to operate a motor vehicle and to visit various City sites



- Vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups and with various communication devices
- Primarily a sedentary office classification although standing in work areas and walking between work areas is typically required
- Positions in this classification have regular occasion to bend, stoop, kneel, reach, push and pull drawers open and closed to retrieve and file information
- Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds and heavier weights with the use of proper equipment

*Applicants and current employees who are or become disabled as defined under the Americans With Disabilities Act and its related regulations must be able to perform the essential job functions (as listed) either unaided or with the assistance of a reasonable accommodation. The City welcomes discussion regarding reasonable accommodations that may be needed. Reasonable accommodations are determined on a case-by-case basis.*

\*Disclaimer: The above information has been designed to represent the general nature and level of work performed. It is not designed to contain or be interpreted as a comprehensive description of all duties, responsibilities and qualifications requires of employee assigned to this position.

I have read and accept the responsibilities outlined above.

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Signature

Date

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Printed name



## Isle of Palms Position Description

Position Title: **Chief of Police**  
Department: Police  
Reports To: City Administrator  
Employment Status: Full Time/Exempt  
Date: July 2018

### **General Summary:**

Under limited supervision of the City Administrator, plans, directs, manages and coordinates all police department operations pertaining to the enforcement of state and local laws designed for public safety and welfare. Employee works under stressful, high-risk conditions, performing specialized law enforcement duties.

### **Essential Job Functions: \***

- Responsible for planning, organizing, and directing overall function of police department activities, ensuring the department's compliance with applicable federal, state and local laws and regulations
- Develops and implements strategic long and short-range goals for the effectiveness and efficiency of departmental objectives
- Develops department policies and procedures and recommends law enforcement ordinances for presentation to the Public Safety Committee and City Council; acts as a member of the City Department Managers' Team
- Keeps self and members of the police department informed of significant developments in the criminal justice field which affect the department
- Meets daily, or as needed, with direct reports and division supervisors
- Prepares budget recommendations to the City Administrator and manages the budget for the department and controls the police department expenditures
- Enforces departmental rules, regulations, procedures and work methods; imposes disciplinary action when necessary
- Prepares and delivers public addresses; meets with the news media and performs other public relations duty as required
- Performs evaluations of subordinates, reviews their work for completeness and accuracy

- Supervises staff through the chain of command; supervisory duties include instructing, assigning, reviewing and planning work; maintaining standards; selecting new employees and acting on employee discipline and discharge
- Coordinates and manages the training of all staff sworn and non-sworn staff to include initial training certification and recertification of all programs and to supervise the proper development of training and education programs. To ensure all staff are knowledgeable and about new developments in State, Federal, local and departmental rules, regulations, policy and procedures
- Interacts with State, Federal and local criminal justice agencies and other legal, social, public and private agencies
- Analyze complex police problems and to adopt quick and effective reasonable courses of action
- Ensures community safety; develops new techniques for community policing
- Develops long-range manpower and equipment estimates and insures the proper complement of personnel to support all regular and special duty law enforcement
- Represents the department at Council meetings, community events, etc.; prepares special and regular department reports such as annual administrative report to the City Administrator, Public Safety Committee and Council
- Responds to serious crime incidents or emergencies and directs activities when possible
- Works with Assistant Administrator and establishes liaison with news media or selects designee for dissemination of public information relative to crimes and/or emergencies
- Refers to policy and procedures manuals, computer manuals, codes/laws/ordinances/ regulations, publications and reference texts, etc.
- Performs other duties as required

#### **Knowledge, Skills and Abilities:**

Knowledge of state, local and federal laws pertaining to the general exercise of law enforcement duties.

Extensive knowledge of the principals, practices and procedures of police work.

Knowledge of the organization and policies of neighboring governmental jurisdictions.

Extensive knowledge of advanced law enforcement methods.

Thorough knowledge of department procedures.

Thorough knowledge of management, planning and supervisory methods and procedures.

Knowledge of City and local area geography.

Knowledge of the use and care of firearms.

Thorough knowledge of equipment typical of law enforcement duties.

Superior skill in organizing, directing and supervising others.

Superior ability to manage people and to develop policies and procedures.

Ability to communicate well verbally and in writing with the general public and the news media.

Ability to work well with other City officials and the general public.

Must maintain physical conditioning to be able to perform all duties of police officer on Isle of Palms according to departmental standards.

**Educational and Experience Qualifications:**

Bachelor's degree in criminal justice or related field and ten (10) years or more experience in law enforcement, five (5) years of (extensive experience working in police management) which have been in increasingly more responsible positions, or the equivalent in education and training to fulfill position requirements

Master's degree preferred. Completion of major course of study in police management (for example, FBI National Academy, Southern Police Institute, or equivalent)

Completion of advanced training courses in all areas of law enforcement

Maintenance of firearms proficiency according to departmental standards

Possession of a valid South Carolina driver's license

South Carolina Criminal Justice Training Academy certification and/or the ability to obtain SCCJA Class 1 certification within one year.

Possession of, or ability to obtain within six (6) months of employment, Red Cross or other accredited certification in Cardio-Pulmonary Resuscitation (CPR)

This position is considered Essential Personnel and will be required to work during and following natural disasters and emergency situations

**Physical Requirements:**

Must be physically able to operate a variety of different types of equipment and machinery including computers, law enforcement equipment, emergency vehicles, tools, firearms, and communications equipment, etc.

Must be able to exert up to fifty pounds of force occasionally and frequently or constantly to lift carry, push, pull or otherwise move objects.

Physical demands are in excess of those of sedentary work.

Position requires considerable and strenuous physical exertion and may involve defending oneself or others against physical attack.

Ability to walk, stand, running, climbing, reaching, bending, stooping, kneeling, crawling and jumping for varying periods of time.

Subject to high risks with exposure to potentially dangerous situations, such as physical attack or unusual environmental stress, (e.g. working under extreme outdoor weather conditions, exposure to toxic fumes, chemicals, blood borne pathogens, major trauma, emotional stress and hazards of disability or even death), which require a range of safety and other precautions.

Frequently subject to outside weather conditions.

*Applicants and current employees who are or become disabled as defined under the Americans With Disabilities Act and its related regulations must be able to perform the essential job functions (as listed) either unaided or with the assistance of a reasonable accommodation. The City welcomes discussion regarding reasonable accommodations that may be needed. Reasonable accommodations are determined on a case-by-case basis.*

**\*Disclaimer:** The above information has been designed to represent the general nature and level of work performed. It is not designed to contain or be interpreted as a comprehensive description of all duties, responsibilities and qualifications requires of employee assigned to this position.

I have read and accept the responsibilities outlined above.

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Signature

Date

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Printed name

## **REAL PROPERTY COMMITTEE**

4:00 p.m., Tuesday, July 3, 2018

The regular meeting of the Real Property Committee was called to order at 4:00 p.m., Tuesday, July 3, 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, Interim City Administrator Fragoso, Attorney Halversen 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 Meetings' Minutes**

**MOTION:** Councilmember Ferencz moved to approve the minutes of the regular meeting of June 6, 2018 and the Special Meeting of June 21, 2018 as submitted; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

### **3. Citizens' Comments**

#### **Presentation of bike sharing program – Holy Spokes**

Rusty Streetman, 4004 Palm Boulevard, was present to voice his support for an event Tidal Wave Watersports was planning as a residents' only event after Labor Day; Michel Fiem has agreed to give all proceeds and any donations to the MUSC Shawn Jenkins Children's Hospital. Mr. Streetman stated that he was a member of the Foundation Advisory Board for the hospital, he reported that the new hospital will open in 2019, and it is on schedule and under-budget.

Michael Fiem introduced Shawn Flood and Katie Sims of Holy Spokes bicycle share program operating in Downtown Charleston; Mr. Fiem thought the program would help with mobility on the island and could be easily implemented here.

Mr. Flood stated that he is the founder and CEO of The Gotcha Group and Ms. Sims is the Vice President of the Mobility Division. He stated that it is a local company with offices in Downtown Charleston which has a very robust Mobility Division with the goal of getting people out of single occupancy vehicles using any kind of shared mobility, not just those Gotcha offers, decreasing traffic for a goal of zero traffic at some point in his lifetime. Gotcha owns the Holy Spokes Bike share system in Charleston that has just celebrated its first birthday; the City of Charleston and MUSC are its two (2) titled partners to bring two hundred fifty (250) shared bikes in twenty-seven (27) different corrals at different locations on the peninsula. Currently Holy Spokes has approximately thirteen thousand (13,000) members and fifty-three thousand (53,000) trips in that period of time. He noted that Holy Spokes is the only American made bike share company in the country; their bikes are custom made here in Charleston.

Councilmember Ferencz asked if the lack of bike lanes was a deterrent to bringing their service to the island.

According to Mr. Ford, the lack of bike lanes was quite typical of smaller municipalities; they have found that bike-share creates this mass of bikes that all look alike, and the data gathered from

their “Smart” systems provides solid support for where bike lanes were needed based on behaviors. The Committee urged Mr. Ford to send them additional materials on bike sharing.

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

Michael Fiem indicated that he has heard the residents’ comments that they want something back from the marina, and he plans to counter those statements with an Isle of Palms Community Day hosted by Tidal Wave Water Sports. All residents of the island are invited to attend and to participate in any of the activities Tidal Wave offers free of charge; the plan is to hold this event all day on the Saturday after Labor Day. As noted by Mr. Streetman, all donations will go to the MUSC Children’s Hospital. Mr. Fiem concluded that he hopes that this will be the start of many annual Community Days.

Jay Clarke, owner of Morgan Creek Grill, asked the Committee to change the signage in the shared parking area to identify overflow parking for the restaurant. He asked the Committee to find out the restaurant’s rights related to violations occurring in their slips, i.e. boats left overnight in the slips without prior authorization from the restaurant’s management.

#### **5. Old Business**

##### **A. Results of RFP 2018-01 – Engineering, Design and Permitting for Isle of Palms Marina Docks Rehabilitation**

Interim Administrator Fragoso announced that the City received three (3) proposals in response to the Request for Proposal (RFP); since the proposal were opened on June 25<sup>th</sup>, staff has not had time to evaluate them, to insure that they meet the specifications of the RFP and to check their references. Staff is, therefore, requesting additional time to make its recommendation for a contract award.

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##### **B. Update regarding 1100 Palm and right-of-way on Pavilion Drive**

**MOTION:** Councilmember Ward moved to re-order the Agenda to hold an Executive Session at 4:25 p.m., in accordance with S.C. Code Section 30-4-70(a)(2), to receive legal advice concerning potential claims related to 1100 Palm Boulevard and right-of-way on Pavilion Drive; Chair Bell seconded and the motion PASSED UNANIMOUSLY.

Upon returning to open session at 4:35 p.m., Chair Bell stated that the Committee took no action or vote while in Executive Session.

**MOTION:** Councilmember Ward moved to re-order the Agenda to take action on matters discussed in Executive Session; Chair Bell seconded and the motion PASSED UNANIMOUSLY.

**MOTION:** Councilmember Ward moved to proceed with the survey of the property being discussed and to authorize the City’s Real Estate Attorney Sid Boone to go forward with the next steps as recommended to the Committee; Chair Bell seconded and the motion PASSED UNANIMOUSLY.

Attorney Halversen explained that the City was taking the steps necessary to obtain a clear title to the property.

