

City Council
6:00 p.m., Tuesday, September 25, 2018
Council Chambers
1207 Palm Boulevard, Isle of Palms

AGENDA

1. INTRODUCTION OF MEETING and notification that members of the press and public were duly notified in accordance with the Freedom of Information Act.
A. Invocation B. Pledge of Allegiance C. Roll Call
2. **READING OF THE JOURNAL OF PREVIOUS MEETING**
Regular Meeting of August 28, 2018
3. **CITIZENS' COMMENTS**
4. **REPORTS FROM STANDING COMMITTEES**
 - A. **Ways and Means Committee – minutes in progress**
 1. Approval of tax year 2018 millage rate
 2. Consideration of rejecting the Morgan Creek Grill proposed lease extension and consideration of RFP for lease for marina restaurant
 3. Award of a sole source contract in the amount of \$118,000 to Coastal Science and Engineering for post-project monitoring services (Beach Preservation Fee Fund, pg 30, In 318 – Professional Services, Ongoing monitoring of entire beach - \$75,000 and Post-project monitoring of 2018 offshore project area - \$200,000)
 4. Approval of up \$11,000 for the 2018 Employee Appreciation Event (General Fund, General Government, Miscellaneous & Contingency, pg 9, In 58 – Annual Appreciation Event - \$11,000)
 5. Authorization to hire McCay Kiddy and Associates to audit the financial records of the marina tenants in an amount not to exceed \$50,000 (Marina Fund, pg 36, In 42 - Professional Services, CPA review of Marina tenants' financial statements - \$50,000)
 6. Approval of additional \$1,507.92 for the 5 in-car camera systems for patrol vehicles (vendor erred in computing sales tax; approved \$25,585.69 in August; budget is \$30,000)
 - B. **Public Safety Committee**
 - C. **Public Works Committee**
 - D. **Recreation Committee**
 - E. **Personnel Committee – minutes in progress**

Consideration of issuing an RFP for the City Attorney and the Assistant City Attorney

August Safety Sweepstakes Winners

General Government – Robert Faass Police Department – Robert Walter Boss
Fire Department – Chriss Fassos Public Works - Robert Graham

F. Real Property Committee – minutes in progress

5. REPORTS FROM CITY OFFICERS, BOARDS AND COMMISSIONS

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

6. REPORTS FROM SPECIAL OR JOINT COMMITTEES – None

7. PETITIONS RECEIVED, REFERRED OR DISPOSED OF – None

8. BILLS ALREADY IN POSSESSION OF COUNCIL

9. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS

First Reading, by title only, of ORDINANCE 2018-16 - AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 2, ANIMALS, ARTICLE B: DOGS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO REQUIRE ALL DOGS, RESIDENT AND NON-RESIDENT, TO HAVE A WRITTEN PERMIT FROM THE CITY AND TAG AT A COST OF \$5 FOR RESIDENTS AND \$10 FOR NON-RESIDENTS TO SERVE AS PROOF OF RABIES INOCULATION AND TO ADOPT LANGUAGE IN THE ORDINANCE TO REQUIRE PROOF OF CURRENT RABIES INOCULATION.

First Reading, by title only, of ORDINANCE 2018-17 - AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, ARTICLE B: RESIDENT PARKING DISTRICTS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO CHANGE VISITOR DAILY PARKING PASSES TO ANNUAL, MULTI-USE PASSES BY ELIMINATING THE EXPIRATION AND TAG NUMBER AND LINKING THE NUMBER ON THE PASS BOOKLET TO THE ADDRESS TO WHICH ASSIGNED AND TO AMEND THE PARKING ORDINANCE TO ALLOW 2 FREE VISITOR PASS BOOKLETS PER HOUSEHOLD PER YEAR.

10. MISCELLANEOUS BUSINESS

Consideration of Lowcountry Mayors' Disaster Relief Fund

Next Meeting Date – 6:00 p.m., Tuesday, October 23, 2018 in Council Chambers

11. EXECUTIVE SESSION – if needed

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

12. CONCLUSION/ADJOURNMENT

CITY COUNCIL

6:00 p.m., Tuesday, September 25, 2018

The regular City Council meeting was held at 6:00 p.m., Tuesday, September 25, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Smith and Ward, Mayor Carroll, Interim City Administrator Fragoso, Assistant City Attorney Copeland and City Clerk Copeland; a quorum was present to conduct business. Councilmember Rice was absent.

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, the Clerk called the roll.

2. Reading of the Journal of Previous Meetings

MOTION: Councilmember Bell moved to approve the minutes of the regular meeting of August 28, 2018 as submitted; Councilmember Ferencz seconded and the motion **PASSED UNANIMOUSLY**.

3. Citizens' Comments

Rusty Streetman, 4004 Palm Boulevard, delivered the same message that he did at the Ways and Means Committee meeting that he did not believe that the proposed lease and extension proposed by Morgan Creek Grill was in the best interest of the City. He voiced support for the City issuing an RFP for the restaurant lease at the marina. (The full text of his comments is attached to the historical record of the meeting.)

Harold Timmerman, 2908 Waterway Boulevard, stated that he has been a resident of the island for fifty-two (52) years and was present to support Morgan Creek Grill. He thought that "Morgan Creek Grill is something to be proud of;" he commented that he has seen the improvements Jay Clarke, owner of Morgan Creek Grill, "has made to the building and the grounds that the City did not pay for." In his opinion, "they have done an outstanding job" and their lease should be extended. He noted that he has gone to Morgan Creek every Tuesday for eight (8) years and started the ninth year on the second Tuesday in July. He opined that Morgan Creek has come a long way from what was there before.

Jay Leigh, 2901 Hartnett Boulevard, expressed his agreement with Mr. Timmerman and noted that he had sent a letter to all members of Council regarding his support for Morgan Creek Grill. He stated that the City has an opportunity, with a location venue, that a city of IOP's size would be very happy about. He indicated that he supported the renegotiation of the lease, and he did not think that a corporate structure would lend itself to what this community is. Mr. Leigh did agree that a thirty (30) years lease was not good, but possibly fifteen (15) years would work for both parties. He stated that he would like to see the City work with Morgan Creek Grill so that they can remain on the island.

Bob Wilder stated that he has lived on the island for fifteen (15) years and that he has worked at Morgan Creek Grill for ten (10) years. He thanked the Councilmembers and residents who have helped MCG, especially recently. He recounted seeing young people come to the restaurant for their first job that was not mowing lawns for babysitting and watching them grow and learn over the summer to be more responsible, more confident and more understanding of how hard their

parents must work to provide the things that they had come to take for granted. He stated that he knows of people from all over the state, country and other countries that come to MCG year after year. He asked for consideration to negotiate a fair lease with Morgan Creek Grill or to be ready to welcome Hooter's.

Jay Clarke and Carla Pope, representing Morgan Creek Grill, came to the meeting to impress upon Council their desire for a fair lease negotiation and extension. She reiterated that no other marina tenant had to go through an RFP to get a lease extension, and they felt they were being singled out despite being revenue-producing. Ms. Pope stated that, in response to hearing from the Real Property about following the will of the people, they started the on-line petition to show to Council and the Real Property Committee what the will of the people truly is. (The text of her comments is attached to the historical record of the meeting.)

Jim Raih, 3904 Cameron Boulevard, recalled that the Marina lease and store lease had gone out on RFP over the years, and he remembered putting in a bid one (1) year. He thought that Morgan Creek Grill had a fair shot at being awarded a contract through the bidding process with their firsthand knowledge of the property.

4. Reports from Standing Committees

A. Ways and Means Committee

Treasurer Suggs reported that General Fund Revenue was at ten percent (10%) and General Fund Expenditures were at fifteen percent (15%) when the target for two (2) months into the fiscal year was seventeen percent (17%). Total cash from all funds was seventeen million one hundred thousand dollars (\$17,100,000); General Fund cash was at approximately three million five hundred thousand dollars (\$3,500,000) or thirty percent (30%) of the annual General Fund budget. The Municipal Accommodations Fee collections were approximately two hundred thousand dollars (\$200,000) which is significantly higher than collections in FY18; the Treasurer has started investigating the number to insure that the amount is correct and will report on her findings next month. The City will not see State ATAX until October, the end of the quarter. The City has received one (1) of two (2) checks from the Charleston County Accommodations Tax Pass-through in the amount of three hundred eighty-one thousand dollars (\$381,000). Like July, the August collections for Hospitality Tax continues to be strong and is running nine percent (9%) higher than FY18. And the Beach Preservation Fee Fund mirrors the Municipal Accommodations Taxes.

The parking revenue summary shows a significant decline in revenue for the lots despite an increase in the number of transactions. The decrease is a concern and needs to be addressed for the 2019 season.

1. Approval of tax year 2018 millage rate

Councilmember Ward announced that the millage rate will not change for 2018 IOP property taxes.

MOTION: Councilmember Buckhannon moved to approve the millage rate of .0247 per thousand dollars for the tax year 2018; Councilmember Moya seconded and the motion PASSED UNANIMOUSLY.

2. Consideration of rejecting the proposed Morgan Creek Grill lease extension and consideration of RFP for lease for marina restaurant

Mayor Carroll opined that Council should consider this Agenda item in two (2) pieces, the proposed lease extension and the consideration of an RFP for the marina restaurant lease; Councilmembers offered no objections.

MOTION: Councilmember Bell moved to reject the proposed Morgan Creek Grill lease extension; Councilmember Ferencz seconded.

Councilmember Bell noted that this matter first came to the Real Property Committee, and he reviewed information he did not think the residents were aware of, i.e. the MCG lease expires in July 2020, and the proposed lease could, in fact, extend it for thirty-three (33) years. At the Ways and Means Committee meeting last week, the lease was unanimously rejected. He stated that this decision was not made hastily, and it was in no way an attempt to dismiss the job that Jay Clarke and Ms. Pope have done with the restaurant. In addition to the one hundred thirty-five thousand dollars (\$135,000) in annual rent, MCG pays to the City an additional two hundred eighty-five thousand dollars (\$285,000) in taxes. By issuing an RFP for the lease, the City has an opportunity to learn what the fair market value of the property is; he also noted that an RFP is not binding and does not preclude the City from negotiating with MCG. The Councilman stated that City Council was trying to do what the residents wanted when this Council was elected to office.

Mayor Carroll added that MCG has been “a great tenant” who “have worked very hard to work with the City” with the sound issue and “everything else.” He agreed with Councilmember Bell that “the last election was a mandate to reconsider how [Council] does business as a City.”

3

Responding to Councilmember Ferencz’ request to hear from Attorney Copeland regarding the State Procurement Act, Attorney Copeland commented that an Attorney General opinion from January 2011 was related to Surfside Beach who had a similar situation when they purchased commercial property from a private owner and were entering into the term of several commercial leases with tenants who occupied the space when it was purchased. At the time, Surfside Beach did not have any local ordinances addressing commercial leases and whether or not they had to, by State law, use the procurement method. Since State law does not specifically address commercial leases and real property in the body of the Code, this Attorney General’s read the procurement code and interpreted it broadly for the sense of creating fairness and integrity in the procurement process in general. It states to “guard against favoritism and create a public policy that favors competitive bidding.” With that in mind, the Attorney General ruled in his opinion that Surfside Beach was required to use the procurement method to enter into a new lease with these tenants and go out for the bidding process.

