City Council
6:00 p.m., Tuesday, October 23, 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 September 25, 2018
Special Meeting of October 8, 2018

3. **CITIZENS' COMMENTS**

4. **Swearing in of New Employee**
Chris Bullock - Firefighter

5. **REPORTS FROM STANDING COMMITTEES**

A. **Ways and Means Committee**

1. Authorization of a survey and appraisal, at the owner's expense, of the structure at 1100 Palm Boulevard as defined by the physical foot print and 5 feet of steps in such a way that will allow for the conveyance of the property to the current owner to allow him to get a clear title
2. Award of a contract to South East Sports & Play in the amount of $62,000 to replace the floor of the gymnasium, with offsetting PARD grant of $13,000 (Capital Projects Fund, pg 23, ln 62 – Recreation Department Maintenance - $62,000 with $13,000 offset of PARD grant)
3. Award of a 3-year rental contract to NOVAtime for bio-metric time and attendance software and hardware with first year cost of $14,694 (Capital Projects Fund, General Government, Capital Outlay, pg 22, ln 27 - $28,000)
4. Approval of Change Order #5 from IPW Construction Group, LLC in the amount of $51,450 for additional existing utility survey and location work for Phase II Drainage project. (Capital Projects Fund, Public Works, Capital Outlay, pg 23, ln 53 - $1,461,104 and Muni ATAX, Public Works, Capital Outlay, pg 25, ln 120 - $582,102)
5. Approval of Change Order #6 from IPW Construction Group, LLC in the amount of $69,739.50 for required depth adjustments to the drainage line running down Palm Boulevard to the pond within Wild Dunes, and to the lines on 46th, 49th, 51st and 52nd Avenues for Phase II Drainage project (Capital Projects Fund, Public Works, Capital Outlay, pg 23, ln 53 - $1,461,104 and Muni ATAX, Public Works, Capital Outlay, pg 25, ln 120 - $582,102)

B. **Public Safety Committee**

C. **Public Works Committee**

D. **Recreation Committee**

E. **Personnel Committee**

Approval of revised Employee Handbook

September Safety Sweepstakes Winners

Building Department – Nicole Morris Police Department – Pfc. Thomas Moline
Fire Department – Battalion Chief James Giddens Public Works – Tony Sease

F. **Real Property Committee**

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 in process
  1. Update on Drainage Outfall RFP
  2. Update on Memorandum of Understanding

7. REPORTS FROM SPECIAL OR JOINT COMMITTEES – None

8. PETITIONS RECEIVED, REFERRED OR DISPOSED OF – None

9. BILLS ALREADY IN POSSESSION OF COUNCIL

SECOND READING 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. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS

FIRST READING 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.

11. MISCELLANEOUS BUSINESS

Next Meeting Date – 6:00 p.m., Tuesday, November 27, 2018 in Council Chambers

12. 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, October 23, 2018

The regular meeting of City Council was held at 6:00 p.m., Tuesday, July 23, 2018 in Council Chambers, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Interim City Administrator Fragoso, Assistant Attorney Copeland, and City Clerk Copeland; a quorum was present to conduct business.

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

2. Reading of the Journal of Previous Meetings

MOTION: Councilmember Bell moved to approve the minutes of the regular meeting of September 25, 2018 and Special Meeting of October 8, 2018 as submitted; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments – None

4. Swearing-in of New Employee

MOTION: Councilmember Ward moved to appoint Chris Bullock as a new firefighter for the City of Isle of Palms; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

5. Reports from Standing Committees

A. Ways and Means Committee

Reporting on the meeting of October 16, 2018, Councilmember Ward stated that General Fund Revenues were at thirteen percent (13%) of budget, which was normal for this period, and General Fund Expenditures were at twenty-three percent (23%) of budget, which was the same as in FY18. Total City Funds were approximately sixteen million dollars ($16,000,000), with General Fund Cash at approximately two million three hundred thousand dollars ($2,300,000) or twenty percent (20%) of the General Fund budget. The Beach Preservation Fee Fund mirrors the Municipal ATAX Fund, and both were running nine percent (9%) ahead of FY18. With only one (1) month of Local Options Sales Taxes, the fund was six percent (6%) higher than the same month in FY18. The schedule of parking revenue shows that collections continue to decline while the number of transactions increases; in comparison to FY18, parking revenue is down approximately one hundred seventeen thousand dollars ($117,000) or seventeen percent (17%). Chair Ward stated that the City has not yet received the Engagement letter from McCay Kiddy for the agreed upon procedures for the tenants of the Isle of Palms Marina.