Responding to Elliott Summey's concerns about the timeline, Director Kerr said that he has contacted John Wade, the surveyor, who indicated he would not be free to conduct the survey for six (6) weeks.

**C. Discussion of Ordinance 2018-09 – An Ordinance to allow public parking on lots located in SR-12, SR-2, LC and GC-1 Zoning Districts as a temporary use subject to certain conditions**

The Interim Administrator noted that City Council referred this ordinance back to the Real Property Committee for further study before Second Reading in an effort to avoid unintended consequences of allowing temporary parking in residential districts.

**Motion: Chair Bell moved to defer indefinitely Second Reading of Ordinance 2018-09; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

**D. Update on removal and replacement of underground storage tanks**

Interim Administrator Fragoso reported that the work is scheduled to begin at the Public Works site in two (2) weeks; Director Pitts met with the project consultant from Summit Engineering and the contractor Jones and Frank for the pre-construction meeting. This part of the project is expected to take four to five (4 – 5) weeks to complete.

**E. Status of the dumpster near The Dinghy**

Councilmember Ward stated that the proximity of the City's dumpster to The Dinghy has been a constant problem and the restaurant's owners want it relocated to the center of the parking lot surrounded by a cement wall. The hope is that the wall would be a deterrent to people leaving debris beside the dumpster, and he added that the current location was a haven for rodents and other pests. The Councilmember contended that the City needs to develop a permanent solution; it was not only an eye sore, but also is a health hazard.

Director Pitts reported that the City faces two (2) problems related to the dumpster; first was the dumpster and pad, and the second was illegal dumping. The pad and ramps are power-washed every Thursday by Public Works personnel when the dumpster is taken off the island; while off-island, Carolina Waste washes the dumpster before returning it. Staff has re-positioned surveillance cameras in an effort to determine who is responsible for illegal dumping.

**F. Review and update on Marina tenants' discussions**

Chair Bell commented that the City has sent a letter to its four (4) marina tenants in an attempt to gain a better understanding of what is operating at the marina and where the City's fiscal responsibilities lie. In the Committee's opinion, this data should have been done as an ongoing management practice of Council working with the City administration.

The Chair then read from the City Code, Chapter 3, Article B, Standing Committees, Section 1-3-31(6)(b)(c) as follows:



“The Committee’s duties are to:

(b) Review policies and procedures regarding the use and maintenance of all real property owned, leased or controlled by the City and make recommendations to City Council as appropriate;

(c) Monitor and review all existing or proposed leases of real property owned or to be leased by the City;“

In the budgeting process, Council discussed auditing the marina finances and included funding to do so in the FY19 budget. He stated that he did not know how any City could fiscally understand what was going on at the marina without understanding the leases that are operating and generating revenue for the City. As a sub-lessee, the business generates income, and, as the operator leasing to the sub-lessee, there would be an operating expense line that was the income to the City; therefore, “the expectation of the Real Property Committee would be that leases generating revenues, as operating expense, come in through the books that the City has the right to inspect and that those numbers are available to the City and part of the records and receipts which are in the lease so that we [the Real Property Committee] understand that we [the City} are fiscally operating the marina as we should be.”

In the meeting packets were copies of the letters sent to Marina Outpost, Marinas Joint Ventures, Tidal Wave Water Sports and Morgan Creek Grill. Currently staff is going through what it received from the tenants in response to the letters to determine if the business operations are in compliance with the lease, if the proper insurance is in place, etc.; if it is found that they are out of compliance, the Committee will use sound judgement and legal counsel to make sure the Committee is obtaining information as requested from the business operators.

4

Since the letters referenced a deadline, Councilmember Ferencz asked if the City was in receipt of the information requested.

The Interim Administrator responded that the City received a considerable amount of data on Thursday, which was the deadline, and although staff has not yet gone through the information, staff was encouraged by the volume of papers that everything was included. Staff was requesting additional time to examine the data provided to insure the City has, indeed, received all of the requested information.

Chair Bell thanked the marina tenants for their response to the letters.

## **6. New Business**

### **A. Unlicensed business operating at IOP Marina, with no lease with City or marina tenant**

This item was added to the Agenda at the request of the Chair, and he explained that, at a previous meeting, Mr. Berrigan presented the Committee with a list of the businesses operating out of the marina with whom he has leases. The Chair noted that non-lease charter boat captains were operating out of the marina, and he asked whether these businesses, not operating under lease control, should be required to carry the same insurance as the charter boat captain who does have a lease. He wanted an answer to this question because, according to the duties of the Committee as stated in the City’s Code of Ordinances, the Committee was responsible for protecting the City from lawsuits.

He was asking that the City staff and City Attorney investigate the answer to whether all businesses operating out of the marina should have the same insurance requirements.

When Councilmember Ferencz asked if an applicant for a business license was required to show proof of insurance, Director Kerr replied that the City Code specifies exactly what triggers are required to obtain a business license. The office staff checks what is presented against those triggers, and, if they meet the requirements set forth in the Code, the business license would be issued.

Councilmember Ferencz concluded that the Committee should look at whether it wants to mend the Code to add a requirement about insurance, and Chair Bell asked whether the insurance requirement for businesses at the marina could be different from those asked of a building contractor.

**B. Derelict of abandoned properties**

- 1. Definition**
- 2. Current ordinances**
- 3. Enforcement**

The Chair reported having residents contact him about one (1) property that was clearly abandoned and was now being used as a drug hangout. He said that he did not know what constituted an abandoned or derelict property according to the terms of the IOP Code of Ordinances, and he looked to Director Kerr for clarification. He noted that certain properties on the island were being neglected with grass growing two feet (2 ft.) tall and some houses have begun to cave-in and have obvious mold; in his mind, they are unmistakably abandoned, but he wanted to know what the City considered them to be.

The Chair acknowledged that the Code stated that the property would need to create a public safety hazard, but his question was if the potential for a public safety hazard, for instance an abandoned house becoming a place that could invite trouble, constituted a public safety hazard. Relative to the Code, he wanted to know what the City could do in such a situation. Or, looking at these properties, should Council consider changing the Code going forward so that these derelict or abandoned properties are no longer seen?

Having asked Director Kerr about specific properties, Councilmember Ferencz stated that, if the property owner pays the taxes and it is not obstructing the neighboring properties, the City can do nothing.

Since this is an issue that spans across the Police and Building Departments, Director Kerr explained that, from the Building Department's perspective, if the house was wide open with windows out and doors left ajar, the City can act to secure the property. If a teenager can gain access to the building, it would be considered unsecured. If a structure has become a habitat for all kinds of vermin, the City can have the building patched up leaving no access for the creatures, or, if a structure were falling over, the Building Department could become involved. These actions are the extent of the Building Department's involvement, but more restrictive ordinances could be passed.

When one (1) of these neglected buildings has grass that has grown to be three (3) feet high, the Livability Officer gets involved to get the property owner to cut the grass in some regular interval.

Chair Bell commented that, living close to one (1) of these derelict houses, reduces property values and negatively affects the island's aesthetics and the residents' quality of life.

Chair Bell opined that the City, once again, has certain ordinances that are not enforced, that could be better enforced through livability and then address what other things the City needed to do to address problem properties.

Having dealt with properties that are an eyesore and detracting from neighboring property values, Director Kerr said that, when the City addresses it, at the end of the compliance issue, the neighbors are not satisfied because the porch is still falling, the structure has not been power-washed and the paint is still peeling off. The Director expressed the opinion that what Chair Bell was looking for were ordinances that would have the teeth when enforced to mean that, at the end of the process, the property would no longer be pulling down home values around it.

Councilmember Ferencz asked when a house was considered abandoned by the City, and she gave as an example a house severely damaged by Hurricane Hugo, uninhabitable since that time and that has continued to deteriorate.

Director Kerr stated that the City Code does not make a distinction until the owner stops paying the property taxes.

Chair Bell stated that the members of the Committee felt that enforcement could more aggressive in dealing with the abandoned and derelict properties on the island.

Interim Administrator Fragoso stated that the Livability Officer is aggressive when he identifies a property; he seeks out the property owner to remedy the situation in a reasonable amount of time.

Director Kerr added that the owners of a handful of properties will do the minimum to come into compliance with the demands of the Livability Officer and then ignore the property until they are contacted again.

The Chair agreed that it was a complex problem that he did not think the Committee should take on at this time.

### **C. Discussion of restrictions to non-conforming use ordinance**

At the June City Council meeting, the staff and the City Attorney were tasked with drafting ordinance language that would limit off-street parking at non-conforming uses on the island; the suggested changes were included in the meeting packet.

Chair Bell explained that the intention was to prohibit overflow parking from business-oriented venues into SR-1 non-conforming parking lots like a church, the Citadel Beach House parking lot, the Lutheran Center, etc. He stated that the Committee must acknowledge that a broad-based change like this will affect every property on the island that is zoned SR-1 non-conforming.

A companion amendment allows two (2) years from the effective date of the ordinance to bring non-conforming to conforming. Already in the ordinance is the statement that

"Whenever a non-conforming use is discontinued for a period of three hundred sixty-five (365) days such use shall not be reestablished and all subsequent use shall conform . . ."

From discussions with Director Kerr, Chair Bell learned that few of these properties are conforming and have been used for any general purpose parking in that period of time; assuming that this ordinance passes, the City must move toward a sunset period.

The Chair identified the specific problem the ordinances address as the overflow from Wild Dunes into residential areas, and the Committee wants to be cautious of solving the problem the right way without unintended consequences. He noted that the Committee has no intention of allowing overflow parking in residential neighborhoods and they are not hampered by any time restraints. Wild Dunes has made presentations to both the Ways and Means Committee and City Council stating that they plan to park the construction vehicles associated with the new hotel in the Citadel Beach House parking lot. If the City could stop parking at the Citadel Beach House, the alternative would be for the construction vehicles to be parked on Palm Boulevard where the City has no control, under current ordinances, to prohibit any public parking from 41<sup>st</sup> to 57<sup>th</sup> Avenue.

According to Councilmember Ward, the Committee wants to insure that, once the hotel is open, Wild Dunes' use of the Citadel parking area will stop, i.e. no parking for employees; no parking for guests of the new hotel; and no parking for guests attending a conference or other Wild Dunes venue.

Attorney Halversen stated that the sunset period could be any length of time decided upon by City Council; in addition, she left in the option to designate it a City-sponsored event giving Council some flexibility after the sunset period is over if special circumstances came up.

For the Chair, the problem has two (2) possible solutions; the first being a change to the current ordinance as has been discussed and suffer the repercussions of its being applied to all such properties in the SR-1 district, and the second was an assurance the City could trust that overflow parking at the Citadel Beach House would not happen again. He noted that the final decision was likely to come from The Citadel in saying that would allow the parking during the construction, but would not be allowed after that.

Attorney Halversen said that the Chair might want to amend the motion to include only SR-1 zoning since, as presented, the change would be for all zoning districts.

Director Kerr understood that the Committee was dealing with one (1) specific issue, and, in his opinion, the ordinance presented was very broad and would have repercussions that would impact The Exchange Club, the Lutheran Retreat Center, the Methodist Church, etc. He said that it was not unusual for places on the island to have flexibility in who parks where, and, frequently, the City does not know whether an event is being held at the Retreat Center or the Methodist Church. He expressed the opinion that the Committee could accomplish its goal with a written agreement with Wild Dunes or the Citadel Beach House; he added that the City has used the Citadel parking lot in the past and that lot was a strong contender to park for marina employees. He opined that the Committee was going at a very narrow problem with a broad solution that will have repercussions all over the island.