VOTE: The motion PASSED UNANIMOUSLY.

MOTION: Councilmember Ferencz moved to consider an RFP for the marina restaurant lease; Councilmember Bell seconded.

Councilmember Ferencz asked that the RFP be issued expeditiously so that the restaurant will not have a down time.

Councilmember Moyer stated that, for him, this action was not about Morgan Creek Grill, but to set precedents for how Council interacts with the public at large and businesses. He added that the RFP process fosters the ideal of transparency.

Councilmember Kinghorn reiterated that this vote would not be a vote against Morgan Creek Grill, but an act of good government. He pointed out that the motion was for a marina restaurant and that, if it passes, it will show that it is the intent of this Council to keep a restaurant at the IOP Marina.

VOTE: The motion PASSED UNANIMOUSLY.

3. **Award of a sole source contract in the amount of \$118,000 to Coastal Science and Engineering for post-project monitoring services** (Beach Preservation Fee Fund, pg. 30, In 318 – Professional Services, Post-project monitoring of 2018 offshore project area - \$200,000)

Mayor Carroll repeated that this monitoring is a continuation of the 2018 offshore project and is a requirement of the permit.

MOTION: Councilmember Bell moved to award a sole source contract in the amount of \$118,000 to Coastal Science and Engineering for post-project monitoring of 2018 offshore project area; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY after brief comments.

4. **Approval of up to \$11,000 for the 2018 Employee Appreciation Event** (General Fund, General Government, Miscellaneous & Contingency, pg 9, In 58 – Annual Appreciation Event)

4

MOTION: Councilmember Kinghorn moved to approve up to \$11,000 for an Employee Appreciation Day; Councilmember Moyer seconded.

Councilmember Ferencz noted that she had instructed staff to make it a true celebration of the employees by having good food and nice awards.

VOTE: The motion PASSED UNANIMOUSLY.

5. **Authorization to hire McCay Kiddy and Associates to audit the financial records of the marina tenants in an amount not to exceed \$50,000** (Marina Fund, pg 36, In 42 – Professional Services, CPA review of Marina tenants' financial statements - \$50,000)

Having discussed this matter with Treasurer Suggs, Councilmember Ward reiterated that the City was not going to audit tenant's books because it were not concerned about testing all of the accounts of the marina tenants for deviations; if there are none, the auditor can express some assurance on the accuracy and materiality of the financial statements conforming with GAP. The City is more interested in operating and rent revenues, cash and cost of goods sold. He stated that the motion should state "to approve up to \$50,000 to hire McCay Kiddy and Associates to perform selected procedures, up to and including a review or up to and including an audit or neither of them."

MOTION: Councilmember Ward moved to contract with McCay Kiddy and Associates for a financial analysis and testing and specific procedures up to and including a review or audit relating to Isle of Palms tenants at the marina and operations for the year ended to be determined; Councilmember Buckhannon seconded and the motion **PASSED UNANIMOUSLY**.

6. **Approval of additional \$1,507.92 for the 5 in-car camera systems for patrol vehicles** (vendor erred in computing sales tax; approved \$25,585.69 in August, budget is \$30,000)

MOTION: Council member Kinghorn moved to approve \$1,507.92 for the 5 in-car camera systems; Councilmember Buckhannon seconded and the motion **PASSED UNANIMOUSLY**.

B. Public Safety Committee

From the September 5th meeting, Councilmember Smith noted the Jim Mercer of The Mercer Group was in attendance for a portion of the meeting. Judy Gogol and Bob Miller of the Coyote Coalition addressed the Committee about the island's coyote problem; they noted that the pups were leaving the dens and food waste attracting the coyotes, particularly at construction sites. The Committee discussed the October meeting that will focus on unresolved traffic and parking issues, as well as the results of the Stantec study.

Interim Chief Usry informed the Committee that the City is looking at adding a second trapper in hopes of increasing the number of coyotes captured. The Committee approved the changes proposed for the visitor parking passes making them multi-use, annual passes the will be assigned to the address of the resident to whom they are issued. At the request of a resident, the Committee discussed golf carts on the beach of the island's handicapped beach-goers; as part of the discussion, Chair Smith explained Sullivan's Island's policy. Interim Chief Usry reported that SCDOT would require the City to install sidewalks in order to approve a request for a crosswalk on the intersection of Palm Boulevard and 5th Avenue.

The next Public Safety Committee meeting will be at 5:00 p.m., Monday, October 1st in the Conference Room.

C. Public Works Committee

In the absence of the Chair, Councilmember Buckhannon reported on the meeting of September 6th and noted that the Director's report showed that, in comparison to the same months in 2017, garbage was down and debris had increased significantly. The responsibility for keeping the pooper-scooper boxes stocked was transferred from the Public Works Department to the Animal Control Officer. Personnel were involved in pumping water from 46th, 50th, 51st and 52nd Avenues beginning on August 1st and ending on August 7th.

At the time of the meeting, the contractor on Phase II Drainage was completing work on 46th Avenue and beginning to work his way up Palm Boulevard. With the delays attributed to rain and Hurricane Florence, the project's completion date has been moved to the end of November. The underground storage tanks at Public Works have been installed and water is being pumped out of them; the canopy over the dispenser is expected to be installed very soon. Charleston County is working with the owners on 32nd Avenue to solve the drainage problems; the County is reinforcing the embankment along about one hundred fifty feet (150 ft.) of the drainage easement.

Efforts are underway to upgrade the garbage cans on the beach to cans with a lid, but staff has learned that they are significantly more expensive. The City is going to speak with the manufacturer to see if the City can get sample cans for a trial to ensure that they work easily with the equipment used to empty them. Staff is researching bottle-filling water stations for Front Beach; more information will be provided at the October meeting.

The next meeting of Public Works will be at 9:00 a.m., Thursday, October 4th in the Conference Room.

D. Recreation Committee

The Recreation Committee did not meet in September; the next meeting will be at 9:00 a.m., Tuesday, October 9th in the Conference Room.

E. Personnel Committee

From the meeting of September 6th, Councilmember Ferencz reported that Jim Mercer of The Mercer Group, the contracted search firm, was introduced to the members of the Committee; he proceeded to explain his firm's proven process for filling key positions in local governments, large and small. The process is covered in detail in the minutes of the meeting which are on the City's website along with the audio of the meeting. Due in part to the time of the year the searches are occurring, the City should not expect to be interviewing candidates until, at least, January 2019. The Committee reviewed the revisions made to the Employee Handbook by the City's employment attorney and Department heads and recommended a couple of additional revisions; it then unanimously recommended approval of the revised Employee Handbook by City Council. The handbook will go back to the employment attorney for a final review before presentation to Council. The Committee set the dates and times for interviews of new candidates for boards and commissions. After discussion, the Committee instructed staff to draft an RFP for the services of the City Attorney and the Assistant City Attorney.

6

MOTION: Councilmember Ferencz moved for staff to generate and RFP for the services of the City Attorney and Assistant City Attorney; Councilmember Moya seconded and the motion PASSED UNANIMOUSLY.

The Committee has been considering changing the evaluation tool the City uses, but they decided to delay those discussions and decision until a new City Administrator is hired and be part of the process. Human Resource Officer DeGroot informed the Committee that one (1) long-time employee did not get the merit increase that he was due according to his performance evaluation because he was at the top of his salary range. Staff was tasked with finding a way to reward this employee and likely more in the future.

Safety Sweepstakes Winners for August were Robert Faass from the Recreation Department, Robert Boss in the Police Department, Chris Fassos in the Fire Department and Robert Graham in the Public Works Department.

The next Personnel Committee meeting is scheduled for 5:00 p.m., Thursday, October 4 in the Conference Room.

F. Real Property Committee

Reporting on the meeting of September 4th, Councilmember Bell stated that under Citizens' Comments, Michael Fiem took the opportunity to remind those present of the Resident

Appreciation event scheduled for Saturday, September 8th with all donations going to the MUSC Shaun Jenkins Children's Hospital. Marina Manager Brian Berrigan announced that all of the marina tenants were combining their efforts for a Marina Festival on Sunday, November 4th from noon until 7:00 p.m. in partnership with the IOP Exchange Club, and all residents are urged to attend. The money raised from the raffle will go to a worthy charity. Mr. Berrigan recalled being requested by the Committee several months ago to compile a list of needed projects at the marina, and the prioritized list was included in the meeting packet; he informed the Committee that each item noted who was responsible for its upkeep and replacement, the City or the tenant or the two (2) in combination. The Morgan Creek Grill lease renewal and extension was discussed by the Committee and the audio of the meeting is available on the website. Under the heading "Update on marina operations," the discussion centered around a review of the financial procedures of the four (4) primary leases and the information the members of the Committee wanted to come from it, i.e. how the revenue from sub-tenants was flowing to the City to whether the primary users of the marina were residents or non-residents. The Committee also unanimously approved recommending the award of a sole source contract to Coastal Science and Engineering for post-project monitoring of the 2018 offshore renourishment.

The Real Property Committee will hold its next meeting at 4:00 p.m., Wednesday, October 3rd in the City Hall Conference Room.

6. Reports from City Officers, Boards and Commissions

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

7. Petitions Received, Referred or Disposed of – none

8. Bills Already in Possession of Council – none

9. Introduction of New Bills, Resolutions and Proclamations

- A. **First Reading, by title only, of ORDINANCE 2018-16 - AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 2, ANIMALS, ARTICLE B: DOGS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO REQUIRE ALL DOGS, RESIDENT AND NON-RESIDENT, TO HAVE A WRITTEN PERMIT FROM THE CITY AND TAG AT A COST OF \$5 FOR RESIDENTS AND \$10 FOR NON-RESIDENTS TO SERVE AS PROOF OF RABIES INOCULATION AND TO ADOPT LANGUAGE IN THE ORDINANCE TO REQUIRE PROOF OF CURRENT RABIES INOCULATION.**

MOTION: Councilmember Smith moved to discuss and approve Ordinance 2018-16 for First Reading; Councilmember Bell seconded.

Mayor Carroll announced that, from this meeting forward, ordinances up for First Reading will be discussed prior to a vote

Councilmember Smith stated that the key points of this ordinance were approved at the previous City Council meeting on a vote of five to four (5 to 4), and, although she voted in the affirmative, she has concerns about it. She opined that this ordinance is an over-reach in requiring all dogs, resident and non-resident, to register with the City and that the issues of enforcement were not discussed. She offered three (3) changes to the ordinance as it is presented at this meeting, and they are as follows:

- Only dogs that are allowed off-leash, resident or non-resident, must register with the City;
- Instead of the tags, the City switch from the metal tag to a colored collar system, like Sullivan's Island, to, possibly, compel compliance and to ease enforcement; and
- Registering a dog belonging to a resident that is not off-leash, for instance, at the dog park or on the beach, would be voluntary.