1. **Authorization of a survey and appraisal of the structure at 1100 Palm Boulevard as defined by the physical foot print and 5 feet of steps in such a way that will allow for the conveyance of the property to the current owner to allow him to get a clear title**

Councilmember Ward explained that, in May, the City was made aware that approximately one-third (⅓) of the structure located at 1100 Palm was encroaching into the right-of-way which belongs to the City, and the owner has asked for the City to convey that area to him so that he can get clear title to the property and sell it. At that time, the City did what it was legally required to do to obtain a quick claim deed from SCDOT and The Beach Company.

The Interim Administrator recalled that this item was discussed at the Ways and Means Committee meeting last week and unanimously approved. Since then, the City has received a request from the owner that, since he would be paying for the services, he should be allowed to select the surveyor, appraiser and the attorney to keep the expenses low.

Councilmember Kinghorn said that he was opposed to that proposal; City staff should make the decisions on whom to hire and the owner will pay the bill.

According to Councilmember Bell, two (2) issues were discussed; they were that the expenses incurred to this point on 1100 Palm would be paid by the City and that the expenses incurred after October 16, 2018 would fall to the property owner. He indicated that the subject of the expenses to-date was not acted upon and still needs to be decided. Councilmember Bell voiced concern that the appraisal of the five hundred fifty square feet (550 sq. ft.) included in this motion will set the price for additional land should there be a subsequent request.

Mayor Carroll commented that the value at 1100 Palm was in the land, not in the structure.

MOTION: Mayor Carroll moved to authorize a survey and appraisal, at the owner's expense, for the portion of the property at 1100 Palm that encroaches into the right-of-way and the 5 feet of exterior stairs, as well as any legal expenses incurred; Councilmember Rice seconded.

AMENDMENT: Councilmember Bell offered an amendment for the City to choose the appraiser; Councilmember Rice seconded and the amendment PASSED UNANIMOUSLY.

VOTE on Amended Motion: The amended motion PASSED UNANIMOUSLY.

2. Award of a contract to South East Sports & Play in the amount of $62,000 to replace the floor of the gymnasium, with offsetting PARD grant of $13,000 (Capital Projects Fund, pg 23, ln 62 – Recreation Department Maintenance - $62,000 with $13,000 offset of PARD grant)

MOTION: Councilmember Kinghorn moved to award a contract to South East Sports and Play in the amount of $62,000 as detailed above; Councilmember Moye seconded and the motion PASED UNANIMOUSLY.

3. Award of a 3-year rental contract to NOVAtime for a bio-metric time and attendance software and hardware with first year cost of $14,694 (Capital Projects Fund, General Government, Capital Outlay, pg 22, ln 27 - $28,000)

MOTION: Councilmember Ward moved to approve a 3-year rental contract with NOVAtime for time and attendance software and hardware with a first year cost of $14,694; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

4. Consideration of change order from IPW Construction Group, LLC in the amount of $51,450 for additional existing utility survey and location work for Phase II Drainage project. (Capital Projects Fund, Public Works, Capital Outlay, pg 23, ln 53 - $1,461,104 and Muni ATAX, Public Works, Capital Outlay, pg 25, ln 120 - $582,102)

5. Consideration of change order from IPW Construction Group, LLC in the amount of $69,739.50 for required depth adjustments to the drainage line running down Palm Boulevard to the pond within Wild Dunes, and to the lines on 46th, 49th, 51st and 52nd Avenues for Phase II Drainage project (Capital Projects Fund, Public Works, Capital Outlay, pg 23, ln 53 - $1,461,104 and Muni ATAX, Public Works, Capital Outlay, pg 25, ln 120 - $582,102)

MOTION: Councilmember Rice moved to approve Change Order #5 and #6 to IPW Construction to locate conflicting utility lines and to install drainage pipes below them in the amount of $51,450 and $69,739.50 respectively; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

The next Ways and Means Committee meeting will be at 5:00 p.m., Tuesday, November 27, 2018 in Council Chambers.