**MOTION: Chair Bell moved to make the proposed changes in non-conforming uses for SR-1, SR-2 and SR-3 zoning districts and to move the action to City Council; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

## **7. Miscellaneous Business**

Interim Administrator Fragoso stated that all rents due to the City were current.

The Committee agreed not to convene a meeting in August, 2018.

**Net Meeting Date: 4:00 p.m., Wednesday, September 5, 2018 in the Conference Room.**

**8. Executive Session** on potential claims related to the marina leases – not needed

**9. Adjournment**

**MOTION: Councilmember Ward moved to adjourn the meeting at 5:25 p.m.; Chair Bell seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

**OFFICIAL SEALED BID OPENING**  
**RFB 2018-03 – Managed Beach Parking Signs**  
**Fabrication and Installation**

11:00 a.m., Monday, July 23, 2018  
Council Chamber of City Hall  
1207 Palm Boulevard, Isle of Palms, South Carolina

Present: Interim City Administrator Fragoso  
Interim Police Chief Kim Usry  
City Clerk Copeland

Interim Administrator Fragoso announced the sealed bid opening of RFB 2018-3 – Managed Beach Parking Signs Fabrication and Installation and stated that the Request for Bid was properly noticed in accordance with the City's procurement Code on the City's website and advertised in *The Post and Courier*.

<b><u>Bidder</u></b>	<b><u>Total</u></b>		<b><u>Per Unit Price</u></b>
Glacier Contracting, Inc. 1703 2 <sup>nd</sup> Ave North Jacksonville Beach Florida	\$34,335.74	Parallel Parking Only	\$317.92/ea
		Double Parking Prohibited	\$317.92/ea
		No Trailer Parking	\$317.92/ea
		Resident Permit Parking	\$317.93/ea
		(Prices include installation)	
A&H Co., Inc. 22400 Iverson Road Ironton, Minnesota	\$13,500.00	Parallel Parking Only	\$125.00/ea
		Double Parking Prohibited	\$125.00/ea
		No Trailer Parking	\$125.00/ea
		Resident Permit Parking	\$125.00/ea
		(Prices include installation)	

Interim Administrator Fragoso stated that the bids will be reviewed for compliance with the RFB and addenda. The bids will be announced at the City Council meeting on Tuesday, July 24, 2018, and Council could award the contract.

Respectfully submitted:

Marie Copeland  
City Clerk

Board of Zoning Appeals  
Minutes  
July 10, 2018

I. Call to order

The regular meeting of the Board of Zoning Appeals was called to order on July 10, 2018 at 5:30 p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Members present were Elizabeth Campsen, Pete Doherty, Carolyn Holscher, Glenn Thornburg and Arnold Karig; also secretary Douglas Kerr.

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

II. Approval of minutes

Ms. Campsen made a motion to approve the minutes of the May 1, 2018 meeting, and Ms. Holscher seconded the motion. The motion passed unanimously.

IV. Special Exceptions

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

**3805 Hartnett Boulevard**

Mr. Kerr stated that the request was to establish a nursing business at 3805 Hartnett Boulevard; the applicant indicated on her application that there would be no work other than office work at the house, no exterior evidence of a business, and no business-related traffic would be coming to the house. He mentioned that a home occupation was operating from the house currently; it was a computer consulting business owned by the applicant's husband. Director Kerr explained that having more than one home occupation used to be prohibited in the code, which is the reason the question is on the application, but the code was amended to allow multiple home occupations at a residence.

Mr. Karig asked the applicant if she had anything to add to what has been presented already. The applicant Ms. Hooper answered no.

Ms. Campsen stated that she noticed on the application that the applicant indicated that more than 25% of the floor area of the house would be dedicated to the home occupation, and she asked why so much area was required. Ms. Hooper responded that she misunderstood the question on the application and that less than 25% of the house would be dedicated to the business and she would only have a desk and computer at the home associated with the business.

On a side note, Ms. Campsen stated that she looked the house up in the tax records to help her understand why such a large percentage of the floor area would be dedicated to the home office and the tax records show the house as being waterfront with an associated tax value, something the applicants may want to investigate. The applicant indicated she would look into this.

Ms. Campsen made a motion to approve the request as amended, and Mr. Thornburg seconded the motion. The motion passed unanimously.

### **1 Tabby Lane**

The next request was for a home office for a home repair business at 1 Tabby Lane. He explained that the applicant has indicated that the home would be used for office work only, no traffic would be coming to the house, and no exterior evidence of a business.

Mr. Doherty asked if any workers would be coming to the house or if any signs would be visible on trucks. The applicant Mr. Efremov responded that he was the only employee of the business and he did not have any signs on trucks or otherwise visible.

Ms. Campsen made a motion to approve the request and Mr. Doherty seconded the motion. The motion passed unanimously.

### **V. Adjournment**

With no other business, the meeting was adjourned at 5:45 PM.



**MINUTES OF THE ISLE OF PALMS  
PLANNING COMMISSION MEETING  
July 11, 2018**

The Isle of Palms Planning Commission met in the City Hall Conference Room, 1207 Palm Boulevard on July 11, 2018 at 4:30 p.m. Members attending included Ron Denton, Vince DiGangi, Richard Ferencz, Phillip Pounds, and Lisa Safford and the Director of Planning Douglas Kerr. Lewis Gregory and Bill Mills were absent. Mr. Ferencz acknowledged that the press had been notified of the meeting and the agenda for the meeting was posted in City Hall and the Building Department to comply with the Freedom of Information Act.

**PUBLIC COMMENTS**

Mr. Dan Kubek, 100 block of Carolina Boulevard, told the Commission that his neighborhood has made some progress with SCDOT, and they have been cleaning the ditches and drainage boxes, but the check valve continues not to operate properly and allows tidal water into the system at each high tide. He stated that they needed to close the loop with Kevin Mitchell with SCDOT and see what their long-term resolution to that situation is going to be.

The Commission thanked Mr. Kubek for the update.

**DISCUSSION OF MEMORANDUM OF UNDERSTANDING REGARDING FUTURE  
SEWER EXPANSION**

Mr. Ferencz stated that for the sake of not keeping City Administrator Emerita Tucker at the meeting too long, he would like to reorder the agenda to discuss the proposed Memorandum of Understanding (MOU) at this point. A motion was made, seconded and unanimously approved to reorder the agenda.

Ms. Tucker thanked the Commission for the opportunity to talk about this project and she said that, since the Planning Commission has been the key group working on the issues associated with expanding the sewer system, she wanted to use the group to assist in developing an MOU for the City to enter into with the Isle of Palms Water and Sewer Commission (IOPWSC) regarding how the two should proceed with expanding the sewage infrastructure to all properties in the City. As a starting point, she asked if the members agreed with the stated overall goal of the MOU that she distributed.

Mr. DiGangi stated that he thought the stated overall goal captures the important elements of what he thought the MOU should include.

Mr. Pounds asked if Ms. Tucker or the group thought that the MOU should encompass more than just expanding the infrastructure.

Ms. Tucker answered that she thought the MOU would establish the framework for a better operating relationship between the City and the IOPWSC and she felt like this has already started to occur with the two groups entering into a much narrower MOU regarding the master planning work underway with Thomas and Hutton.

Mr. Pounds explained that he thought broad-based language about collaborating on projects and sharing information, including bidding documents and mapping, should be included in the MOU.

Ms. Tucker answered that she agreed and that this type of language was inserted into the initial masterplan update MOU regarding the final product being shared between the two groups.

Mr. Safford explained that she was concerned about the funding of the project, and she knew that there were a large number of residents that were on fixed incomes and the prospect of a mandatory tie-in to a new sewer system has always been a fear of these families. She stated that she was hopeful that some grant funding would be discovered that could help, and she thought that language referencing this concern and how to address the concern should be incorporated into the MOU.

Ms. Tucker responded that she agreed and that part of the work she would be doing would include looking into various funding sources. She added that the IOPWSC was very encouraged to be awarded grant funding to help offset some of the expense associated with expanding the wastewater system at Forest Trail. She added that some pockets of the island may be able to be carved out and targeted with grant funding, as there were some areas of the island that have residents that are not as wealthy as others.

Mr. Ferencz stated that he was hopeful that if there were opportunities to address other concerns as this project unfolded, like adding fire hydrants in areas not currently covered, this work would also be approached with the same level of cooperation as the sewer expansion project.

He also said that he felt the IOPWSC had concerns about supplying information, such as the locations of sewer lines, the cost of projects, or mapping in general, and he hoped that the MOU could establish that the two groups would freely exchange information both ways and support each other as necessary. He stated that the IOPWSC is a wealth of information, and it is unfortunate not to be able to access its information.

Mr. DiGangi stated that he knew that the expansion of the sewer system would ultimately come up against funding challenges, as it will be an expensive endeavor; he stated that felt that an understanding needs to be included that, if the City financially contributed to the effort, the City would need to have some offsetting gain to either financial or otherwise. Otherwise, he felt like it would be challenging for the City to agree to participate financially.

Mr. Pounds saw the need for an arbitration mechanism to be developed and included in the MOU. He said that presumably some issue would arise that needed to be referred over ownership or responsibilities, and it would be good from the onset to have an agreed upon a method to resolve disputes.

Mr. Kerr explained that as he understood how the most recent public meetings unfolded, the two groups would work towards updating the masterplan and the associated budget and then the next move might be hiring a rate consultant to help determine what funding options were available. He explained that he thought at that point there intense study would be required about how to proceed, and he hoped that the Planning Commission would be given the opportunity to study the information provided and see if there were alternatives that are different from what the Planning Commission has already recommended.

Mr. Ferencz added that he thought that the MOU should include language indicating that there would be regular meetings on the issue with full representation of all the groups involved.

Ms. Tucker thanked the group for the feedback and indicated that if it was ok with the Commission, she would like to return to the group with an outline of the MOU at the next meeting. The group agreed that this would be good.

## **APPROVAL OF MINUTES**

Mr. Ferencz moved to approve the June 13, 2018 minutes as submitted, and Mr. Pounds seconded the motion. The motion passed unanimously.

## **DISCUSSION OF STORMWATER REQUEST FOR PROPOSALS DRAFT**

Mr. Kerr explained that since the last regular meeting, he has modified the draft request for proposals (RFP) to include the comments made at that time. He stated that the RFP included the design, permitting, surveying and construction oversight for a comprehensive redesign of the drainage outfalls at 30<sup>th</sup> Avenue, 3605 Waterway Boulevard and 41<sup>st</sup> Avenue.

Additionally he attended the City Council meeting to share the RFP and get feedback from the Council regarding the direction the group was heading. He stated that the feedback from City Council was positive, and they seemed to be in agreement with the approach being suggested in the RFP.

The group discussed the draft RFP and Mr. Pounds stated that the new language stating that the chosen firm would provide a list of key performance indicators should be itemized as a separate task in the scope of work. Mr. Kerr responded that this work would be done as part of analyzing the proposed design alternatives and, therefore, was related to that task. The group agreed that this would be a task on its own of providing performance indicators for the chosen design, and Mr. Kerr agreed that he would break it out into a stand-alone task.

The group discussed the timing of the project, and Mr. Kerr indicated that he could release the RFP in the coming weeks, but he did not believe that doing so would provide enough time to have proposals back for the August Planning Commission meeting. He, therefore, suggested making the September Planning Commission meeting a target date for having the proposals submitted, and the Commission agreed.