Interim Administrator Fragoso explained that the motion for First Reading requires that all dogs, resident and non-resident, must register with the City, that the cost of tags will remain at five dollars (\$5) for residents and be ten dollars (\$10) for non-residents, and that the City Code be changed to include the requirement for all dogs to have a current rabies inoculation so that the Animal Control Officer could issue citations.

The Interim Administrator stated that Council could send the ordinance back to the Public Safety Committee for additional study, because changes can be made before Second Reading.

Councilmember Moyer said that he thought the ordinance as presented was not addressing what it was intended to address; he added that the current ordinance seems to be punitive to residents in that residents must pay for the dog registration every year while non-residents are not. Another issue being addressed is what he calls "irresponsible dog owners;" the data he has seen shows that rabies is not a major concern for the safety of humans or their pets. The problems have come from "irresponsible owners" who have poorly trained animals or aggressive animals they let off-leash that bite or injure other animals or humans and then they leave the island. Since these people typically leave, law enforcement does not have time to find out if the dog has a rabies inoculation or not. The City, therefore, ends up in the same position as before regardless of having this ordinance in place. The Councilmember opined that this ordinance is not enforceable and does not achieve the mission of making people safer.

Councilmember Kinghorn stated that he liked the recommendations that came from the Committee, particularly the volunteer aspect; he suggested that Council not approve this ordinance for First Reading and that it go back to the Committee for revisions before coming to Council again.

Councilmembers Smith and Bell, respectively, withdrew the motion and second.

Mayor Carroll said that he liked the idea of discussion at First Reading rather than delaying it to Second Reading and likely adding a month to adoption at Second Reading.

- B. First Reading, by title only, of ORDINANCE 2018-17 - AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, ARTICLE B: RESIDENT PARKING DISTRICTS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO CHANGE VISITOR DAILY PARKING PASSES TO ANNUAL, MULTI-USE PASSES BY ELIMINATING THE EXPIRATION AND TAG NUMBER AND LINKING THE NUMBER ON THE PASS BOOKLET TO THE ADDRESS TO WHICH ASSIGNED AND TO AMEND THE PARKING ORDINANCE TO ALLOW 2 FREE VISITOR PASS BOOKLETS PER HOUSEHOLD PER YEAR.**

MOTION: Councilmember Buckhannon moved to approve Ordinance 2018-17 for First Reading; Councilmember Moyer seconded and the motion PASSED

UNANIMOUSLY.

10. Miscellaneous Business

Consideration of Lowcountry Mayors' Disaster Relief Fund

The Mayor stated that, at a meeting of Lowcountry mayors on September 18th, they voted to establish the Lowcountry Mayors' Disaster Relief Fund; although the Lowcountry was spared from Hurricane Florence, neighbors to the north need assistance for relief and recovery. Each mayor is asking that its local government contribute five thousand dollars (\$5,000), and all of the money will go victims in South Carolina and some could go to North Carolina through CoastalCommunityFoundation.org.

MOTION: Councilmember Ward moved to approve a donation of \$5,000 to the Lowcountry Mayors' Disaster Relief Fund, assuming that it is in compliance with the City's laws related to gifts to qualified charities and that the money will come from the Disaster Relief Fund; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

Next Meeting Date – 6:00 p.m., Tuesday, October 23, 2018 in Council Chambers

11. Executive Session – not needed

12. Adjournment

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 7:20 p.m.; Councilmember Moya seconded and the motion PASSED UNANIMOUSLY.

9

Respectfully submitted:

Marie Copeland
City Clerk

From: Rusty Streetman

rustystreetman@bellsouth.net

Subject: Morgan Creek Grill Lease Issue/Proposal/PETITION

Date: ~~Sep 18, 2018 at 1:09:55 PM~~

Sept 25, 2018 - City Council - CITIZEN'S COMMENTS

- I saw the petition that was posted online on various social media encouraging all to sign .
- It noted that past and present Councilmembers had represented a lease extension would be granted.
- As one of the citizens that voted overwhelmingly last year against the Marina referendum, I'm speaking out against an automatic extension of the lease.
- By our vote, we mandated change , and not business as usual from the new council and mayor.
- I'm certainly not speaking out against MCG specifically. I do patronize them on occasion, and I'm in favor of a restaurant continuing to occupy that space going forward.
- That being said, I believe the City should put this lease out to bid because I believe that's appropriate under the SC state procurement law.
- I also feel the City isn't getting fair market value for the property we own as citizens of the Island.
- It should be noted as a comparison, that Folly Beach owns a property that a restaurant occupies (5,000 square feet)and their base rent is approximately \$163,000 per year , with an additional rent of 8% of anything over \$1,200,000.
- In reading the "proposed lease"it appears the lease terms

that are being proposed is 33 years if you count all the extensions.

- There's also a proposal to eliminate additional rent payments.

- During the referendum, the City fact sheet said we get around \$135,000 per year in rent, which was the base plus additional rent.

- This proposal would result in the City getting \$95,000 in rent until 2023, and then \$120,000 a year thereafter until 2053.

- If my math is correct, that equates to a net reduction in rent of somewhere between \$40,000 a year and \$15,000 a year depending on the timing.

- Also, the lease is tied to the CPI, and that would probably raise the rent only ~~1-2%~~ 2-3%.

- Therefore, as a citizen of the Isle of Palms, I'm in favor of the lease going out to bid in order to determine fair market value for the rent.

- If we enter into this lease as proposed, it simply doesn't cover the cost for the City to carry the property.

- Thank you!

Sent from my iPad

Carla Pope CC
9/25/18

Mr Streetman's
Calculations are
incorrect.

Speaking Notes City Council Sept 25, 2018

One more time: No other tenants at the Marina had to be subjected to a RFP to EXTEND or AMEND their leases. Why is Morgan Creek being singled out? We have been a responsible, income producing tenant for the City.

We have been totally willing to discuss and negotiate the terms of our proposed lease, given a proper forum with the Real Property Committee and the City.

I've been asked: why did you start a petition? What Jay and I heard and understood from Council was you wanted to satisfy the will of the people. This was a way to reach out to all residents and patrons to express their desire to keep Morgan Creek Grill.

As of yesterday afternoon, the combined petition total was in excess of 1700 signatures. Over 200 were from IOP residents and the responses continue to climb.

IF you choose to put our lease out for Request for Proposals, you must understand that time is of the essence. Our business and the livelihoods of many individuals remain uncertain.

Thank you.

MEMORANDUM

TO Mayor and City Council

FROM Desirée Fragoso, Interim City Administrator

SUBJECT One Qualified Source

DATE September 18, 2018

City Council is requested to authorize a contract with Coastal Science and Engineering to conduct post-project monitoring activities required by the permitting agencies associated with the 2018 beach Renourishment project. In accordance to FY 19 budget, the Ways and Means approved the award of this purchase in the amount of \$118,000 in compliance with Section 1-10-4 of the City's Purchasing Procedures which allows for a contract to be awarded without competitive bidding when the Purchasing Agent (i.e., the City Administrator) reasonable determines that a particular source has a unique ability or knowledge with respect to the required goods or services.

To the best of knowledge, Coastal Science and Engineering has a unique ability, knowledge and expertise for this project. Coastal Science and Engineering had previously been hired by the City to execute the design, engineering and project administration for the 2018 beach restoration project. Coastal Science and Engineering also prepared and submitted the permit applications on behalf of the City. Therefore, it is in the City's best interest for Coastal Science and Engineering to execute the post-project monitoring and surveying activities that are required of the City by the permitting agencies. For the City to go with any other vendor to complete the required post-project monitoring would require significant background and they would likely need to come up to speed on the project, which may require repeating expenses and may jeopardize the monitoring timeline desired by the appropriate federal agencies.

According to the provisions of the Code, this statement must be submitted to City Council and entered in the minutes of the council. I recommend that City Council approve the use of Coastal Science and Engineering as one qualified source for post-project surveys, sampling, monitoring and documenting beach volumes changes and nourishment performance.

PUBLIC SAFETY COMMITTEE

10:00 a.m., Wednesday, September 5, 2018

Council Chambers

1207 Palm Boulevard, Isle of Palms, South Carolina

The regular meeting of the Public Safety Committee was called to order at 20:00 a.m., Wednesday, September 5, 2018 in Council Chambers, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell and Ward, Chair Smith, Interim City Administrator Fragoso, Interim Police Chief Usry, Fire Chief Graham, Attorney Copeland and City 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. She also introduced Jim Mercer of the Mercer Group, the search firm hired by the City to assist with hiring the City Administrator, the Chief of Police and the Assistant Public Works Director.

2. Approval of Previous Meeting's Minutes

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

3. Citizens' Comments

Judy Gogol, 8 Summer Dunes Lane, stated that she was a member of the Coyote Coalition; she told the Committee that the coyote pups were coming out of the dens and the number of resident sightings has increased. With a camera on her house directed to the beach, she had three (3) sightings between August 16th and August 23rd; the sightings were at night, but one (1) showed the coyote chasing two (2) deer. She thought that everyone had seen the photo of the group of coyotes on the beach at 8:00 a.m.; they appear to have no fear of people. She was interested in knowing when the City would begin trapping again. Questions from the coalition were:

- What are the City's trapping plans, how many traps will be set and when will trapping begin?
- Will the remote trapping sights have cameras to monitor the coyote activity because the law states that the traps must be checked daily? Is this a consideration in hiring trappers?

Ms. Gogol stated that the residents have a feeling of urgency in addressing this problem and are concerned about how the number of coyotes has multiplied over the winter. In conclusion, she thanked the City for adopting and implementing the Coyote Management Plan.

Bob Miller, 3 Fairway Village Lane, noted that he has addressed the Committee in the past; he stated that the coyotes are back and so was the Coalition. He commented that they are seeing on the internet more and more instances of people throwing out food waste that is attracting coyotes; the culprits are construction sites, restaurants, picnics, etc. He added that he did not know the answer to that problem. Mr. Miller asked what the City knew about the coyote situation in Wild Dunes; he opined that the methods of addressing the coyote problem should be island-wide through coordination between Wild Dunes and the City. He also noted that residents who call the Police Department to report coyote sightings are getting mixed messages; some who answer the phone seem to be sympathetic and concerned, while others are relatively dismissive.

Jim Raih, 3904 Cameron Boulevard, commented on the first item under New Business of allowing golf carts on the beach. Being married to a woman who is challenged mobility-wise, he expressed the opinion that anything the City could do to make the beach more accessible to the handicapped would be much appreciated.

4. Old Business

A. Discussion of plan to address parking and traffic at October meeting

The Chair recalled that she had distributed a sheet at the August meeting of topics she thought worthy of more in-depth discussion, but she acknowledged that all of the issues could not be discussed and resolved in one (1) meeting. Since the Committee had decided to incorporate this discussion into a regular meeting, she questioned how much time could be devoted to this discussion.

Councilmember Bell stated that he was not opposed to a two (2) hour meeting with a concise agenda and repeated his statement from an earlier meeting that the City needed a balance parking plan. "If the City is prepared administratively to educate those that have not paid a lot of attention to the prior Stantec plans, has an understanding of what current ordinances cover and the City's position on areas previously excluded from public parking, he thought it could be a productive meeting."