B. Public Safety Committee

Councilmember Smith, reporting on the Public Safety Committee meeting of October 1, 2018, stated that the City was asked to award City-sponsored event status to filming on the beach on October 13th for a portion of a National Geographic series the will include the HL Hunley; Council approved the event status in a Special Meeting on October 8th. Since the Agenda listed an item about golf carts being on the beach that were used to transport handicapped individuals, Katrina Limbach of Duck Lane stated that her company IOP Beach Chair and Bike Company rents beach wheelchairs but they were typically sold out. She noted that many beach communities offer beach wheelchairs for the use of their residents and visitors. Jim Raih, 3906 Cameron Boulevard, thanked the City personnel for marking the handicap parking spaces at 21st and Palm earlier in the day and expressed support for allowing golf carts on the beach; he also mentioned the proposed dog ordinance changes and parallel parking on Palm Boulevard. Sally Wiseman of Duck Lane, a member of the IOP Coyote Coalition, commented about the increased number of coyote sightings and praised Animal Control Officer Enourato for his professionalism, responsiveness and open-mindedness. Interim Chief Usry reported that the Animal Control Officer would be setting eight (8) soft-leg traps and some of the Collarum traps; officers were also following up on the sightings in the 600 block of Palm Boulevard. On the matter of allowing golf carts on the beach for the handicapped, the Committee discussed the regulations in-place on Sullivan's Island, as well as the difference in the beach topography between Sullivan's Island and the Isle of Palms. Interim Administrator Fragoso suggested that, in the next budget cycle, the

City might consider entering into an agreement with the IOP Beach Chair and Bike Company whereby the City could provide a handicap wheelchair to people and absorb the rental costs or buy one or two (1 – 2) beach wheelchairs. As directed by City Council at its September meeting, Ordinance 2018-16 was sent back to the Public Safety Committee Chair where Smith offered four (4) amendments to the dog ordinance. The amendments were to add language to the City's ordinances to require that all dogs to have current rabies inoculations, to require only dogs off-leash to have proof of rabies inoculation, to make dog registration voluntary and to switch from the metal tags to colored collars. Since none of the amendments moved forward, the changes to the dog ordinance are again before Council for First Reading in the same form as last month and with no recommendation from the Public Safety Committee. Interim Administrator Fragoso reported that the City and the COG hosted a meeting on September 19th and invited the businesses on the island to participate; the purpose of the meeting was to gauge interest from the business community for a shuttle service between Mount Pleasant and the island. She was optimistic about having a plan in place for the next beach season. The Committee discussed extending paid parking beyond Front Beach and considered the reasoning for not including in the parking management plan adopted. Interim Chief Usry was asked to get confirmation from SCDOT that they would not approve pay-to-park on Palm unless the area was paved and parking spaced delineated. The Committee was looking forward to receiving the statistical data from Stantec relative to the impact on parking of the changes enacted earlier in the year, i.e., parallel parking on both sides of Palm and resident only parking on 41st Avenue. The two (2) chiefs and the Interim City Administrator received very positive comments from Committee members about the City's response to the threat from Hurricane Florence. Interim Administrator Fragoso explained the City's policy on sandbags.

The next meeting of the Public Safety Committee will be at 5:00 p.m., Monday, November 5, 2018 in the Conference Room.

MOTION: Councilmember Ward moved to re-order the Agenda to address Item 10, the First Reading of Ordinance 2018-16; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

10. Introduction of New Bills, Resolutions and Proclamations

First Reading 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 approve Ordinance 2018-16 for First Reading; Councilmember Rice seconded.

Councilmember Smith said that she could not support this ordinance in its current form; she was opposed to requiring that all dogs, resident and non-resident, get a permit and tag from the City. She indicated that she did favor adding language to the ordinance to require proof of current rabies inoculation enabling the Animal Control Officer to issue a ticket to any dog owner who does not have the proof.