Mr. Kerr indicated that he would work towards this and keep the Commission members informed of progress. He added that he would forward, link and time stamp the Council meeting where they discussed the outfall RFP.

## **MISCELLANEOUS BUSINESS**

Mr. Kerr indicated that he would be out of town when the next meeting was scheduled and asked if the group could meet one week later on August 15<sup>th</sup>. The group indicated that they could, so they agreed to shift back the August meeting.

## **ADJOURNMENT**

With there being no further business, the meeting was adjourned at 5:55 p.m.

Respectfully submitted,

Richard Ferencz, Chairman

## **Title 1 – Government and Administration**

### **Chapter 5. – Budget, Finance and Taxation**

#### **Sec. 1-5-1. - Adoption of budget.**

The prepared budget and the estimated revenue for payment of budgeted expenses are hereby adopted by reference and are made a part of this Code as fully as if incorporated herein.

#### **Sec. 1-5-2. - Administration of budget; transfers of appropriations.**

The City Administrator shall administer the budget, being responsible to the City Council for same, and may authorize the transfer of appropriated funds within and between departments, with the approval of City Council in accordance with the purchasing procedures set forth in chapter 10 of this title, as necessary to achieve the goals of the budget.

#### **Sec. 1-5-3. -- Expenditures by Mayor or City Administrator.**

The City Administrator and, in his absence the Mayor, shall have the authority to spend up to \$1,000.00 of unbudgeted expenditures, for municipal purposes. Any such unbudgeted expenditures shall be approved by City Council and reported to the Ways and Means Committee at its next regularly scheduled meeting, and shall be included in the City's financial statement for the month of the expenditure.

### **Chapter 10. - Purchasing Procedures**

#### **Sec. 1-10-3. - Approval of expenditures, sales and contract assignments.**

- (a) Council approval shall be required for the following expenditures, sales and contract assignments:
  - (1) Unbudgeted expenditures in excess of \$10,000.00;
  - (2) All expenditures in excess of \$25,000.00;
  - (3) All sales of personal property when the estimated value exceeds \$10,000.00; and
  - (4) Assignments of contracts in excess of \$10,000.00.
- (b) The Purchasing Agent may authorize the following expenditures, sales and contract assignments without Council approval:
  - (1) All expenditures of \$10,000.00 or less;
  - (2) Purchases of gasoline, which otherwise comply with the terms of this chapter, in amounts not to exceed \$25,000.00;
  - (3) All sales of personal property when the estimated value is \$10,000.00 or less; and
  - (4) Assignments of contracts that are \$10,000.00 or less.
- (c) The Purchasing Agent may also authorize any budgeted expenditure approved in the current fiscal year's budget, where the price does not exceed the budget estimate by more than ten percent (10%), if the total expenditure does not exceed \$25,000.00. The Purchasing Agent shall submit a report of the expenditure to City Council which shall be entered in the minutes of Council.

**Sec. 1-10-4. - Competitive procurement requirements; exceptions.**

*(a) When required.*

- (1) Expenditures of \$5,000.00 or less: Competitive procurement is not required for expenditures of \$5,000.00 or less if prices are considered by the Purchasing Agent or Department Head to be fair and reasonable.
- (2) Expenditures exceeding \$5,000.00: Before any purchases or contracts for supplies, materials, equipment or services exceeding \$5,000.00 are made, the Purchasing Agent or Department Head shall give reasonable opportunity for competitive procurement.
  - (i) For purchases or contracts in excess of \$5,000.00 but not more than \$10,000.00, the Purchasing Agent or Department Head shall obtain either verbal or written competitive price quotes from at least two (2) vendors, unless only one (1) vendor is available. Informal quotes may be accepted verbally or via email, provided that the Purchasing Agent or Department Head retains appropriate documentation consisting of the name of the vendor, price quote, name of vendor's representative providing the quote, and the date of quote.
  - (ii) For purchases or contracts in excess of \$10,000.00 but not more than \$25,000.00, the Purchasing Agent or Department Head shall obtain at least three (3) informal written bids, unless three (3) vendors are not available. Informal written bids may be accepted via email.
  - (iii) Purchases or contracts in excess of \$25,000.00 shall be awarded pursuant to the formal competitive sealed bidding or competitive sealed proposals methods as provided in section 1-10-5, unless otherwise provided in this chapter.
- (3) No contract or purchase shall be subdivided to avoid the competitive procurement requirements of this section.
- (4) The Purchasing Agent or City Council has the authority to cancel a request for bids or proposals or other solicitation, and to reject any or all bids or proposals in whole or in part, and to waive informalities or irregularities in bids or proposals received when it is determined to be in the best interest of the City.

*(b) Exceptions.*

- (1) In the event of any emergency affecting the public welfare, health or safety, the competitive procurement requirements of this section shall not apply. A full report of any emergency purchase shall be filed by the Purchasing Agent with City Council and shall be entered in the minutes of Council.
- (2) The competitive procurement requirements of this section shall not apply to the procurement of professional services where the person employed is customarily employed on a fee basis rather than by competitive bidding such as legal, medical, consulting, appraiser, auditor or accounting services. The Purchasing Agent may secure professional services by direct negotiation and selection, taking into account the type of services required, the proximity (location) of the professional providing the services, the capability of the professional to produce the required service within a reasonable time, past performance, and the ability to meet budget requirements. Nothing herein shall be deemed to prohibit the City from using competitive procurement procedures for professional services if City Council determines it is in the best interests of the City.
- (3) The following types of expenditures are exempt from the competitive procurement requirements of this section:
  - (i) Utilities including gas, electric, water and sewer;
  - (ii) Information technology;
  - (iii) Maintenance and repairs to vehicles, machinery or equipment necessary in providing an essential City service;

- (iv) Maintenance or service contracts which are made with the manufacturer or authorized service agent;
- (v) Replacement parts of existing equipment supplied by the original equipment manufacturer or authorized dealer;
- (vi) Routine, recurring purchases (e.g., office supplies);
- (vii) Works of art and holiday decorations for public display;
- (viii) Competitive online bidding, including, but not limited to, reverse auctions;

(ix) Corrective work necessary for repairing or replacing faulty or defective workmanship design or materials.

- (4) An expenditure may be made without competitive procurement when the Purchasing Agent reasonably determines that there is only one (1) qualified source for the required goods or services, or that a particular source has a unique ability or knowledge with respect to the required goods or services, or when there is only one (1) source which is compatible with existing equipment, software, systems, or services and the Purchasing Agent sets forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.
- (5) An expenditure may be made without competitive procurement when an item is required for trial use or testing. The Purchasing Agent shall set forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.
- (6) The Purchasing Agent may obtain goods and services from an awarded bidder in a competitive bidding process utilized within the preceding six-twelve (612) months by another political subdivision of the state for substantially the same goods or services when the Purchasing Agent has good reason to believe that the awarded bidder is the lowest qualified bidder at the time the City obtains such goods and services.

(7) Competitive procurement shall not be required for goods and services purchased through a state contract awarded by the purchasing division of the State of South Carolina, or when an item that is equivalent or superior to a state contract item is purchased at a price equal to or less than the state contract price.

(8) An expenditure may be made without competitive procurement when it is determined that the expenditure is critical to the City and time does not permit for solicitation or resolicitation in accordance with the procedures set forth in this chapter. The Purchasing Agent shall set forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.

- (79) The approval requirements set forth in section 1-10-3 shall apply to the expenditures listed in each exception hereinabove; provided, however, that City Council approval shall not be required for emergency purchases pursuant to paragraph (b)(1) of this section.

#### Sec. 1-10-16. - Cooperative and intergovernmental purchasing.

The Purchasing Agent shall have the authority to join with other governmental units in cooperative purchasing plans and to enter into purchase contracts with other governmental units without the formality of publication and receiving competitive bids as otherwise required in this chapter when the best interest of the City would be served thereby. The Purchasing Agent also is given the authority to make purchases of supplies and equipment through the property division of the State Budget and Control Board, without the formality of publication and receiving competitive bids as otherwise required in this chapter.

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**ORDINANCE 2018-11**

**AN ORDINANCE AMENDING TITLE 1, GOVERNMENT AND ADMINISTRATION, CHAPTER 5, BUDGET, FINANCE AND TAXATION, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE CONSISTENCY WITH THE PROCUREMENT CODE RELATED TO APPROVAL OF APPROPRIATIONS AND EXPENDITURES.**

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

SECTION 1. That Section 1-5-2, "Administration of budget; transfers of appropriations," is hereby amended to state as follows:

"The City Administrator shall administer the budget, being responsible to the City Council for same, and may authorize the transfer of appropriated funds within and between departments, in accordance with the purchasing procedures set forth in chapter 10 of this title, as necessary to achieve the goals of the budget."

SECTION 2. That Section 1-5-3, "Expenditures by Mayor or City Administrator," is hereby deleted and repealed in its entirety, and former Sections 1-5-4 through 1-5-7 shall be renumbered accordingly as Sections 1-5-3 through 1-5-6.

SECTION 3. 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 4. 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 5. 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: June 19, 2018  
Second Reading: \_\_\_\_\_  
Ratification: \_\_\_\_\_

## **Title 1 – Government and Administration**

### **Chapter 5. – Budget, Finance and Taxation**

#### **Sec. 1-5-1. - Adoption of budget.**

The prepared budget and the estimated revenue for payment of budgeted expenses are hereby adopted by reference and are made a part of this Code as fully as if incorporated herein.

#### **Sec. 1-5-2. - Administration of budget; transfers of appropriations.**

The City Administrator shall administer the budget, being responsible to the City Council for same, and may authorize the transfer of appropriated funds within and between departments, ~~with the approval of City Council in accordance with the purchasing procedures set forth in chapter 10 of this title,~~ as necessary to achieve the goals of the budget.

#### **~~Sec. 1-5-3. - Expenditures by Mayor or City Administrator.~~**

~~The City Administrator and, in his absence the Mayor, shall have the authority to spend up to \$1,000.00 of unbudgeted expenditures, for municipal purposes. Any such unbudgeted expenditures shall be approved by City Council and reported to the Ways and Means Committee at its next regularly scheduled meeting, and shall be included in the City's financial statement for the month of the expenditure.~~

### **Chapter 10. - Purchasing Procedures**

#### **Sec. 1-10-3. - Approval of expenditures, sales and contract assignments.**

- (a) Council approval shall be required for the following expenditures, sales and contract assignments:
  - (1) Unbudgeted expenditures in excess of \$10,000.00;
  - (2) All expenditures in excess of \$25,000.00;
  - (3) All sales of personal property when the estimated value exceeds \$10,000.00; and
  - (4) Assignments of contracts in excess of \$10,000.00.
- (b) The Purchasing Agent may authorize the following expenditures, sales and contract assignments without Council approval:
  - (1) All expenditures of \$10,000.00 or less;
  - (2) Purchases of gasoline, which otherwise comply with the terms of this chapter, in amounts not to exceed \$25,000.00;
  - (3) All sales of personal property when the estimated value is \$10,000.00 or less; and
  - (4) Assignments of contracts that are \$10,000.00 or less.
- (c) The Purchasing Agent may also authorize any budgeted expenditure approved in the current fiscal year's budget, where the price does not exceed the budget estimate by more than ten percent (10%), if the total expenditure does not exceed \$25,000.00. The Purchasing Agent shall submit a report of the expenditure to City Council which shall be entered in the minutes of Council.