Councilmember Ward voiced agreement with Councilmember Bell and stated that he liked having things concise and moving in a set direction; he wanted to set a goal for the meeting so that time is not spent on things that have already been discussed in the years the City has employed Stantec as a consultant on parking on the island.

Chair Smith reminded the Committee that, in the current contract with Stantec, they had been asked to provide some updated information relative to the impact of the changes to the parking plan made early in the year. She continued that she thought that paid parking and its implications should be a priority in the discussions.

Councilmember Bell stated that he thought the dated signs for the Parking Management Plan needed to be removed immediately; the ordinance approving the enforcement of the plan year-round was approved months ago, so the law is in effect. He asked that this subject be included on the October agenda.

B. Discussion of Coyote Management Plan

• Obtaining coyote count estimate

Interim Police Chief Usry reported that the traps recently have been replaced on the golf course near the 3200 block of Waterway Boulevard; the Department received a report that a dog had become trapped in one (1) of them and that a young boy had been caught up in one (1) of the traps, but they have not been able to verify the information to determine if they are accurate reports. These traps have been pulled to ensure safety of the public; she noted that the traps were set way off the path and into the marshy area, so the dog and young boy had to go out to run into them. The Interim Chief indicated that she was in talks with another trapper to add to the current trapper to see if the City could increase its capture rate. Since the last meeting, another coyote has been hit by a car and this time it was a police vehicle; the vehicle had some minor damage, and the coyote had to be dispatched since it was injured. For the public safety, additional traps have not yet been deployed; she reported that the City works with Wild Dunes to

deploy the traps. The traps are checked a couple of times a day, both by the trapper and the Animal Control Officer; the City also deploys to monitor what is happening at the trap. The report from the Coyote Coalition is that food waste has become a problem, she thought additional public education was necessary, and the PD would coordinate with the rental agencies and the property owners who rent to communicate the problems.

Councilmember Bell commented that he has learned from residents of Intercoastal Court that they were seeing more coyotes; Richard Campsen said that a coyote had been under his dock barking at his dog recently. Mr. Campsen stated that he had spoken with a Mount Pleasant officer who told him that they were having reasonable success with the trappers they are using, and Councilmember Bell has suggested to Interim Administrator Fragoso that the City find out who they are using and to contact them.

The Interim Chief reported speaking with Deputy Chief Gragg recently and has the trapper's name and plans to begin communicating with him. She also reminded the Committee that the City is limited in where it can trap; the City cannot set traps on private property. On the other hand, any property owner is free to apply to DNR for a Deprivation Permit for trapping on their property.

Chair Smith stated that education and information will be the City's best tools for control, and she felt that the public should be advised of the risk so they can be prepared to prevent problems by being aware. The public should be encouraged to be proactive, especially when it comes to food so that they are not inadvertently providing food sources for coyotes.

The Chair also wanted the City to engage a researcher on coyotes to get a rough count of the coyote numbers on the island.

Interim Administrator Fragoso recalled that, when the Committee and City Council discussed hiring a researcher to get a count, staff was not given a clear directive on what approach to take; if the will of Council has changed, staff would look for direction. She informed the Committee that the FY19 budget was increased for trapping and surveillance, but no funds were earmarked for a coyote count.

Councilmember Ward stated that he would check the budget and report at the Ways and Means Committee meeting about funds for a coyote count.

C. Consideration of changes to the visitor parking passes

The Interim Administrator reported that, at the August Council meeting, City Council approved the changes to the visitor parking passes recommended by the Public Safety Committee; included in the meeting packet was a redline version of the ordinance changes needed to modify the visitor passes. This ordinance will go before City Council for First Reading at the September meeting.

MOTION: Councilmember Bell moved to recommend to City Council approval for First Reading of the ordinance modifications relative to the visitor parking pass; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

D. Consideration of dog permitting and related policies and ordinances

Interim Administrator Fragoso stated that a second redline version of modifications to the ordinance required to move forward with more specific language, requiring both residents and non-residents register their dogs with the City; in order to get a permit, proof of the dog's current

rabies inoculation would be required, and the fee for the permits would remain five dollars (\$5) for residents and would be ten dollars (\$10) for non-residents. An additional provision would add language requiring current rabies inoculation so that the Animal Control Officer could write citations when he encounters a dog without proof.

Chair Smith asked whether the changes detailed above would go before Council despite what could transpire in this meeting, and Interim Administrator Fragoso concurred.

Councilmember Bell commented that he has heard from residents with “the wrongful belief” that a resident walking his dog down the street would be stopped by a police officer and “read the riot act” about the City’s dog license. The Councilmember stated that the changes to the ordinance would mean nothing to residents; nothing changes for residents regarding the requirement of an IOP dog license. He opined that, if it were possible, the ordinance would read that “dogs off-leash at the Bark Park and dogs off-leash on the beach must have a City registration.” The goal was to have an ordinance that was simple and that gave the enforcement authority to the Animal Control Officer in the event of egregious behavior at the dog park or on the beach that must be addressed.

Councilmember Ward noted that Folly Beach and Myrtle Beach do not have regulations for dogs like the Committee is discussing, only Sullivan’s Island. He believed that the issue has become too complicated, and he cannot support it in its current form.

Chair Smith also agreed that the motion passed at City Council was “an overreach” in that it applied to all dogs that come on the island and lacked an effective way of getting City registration to be meaningful by switching to a colored collar system from metal tags; therefore, she would no longer support what Council passed. She offered two (2) alternates that could be considered together or separately. The first suggestion was that all dogs must have an IOP registration and tag or proof of current rabies inoculation; in the Chair’s opinion, this would be simple and as easy as possible to provide that proof. The fee would remain five dollars (\$5) for residents and ten dollars (\$10) for non-residents, but registration would be voluntary. With this suggestion, the rules would be the same for residents and non-residents.

Councilmember Bell added that property owners would also pay five dollars (\$5) for dog registration.

Chair Smith’s second advocacy would be to require all off-leash dogs, resident and non-resident, at the dog park and on the beach to have proof of City registration with a switch in the registration system from metal tags to a system of colored collars. In her opinion, this would add an extra layer of accountability attached to the privilege of letting dogs off-leash in the public setting; she also thought that the colored collar system would compel compliance and make the ordinance easily enforceable.

The Interim Administrator stated that, if the goal was to provide public safety, it must be enforced island-wide; the City has reports of incidents involving dogs all over the island, not just in the dog park or on the beach.

Councilmember Bell asked if City Council could legally limit enforcement only in the dog park and on the beach for enforcement.

Attorney Copeland stated that for enforcement, the City could do what Councilmember Bell was suggesting.

Councilmember Bell was of the opinion that, if enforcement were to be island-wide, it would create an uproar among the citizens; he reiterated that the original issue the Committee sought to address was off-leash dogs on the beach or in the dog park.

Interim Chief Usry stated that, for the police officers to enforce and for the general public safety, the ordinance should apply island-wide and not in certain areas; she added that dogs are off-leash in other areas, for instance, the dog that escapes the back yard. Researching records from January to September 2, 2018, the Interim Chief found that forty-seven (47) citations have been issued for dogs-at-large; of that number, twenty-two (22) were issued on the beach and twenty-five (25) were in other areas of the island. No tickets have been issued for dog issues at the dog park.

The Interim Chief distributed to Committee members a sheet comparing the dog policies for Sullivan's Island, Folly Beach and the Isle of Palms.

Chair Smith stated that the collars are expected to cost less than two dollars (\$2), so the five dollars (\$5) that residents would continue to cover the cost. She repeated that colored collars would encourage compliance and that the City would sell more collars than it currently sells tags.

Interim Administrator Fragoso was hearing two (2) different goals from the Committee; in previous meetings, she had heard concerns about dogs without current rabies inoculations coming to the island. If that is the goal, the ordinance Council approved provides an equal process for both residents and non-residents and solves the current inoculation issue. If the goal is to reduce the number of dogs coming to the beach or to the dog park, that is a different discussion.

Councilmember Bell stated that the number of dogs coming to the island is growing along with the population of Mount Pleasant, but the City has one (1) Animal Control Officer – the problem is an inability to enforce. He opined that the IOP beach is the dog park for people residing on the other side of the Connector, and the hours that dogs are legally allowed to be off-leash are not adhered to. In his opinion, the issue has become convoluted and it is no longer just a public safety issue but a growing population issue.

Being responsible for adding this item to the Agenda, Chair Smith stated that her goal primarily was to add an extra layer of accountability attached to the privilege of allowing dogs to be off-leash; she was not trying to discourage people from bringing their dogs to the island or to reduce the number of dogs coming to the island, but to assure dog owners that all off-leash dogs have been properly inoculated.

When the Chair was told that she could make a motion in this meeting, she stated that her understanding was that she could not.

Interim Administrator Fragoso explained that the ordinance as presented to the Committee would go to City Council for First Reading at the September meeting; during Second Reading, Councilmembers could submit an amendment. She continued noting that this item was presented to Council at the August meeting as an amendment and did not pass, and only someone who voted with the prevailing vote could submit a motion to reconsider and that motion must be made within twenty-four (24) hours of the meeting.

Attorney Copeland stated that a Council member who was on the side of the prevailing vote could have motioned on the record in the meeting that he/she wanted the item to be reconsidered at the next meeting. That action would mark in time the request and satisfy Robert's Rules.

Councilmember Bell noted that making the dog registration voluntary has ramifications for enforcement, but any changes could be made via an amendment at Second Reading.

5. New Business

A. Discussion of allowing golf carts on the beach for handicapped persons

MOTION: Councilmember Ward moved to allow golf carts on the beach to allow handicapped persons easier access to the beach; Chair Smith seconded.

The Chair reported that a resident of Wild Dunes who is unable to walk from the Citadel Beach House to chairs on the beach reached out to Council about his situation. In the past, the resident's spouse drove him to the beach in a golf cart, but they have been told that driving the golf cart on the beach is not allowed.

The resident has researched Sullivan's Island's Code relative to motor vehicles on the beach and learned that, upon written request, Council can grant an exception when the person making the request has either a handicap placard or license plate. The Sullivan's Island Code states the following:

"by allowing [party requesting] to have vehicle on the beach for a specific purpose that will not be injurious to health, safety or welfare of injurious to natural resources and habitats"

In addition to the state issued placard or license tag, the Sullivan's Island issues a placard that must be displayed on the cart at all times for easy identification by the police; they have additional regulations that must be followed.

The City acknowledges the difficulties in accessibility to the beach and embraces opportunities to improve accessibility for the handicapped. The City does have concerns about public safety and sea turtle nesting and habitat that need to be discussed by staff, as well as what regulations should be established if City Council wants to proceed with such a policy. The Interim Administrator has learned that in the past ten (10) years, Sullivan's Island has only issued eight to ten (8 – 10) tags for golf carts indicating that it is a little used policy there, but she stated that she would expect a much higher usage at the Isle of Palms. The Interim Administrator thought a policy might be more workable here if they were restricted to an area of the beach on or near emergency vehicle accesses. The Edisto Beach State Park also allows golf carts on the beach, but Folly Beach does not; however, they do provide beach wheelchairs to handicapped persons at no charge. The beach wheelchairs cost between twelve hundred and fifteen hundred dollars (\$1,200 - \$1,500) each.