Councilmember Buckhannon noted that, in the event of a dog bite, an incident report would be written that would allow any sworn officer to follow-up and to write a citation based on State law.

He opined that the language could be added to the Code giving the Animal Control Officer the authority to write a ticket when he finds a dog without a license or a dog owner without proof of current rabies inoculation for his pet.

Councilmember Bell agreed that something must be done to tighten up the dog ordinance, but this discourse has become so convoluted that this ordinance does not address the issues for which it was intended.

VOTE: The motion FAILED UNANIMOUSLY on a vote of 0 to 9.

Councilmember Buckhannon was not convinced that SCDOT would require paving an area before it would allow paid parking, but he noted that, adding pavement would exacerbate drainage problems forcing the State to upgrade the City's drainage infrastructure.

If paving was required, Councilmember Kinghorn recommended that the City apply for a barrier island exemption.

C. Public Works Committee

Reporting on the meeting of October 4th, Councilmember Rice summarized the monthly report noting that garbage was flat year over year, but that debris was down substantially due to the closings of facilities in anticipation of Hurricane Florence. Progress continues on the Phase II Drainage Project; the current completion date is mid-December. "Drainage projects are complicated and have an element of unpredictability . . . [The residents] need to remain committed to the cause of improving drainage and each phase [the City] can accomplish is going to greatly improve [residents] quality of life." The canopy is up at the fueling station at Public Works, the tanks are full and the City is waiting for testing by DHEC. In a general discussion of drainage, the Committee agreed that many residents do not understand the value of an open drainage ditch; the Committee agreed that a public education program was needed. In the discussion, the drainage issues at 267 Forest Trail were addressed; Director Pitts stated that the two (2) new homes being built "will mean more water in an area that cannot take any more water." Currently this area cannot be tied in to an existing outfall; he opined that an engineer was needed to determine where an outfall for this area should be located. The Interim Administrator informed the Committee that she has contacted the manufacturer of the trashcans with lids to request a few to test over the winter months, but she has not received a return call. Councilmember Rice reported that the County was working with Mr. Burke at 32 Thirty-Second Avenue and progress was being made. Leading up to Hurricane Florence, Councilmember Rice noticed a large number of port-a-lets on the island that were not secured, and the Committee discussed what options were open to the City to change that situation. One (1) conclusion was that the Building Department would add the portable restrooms to their checklist for contractors who would be told to have them emptied and locked prior to the storm and to secure them, possibly inside a dumpster or to a tree. During discussions of the City's response to the threat of Hurricane Florence, the Interim Administrator stated that a challenge staff had prepared for was the single source for fuel on the island; the gas station across from City Hall ran out of gas on Tuesday and shutdown. Councilmember Rice thanked Brian Berrigan for keeping the marina store open and allowing City vehicles to refuel there. The meeting concluded with a discussion of expanding the plastics ban to include straws and Styrofoam; both Sullivan's Island and Mount Pleasant were in the process of banning these two (2) products. She asked that Councilmembers contact her with their opinions about adding these items to the City's ordinance banning the distribution of single-use plastic bags.

The next Public Works Committee meeting has been scheduled for 9:00 a.m., Thursday, November 8, 2018 in the Conference Room.