**Sec. 1-10-4. - Competitive procurement requirements; exceptions.**

*(a) When required.*

- (1) Expenditures of \$5,000.00 or less: Competitive procurement is not required for expenditures of \$5,000.00 or less if prices are considered by the Purchasing Agent or Department Head to be fair and reasonable.
- (2) Expenditures exceeding \$5,000.00: Before any purchases or contracts for supplies, materials, equipment or services exceeding \$5,000.00 are made, the Purchasing Agent or Department Head shall give reasonable opportunity for competitive procurement.
  - (i) For purchases or contracts in excess of \$5,000.00 but not more than \$10,000.00, the Purchasing Agent or Department Head shall obtain either verbal or written competitive price quotes from at least two (2) vendors, unless only one (1) vendor is available. Informal quotes may be accepted verbally or via email, provided that the Purchasing Agent or Department Head retains appropriate documentation consisting of the name of the vendor, price quote, name of vendor's representative providing the quote, and the date of quote.
  - (ii) For purchases or contracts in excess of \$10,000.00 but not more than \$25,000.00, the Purchasing Agent or Department Head shall obtain at least three (3) informal written bids, unless three (3) vendors are not available. Informal written bids may be accepted via email.
  - (iii) Purchases or contracts in excess of \$25,000.00 shall be awarded pursuant to the formal competitive sealed bidding or competitive sealed proposals methods as provided in section 1-10-5, unless otherwise provided in this chapter.
- (3) No contract or purchase shall be subdivided to avoid the competitive procurement requirements of this section.
- (4) The Purchasing Agent or City Council has the authority to cancel a request for bids or proposals or other solicitation, and to reject any or all bids or proposals in whole or in part, and to waive informalities or irregularities in bids or proposals received when it is determined to be in the best interest of the City.

*(b) Exceptions.*

- (1) In the event of any emergency affecting the public welfare, health or safety, the competitive procurement requirements of this section shall not apply. A full report of any emergency purchase shall be filed by the Purchasing Agent with City Council and shall be entered in the minutes of Council.
- (2) The competitive procurement requirements of this section shall not apply to the procurement of professional services where the person employed is customarily employed on a fee basis rather than by competitive bidding such as legal, medical, consulting, appraiser, auditor or accounting services. The Purchasing Agent may secure professional services by direct negotiation and selection, taking into account the type of services required, the proximity (location) of the professional providing the services, the capability of the professional to produce the required service within a reasonable time, past performance, and the ability to meet budget requirements. Nothing herein shall be deemed to prohibit the City from using competitive procurement procedures for professional services if City Council determines it is in the best interests of the City.
- (3) The following types of expenditures are exempt from the competitive procurement requirements of this section:
  - (i) Utilities including gas, electric, water and sewer;
  - (ii) Information technology;
  - (iii) Maintenance and repairs to vehicles, machinery or equipment necessary in providing an essential City service;

- (iv) Maintenance or service contracts which are made with the manufacturer or authorized service agent;
- (v) Replacement parts of existing equipment supplied by the original equipment manufacturer or authorized dealer;
- (vi) Routine, recurring purchases (e.g., office supplies);
- (vii) Works of art and holiday decorations for public display;
- (viii) Competitive online bidding, including, but not limited to, reverse auctions;

(ix) Corrective work necessary for repairing or replacing faulty or defective workmanship design or materials.

- (4) An expenditure may be made without competitive procurement when the Purchasing Agent reasonably determines that there is only one (1) qualified source for the required goods or services, or that a particular source has a unique ability or knowledge with respect to the required goods or services, or when there is only one (1) source which is compatible with existing equipment, software, systems, or services and the Purchasing Agent sets forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.
- (5) An expenditure may be made without competitive procurement when an item is required for trial use or testing. The Purchasing Agent shall set forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.
- (6) The Purchasing Agent may obtain goods and services from an awarded bidder in a competitive bidding process utilized within the preceding six-twelve (612) months by another political subdivision of the state for substantially the same goods or services when the Purchasing Agent has good reason to believe that the awarded bidder is the lowest qualified bidder at the time the City obtains such goods and services.

(7) Competitive procurement shall not be required for goods and services purchased through a state contract awarded by the purchasing division of the State of South Carolina, or when an item that is equivalent or superior to a state contract item is purchased at a price equal to or less than the state contract price.

(8) An expenditure may be made without competitive procurement when it is determined that the expenditure is critical to the City and time does not permit for solicitation or resolicitation in accordance with the procedures set forth in this chapter. The Purchasing Agent shall set forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.

- (79) The approval requirements set forth in section 1-10-3 shall apply to the expenditures listed in each exception hereinabove; provided, however, that City Council approval shall not be required for emergency purchases pursuant to paragraph (b)(1) of this section.

#### Sec. 1-10-16. - Cooperative and intergovernmental purchasing.

The Purchasing Agent shall have the authority to join with other governmental units in cooperative purchasing plans and to enter into purchase contracts with other governmental units without the formality of publication and receiving competitive bids as otherwise required in this chapter when the best interest of the City would be served thereby. The Purchasing Agent also is given the authority to make purchases of supplies and equipment through the property division of the State Budget and Control Board, without the formality of publication and receiving competitive bids as otherwise required in this chapter.

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## **ORDINANCE 2018-12**

**AN ORDINANCE AMENDING TITLE 1, GOVERNMENT AND ADMINISTRATION, CHAPTER 10, PURCHASING PROCEDURES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE NEW EXCEPTIONS FROM COMPETITIVE PROCUREMENT REQUIREMENTS AND TO DELETE REFERENCE TO THE STATE BUDGET AND CONTROL BOARD.**

**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 (b)(3) of Section 1-10-4, "Competitive procurement requirements; exceptions," is hereby amended by adding a new Paragraph (ix) to state as follows:

“(3) The following types of expenditures are exempt from the competitive procurement requirements of this section:

- (i) Utilities including gas, electric, water and sewer;
- (ii) Information technology;
- (iii) Maintenance and repairs to vehicles, machinery or equipment necessary in providing an essential City service;
- (iv) Maintenance or service contracts which are made with the manufacturer or authorized service agent;
- (v) Replacement parts of existing equipment supplied by the original equipment manufacturer or authorized dealer;
- (vi) Routine, recurring purchases (e.g., office supplies);
- (vii) Works of art and holiday decorations for public display;
- (viii) Competitive online bidding, including, but not limited to, reverse auctions;
- (ix) Corrective work necessary for repairing or replacing faulty or defective workmanship, design or materials, as determined by the Purchasing Agent.”

SECTION 2. That Paragraph (b)(6) of Section 1-10-4, "Competitive procurement requirements; exceptions," is hereby amended to state as follows:

“(6) The Purchasing Agent may obtain goods and services from an awarded bidder in a competitive bidding process utilized within the preceding twelve (12) months by another political subdivision of the state for substantially the same goods or services when the Purchasing Agent has good reason to believe that the awarded bidder is the lowest qualified bidder at the time the City obtains such goods and services.”

SECTION 3. That Paragraph (b) of Section 1-10-4, "Competitive procurement requirements; exceptions," is hereby amended by adding new Paragraphs (7) and (8) and by renumbering existing Paragraph (7) as Paragraph (9) to state as follows:

“(7) Competitive procurement shall not be required for goods and services purchased through a state contract awarded by the purchasing division of the State of South Carolina, or when an item that is equivalent or superior to a state contract item is purchased at a price equal to or less than the state contract price.

(8) An expenditure may be made without competitive procurement when it is determined by the Purchasing Agent that the expenditure is critical to the City and time does not permit for solicitation or resolicitation in accordance with the procedures set forth in this chapter. The Purchasing Agent shall set forth such determination and the basis therefor in a written statement submitted to City Council and entered in the minutes of Council.

(9) The approval requirements set forth in section 1-10-3 shall apply to the expenditures listed in each exception hereinabove; provided, however, that City Council approval shall not be required for emergency purchases pursuant to paragraph (b)(1) of this section.”

SECTION 4. That Section 1-10-16, “Cooperative and intergovernmental purchasing,” in Chapter 10, “Purchasing Procedures” is hereby amended to state as follows:

“The Purchasing Agent shall have the authority to join with other governmental units in cooperative purchasing plans and to enter into purchase contracts with other governmental units without the formality of publication and receiving competitive bids as otherwise required in this chapter when the best interest of the City would be served thereby.”

SECTION 5. 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 6. 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 7. 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: June 20, 2018

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

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

Public Hearing Required

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

Sec. 5-4-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (23) *Impervious material* means any material through which water cannot penetrate. Such material includes, but is not limited to, principal or accessory structures, porches and decks, either covered or of tongue and groove construction, concrete, asphalt, or similar substances, but excludes gravel, shell or crushed stone.

Sec. 5-4-12. - Additional regulations.

The following additional regulations shall apply to all zoning districts:

- (p) Adding fill or importation of materials of any type, or re-contouring of a lot's existing contours, that increases a lot's existing ground elevation more than one (1) foot above existing grade and results or may result in elevating an existing or proposed structure is strictly prohibited.

- (q) Any decrease in a lot's existing ground elevation is strictly prohibited.

(pp) No lot shall be graded or filled to an elevation that results in a change to the existing stormwater runoff for such lot without the Zoning Administrator's prior approval of a stormwater management plan. The stormwater management plan shall include the stamp and signature of a duly licensed and qualified professional, all existing and proposed topographical features of the lot, existing and proposed drainage flow patterns, and a statement by the professional certifying that the filling or grading of the lot will not adversely impact the drainage of any adjacent properties, drainage systems or rights-of-way. The following site changes shall require the submittal of a stormwater management plan:

(1) Any new building construction, new impervious surface, or replacement of impervious surfaces, which cumulatively exceed six hundred and twenty-five (625) square feet in area (all development shall be cumulative over time when considering the square footage threshold for requiring a stormwater management plan);

(2) Adding fill or re-contouring of twenty (20) percent or more of the existing lot area in compliance with paragraph (p) of this section.

Additional submittal materials, design specifications and maintenance schedules may be requested at the discretion of the Zoning Administrator to ensure compliance with the Charleston County Stormwater Management Program.

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

1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:
- (a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious material, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this lot coverage requirement shall be reduced from forty (40%) percent to not more than thirty (30%) percent, provided that this requirement shall not limit lot coverage to less than two thousand four hundred (2,400) square feet nor allow lot coverage to exceed five thousand two hundred fifty (5,250) square feet. At

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*Public Hearing Required*

least fifty (50%) percent of the lot area shall remain naturally vegetated or landscaped with grass and/or other vegetation.

- (b) The floor area ratio of a lot shall not be greater than forty percent (40%) of the area of a lot, provided that this requirement shall not limit the enclosed living space of a principal structure to less than three thousand two hundred (3,200) square feet not allow such enclosed space to exceed seven thousand (7,000) square feet.
  - (c) For lots larger than eight thousand (8,000) square feet, with a lot width at the front building line of seventy (70) feet or greater, the combined minimum side yard setback requirement for any portion of the enclosed building at or above twenty-five (25) feet in height as measured pursuant to [section 5-4-2](#)(18) shall be thirty (30) feet, with no side yard less than ten (10) feet.
  - (d) For lots larger than eight thousand (8,000) square feet, with a lot width at the front building line of at least sixty (60) feet but less than seventy (70) feet, the combined minimum side yard setback requirement for any portion of the enclosed building at or above twenty-five (25) feet in height as measured pursuant to [section 5-4-2](#)(18) shall be twenty-five (25) feet, with no one side yard less than ten (10) feet.
2. This section does not prohibit a structure on any City-owned lot which is used for municipal purposes from exceeding seven thousand (7,000) square feet so long as the other requirements of this section which are not inconsistent with this subsection are met.