Responding to Councilmember Bell, Interim Administrator Fragoso stated that the City does not own a beach wheelchair. The purchase of one (1) or more of these wheelchairs was not contemplated in the FY19 budget; she, therefore, thought staff should do more research with a possible purchase in FY20.

Councilmember Ward withdrew his motion, and Chair Smith withdrew her second.

Councilmember Bell recounted have seen a golf cart heading to the beach that got stuck in the sand; three (3) men were needed to get it to and from the beach.

Interim Chief Usry added that, if people are not available when a golf cart becomes stuck, it has become a public safety/first responder issue. She shared other concerns, such as the fact that state law does not address the state's beaches; therefore, a child could drive a golf cart on the beach. She displayed a photograph of a beach wheelchair and noted that they have wide tires so that they displace more sand and are less likely to become stuck.

Believing that the residents of the island are caring and giving people, Councilmember Bell asked if the City could establish a GoFundMe account so that the City could provide the same service Folly Beach offers.

Councilmember Ward said that the City should not get involved, but he would be happy to do it as a private citizen, but he asked where the City would store one (1) or more wheelchairs.

Chief Graham agreed that storage would be a problem, but she questioned how the wheelchair would get to the beach. She also reported that the personnel from the Fire and Police Departments drive handicapped persons to and from the beach whenever called upon.

The Committee agreed to delay a decision until staff could provide them with additional information.

B. Update on crosswalk request on Palm Boulevard at 5th Avenue

Interim Chief Usry reported that she had reached out to SCDOT traffic engineers about installing a crosswalk on Palm Boulevard at 5th Avenue and was told that, unless the City was planning to install a sidewalk, they would not approve the request. When pressed, SCDOT said that a sidewalk system would need to extend from the Exchange Club to the last house the other side of 5th Avenue where the last house on Merritt is located.

Interim Administrator Fragoso noted that the City has been successful in receiving funding from Charleston County CTC and TST for the construction of sidewalks and that this was a project that could be requested in the next cycle for local funding requests.

Chair Smith asked that the Interim Administrator contact Alice Bova, who made the request, with the status after contacting SCDOT.

6. Highlights of Departmental Reports

Between the Labor Day holiday and the meeting being held early in the month, neither the Police Department nor the Fire Department had completed their reports for August; they will be posted to the City's website upon completion.

Councilmember Bell reported having been on a five (5) hour ride-along with a patrol officer on Saturday, September 1st and that he found it to be an eye-opening experience. He recommended that all members of City Council should arrange to do the same.

7. Miscellaneous Business

Next Meeting Date: 5:00 p.m., Monday, October 1, 2018 in the Conference Room.

8. Executive Session – not needed

9. Adjournment

MOTION: Councilmember Bell moved to adjourn the meeting at 11:22 a.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

DRAFT

Public Works Committee
9:00 a.m., Thursday, September 6, 2018

The regular meeting of the Public Works Committee was held at 9:00 a.m., Thursday, September 6, 2018 in Council Chambers of City Hall, 207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Buckhannon and Kinghorn, Chair Rice, Interim City Administrator Fragoso, Public Works Director Pitts and City Clerk Copeland; a quorum was present to conduct business.

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

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

MOTION: Councilmember Buckhannon moved to approve the minutes of the regular meeting of August 1, 2018 as submitted; Councilmember Kinghorn seconded and the motion **PASSED UNANIMOUSLY**.

3. **Citizens' Comments** – none

4. **Departmental Reports for July and August, 2018** – Director Pitts

Vehicle Maintenance and Trash Collection Tracking Reports

The Director stated that for July and August garbage was down in comparison to the same months in 2017; yard debris increased significantly in both July and August despite the flatbed truck being down for a period of time. According to the Director, the action item for August was the 42nd Avenue beach access where the mobi-mat “bowed up” in the center; at the end of the month, that section of mobi-mat was removed and the path was levelled. Once the sand shell, four inch (4 in.) base is laid in, the larger eight foot (8 ft.) wide matting will be installed. Miscellaneous waste was on par for the month, comparing it to the same month last year. The Director was contacted by the Interim Chief of Police to transfer the responsibilities for keeping the pooper-scooper boxes filled with bags to the Animal Control Officer with the assistance of the BSOs. Director Pitts reported that filling the pooper-scooper boxes has taken approximately four (4) hours per week for Public Works personnel. Also in August, the City pumped water from 46th, 50th, 51st and 52nd Avenues beginning August 1st and concluding on August 7th. He also noted that August is not a month when any of the trucks can be down for maintenance; preventative maintenance (PMs) will come up in September, and his goal is to do two (2) major PMs per month.

Chair Rice noted that the island was heading into the height of the height of the hurricane season, and she asked if being short a truck that was off-island being serviced would create a problem if the City were to experience a hurricane.

The Director said the Department would manage with what equipment was available, but he did say that the Department had logistical problems whenever a truck was off-island.

5. **Old Business**

A. Update on Phase II Drainage Project

Interim Administrator Fragoso stated that the contractor was completing the work at 46th Avenue; once completed the contractor with the main crew will continue laying the large pipe down Palm Boulevard. When they reach 49th Avenue, a second crew will install the necessary infrastructure at 52nd Avenue and work their way towards 49th Avenue.

In addition, the Interim Administrator reported that she spoke with the project engineer who reached out to the contractor about working on Saturdays, but the engineer has not received a response yet. Consideration has to be given to the fact that they are coming from Ridgeville, and the work hours on Saturday are 9:00 a.m. to 4:00 p.m., but the contractor does know that the City is anxious to complete the job as it moves into hurricane season.

When the Chair asked when the work on 46th would be completed, Director Pitts commented that the work there is ninety-five percent (95%) complete now.

The Interim Administrator also reported that residents of 48th Avenue and the Citadel Beach House management have been working with the engineer to be included in the project and that the project is expected to be substantially completed, i.e. installation completed, by the end of November.

B. Update on removal/replacement of underground storage tanks

At the Public Works site, Director Pitts reported that the tanks are in place, covered, strapped and have the gravel on top; the exhaust piping was installed yesterday. They are now working on the electrical component, and yesterday they brought in the final three (3) layers of gravel to level it off at the top. Once the electrical component is installed, there will be an UST inspection, and the final step is putting the concrete on top, mounting the canopy and the dispenser for a final inspection. After the inspection, they can remove the water from the tanks, clean and dry them and the City will be given the authority to fill the tanks. The Director expects these tasks to take approximately two (2) weeks.

According to Director Pitts, the removal/replacement of the underground storage tanks at the marina will not begin until the fall or early winter.

The Interim Administrator added that staff's goal is to try to coordinate the painting of the bulkhead, the removal/replacement of the underground tanks and the rehabilitation of the marina docks and to complete the work, in hopes of having as little disruption to marina operations in the early spring.

C. Update on drainage issues at 32 Thirty-second Avenue

After Charleston County concluded that piping the ditch was not an option, they offered the property to reinforce the embankment along the one hundred fifty feet (150 ft.) of the drainage easement. Charleston County staffers will meet with the property owners in an effort to explain their approach and develop a way to go forward. The Interim Administrator added that, if Director Pitts was unavailable to go to the meeting to represent the City, she would try to attend.

D. Update on chairs and tents on the beach

Director Pitts reported that on Tuesday the volume of abandoned tents and chairs was quite high.

Katrina Limbach asked that this item appear on the Agenda, but she was not present. Interim Administrator Fragoso asked the Committee if they were interested in discussing not allowing beach-goers to take tents and chairs to the beach.

The consensus of the Committee was that they were not ready to address this subject.

E. Update on trash cans with lids for the beach

Katrina Limbach did some research and found the cans used on the beach in North Myrtle Beach which are pictured in the handout (attached to the historical record of the meeting); the first concern was whether the cans would be compatible with the equipment currently in use. North Myrtle Beach has the same equipment Mr. Schupp uses to empty the cans on the beach, so the City knows that this concern was unfounded.

Interim Administrator Fragoso informed the Committee that she and Director Pitts met with Mr. Schupp and Mr. Garrels, who is interested in buying Mr. Schupp's trash and recycling collection business about these cans, and they appeared to be very enthusiastic; they planned to go to North Myrtle Beach to see how the equipment works with the cans with lids.

The Interim Administrator opined that the biggest issue at this time to change to the cans with lids was the cost which is approximately three hundred dollars (\$300) per can. She commented that, when she and Director Pitts talked about these cans, they thought about testing them at Front Beach where the City has about fifty-seven (57) cans on the beach and another seventeen on the street. Since no funds for different and more expensive trash cans in the FY19 budget, Interim Administrator Fragoso suggested considering them in the FY20 budget. She stated that the IOP Cleanup Crew has discussed holding a fundraiser, which the City could encourage.

3

Councilmember Kinghorn was interested in knowing the life expectancy for these new cans versus the one (1) the City currently uses. He then suggested that City staff contact the manufacturer and ask that they provide half a dozen on these trash cans with lids; the City will put the cans at Front Beach to see how they hold up during the winter and how the equipment handles them. By spring, the City should have a good basis for determining if they are worth the investment.

Director Pitts noted that the palm trees on the yellow trash barrels have become synonymous with the Isle of Palms.

Councilmember Buckhannon suggested that staff research whether grants were available for this change in trash barrels for the beach, possibly related to beach cleanup, et. al.

F. Update on ditches

1. at 21st – 22nd Avenues
2. at 31st – 32nd Avenues

Director Pitts said that he has contacted Chris Wannamaker, a civil engineer with the Charleston County Stormwater Division, about these two (2) ditches, but he has not heard back from him.

3. between 30th and 31st Avenues on Hartnett Boulevard

Director Pitts reported that he has not contacted Mr. Wannamaker yet about this drainage ditch.

6. New Business

A. Discussion of drainage at 267 Forest Trail

Chair Rice reported that she received a call from a resident who stated that new construction is occurring directly behind her and her neighbor has recently installed a pool; now the back of that area is ponding. The neighborhood asked that this resident contact the City to learn if there was some kind of drain that could be clogged; currently they are pumping the stormwater into the street, which the neighbor across the street is complaining about.

Director Pitts said that he would walk the area with the Chair to get a clear picture of the problem.

Councilmember Kinghorn said that this problem was happening all over the island and that the City should look toward a long-term solution; in his experience, he learned that the contractor was willing to do additional things to insure that the neighbors were satisfied.

B. Discussion of ditches between Hartnett and Wills Way

When Chair Rice and Director Pitts walked this ditch, they learned that years ago, a drainage ditch was there; it was filled in and partially piped. The residents now want the old ditch cleared and the piping removed. Again, Director Pitts said that he would contact Mr. Wannamaker at the County.

C. Discussion of water fountains at Front Beach

This is another topic brought before the Committee at the August meeting, i.e. the City does not have a water fountain at Front Beach where people can fill their water bottles; the Chair noted that the City wants to encourage the use of reusable bottles over plastic bottles.