D. Recreation Committee

From the meeting of October 9th, Councilmember Buckhannon stated that soccer season was in full swing with one hundred eighty-four (184) children participating. The IOP Community Wellness Fair was quite successful; approximately seventy (70) City employees participated, and East Cooper reported that they did sixty (60) cholesterol screenings. The IOP Connector Run and Walk for the Child was held on Saturday, October 6th with more than eight hundred (800) participants, and Ghostly Tide Tales was held on Friday, October 19th at the end of the 25th Avenue beach access. Upcoming events include Pumpkin Painting on Friday, October 26th, and the Halloween Carnival on Wednesday, October 31st. The 7th Annual Holiday Street Festival will be held on Saturday, December 1st from 2:00 p.m. til 7:00 p.m. at Front Beach; music for the event will be provided by the Shem Creek Boogie Band and the Blackwater Rhythm and Blues Band. Attendance on Sunday afternoons at the Rec Center has started out slow, but the numbers are expected to increase as the word gets around that it is open. The Committee agreed to the Director's recommendation to award the contract for RFB 2018-04 – the Removal and Replacement of the Gymnasium Floor to South East Sports and Play in the amount of sixty-two thousand dollars ($62,000). The two (2) bids the City received for RFP 2018-03 – the Removal and Replacement of two (2) Tennis Courts were significantly more than the amount budgeted. After discussion, the Committee agreed that the scope of work has changed; therefore, the City must issue another RFP for the repair of the tennis courts and to reserve funds for the next four or five (4 – 5) years to be able to replace them. The Committee picked up the discussion of allowing surfing lessons from the beach; the Committee charged staff with preparing a franchise agreement and drafting the necessary ordinance changes. Before an RFP can be advertised, Council has many decisions to make starting with whether or not they want to do it; since a franchise agreement would give the City a good deal of control over where, when and how the lessons would occur, more discussion was needed. Director Page said that she would gather information and pricing to be able to offer free Wi-Fi inside the Rec Center and on the grounds. The Director was also asked to investigate a means to provide a shaded area at the playground.

The Committee will hold its next meeting at 5:00 p.m., Tuesday, November 13th in the City Hall Conference Room.

E. Personnel Committee

Councilmember Ferencz stated that the Committee had met with the new applicants for boards and commissions during the first week of October; they will now join the pool of candidates for appointments that will begin serving January 1, 2019.

Before delivering the Committee report, Councilmember Ferencz thanked Human Resources Officer DeGroot and the Interim City Administrator for the excellent work they did for the First Annual Employee Appreciation and Recognition Day held the previous Friday. The Councilmember described it as "a glowing success;" the food was wonderful, the service was welcomed and the employee comradery was great to see. The milestones acknowledged were:

5 years of service	Christopher Fassos
	Jon Sezginalp
	Kenneth Carroll
	Dylan Reynolds
	Amanda Postell

15 years of service	Jamey Meekiins Sharon Baldrick Tracy Waldron James Giddens
20 years of service	David Micalizzi Douglas Kerr
More than 30 years	Ann Graham – 33 years Joseph Washington – 38 years

Rather than make arbitrary selections of gifts for those recognized, they were given a small catalog of items from which to choose, making each reward unique. Every employee was given a small gift; some received a travel mug with its own leather case and others received water bottles. The announcement has already been made that the City will hold a Second Annual Celebration of its employees in 2019.

The Personnel Committee received an update on the searches for the City Administrator, Chief of Police and Assistant Public Works Director. Councilmember Ferencz stated that the City has experienced a couple of delays with The Mercer Group, but the Committee was working diligently to get the narratives for the brochures back to them so that the visuals can be added and distribution can begin. She said that the Committee was trying to have a brochure that would not only illustrate the Isle of Palms as place to work, but also as "a fabulous place to work." She indicated that the Committee was being very particular about the brochure to insure that it attracts the caliber of quality candidates the City would want to hire. The Committee continues to work on a policy to reward employees who have reached the top of their pay scale and who, despite a favorable evaluation, do not receive a wage adjustment. The Committee also voted unanimously to recommend to Council to approve the revised employee handbook, which was included in the meeting packet. She cited the following as major changes that are included:

- A workplace violence statement was added, stating that the City has set a standard of zero tolerance for workplace violence, bullying and harassment by employees and citizens.
- The City will not tolerate retaliation against an employee who brings a complaint of violence or threatening behavior.
- A section was added to establish regulations on when an employee would be allowed to bid on public auction for the sale of City personal or surplus property.
- The revision tightens the language regulating the use of compensatory time by exempt employees.
- The Safety Sweepstakes has been eliminated and those funds will be used for more risk management and employee training.
- The list of holidays was updated to include the two (2) holidays, Presidents' Day and Veterans Day, added in recent years.
- The revision also includes a bereavement leave policy, stating that the City will pay up to 5 days in the event of the death of an immediate family member; immediate family is defined as a spouse, parent, child, grandparent, grandchild, brother, sister, parent-in-law, brother and sister-in-law.
- To comply with new federal and state legislation, a pregnancy accommodations statement was added that adheres to the Pregnancy Discrimination Acts, the Affordable Care Act and FMLA policy against discrimination of medical need arising from pregnancy and childbirth.