## **ORDINANCE 2018-13**

**AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 1, GENERAL PROVISIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE A NEW DEFINITION FOR IMPERVIOUS SURFACE; TO DELETE REFERENCE TO “IMPERVIOUS MATERIAL” AND REPLACE IT WITH “IMPERVIOUS SURFACE;” AND TO PROVIDE ADDITIONAL REGULATIONS RELATED TO FILLING OR RE-COUNTOURING OF LOTS, GROUND ELEVATION, AND SITE CHANGES REQUIRING A STORMWATER MANAGEMENT PLAN.**

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 (23) of Section 5-4-2, “Definitions,” is hereby deleted in its entirety and replaced with the following new Paragraph (23) to state as follows:

“(23) *Impervious surface* means any surface through which water cannot penetrate. Such surfaces include, but are not limited to, principal or accessory structures, porches and decks, either covered or of tongue and groove construction, concrete, asphalt, or similar substances. Any surface through which water can be easily absorbed or passed, at a minimum infiltration rate of 2.0 inches per hour, such as, but not limited to gravel, shell or crushed stone will be considered pervious.”

SECTION 2. That Paragraph (p) of Section 5-4-12, “Additional regulations,” is hereby deleted in its entirety and replaced with the following new Paragraph (p) to state as follows:

“(p) Adding fill or importation of materials of any type, or re-contouring of a lot’s existing contours, that increases a lot’s existing ground elevation more than one (1) foot above existing road and results or may result in elevating an existing or proposed structure is strictly prohibited.”

SECTION 3. That Section 5-4-12, “Additional regulations,” is hereby amended by adding the following new Paragraphs (q) and (r) to state as follows:

“(q) Any decrease in a lot’s existing ground elevation is strictly prohibited.

(r) No lot shall be graded or filled to an elevation that results in a change to the existing stormwater runoff for such lot without the Zoning Administrator's prior approval of a stormwater management plan. The stormwater management plan shall include the stamp and signature of a duly licensed and qualified professional, all existing and proposed topographical features of the lot, existing and proposed drainage flow patterns, and a statement by the professional certifying that the filling or grading of the lot will not adversely impact the drainage of any adjacent properties, drainage systems or rights-of-way. The following site changes shall require the submittal of a stormwater management plan:

(1) Any new building construction, new impervious surface, or replacement of impervious surfaces, which cumulatively exceed six hundred and twenty-

five (625) square feet in area (all development shall be cumulative over time when considering the square footage threshold for requiring a stormwater management plan);

(2) Adding fill or re-contouring of twenty (20) percent or more of the existing lot area in compliance with paragraph (p) of this section.

Additional submittal materials, design specifications and maintenance schedules may be requested at the discretion of the Zoning Administrator to ensure compliance with the Charleston County Stormwater Management Program.”

SECTION 4. That Paragraph 1(a) of Section 5-4-13, “Maximum lot coverage; floor area ratio requirements; additional setback requirements,” is hereby amended to state as follows:

“(a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious surface, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet.”

SECTION 5. 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 6. 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 7. 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*  
*Recommended by Real Property Committee on 7/3/18*  
*Public Hearing Required*

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Ratification: \_\_\_\_\_

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 in SR-1, SR-2 and SR-3 districts. Use of off-street parking spaces in the SR-1, SR-2 and SR-3 districts 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 2018-14**

**AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 6, PARKING AND LOADING, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO PROVIDE PARKING REQUIREMENTS FOR USE OF OFF-STREET PARKING SPACES IN THE SR-1, SR-2 AND SR-3 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 Section 5-4-113, "Application of parking requirements," is hereby amended by adding a new Paragraph (i) to state as follows:

“(i) *Use of off-street parking spaces in SR-1, SR-2 and SR-3 districts.* Use of off-street parking spaces in the SR-1, SR-2 and SR-3 districts 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, establishments, events or activities are prohibited, except in connection with a City-sponsored event.”

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*  
*Recommended by Real Property Committee on 7/3/18*  
*Public Hearing Required*

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Ratification: \_\_\_\_\_

CHAPTER 4 – ZONING  
ARTICLE 2 – DISTRICT REGULATIONS

**Sec. 5-4-45. - Nonconforming lots, structures and uses, generally.**

- (a) The City recognizes that as a result of this chapter, some existing lots and structures will not comply with applicable zoning requirements. In addition, some existing uses will be made nonconforming by this chapter; and some long-standing nonconforming uses will continue to be nonconforming.
- (b) As a general policy, nonconformities in the use and development of land and buildings are discouraged; and should be brought into compliance with the applicable zoning requirements over time as the uses of land and structures change. However, with the limitations and exceptions set forth in this chapter, it is the intent of the City that the lawful use of land and structures existing at the effective date of the ordinance from which this chapter is derived may continue, although such use does not conform to the provisions of this chapter.
- (c) Any use, building or structure lawfully existing at the time of adoption of the ordinance from which this chapter is derived which does not conform with the provisions of said chapter shall be deemed to be legal nonconforming uses, buildings or structures.

**Sec. 5-4-46. - Continuation of nonconforming lots; lots made conforming.**

- (a) Subject to the limitations set forth in this chapter, a nonconforming lot may continue to be used without change in boundaries.
- (b) Any lot which is made conforming by combining with other lots shall be recognized as a conforming lot and shall fully comply with this chapter.

**Sec. 5-4-47. - Alterations, modifications and repairs to nonconforming structures.**

- (a) Except as allowed in this section, no structural alterations shall be made to a nonconforming structure other than those necessary to ensure the safety of the building or structure.
- (b) Subject to all other applicable provisions of this chapter and other City ordinances, an existing structure, including stairs, which does not comply with the zoning district setback requirements of this chapter may be altered or renovated so long as no part of the structure extends beyond the original footprint of the encroachment.
- (c) Subject to all other applicable provisions of this chapter and other City ordinances, the following alterations are considered to be nonstructural, and may be made to a nonconforming structure, provided that the extent of the nonconformity is not increased:
  - (1) Nonstructural facade alterations;
  - (2) Modification or removal of interior walls;
  - (3) Modification of existing windows and exterior doors;
  - (4) Construction or modification of decks, porches and patios, provided that there is no increase in any encroachment into required setbacks.
- (d) Repairs or maintenance may be made to a nonconforming structure as required to keep it in safe condition.
- (e) Any nonconforming structure damaged fifty percent (50%) or more of its appraised value at the time of such damage may be rebuilt in its original footprint but shall not be repaired, rebuilt or altered in such a manner as to increase the extent of its pre-damage nonconformity. Reconstruction or repair must be commenced within six (6) months from the date of such damage or removal; provided that a structure destroyed or removed by a voluntary or willful act of the owner or agent of the owner must comply with all applicable provisions of this chapter.

- (f) Where existing vehicular parking is insufficient to meet the standards set forth in this chapter, no structure may be enlarged unless the requirements for off-street parking are met for the entire structure and uses.

**Sec. 5-4-48. - Nonconforming uses.**

- (a) A nonconforming use of a structure or lot shall not be changed to another nonconforming use.
- (b) Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter revert to a nonconforming use.
- (c) Whenever a nonconforming use is discontinued, for a period of three hundred sixty-five (365) days, such use shall not be reestablished and all subsequent use shall conform to the provisions of this chapter.
- (d) A nonconforming use may not be enlarged or extended.

**Sec. 5-4-49. - Cessation of certain nonconformities required.**

- (a) Nonconforming signs. Cessation of nonconformity is required under the following conditions:
  - (1) A nonconforming sign shall be made to conform, or be replaced with a sign that conforms with this chapter, when a nonconforming sign is removed, or whenever a substantial renovation, change or repair to a nonconforming sign becomes necessary, or when a building or improvement on a lot on which a nonconforming sign is located undergoes substantial repair, improvement or redevelopment.
  - (2) Substantial renovation, change or repair of a sign shall occur when the cost of renovation, change or repair equals or exceeds fifty percent (50%) of the sign's appraised value. Substantial repair, improvement or redevelopment of buildings or improvements on a lot shall occur when the cost of the repair improvement or redevelopment equals or exceeds fifty percent (50%) of the total appraised value of the improvements thereon at the time of said repair, improvement or redevelopment.
- (b) Nonconforming fences, hedges, shrubbery and signs which impede vision at street intersections shall be brought into compliance by removal, relocation or alteration within ninety (90) days from the effective date of the ordinance from which this chapter is derived.

(c) Nonconforming use of off-street parking spaces shall be brought into compliance with section 5-4-113(i) within ~~threetwo (23)~~ years from the effective date of the ordinance from which that section is derived.

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**ORDINANCE 2018-15**

**AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO PROVIDE FOR CESSATION OF NONCONFORMING USE OF OFF-STREET PARKING SPACES IN THE SR-1, SR-2 AND SR-3 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 Section 5-4-49, "Cessation of certain nonconformities required," is hereby amended by adding a new Paragraph (c) to state as follows:

“(c) Nonconforming use of off-street parking spaces shall be brought into compliance with section 5-4-113(i) within two (2) years from the effective date of the ordinance from which that section is derived.”

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: June 20, 2018

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

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





## City of Charleston

JOHN J. TECKLENBURG

MAYOR

July 6, 2018

The Honorable Jimmy Carroll  
P.O. Box 508  
Isle of Palms, SC 29451-0508

Dear Mayor Carroll:

On February 26, 2018, Charleston City Council unanimously adopted a resolution in support of the United Nations (UN) Convention to End Discrimination Against Women (CEDAW). CEDAW is an international treaty adopted by the UN in 1979 that has yet to be ratified by the U.S. Senate. The Cities for CEDAW campaign is a grassroots effort that provides tools and leadership to empower local women's organizations and municipalities and effectively initiate CEDAW within their city, county or state.

The City of Charleston Commission on Women unanimously recommended that City Council adopt the resolution with the support of the following 15 local and statewide organizations: the League of Women Voters of the Charleston area, Círculo Hispanoamericano de Charleston, Women and Gender Studies program/College of Charleston, People Against Rape, Center for Women, the Sophia Institute, Tricounty Women's Project, YWCA, Women's Rights and Empowerment (WREN), Florence Crittenton Programs of SC, Junior League, SC American Association of University Women (AAUW), Charleston Branch of the AAUW, My Sisters House, and The Charleston Chapter of The Links.

I am enclosing a copy of the resolution for your information. It is our hope that your municipality might consider adopting the resolution as well. If you have any questions about the process, please contact my office.