Interim Administrator Fragoso distributed handouts of two (2) types of water fountains that would fill reusable water bottles. The less expensive of the two (2) is the water fountain outside Council Chambers and at the Rec Center; she commented that the new fountains could replace the fountains at the two (2) public restrooms. The unit in the hallway is advertised as ADA compliant and has one (1) bottle filler and one (1) drinking fountain. The second type is a freestanding unit that is advertised as anti-corrosive and ADA compliant and has two (2) drinking fountains and one (1) bottle filler; it is much more expensive. If Council were to decide to go with the more expensive model, the installation would require plumbing to bring water to it, making for a much bigger project.

Councilmember Kinghorn asked if the Committee would support the water fountain having a corporate sponsor, and the Committee was supportive of the idea.

MOTION: Councilmember Kinghorn moved to have staff to recommend the type of water fountain/bottle filler for the City and to seek a corporate sponsor for it; Chair Rice seconded and the motion PASSED UNANIMOUSLY.

7. Miscellaneous Business – none

Next Meeting Date: 9:00 a.m., Thursday, October 4, 2018 in the Conference Room

Chair Rice asked that the City try to get the word out that recycling is now every other week. Interim Administrator Fragoso reported that the City received two (2) proposals for the outfall project; they will first be evaluated by the Planning Commission and then come to the Public Works Committee.

8. **Executive Session** – not needed

9. **Adjournment**

MOTION: Councilmember Kinghorn moved to adjourn the meeting at 9:38 a.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

Real Property Committee
4:00 p.m., Wednesday, September 5, 2018

The regular meeting of the Real Property Committee was called to order at 4:00 p.m., Wednesday, September 5, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Present for the meeting were Councilmembers Ferencz and Ward, Chair Bell, Interim Administrator Fragoso, and City Clerk Copeland.

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

2. Approval of Previous Meeting's Minutes

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

3. Citizens' Comments – none

4. Comments from Marina Tenants

Michael Fiem of Tidal Wave Watersports took the opportunity to remind everyone about the IOP Residents Appreciation Day planned for Saturday, September 8th when residents will be able to enjoy the activities provided by Tidal Wave for free; he did note that parasailing was already booked up for the day. Donations will be encouraged since one hundred percent (100%) will go to the MUSC Shawn Jenkins Childrens Hospital.

Brian Berrigan, Marina Manager, announced that all of the marina tenants will be holding a Marina Festival on Sunday, November 4th from noon until 7:00 p.m. in partnership with the IOP Exchange Club and all residents are encouraged to attend. The money raised from the raffle items will go to a worthy cause.

Mr. Berrigan also recalled that in May or June the Committee asked that he compile a list of needed projects at the marina and the list was included in the meeting packet; he stated that some of the things on the list were already happening, for example, the replacement of the floats under the docks. He pointed out that, after each item, he had indicated the party responsible for the project, i.e. the tenant or the City or a combination of the two (2); he added the certain items marked tenant and City might be something the tenant would pay for, and the City would obtain the necessary permit(s). He also informed the Committee that the list was prioritized.

5. Old Business

A. Consideration of Morgan Creek Grill lease renewal and extension

When Councilmember Ferencz moved to recommend to City Council the acceptance of the Morgan Creek Grill lease as presented, it failed for lack of a second.

MOTION: Councilmember Ferencz moved to recommend to City Council to open up the leases for Morgan Creek Grill and Tidal Wave Watersports for bid and to complete the process prior to the expiration of the current leases, i.e. within 2 years; Councilmember Ward seconded.

Councilmember Ferencz questioned the need for discussion with Morgan Creek representatives when the Committee was recommending that the leases go out for bid, but Chair Bell opined that the Committee should listen to Morgan Creek's representatives explain their position on the lease.

Councilmember Ferencz and Councilmember Ward respectively withdrew the motion and second.

The Chair then suggested that Morgan Creek Grill representatives Jay Clark, restaurant owner, John Dodds, attorney, Peter Kent, CPA and Carla Pope, Operations Manager join the discussion.

Mr. Kent stated that the salient points of the lease were the same terms as the original lease for eighteen (18) years with five (5) three (3) year extensions; the lease proposed a reduction in the rent of ten thousand dollars (\$10,000) per month for the first two (2) years with an increase in year 3 by the CPI. He also stated that they have informed the City on numerous occasions about the condition of the walk-in freezer and that, according to their current lease, the walk-in freezer owns to the City; DHEC has examined the walk-in in recent months and "expressed grave concerns" about it. A local contractor has looked at it and concluded that the structural repairs are needed as well. He opined that, based on the DHEC report and the local contractor's comments, the walk-in freezer will not survive the lease that expires on October 1, 2020 and, likely, not through this fall. Also included in the proposed lease extension is that the restaurant will pay the upfront costs associated with replacing the walk-in, roughly one hundred ten thousand dollars (\$110,000) for a period of five (5) years, in exchange for rent abatement of two thousand eighty-eight dollars (\$2,088) per month for a period of five (5) years to cover that cost. The extended lease would be a triple-net lease where the tenant would be responsible for all repairs and maintenance to the building, taxes and insurance on the building and grounds; the City would remain responsible for the building's foundation, the bulkhead and retaining walls. He stated that a local appraiser has reviewed the property and the bulkhead, and then compared it to other local properties that are similar and determined that the lease as proposed is fair to both the City and the restaurant.

Mr. Kent stated that the restaurant's ability to borrow is being negatively impacted by the expiring lease, and the building is reaching a state of disrepair and requires constant attention, but the tenant cannot afford to make the repairs at this point.

Ms. Pope was clear that, with only two (2) years remaining on the lease and no extension, the management does not have the financial resources or the desire to keep up with the maintenance or to make improvements to the building. In the four plus (4+) years they have been seeking a lease extension from the City, several Councilmembers assured them that they would get a lease, but they never anticipated that it would be through an RFP. She also stated that, to the best of her knowledge, the other long-term lease extension was not put out for bid and that she did not think that MCG should be punished for actions Council took with other tenants. With the uncertainty surrounding the future of Morgan Creek Grill, she and Mr. Clarke are bombarded daily with concerns and questions from employees, residents, the bank and other patrons. She stressed that they are willing to negotiate the terms and cooperate with the City; she noted that, if terms were to be negotiated, they needed to begin soon in order to replace the walk-in freezer. The job to replace the freezer and correct the structural issues in the off-season would require a

six-week (6 wk.) lead time to get the equipment, and it will a strategic operation to avoid closing the restaurant and losing revenue for a period of time.

Mr. Clarke commented that Morgan Creek is a large building that requires constant maintenance and the time is coming when it will be unsustainable. He stated that they would not be able to wait out an RFP process, and he felt that it was very unfair for the City to go through that process when they have heard little discussion of it until recently. He again contended that "it was indicated to [them] so many times on record that Morgan Creek Grill would get a lease extension because the City wanted them as tenants." He stated that MCG has cooperated with the City on numerous occasions, not the least of which was the noise situation several years ago and which had a huge impact on their revenue.

Chair Bell recalled speaking out a Council meetings in the past "railing against awarding bids that [he] did not think were fair market value that put the City at financial disadvantage." He expressed empathy for MCG, but he thought that the solution to the walk-in freezer issue was not a long-term lease. He reiterated his opinion that, because of the other long-term lease, which he strongly opposes, the City loses money on the marina, i.e. it is a deficit spending program for the City. As Chair of the Committee he was trying to seek out all of the options for the City, and he encouraged Mr. Clarke to participate in the RFP process.

Chair Bell also stated that he learned from the Interim Administrator that the Committee/City was not compelled to accept the low bid.

Attorney Dodds commented that they have been meeting with the Real Property Committee for four (4) years in an effort to get the same considerations that were afforded another marina tenant, but, in his opinion, MCG was being singled out and was being treated differently since no RFP was needed to award those two (2) leases. He stated that he thought the difference in treatment was a violation of the Equal Protection Clause. He noted that the RFP process was a long one (1) and that they had decisions they needed to make.

As to the difference in treatment, Councilmember Ferencz explained that the long-term leases at the marina were given by a decision of a different Council and was one (1) of the decisions that cost them their Council seats. The present Council was elected to listen to and to act in favor of the residents.

Mr. Dodds stated that "the City of Isle of Palms, acting through its Council, is treating Morgan Creek differently than it has treated two (2) other marina tenants, and I [Mr. Dodds] would respectfully tell you that I don't think the you [the City] can argue the sentiment of a vote, which changed a couple of Councilmembers, as a legal basis to treat us [MCG] any differently than the other two (2) tenants."

Ms. Pope interjected that they were asking for a lease that was reasonable; she thought the number of years was reasonable and that the rent requests were reasonable. She opined that the Committee should consider the amount of revenue that MCG pays into the City via hospitality taxes, sales taxes, rent, etc., as well as the goodwill the restaurant creates for the City the proposed lease is reasonable. She asked for them to be told what the City wanted them, as a business, to do in order for the lease to be extended.

Mr. Clarke reported that the restaurant represented fifty-one percent (51%) of the marina revenue and are on one-sixth (1/6) of the footprint. He stated that the appraiser the restaurant hired was an objective third party. He expressed the belief that MCG has done everything it could think of

to be a good tenant and have cooperated at every single request from the City. He stated with confidence that the citizens want a restaurant at the marina; he thought MCG was doing a good job, but added that they could do better. He noted that the walk-in freezer was not the only problem and that the building needed a new roof because it leaks upstairs.

Chair Bell stated that he did not find the lease term in the proposed lease to be reasonable; he, therefore, asked Mr. Clarke if, internally, they had discussed a lesser term lease. He opined that this lease as presented would not be acceptable to anyone on the Committee; he noted that the wanted to add party boats off the docks. The Chair asked where the party-goers would park.

Ms. Pope repeated that MCG was willing to negotiate, and, if the party boats were an issue, they were willing to strike it out.

Mr. Clarke told the Committee that they had discussed a lesser term and they were willing to negotiate a compromise. He reported that they had presented the previous Real Property Committee with a list of on-going maintenance that needs to be done, and MCG could get a reasonable extension for them to do the work or the City could face those issues in two (2) years.

Mr. Dodds was pleased to hear some of the Committee's specific concerns so that they might present another lease that the Committee might find more acceptable. He indicated that Mr. Clarke was planning to invest a large sum of money into the building that would be to the City's benefit, and he thought that ten (10) years might be do-able.

Councilmember Ward said that he gets many phone calls whenever the City awards a sole source contract; residents perceive sole source contracts as Council giving an entity special treatment and not searching for the best deal for the City. He asked the Morgan Creek representatives if they would benefit from the City's putting out the RFP as soon as it could be generated.

Mr. Dodds reiterated that the restaurant wants the same considerations that were given to the other two (2) major tenants at the marina who were given long-term leases without the City issuing an RFP, and it looks and feels very unfair.

Chair Bell stated that he ran for office on the issues at the marina; he opined that the previous Council took the marina from the residents of the island and commented on the number of businesses operating at the marina. He noted that every incumbent was voted out of office due to prior decisions; this Council feels an obligation to do things differently. He stated that he feels compelled to issue an RFP and that a good, long-standing tenant would "be given consideration over and above an unknown entity."