Councilmember Ferencz thanked Human Resource Officer DeGroot and Interim Administrator Fragoso as well as department managers for their efforts toward this revision.

MOTION: Councilmember Ferencz moved for the adoption of the revision of the Employee Handbook as submitted; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Under New Business, the Committee began a discussion of the role of the City Administrator as defined in the IOP Code of Ordinances; they will be looking for consistency of language and consistency with other municipalities. The last item of business was the biometric time and attendance software and hardware that received final approval earlier in this meeting.

Safety Sweepstakes winners were Nicole Morris from the Building Department, Battalion Chief James Giddens from the Fire Department, Pfc. Thomas Molino from the Police Department and Tony Sease from the Public Works Department.

Current vacancies include the Chief of Police and one (1) sworn officer; Assistant Public Works Director of Maintenance and Facilities, and a City Administrator.

The next Personnel Committee meeting will be at 5:00 p.m., Thursday, November 1st in the Conference Room.

F. Real Property Committee

Reporting on the Real Property Committee meeting of October 3rd, Councilmember Bell stated that Carla Pope of Morgan Creek Grill clarified the term of the lease extension they were seeking as fifteen (15) years, not thirty-three (33) years. She also informed the Committee that she has reached out to Melissa Kiddy to set a date for her to review the restaurant's financial records.

Brian Berrigan, the Marina Manager, apologized to the Committee that he had not initially opened an attachment to an e-mail requesting that he provide some additional data until yesterday; he assured the Committee that they would have the information before the next meeting

Councilmember Bell stated that the Committee discussed 1100 Palm, and the process was ongoing as noted earlier in this meeting. The Committee received an update on unlicensed businesses operating out of the marina; these are commercial entities that are using the IOP Marina to operate a commercial business. Currently these businesses are not bound by the same insurance requirements as other marina tenants; the Committee's intention is to have the City named as an "also insured" on their insurance so that the City has equal protection with any business operating at the marina. Interim Administrator Fragoso continues to work with the marina tenants to get copies of certain documents; she noted that she has received the information from all of the marina tenants. The Committee was looking at ways to optimize the municipal parking lot on Pavilion Drive; he would like to get input from members of Council and anyone on the island who might have a viable option. The Committee discussed the engagement letter from McCay Kiddy that will define the scope of work with the marina tenants and their financial documents. He noted that the Committee interviewed the three (3) respondents to the design/build RFQ for the Public Safety Building; two (2) of them stood out. i.e., Hill Construction and Trident Construction. Staff is working with each of them to secure their bids so that work can begin. Councilmember Bell reminded Council that they do not know the full extent of the damages to the building; once the bids are in, they will go before the Ways and Means Committee for a contract award and will be an item in the FY20 budget since the project will likely run more than

a year. Although the current restaurant lease will not expire until October 2020, the City needs a well-documented process about how the City will go about the RFP process with a sense of expediency since the current tenant is being asked to maintain their lease terms and to keep up the property for the two (2) years remaining on the lease. He acknowledged that the restaurant was operating in an aging building, and the City was obligated to spend money on it. The Interim Administrator said that the first things to be done were to get an appraisal and to have the building inspected to determine its condition.

The Real Property Committee will hold its next meeting at 4:00 p.m., Wednesday, November 7th in the Conference Room.

Councilmember Kinghorn asked Councilmember Bell what he thought the large municipal parking lot could be used for the four (4) winter months. Councilmember Bell indicated that he would like to send out a Request for Ideas or to look at any plans a commercial developer might have; he opined that soliciting for ideas was not harmful nor was going through them to determine if any were worth pursuing.

Councilmember Kinghorn commented that, for four (4) months the lot sits idle, it is a dust bowl and unattractive, an eyesore. Being a block and a half from the beach, the property must be valuable; he thought the City should make it an asset the City could use and an asset to Front Beach businesses. He noted that the Procurement Code allows a Request for Information in which the City could define its needs; the second option would be to hire a consultant who does land use planning to make recommendations to the City.