Most sincerely yours,

John J. Tecklenburg  
Mayor, City of Charleston

JJT:mdh

Enclosure

Copy to:

The Honorable Carol M. Jackson, Councilmember, City of Charleston  
Ms. Jennet Robinson Alterman, chair, City of Charleston Commission on Women



**A RESOLUTION SUPPORTING THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AND VIOLENCE AGAINST WOMEN AND GIRLS, PROMOTING THE HEALTH AND SAFETY OF WOMEN AND GIRLS, AND SUPPORTING THEIR BEING AFFORDED EQUAL ACADEMIC, ECONOMIC, SOCIAL, CULTURAL AND BUSINESS OPPORTUNITIES IN THE CITY OF ISLE OF PALMS, EXPRESSING SUPPORT FOR INDIVIDUAL CITIES PASSING RESOLUTIONS AND ORDINANCES TO IMPLEMENT THE PRINCIPLES OF THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN AT THE LOCAL LEVEL, PROVIDING AN EFFECTIVE DATE OF JULY 24, 2018,**

WHEREAS, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations General Assembly on December 18, 1979, became an international treaty on September 3, 1981, and 187 United Nations member nations have agreed to be bound by CEDAW's provisions. The United States is one of only six countries that have not ratified CEDAW, never having been brought to the Senate floor for a vote; and

WHEREAS, CEDAW defines discrimination and provides a practical blueprint to promote human rights and open opportunities for women and girls in all areas of society. The empowerment of women is central to building democratic, peaceful, and prosperous societies; and

WHEREAS, although women in this country have made gains in the struggle to eradicate discrimination, much more needs to be accomplished. CEDAW provides an opportunity for dialogue on how to address persistent gaps in women's full equality, particularly regarding closing the pay gap, reducing domestic violence, and stopping trafficking; and

WHEREAS, Cities for CEDAW was launched at the United Nations Commission on the Status of Women in March of 2014. The Cities for CEDAW campaign is a grassroots effort that provides tools and leadership to empower local women's organizations and municipalities and effectively initiate CEDAW within their respective localities; and

WHEREAS, the Isle of Palms City Council desires that women and girls who live in the City of Isle of Palms enjoy all the rights, privileges and remedies that are bestowed on all people in the United States, no matter their race, national origin, gender or religious belief, and declares that Isle of Palms, South Carolina, is a city that shall not tolerate discrimination against women or girls, or violence perpetrated against them in any form;

WHEREAS, City government has an appropriate and legitimate role in affirming the importance of eliminating all forms of discrimination against women in communities as universal norms and to serve as a guide for public policy; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISLE OF PALMS:

Section 1: That the City Council of the City of Isle of Palms supports the elimination of all forms of discrimination and violence against women and girls, promoting the health and safety of women and girls, and supporting their being afforded equal academic, economic, social, cultural and business opportunities in the City of Isle of Palms.

Section 2: That the City Council of the City of Isle of Palms hereby expresses support for the Cities for CEDAW initiative and their support for individual cities and counties passing resolutions and ordinances to implement the principles of CEDAW (Convention on the Elimination of all Forms of Discrimination Against Women) at the local level.

Section 3: That this resolution shall take effect immediately upon its adoption.

---

Jimmy Carroll, Mayor

---

Marie Copeland, City Clerk



## **RESOLUTION**

**BY THE CITY COUNCIL OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, APPROVING AND SUPPORTING THE DRAFT FISCAL YEAR 2019 BUDGET FOR THE CHARLESTON AREA REGIONAL TRANSPORTATION AUTHORITY (CARTA).**

**IT IS RESOLVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, THAT:**

**WHEREAS,** the service provided by the Charleston Area Regional Transportation Authority (CARTA) is essential to the residents and visitors of the City and Charleston area; and

**WHEREAS,** the CARTA mission is to provide quality, affordable public transportation which links people, jobs and communities in the growing metropolitan area in which we live and work; and

**WHEREAS,** CARTA has presented a draft budget for the budget year beginning October 1, 2018; and

**WHEREAS,** In order to comply with State laws governing Regional Transportation Authorities the budget is submitted to the City of Isle of Palms which is a part of CARTA;

**NOW, THEREFORE, BE IT RESOLVED** that City Council, in meeting duly assembled, accepts and supports the Draft CARTA budget for FY 2019 as presented.

**PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE 24th DAY OF JULY 2018.**

---

Jimmy Carroll, Mayor



**CHARLESTON AREA REGIONAL TRANSPORTATION AUTHORITY**

July 11, 2018

Mayor Jimmy Carroll  
City of Isle of Palms  
PO Box 508  
Isle of Palms, SC 29451

RE: CARTA Budget Request

Dear Mayor Carroll:

As you are aware, CARTA is seeking the City's approval of the CARTA proposed FY 2018 – 2019 budget in accordance with State law. As such, I wanted to provide you and City Council with some additional information so that you are fully apprised when considering our request.

A detailed explanation of line item changes include:

**Revenues:**

- Farebox and Passes Revenue include projections based on current year activity.
- Hospitality on Peninsula (HOP) Lot parking fees received at the HOP lot.
- Federal – This includes estimated 5307 Urban funds, the drawdown and utilization of the Intermodal Center funds, and discretionary funds to purchase new commuter buses.
- State Mass Transit Funds – This increase reflects additional funds for vehicle replacements.
- Sales Tax – Charleston County – The increase in this line item reflects the actual County contribution from the 1<sup>st</sup> half-cent sales tax and 2<sup>nd</sup> half-cent sales tax.
- Charleston County – Intermodal revenue is the cash on hand. We projected to expend these funds in FY18.
- Capital Revenue – Cash on hand restricted for bench construction.

**Expenditures:** The majority of the changes in expenditures are reflected in the capital expenses related to the intermodal facility construction, rolling stock and other capital items. A more detailed explanation of changes is as follows:

- Staff salaries and benefits – The increase reflects the increase in employer contribution for retirement, FICA, and insurance benefits.
- Marketing – The decrease is due to Community Pride funds received and projected to be expended in FY18.
- Accounting (Auditing) – The decrease is the change in audit service providers.
- Office equipment rental – The increase is mostly due to the HOP lot expenditures for a portable toilet rental.

- Rent – The decrease is from the termination of the Park and Ride agreement on Rivers Avenue.
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- Contract Services – This line was increased with the completion of the Melnick Property Engineering.
- Insurance – The Insurance Reserve Fund has projected increases from 10%-15% across their services provided.
- Fixed Route – This line item increased by 3% with the renewal of the Transdev contract for an additional year.
- Paratransit – This line item increased by 3% with the renewal of the Transdev contract for an additional year.
- Intermodal Infrastructure Construction – This increase reflects the completion of the intermodal center.
- Rolling Stock – This line item reflects the amount of funds we have available for the acquisition of commuter buses and vehicle replacement funds through SCDOT.
- Bus Shelter Construction/Bench Installation – The budget includes estimated 5307 funds for Safety and Security in addition to previously awarded 5307 funds.
- Capital – This line item includes funds for Facility Maintenance, signage, and other capital assets related to the operation of the transit system.

### **Background Information**

CARTA today is on solid financial footing and heading in a demonstrably positive direction. That, however, has not always been the case. I assumed responsibility for the management of CARTA in August 2015 at the request of the authority's Chairman and Board. The request came after the Board received an outside audit that contained a number of serious issues, including a troubling "going concern" finding.

The situation was dire. Despite the passage of the first half-penny sales tax and resultant infusion of cash into the system, the agency was more than \$7 million in debt and losing money every month. Almost every available dollar was being used to pay Transdev, the contractor who operates the system's fleet, while bus maintenance and updating were being deferred. In fact, since the passage of the first sales tax in 2004, almost no money had been spent on replacing buses or support vehicles. Practically the entire fleet was well beyond its useful life, and the cost of replacing the fleet was estimated to be more than \$40 million.

CARTA was, quite simply, operating far outside of its means. In addition to the operations problems, the agency's site for a long-awaited Intermodal Center project was deemed unsuitable due to the cost of previously undisclosed CSX-required rail improvements. Because of this, and despite heavy investment, the agency was forced to relocate the planned facility to the existing AMTRAK station site. The resulting changes in the project location and scope created a project shortfall, in addition to the required payback of previously expended federal funds.

My marching orders from the Board were simple:

- Fund and kickoff Intermodal Center project
- Right-size the system
- Get CARTA out of debt
- Replace the fleet
- Build us the world class transit system that the Charleston region deserves
- Give us a plan for growing the system in a logical, affordable and sustainable way
- Repair our reputation and relationship with the regional office of the Federal Transit Administration (FTA)

I am pleased to report that we have made substantial progress in meeting the Board's goals. The construction of the Intermodal Center is underway and the City of North Charleston has agreed to own and operate it. We have right-sized the system, entirely eliminated the debt and made substantial progress in replacing the fleet. Finally, we have repaired our relationship with FTA and we are developing a plan for expanding the system over time.

#### **Accomplishments to Date**

- Eliminated over \$7 million in debt.
- Replaced the entire Downtown Area Shuttle (DASH) fleet with 9 new buses.
- Replace the entire Tel-A-Ride fleet with smaller, more efficient vehicles.
- Replaced the entire Support Vehicle fleet (11 vehicles).
- Obtained \$10 million dollars in competitive discretionary funds for the replacement of :
  - 19 Commuter buses which have been ordered and are scheduled to be delivered by February.
  - 5 fixed route 1996 buses that have over 1 million miles of service. These are 12 year/500,000 mile buses so they have well exceeded their useful life.
- Installed Wi-Fi on all vehicles for customer use.
- Installed high-quality camera systems on all buses, the garage facility and the SuperStop.
- Upgraded the agency radio system to digital and it is now connected to the County's 911 Center.
- Replaced outdated fare boxes with new state of the art fare boxes. The old fare boxes were no longer supported by the vendor and as a result, we experienced service delays due to malfunctions as well as incorrect passenger counts.
- Developed a new real-time transit app which provides customers the ability to track buses and estimated arrival times.
- Updated our customer service operations center with new software and phone hardware to eliminate missed calls and reduce customer wait times.
- Developed a new CARTA website ([www.ridecarta.com](http://www.ridecarta.com)) to make it more user friendly for our customers.
- Developed a plan for the installation of 9 shelters and 12 benches at our stops with the highest number of boardings. These installations will begin in the next couple of weeks and will hopefully be complete before the end of August.
- Increased on-time performance from less than 80% to an average of 90% despite the aging fleet, increasing congestion and numerous weather and other events (Wando bridge closure) that impact our ability to maintain a schedule.
- Added Automatic Passenger Counters (APCs) to all passenger vehicles so that we have accurate counts of ridership on all routes. Through a detailed analysis of past ridership reports, we determined we were overestimating our ridership numbers. Due the outdated fare boxes there were passengers who were counted as many as three times for the same trip. This has given us the ability to validate the fare box data and reconcile APC data with Fare box data and actual revenue. An additional benefit of the APCs is that they provide us with data on stop utilization which helps us identify non-performing stops as well as prioritize stops for bench/shelter installations.

#### **Additional Efforts Underway**

In partnership with the COG/CHATS we have a number of studies and initiatives underway. While I know we are often criticized for funding studies and developing plans, I would argue that the lack of plans is largely responsible for some of the past problems of CARTA. Some of our current efforts include the following:

- **Long Range Transportation Plan:** A federally mandated 25-year look ahead to prioritize transportation projects. It's the key document for federal infrastructure funding in the region. An update will be completed in the coming weeks.