Mr. Clarke repeated that, for the restaurant, time was of the essence; he stated that MCG had been asked to delay bringing a proposal before the Committee until the fall, but the need to replace the walk-in freezer was immediate. He commented that the Real Property Committee has never come back to MCG with what they wanted or would require in order to grant an extension to the lease.

Referring to the need to replace the freezer, Chair Bell asked if it would be possible "to amend the current lease so that, when it expires, they would either have a new lease or the City would assume the responsibility for the balance of the payments."

Referring to Section 6 of the Morgan Creek Grill lease, Interim Administrator Fragoso read that they "are responsible for any and all repairs, maintenance and replacements for ordinary and

extraordinary.” She continued that one (1) of the exhibits attached to the lease does list the walk-in freezer as a City asset, but, according to the lease, MCG is responsible for “all maintenance, repairs and replacements.” This has been the City’s position for a long time. She suggested that the City might benefit in getting an independent assessment of the freezer to see if repairs could be made that would repair it temporarily and sustain it for two (2) additional years assuming that the will of Council is to go out to bid on these two (2) leases. Doing that would keep the restaurant operating and would give the City time to issue the RFP.

Chair Bell confirmed that the building has sustained structural damage under the walk-in freezer.

Ms. Pope stated that they have maintained the walk-in, but it is past its life expectancy. Mr. Clarke said that they have made temporary structural repairs to the building as well.

When asked if the City could do anything for MCG, Interim Administrator Fragoso stated that she would need time to discuss the issue with the City staff to see what options would be open to the City and with the City Attorney to insure that anything the City might do would not jeopardize other City agreements.

The Chair reported that the City has not spent or fully allocated the two hundred fifty thousand dollars (\$250,000) in the FY19 budget for marina improvements, but he was not advocating for spending one hundred ten thousand dollars (\$110,000) to replace the freezer. He indicated that he would support a time-based payment plan similar to what the City is doing on the fire truck.

The Interim Administrator clarified that the two hundred fifty thousand dollars (\$250,000) were earmarked for marina dock improvements, but she assured the Chair that they would consider his suggestion. She also explained that anything the City would do would be an unbudgeted expense.

Councilmember Ferencz expressed sympathy with the level of frustration the people from Morgan Creek Grill must feel and thought that they deserved to know the City’s intentions for the restaurant. She asked her fellow Committee members if they wanted to present to City Council to accept an extension of the lease as negotiated and with other changes or to present to Council that the Committee wants to take this time to go out with an RFP and expedite that process so that MCG would know their future.

The Chair expressed that he would not be opposed the City negotiating a lease with terms that were acceptable to the City and turn the negotiating over to the administrative staff. He stated that he was also not opposed to putting the question of a lease extension before Council; he remarked that a lot of time could be devoted to a negotiation and Council could say that they were not moving forward on the extension without a bid.

Interim Administrator Fragoso expressed her understanding of the discussion as being that the Committee wanted to get the opinion of the full Council before any work is done by staff in terms of negotiating a contract. She stated that the Committee could wait until the end of the month for the regular Council meeting or present the issue to the Ways and Means Committee or hold a Special Meeting with only this item on the Agenda. Council would be sent the proposal as presented and make a decision about whether they want to negotiate it or if the will of the group was to issue an RFP; the Special Meeting would be the most time-efficient way to move forward.

Councilmember Ward asked what the minimum lease terms were that the bank would prefer.

Mr. Kent thought they were looking for a term of fifteen (15) years based on some of the major work they would be doing, i.e. replace the walk-in freezer, replace the roof, and much more.

Chair Bell changed Councilmember Ward's question to what was the minimum term they would accept.

Mr. Clarke said that they considered all of the issues in preparing the lease proposal before the Committee, and it was the best proposal in the City's interests and the restaurant's interests. He added that some things could be negotiated, but those were the typical terms; he stated that Mr. Kent had several other restaurants as clients and that the Committee might find it valuable to read Mr. Guerry's report. He liked the idea of a Special Meeting because, as a restaurant, they need to know as soon as possible. He expressed concern that DHEC would close the restaurant if the walk-in was not replaced soon; if that happens, they will lose employees and would have to close to do that work. He also felt confident that the walk-in was still listed as a City asset.

The Chair said that the issue of their lease would be on the Ways and Means Agenda for September 18th at 5:00 p.m.

B. Update on unlicensed businesses operating out of the IOP Marina with no lease with City or Marina Manager

Interim Administrator Fragoso stated that she does not have an update on this subject, but she is continuing discussions with the City Attorney.

C. Update regarding 1100 Palm and right-of-way on Pavilion Drive

The Interim Administrator reported that the City had completed a survey to delineate the right-of-way; upon receipt of the survey, the City sent a letter to SCDOT requesting a quit claim deed and plans to send the same request to The Beach Company. Once the City is in possession of both documents, she will present to the Committee the options the attorney has suggested.

D. Update on Marina Operations

Chair Bell believed that, looking at the marinas in its entirety, Council has a number of issues to address and citizens' concerns. He expressed appreciation for the updated numbers he received from the Marina Manager, but he still struggled with them. He continues to be convinced that an excessive number businesses operate out of the marina, but he believes that will be the situation until the marina manager provides some remuneration. By the City's eliminating marina parking on 41st Avenue and on Waterway Boulevard, the parking issues will only be exacerbated. A determination of who is using the marina, residents or non-residents, will provide the basis for Council's decisions about how much money it is willing to invest in it. The question is whether Council will be able to return some residential value to the residents or for Council to accept that the City is in the business of leasing commercial property to commercial entities.

Gray Taylor, Mr. Berrigan's attorney, stated that they had corrected the error in the information provided earlier, and he noted that the leases for the marina operation and the marina store run until 2045. He commented that the City, and particularly this Committee, continues to try to micro-manage these commercial leases and he stated that it had to stop. He said that he wished he could send the Committee the bill for answering the City's "interrogatories;" he remarked that he and Mr. Berrigan answered each and every question. Mr. Taylor told the Committee that the issue was not about resident versus non-resident use; he explained that the City has an obligation

as a landlord to do a lot of things under the lease. Mr. Berrigan has continued to provide pictures and reports since 2011, but nothing has been done. He said that the City must live up to its obligations.

Chair Bell replied that the City was entitled to all records and receipts as related to the profit generation at the marina, and City was entitled to the information under discussion and was entitled to come in on demand to inspect those records.

Councilmember Ward interrupted to say that the discussion should not continue without the City's legal counsel present.

Mr. Berrigan stated that the new launch data was sent to Interim Administrator Fragoso as a topic of conversation when he met with her to let her know exactly what went wrong with the classification of certain numbers. He was clear that it was not intended to become a part of the Real Property public record. He agreed that the City had the right to come in per the lease and that he was responsible for providing the City with the financial reports at the end of his fiscal year, which is the end of September. He stated that, if he had known that information was to become part of the record, he would have had his accountant in attendance today.

In explaining the problems with the numbers, Mr. Berrigan stated that, up until 2007 when he took over the store, all of the launch passes and parking ran through the dock office, and he offered the opportunity of selling launch passes to the previous owners and let them keep ten percent (10%), which they declined. When he took over the store, he instituted that program, but he did not itemize between parking resident and non-resident launches. He indicated that the issue never came until Chair Bell brought up last year. At the beginning of 2018, he added keys to the register that differentiated between parking resident and non-resident launches; however, at the end of the month when the report goes out it all gets lumped into parking. Marina Market writes Marina Joint Ventures a check for ninety percent (90%) of what they took in, and the Marina Market retains the ten percent (10%); she coded it to non-resident and it skewed the numbers and he did not catch the mistake in an effort to get it to the Interim Administrator quickly. He assured the Committee that the information would be correct when he turns in the year's final numbers.

With other major issues facing the City, Council intends to put choice points before the residents on how the City spends money going forward, and, if the residents do not support the investment of City funds into the marina, then the Committee was not likely to recommend spending significant funds at the marina.

Mr. Taylor said that the question was not one of desire but a question of the City's contractual obligation; an obligation it is not living up to at this point. That is the concern of the management of the marina; since 2011, the only thing that has been done at the marina is the rehabilitation of the bulkhead.

Prior to ending the discussion, Mr. Berrigan stated that he becomes quite irritated when he hears that the City awarded him a no-bid thirty (30) year lease, because records show that the marina management went out for bid many times over the years. He stated that he had seventeen (17) years remaining on his lease when Council voted 7 – 2 to extend it another thirteen (13) years for a total of thirty (30) years. In his extension, he took everything the City was to be responsible for relative to the store out of the lease and made them the lessee's responsibility, and he stated that, in the past three (3) years he has spent in excess of one hundred thousand dollars (\$100,000) on the store.

Councilmember Ferencz called a *point of order* to ask the other Committee members if the time had come when the City should contract for full audits of the four (4) major tenants at the marina.

Councilmember Ward responded that the answer was dependent on the terms of the leases.

Interim Administrator Fragoso noted that funds were identified in the FY19 budget for audits of the marina tenants.

MOTION: Councilmember Ferencz moved to recommend to the Ways and Means Committee that the City contract with a firm to conduct an audit of all major entities at the marina; Chair Bell seconded and the motion PASSED UNANIMOUSLY.

6. New Business

A. Discussion of long-term vision for the IOP Marina

At the request of the Chair, this discussion item will be on a future agenda.

B. Consideration of proposal from Coastal Science and Engineering (CSE) for annual island-wide and post-project monitoring services from 2019 – 2023

The Interim Administrator commented that Steven Traynum from CSE would be joining the discussion. She noted that a copy of the proposal for post-project and annual island-wide monitoring was included in the meeting packet; the proposal includes three (3) different activities. One (1) is for the post-project survey and sediment sampling that is required by the regulating agencies, annual reporting on the beach volume changes and nourishment performance, and compaction monitoring. The second activity is for the annual survey and monitoring of the entire shoreline that includes activities associated with post-storm surveying to assist with getting FEMA reimbursements.

An issue before the Committee is whether it wants to award a sole source contract for these activities. Interim Administrator Fragoso opined that the City would benefit with a sole source contract for the required post-project monitoring for the 2018 project due to their intimate knowledge of it.

The Committee agreed that the post-project monitoring was a continuation of the project and, therefore, should be a sole source award. They agreed to bid the monitoring of the entire shoreline and the non-project portion of the beach.

According to the Interim Administrator, the post-project monitoring is required for a period of five (5) years, and the proposal is for one hundred eighteen thousand one hundred eighty-two dollars (\$118,182). The amount budgeted is two hundred thousand dollars (\$200,000).

MOTION: Chair Bell moved to award a sole source contract to CSE for the permit required monitoring of the 2018 project; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

After explaining CSE's role in more detail, Mr. Traynum reported that they were in the process of writing the report on the off-shore project and that it should be in Council's hands shortly. The contract for the dune vegetation was signed today, but they will wait to plant until the paths of

storms currently in the Atlantic are more defined. He also reported that CSE has six (6) interns from Delta University in The Netherlands who will come to the Isle of Palms for a couple of months studying things that are happening on the beach.