Councilmember Ward asked that the City Attorney look at the referendum question from 1987 to learn if the land could be used for commercial development.

When Councilmember Rice asked where the City was in the design/build project for the Public Safety Building, Interim Administrator Fragoso stated that the City issued a Request for Qualifications (RFQ), and three (3) firms responded. The Real Property Committee reduced the number to two (2); based on the process defined in the RFQ, staff was drawing up a Request for Proposal (RFP) that will be open exclusively to the two (2) companies selected, Hill Construction and Trident Construction. The Committee will review the proposals and make a recommendation to the Ways and Means Committee.

6. Reports from City Officers, Boards and Commissions

- **A. Accommodations Tax Advisory Committee –** no meeting in October
- **B. Board of Zoning Appeals –** minutes attached
- **C. Planning Commission –** minutes attached
  1. Update on Drainage Outfall Project

Director Kerr foreshadowed that the Public Works Committee will receive several items from the Planning Commission in November. The first of those items will be the recommendation for the design, engineering and project oversight for the drainage outfalls project at 31st, 36th and 41st Avenues; for the Request for Proposals, the City received two (2) proposals from qualified companies. The Planning Commission reviewed the proposals and interviewed both companies, and they will be making their recommendation to enter into a contract with Thomas and Hutton Engineering. Their proposal had eight (8) tasks from the most basic of surveying the existing outfalls through project oversight and completion. They are recommending that the City engage their services for the first phase of work, which would begin with conceptual surveying and would

be concluded with two or three (2 – 3) different concepts with costs on how to deal with the three (3) outfalls for Council to choose between.

Once City Council makes its decision on which proposal to accept as the best for the community, Phase 2 would begin. This will be when design work would begin along with permitting.

He asked that the members of the Public Works Committee to study the Thomas and Hutton proposal since they will be asked to adopt the Planning Commission's recommendation. Director Kerr stated that, at the end of the project, it will be a great benefit to people served by those outfalls.

2. Update on Memorandum of Understanding with the IOP Water and Sewer Commission

Director Kerr stated that Linda Tucker has been working on this task in tandem with the Water and Sewer Commission as they update their sewer master plan which is nearing completion. With the updated master plan, they will have new cost estimates for making sewer accessible to every residence on the island, but the work on the update must be completed before the Memorandum of Understanding can be "flushed out."

Director Kerr confirmed that this project is the one the City decided to share the cost with the Water and Sewer Commission.

Interim Administrator Fragoso told the Committee that the City's attorney has reviewed the first draft of the Memorandum of Understanding.

7. Reports from Special or Joint Committees – None

8. Petitions Received, Referred or Disposed of – None

9. Bills Already in Possession of Council

Second Reading of ordinance 2018-1 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 Ward moved to approve Ordinance 2018-17 for Second Reading and to waive the reading; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

10. Introduction of New Bills, Resolutions and Proclamations

Ordinance 2018-16 failed earlier in the meeting.

11. Miscellaneous Business – None

Next meeting will be at 6:00 p.m., Tuesday, November 27, 2018 in Council Chambers

12. Executive Session – not needed

13. Conclusion/Adjournment

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

Respectfully submitted:

Marie Copeland
City Clerk

PUBLIC SAFETY COMMITTEE

5:00 p.m., Monday, October 1, 2018

The regular meeting of the Public Safety Committee was held at 5:00 p.m., Monday, October 1, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell and Ward, Chair Smith, Interim Administrator Fragoso, Interim Police Chief Usry, Fire Chief Graham and Clerk Copeland; a quorum was present to conduct business.

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

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Bell moved to approve the minutes of the regular meeting of September 5, 2018 as submitted; Councilmember Ward seconded.

Chair Smith asked that the words "some of" before "City's best tools" be added to page 3, Paragraph 3; on page 6 paragraph 2, the word "Citadel" should be hanged to "Wild Dunes Property Owners."