- **Regional Transit Framework Plan:** Together with the overall long-range plan, this framework will set the foundation for transit investment as part of a multi-modal transportation system. The ongoing study is examining how we travel across the region and where development patterns are favorable to high-capacity transit services. The plan is expected to be complete in the coming months. Learn more at [bcdcog.com/framework](http://bcdcog.com/framework).
- **BCDCOG Regional Park-and-Ride Study:** This study, to be completed this summer, will produce a comprehensive plan identifying dozens of suitable sites for permanent satellite parking locations in the region. These sites will not only be serviced by CARTA commuter buses, but will also be available to carpooling commuters who wish to share a ride to locations not served by CARTA.
- **Lowcountry Rapid Transit:** The forthcoming Bus Rapid Transit line will be the region's first true mass transit project, connecting Summerville, North Charleston and Charleston. A consultant has been selected to lead initial engineering and environmental review, and a contract should be finalized later this summer. More information is available at [lowcountryrapidtransit.com](http://lowcountryrapidtransit.com).
- **CHATS Safety Committee:** A newly formed group which will examine bicycle/pedestrian safety issues. As part of this initiative the committee will be looking at the location and safety of bus stops and shelters to ensure that we are not encouraging unsafe activities by our customers.
- **Bus Stop/Shelter Design Standards:** These guidelines are being developed to ensure a consistent design that can be provided to member governments and developers in an effort to promote the inclusion of transit amenities in new developments.
- **Automatic Vehicle Location (AVL) System:** The procurement and installation of AVLs will allow dispatchers to see the location of all active in-service vehicles and how they are performing relative to their schedule. Dispatchers will be able to assist drivers in re-routing to avoid lane closures, blocked train tracks, flooding and other events that affect route/system performance. In addition, the system uses in-vehicle tablets using a color-coded system to help drivers easily see if they are ahead, behind or on schedule.

I hope the above is helpful in addressing any concerns or issues regarding CARTA, its budget and its operations. I am very proud of what we have accomplished and would request City Council approval of CARTA's preliminary. As always, I am available to meet or talk with you and/or any member of City Council to discuss any issue or concern that you may have.

Respectfully Submitted,



Ronald E. Mitchum  
Executive Director

CC: City of Isle of Palms Council



CHARLESTON AREA REGIONAL TRANSPORTATION AUTHORITY

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MEMORANDUM

TO: Board of Directors

FROM: Robin W. Mitchum, Deputy Director of Finance and Administration

SUBJECT: FY18/19 Proposed Budget

DATE: June 14, 2018

Please find attached the FY18/19 Proposed Budget for your consideration.

**Revenues**

A detailed explanation of line item changes includes:

- Farebox and Passes Revenue include projections based on current year activity.
- HOP Lot Parking Fees are the parking fees received at the HOP lot.
- Federal – This includes estimated 5307 Urban funds, the drawdown and utilization of the Intermodal Center funds, and discretionary funds to purchase new commuter buses.
- State Mass Transit Funds – This increase reflects additional funds for vehicle replacements.
- Sales Tax-Charleston County – The increase in this line item reflects the actual County contribution from the 1<sup>st</sup> half-cent sales tax and 2<sup>nd</sup> half-cent sales tax.
- Charleston County – Intermodal revenue is the cash on hand. We projected to expend these funds in FY18.
- Capital Revenue – Cash on hand restricted for Bench construction.

**Expenditures**

The majority of the changes in expenditures are reflected in the capital expenses related to the intermodal facility construction, rolling stock and other capital items. A more detailed explanation of changes is as follows:

- Staff salaries and benefits – The increase reflects the increase in employer contributions for retirement, FICA, and insurance benefits.



- Marketing – The decrease is due to Community Pride funds received and projected to be expended in FY18.
- Accounting (Auditing) – The decrease is the change in audit service providers.
- Office equipment rental – The increase is mostly due to the HOP lot expenditures for a portable toilet rental.
- Office equipment maintenance – The increase includes software maintenance. The increase includes additional software to manage route run times.
- Rent – The decrease is from the termination of the Park & Ride on Rivers Ave.
- Professional Services – This line was increased for projections to include the HOP lot security guard.
- Contract Services – This line decreased with the completion of the Melnick Property Engineering.
- Insurance – The Insurance Reserve Fund has projected increases from 10%-15% across their services provided.
- Fixed Route – This line item increased by 3% based with the renewal of the Transdev contract for an additional year.
- Paratransit – This line item increased by 3% based with the renewal of the Transdev contract for an additional year.
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- Bus Shelter Construction/Bench Install – The budget includes estimated 5307 funds for Safety and Security in addition to previously awarded 5307 funds.
- Capital – This line item includes funds for Facility Maintenance, signage, and other capital assets related to the operation of the transit system

As we are still several months away from the start of the new fiscal year, this budget is subject to revision. We will continue to monitor the budget to insure revenues and expenditure remain aligned and we will make recommended revisions as necessary.

If you have any questions, please contact me at 843-529-0400 ext. 213 or [robinm@bcdcog.com](mailto:robinm@bcdcog.com).

**CARTA**  
**FY2019 Proposed Budget**

	<b>Approved Budget FY 2018</b>	<b>Proposed Budget FY 2019</b>	<b>Variance</b>
<b><u>Revenues</u></b>			
Farebox	2,358,403	2,240,483	(117,920)
Passes	581,633	552,551	(29,082)
HOP Lot Parking Fees	97,538	232,685	135,147
COC Shuttle	452,580	457,600	5,020
MUSC	807,000	815,455	8,455
City of Charleston - DASH	516,600	553,280	36,680
City of North Charleston	551,623	552,623	1,000
Community Pride	8,374	-	(8,374)
Federal	16,182,228	14,018,072	(2,164,156)
State Mass Transit Funds	1,019,347	4,941,104	3,921,757
Sales Tax - Charleston County	11,606,750	12,014,250	407,500
Charleston County - Intermodal	1,242,035	-	(1,242,035)
HOP Lot	530,418	892,538	362,120
Capital Revenue (On Hand)	1,163,377	1,000	(1,162,377)
Advertising	800,000	800,000	0
Interest	70	60	(10)
Insurance Proceeds	40,389	-	(40,389)
Sale of Asset	50,000	50,000	0
Miscellaneous	771	-	(771)
TOTAL REVENUES	38,009,136	38,121,701	112,565
<b><u>Expenditures</u></b>			
Staff Salaries & Benefits	152,012	154,978	2,966
Supplies	22,038	24,200	2,162
Printing	46,175	47,500	1,325
Marketing	18,374	10,000	(8,374)
Automotive	2,676	2,676	0
Accounting (Auditing)	22,750	14,500	(8,250)
Postage	2,000	2,000	0
Dues/Memberships	750	750	0
Office Equipment Rental	860	1,248	388
Office Equipment Maintenance	123,400	160,900	37,500
Rent	42,513	24,163	(18,350)
Communications	172,965	173,575	610
Utilities	13,275	14,450	1,175
Advertising	15,000	15,000	0
Money Counting	6,715	6,715	0
Professional Services	77,419	131,576	54,157
Contract Services	1,610,742	1,606,697	(4,045)
Melnick Property Contract Services	214,220	-	(214,220)

**CARTA**  
**FY2019 Proposed Budget**

	<b>Approved Budget FY 2018</b>	<b><span style="color: red;">Proposed</span> Budget FY 2019</b>	<b>Variance</b>
Vehicle Maintenance	252,793	252,793	0
Operating Fees & Licenses	28,706	27,500	(1,206)
Insurance	561,000	567,054	6,054
Fuel	1,324,166	1,389,893	65,727
Fixed Route	11,923,490	13,214,377	1,290,887
Paratransit	2,357,497	2,428,222	70,725
Miscellaneous	7,741	7,741	0
Intermodal Infrastructure - Construction	10,800,000	3,574,892	(7,225,108)
Rolling Stock	1,890,000	11,967,000	10,077,000
Support Vehicles	30,314	-	(30,314)
Bus Shelter Construction/Bench Install	833,732	80,450	(753,282)
Security Cameras/Equipment	359,395	-	(359,395)
Fareboxes	125,000	-	(125,000)
Land	35,000	-	(35,000)
Capital (IT, Facility Repairs/Maint)	613,916	311,691	(302,225)
Engineering	50,000	-	(50,000)
Melnick PNR	2,363,342	-	(2,363,342)
Depreciation	1,909,160	1,909,160	0
<b>TOTAL EXPENDITURES</b>	<u>38,009,136</u>	<u>38,121,701</u>	<u>112,565</u>
 Excess (Deficit) of Revenues Over (Under) Expenditures	 <u>-</u>	 <u>-</u>	 <u>-</u>

## CARTA

## Proposed Budget FY18/19 Budget Detail

	Administration	Operating	Capital	TOTAL
<b>EXPENDITURES:</b>				
Salaries & Benefits	66,641	88,337	-	154,978
Total Direct Personnel	66,641	88,337	-	154,978
Supplies	11,040	13,160	-	24,200
Printing		47,500		47,500
Marketing	10,000			10,000
Automotive	2,676			2,676
Accounting (Auditing)	14,500			14,500
Postage	2,000			2,000
Dues/Memberships	750			750
Equipment Rental	648	600		1,248
Office Equipment Maintenance	35,414	125,486		160,900
Rent	10,200	13,963		24,163
Communications	17,357	156,218		173,575
Utilities		14,450		14,450
Advertising	15,000			15,000
Money Counting		6,715		6,715
Professional Services	19,444	112,132		131,576
Contract Services	75,000	1,531,697		1,606,697
Melnick Property Contract Services		-		-
Vehicle Maintenance		252,793		252,793
Operating Fees & Licenses		27,500		27,500
Insurance	11,000	556,054		567,054
Fuel		1,389,893		1,389,893
Fixed Route		13,214,377		13,214,377
Paratransit		2,428,222		2,428,222
Miscellaneous	7,741			7,741
Intermodal Infrastructure - Construction			3,574,892	3,574,892
Rolling Stock			11,967,000	11,967,000
Support Vehicles			-	-
Bus Shelter Construction/Bench Install			80,450	80,450
Security Equipment			-	-
Fareboxes			-	-
Land			-	-
Capital (IT, Facility Repairs/Maint)			311,691	311,691
Engineering			-	-
Melnick PNR			-	-
Depreciation			1,909,160	1,909,160
<b>TOTAL EXPENDITURES</b>	<b>299,411</b>	<b>19,979,097</b>	<b>17,843,193</b>	<b>38,121,701</b>

## CARTA

## Proposed Budget FY18/19 Budget Detail

	Administration	Operating	Capital	TOTAL
<b><u>REVENUE</u></b>				
Farebox		2,240,483		2,240,483
Passes		552,551		552,551
HOP Lot Parking Fees		232,685		232,685
COC Shuttle		457,600		457,600
MUSC		815,455		815,455
City of Charleston - DASH		553,280		553,280
City of North Charleston			552,623	552,623
Community Pride	-			-
Federal - Intermodal			2,060,000	2,060,000
Federal - 5307		5,740,113	64,359	5,804,472
Federal - 5339			-	-
Federal Passed through COG		-	6,153,600	6,153,600
Federal - Safety & Security				-
SCDOT - OPT		666,104	4,275,000	4,941,104
Sales Tax - Charleston County	299,411	7,928,228	4,686,611	12,014,250
Charleston County - Intermodal			-	-
HOP Lot - Local		892,538	-	892,538
Capital Revenue (On hand)			1,000	1,000
Advertising		800,000		800,000
Interest		60		60
Insurance Proceeds		-		-
Sale of Asset			50,000	50,000
Miscellaneous		-		-
<b>TOTAL REVENUES</b>	<b>299,411</b>	<b>19,979,097</b>	<b>17,843,193</b>	<b>38,121,701</b>
<b>EXCESS OF REVENUES OVER EXPENDITURES</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>