C. Discussion of alternatives available to optimize the municipal parking lot on Pavilion Drive

At the request of Councilmember Kinghorn, this item was added to the Agenda, and Chair Bell indicated that he thought it was worthy of consideration. Councilmember Kinghorn's suggestion was to issue a Request for Information to see what possibilities were available; it would not cost the City anything, would not be binding and could bring forward some good ideas.

Interim Administrator Fragoso recommended that the City should set general parameters it would accept.

7. Miscellaneous Business

All of the City's tenants were current in the rent obligations to the City.

Next Meeting Date: 4:00 p.m., Wednesday, October 3, 2018 in the Conference Room.

8. Executive Session – not needed

9. Adjournment

MOTION: Councilmember Ferencz moved to adjourn the meeting at 5:28 p.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

ORDINANCE 2018-__

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 2, ANIMALS, ARTICLE B: DOGS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO REQUIRE ALL DOGS, RESIDENT AND NON-RESIDENT, TO HAVE A WRITTEN PERMIT FROM THE CITY AND TAG AT A COST OF \$5 FOR RESIDENTS AND \$10 FOR NON-RESIDENTS TO SERVE AS PROOF OF RABIES INOCULATION AND TO ADOPT LANGUAGE IN THE ORDINANCE TO REQUIRE PROOF OF CURRENT RABIES INOCULATION.

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

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

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

It shall be unlawful for any person, resident or visitor, to own, keep, harbor or allow a dog within the City limits, exercise, walk, or allow a dog on public properties without a written permit from the City. Each permit shall be valid for one calendar year commencing January 1 of each year, and no longer.”

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

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

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

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

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

(C) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal tag bearing the same number and year as is on the

certificate. The metal license tag shall bear the name of the veterinarian and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag have been issued. Tags must be of the same color and shape when issued in offices of veterinarians.

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

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

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

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

SECTION 3. That Section 6-2-13, is hereby amended to state as follows:

“Sec. 6-2-13. – Tags Issued; records.

The City shall annually provide a sufficient number of stamped metal tags suitable for dogs to be fastened to the animal's collar, numbered from one upwards, stamped "dog permit" and the year of issue. This tag and the written permit shall be delivered to the person owning, keeping or harboring the dog. The name and address of each party to whom such permit and tag has been issued shall be kept on file by the City, for the purpose of identification in case such tags should at any time be lost, stolen or otherwise misappropriated. The cost of the tag will be Five (\$5.00) Dollars for residents and Ten (\$10.00) Dollars for non-residents.”

SECTION 4. That Section 6-2-14, is hereby amended to state as follows:

“Sec. 6-2-14. - Removal of tag from dog prohibited.

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

SECTION 5. 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 as of January 1, 2019.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

Sec. 6-2-11. - Permit required; Term.

It shall be unlawful for any person, resident or visitor, to own, keep, harbor or allow a dog within the City limits, exercise, walk, or allow a dog on public properties without a written permit from the City.
Each permit shall be good for one year from the date it is issued.

Deleted: It shall be unlawful for any person to own, keep or harbor a dog within the City without a written permit from the City.

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(Code 1970, § 5-4; Code 1994, § 6-2-11; Ord. No. 2004-4, § 1, 5-25-2004)

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

Deleted: ; term

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

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

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

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

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

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

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

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

(Code 1994, § 6-2-12; Ord. No. 1994-4, 4-26-1994; Ord. No. 2004-4, § 2, 5-25-2004)

Sec. 6-2-13. - Tags Issued; records.

Deleted: Before issuing the permit required by this article, the City shall require the applicant to show proof of a current, valid rabies inoculation signed by a licensed veterinarian. Each permit shall be good for one (1) year from the date of its issue, and no longer. ¶

The City shall annually provide a sufficient number of stamped metal tags suitable for dogs to be fastened to the animal's collar, numbered from one upwards, stamped "dog permit" and the year of issue. This tag and the written permit shall be delivered to the person owning, keeping or harboring the dog. The name and address of each party to whom such permit and tag has been issued shall be kept on file by the City, for the purpose of identification in case such tags should at any time be lost, stolen or otherwise misappropriated. The cost of the tag will be Five (\$5.00) Dollars for residents and Ten (\$10.00) Dollars for non-residents.

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(Code 1994, § 6-2-13; Ord. No. 1994-4, 4-26-1994; Ord. No. 2004-4, § 3, 5-25-2004)

Sec. 6-2-14. - Removal of tag from dog prohibited.

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

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(Code 1970, § 5-7; Code 1994, § 6-2-14; Ord. No. 1994-4, 4-26-1994)

Sec. 6-2-15. - Running at large prohibited; exceptions.

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

(Code 1994, § 6-2-15; Ord. No. 1994-4, § 34, 4-26-1994; Ord. No. 2000-17, § 1, 12-12-2000; Ord. No. 2006-6, § 1, 5-23-2006; Ord. No. 2009-16, § 1, 11-17-2009; Ord. No. 2013-06, § 1, 5-28-2013)

Secs. 6-2-16—6-2-21. - Reserved.

Sec. 6-2-22. - Violation, impoundment, penalties.

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

(Code 1994, § 6-2-22; Ord. No. 1994-4, 4-26-1994; Ord. No. 1997-7, 6-24-1997)

Sec. 6-2-23. - Dogs not to disturb protected species and habitats.

In addition to the requirements of section 6-2-15(a), no person shall allow a dog to disturb protected species and habitats, as follows:

- (a) It shall be unlawful for any person to allow a dog to disturb nesting sea turtles, turtle nests or turtle hatchlings.

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

(Code 1994, § 6-2-23; Ord. No. 1994-4, 4-26-1994; Ord. No. 1994-7, 5-24-1994)

Secs. 6-2-24—6-2-30. - Reserved.

ORDINANCE 2018-__

AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, ARTICLE B: RESIDENT PARKING DISTRICTS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO CHANGE VISITOR DAILY PARKING PASSES TO ANNUAL, MULTI-USE PASSES BY ELIMINATING THE EXPIRATION AND TAG NUMBER AND LINKING THE NUMBER ON THE PASS BOOKLET TO THE ADDRESS TO WHICH ASSIGNED AND TO AMEND THE PARKING ORDINANCE TO ALLOW 2 FREE VISITOR PASS BOOKLETS PER HOUSEHOLD PER YEAR.

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 8-2-25(b), is hereby amended to state as follows:

“(b) Visitor permits. Each residence located within a resident parking district may be entitled to two (2) books of thirty (30) visitor annual multi-use passes per calendar year free of charge upon approval by the Police Department. Said permits may be used at any time additional parking is required at the residence. Additional books of permits shall be available for purchase for fifteen dollars (\$15.00) per book upon approval by the Police Department. Each permit shall identify the property address of the residence for which it was issued.”

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

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

SECTION 4. That this Ordinance take effect and be in full force as of January 1, 2019.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

Sec. 8-2-25. - Issuance of special permits.

- (a) Health care services permits. On application accompanied by a doctor's statement, the Police Department is authorized to issue temporary permits for health care services to residents of a resident parking district where no off-street parking is available, and when constant health care at the resident's residence is required by a licensed physician. Only one (1) such permit shall be issued for any residence at any one (1) time and shall be valid for a specified duration of time. Such permits shall be free of charge.
- (b) Visitor permits. Each residence located within a resident parking district may be entitled to ~~two (2)~~ books of thirty (30) visitor ~~annual multi-use passes~~ per calendar year free of charge upon approval by the Police Department. Said permits may be used at any time additional parking is required at the residence. Additional books of permits shall be available for purchase for fifteen dollars (\$15.00) per book upon approval by the Police Department. Each permit shall identify the property address of the residence for which it was issued.
- (c) Short-term rental permits. Owners of short-term rental properties may, upon application and approval by the Police Department, be entitled to purchase up to four (4) portable parking permits per calendar year for fifteen dollars (\$15.00) each for short-term rental tenants to use where no adequate off-street parking is available on the property. Prior to issuance of a permit, the Police Department may require an exterior inspection of the short-term rental property to determine the maximum number of vehicles permitted pursuant to section 5-4-204, the availability of off-street parking spaces on the property, and the space available on the right-of-way along the street adjacent to the property.
- (d) Contractor permits. On application by a licensed contractor, the Building Department is authorized to issue temporary permits for contractor vehicle parking for any construction projects requiring a building permit on residential properties located within a resident parking district. Such contractor permits shall be subject to any conditions as may be required by the Building Department.
- (e) The special permits provided for in paragraphs (a) through (d) of this section will only be valid if:
- (1) The vehicle is parked along the right-of-way of the street in the immediate vicinity of the residence for which it was issued;
 - (2) All required information is correctly provided on the permit in ink;
 - (3) The permit is displayed in a manner prescribed by the Police Department;
 - (4) The permit is free from alteration and is clearly visible; and
 - (5) The vehicle is not parked in violation of any parking regulation posted on the street or otherwise provided in this chapter.

(Ord. No. 2017-02, § 3, 3-21-2017)

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From: ["Jimmy Carroll"](#)
To: ["Desiree Fragoso"](#)
Subject: Fwd: Lowcountry Mayors' Disaster Relief Fund
Date: Friday, September 21, 2018 11:08:21 AM

Get [Outlook for iOS](#)

From: 30442372000n behalf of

Sent: Tuesday, September 18, 2018 1:18 PM

To: 'tecklenburgj@charleston-sc.gov'; 'mayorjohnson@summervillesc.gov';
'ghabib@cityofgoosecreek.com'; 'tgoodwin@cityoffollybeach.com'; "Jimmy Carroll";
'whaynie@tompsc.com'; 'mayor@northcharleston.org'

Subject: Lowcountry Mayors' Disaster Relief Fund

Dear Lowcountry Mayors,

Thank you so much for your leadership and arranging this morning's press conference. In your remarks, each of you noted that we have been in the shoes of communities being significantly impacted by Florence. And we are fortunate to have the ability to provide nimble financial support to address their immediate needs. The Lowcountry Mayors' Disaster Relief Fund will prove necessary and integral to many of our neighbors relief and recovery efforts.

Each of your communities have given supplies and aid to others. Our experience has shown that when we make fundraising appeals in these circumstances, we often hear the same two questions: (1) is all of the money going to relief and (2) have 100% of the leaders of the Fund contributed? Having the ability to answer 'yes' to both questions can be a key factor in encouraging donors (individuals and businesses) to give. I am respectfully asking each of you to contribute \$5,000.00 from your local budgets to this Fund.

Again, many thanks for your leadership and support. As a native Charlestonian, it gives me such pride to see all of our neighboring communities and local governments working together. It's just one more reason why our area is incredibly special and blessed.

Thanks,

Darrin Goss
President & CEO

Coastal Community Foundation of SC

635 Rutledge Avenue, Suite 201, Charleston, SC 29403

Phone: 843-723-3635

Cell: 678-778-5525

www.CoastalCommunityFoundation.org

Give Back. Look Forward.