Vote on Corrected Minutes: The motion PASSED UNANIMOUSLY to approve the minutes as corrected.

3. Citizens' Comments

The Chair stated that the City has been asked to approve the filming on the beach of a portion of a National Geographic documentary on the three (3) Civil War shipwrecks including the H L Hunley; they indicate that they will be filming on Saturday October 13th for two to three (2 – 3) hours with no impact to the City. The Committee participated in a conference call with Tom Vaughn of the film company; he said that the documentary was about the naval confrontations in the Civil War and how they changed naval history in America. They will film on the island to capture some of the coast of Charleston, and the Isle of Palms was selected for the atmospheric shots. He stated that they will have a handheld camera operator and possibly one (1) other person and possibly a drone taking those shots.

MOTION: Councilmember Ward moved to approve the request for City-sponsored event status for filming on the beach on Saturday, October 13th for a National Geographic documentary; Councilmember Bell seconded.

Chair Smith asked whether the Isle of Palms would be specifically mentioned in the documentary, and Mr. Vaughn stated that he could not predict what would happen in the editing process, but he guaranteed that the Isle of Palms would be included in the credits at the end.

The Interim Administrator told Mr. Vaugh that part of the approval process was for the film company to provide the City with a Certificate of Insurance naming the City as an "additional insured."

He was prepared to make that happen once he received the approval.

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Interim Administrator Fragoso also explained that a final step in the approval process was getting another approval from the City Council which will hold a Special Meeting in order to meet his timeline.

VOTE: The motion PASSED UNANIMOUSLY.

Katrina Limbach, 5 Duck Lane, noted that the Committee was addressing the issue of handicap access to the beach; she stated that her company IOP Beach Chair and Bike Company rents beach wheelchairs but they are typically sold out. Director Kerr suggested to her that they purchase another beach wheelchair that they would contract with the City for its use at a discounted rate that would cover their labor. She noted that many beach communities offer beach wheelchairs for the use of their residents and visitors; she thought that for the City to offer the service at Front Beach and suggested that the City might find a place to store it there. She said that her company typically rents the wheelchairs by the week at two hundred forty dollars ($240); the daily rate is seventy dollars ($70).

Jim Raih, 3906 Cameron Boulevard, thanked the City personnel for marking the handicap parking spaces at 21st and Palm earlier in the day. He voiced support for allowing golf carts on the beach, but added that, unless the City was going to mirror Sullivan's Island process, it would be "opening a can of worms." He noted that the County Park has two or three (2 – 3) beach wheelchairs that they do not charge for their use. On the subject of beach parking, he opined that the change to parallel parking on Palm Boulevard and not allowing stacking on the ocean side would create challenges for the houses on second row that have no parking on the landward side of Palm. He expressed the opinion that these changes could create a hardship for those residents living there. He said that any changes to the dog ordinances should be looked at from the perspective of "what is the end goal." He recalled times when he and his wife have been on the beach playing with their dogs and, out of nowhere, a dog comes up; he added that his dogs are not the friendliest and he is "on a first name basis" with Animal Control. He commented that dog owners need to be educated that the beach is not a big dog park where they can let their dogs run as much as one hundred (100) yards from them. He concluded saying that he thought the Committee was doing a good job on some tough issues.

Sally Wiseman, 35 Fairway Dunes Lane, stated that she was present to address the Coyote Management Plan, and she thanked the City for adopting it in the spring. Since the young coyotes are leaving the dens, more residents are reporting sightings that some residents think is reason for an urgent alert, which, in reality, should only occur in matters of safety. She indicated that residents have a serious need for more coyote education; she noted that the IOP Coyote Control Coalition was a good resource for residents and the City.

For better understanding, Ms. Wiseman asked what the data collection process was when residents call in sightings; she noted that the Coyote Management Plan was considered a framework and gave definitions which can be used as data is collected to measure when a situation reaches a point when City Council needs to take different actions. The Coalition is interested in knowing how the City is using the data being collected. She was very complimentary of Animal Control Officer Enourato for his professionalism, responsiveness and open-mindedness.

4. Old Business

MOTION: Councilmember Bell moved to re-order the Agenda to place this item at the end of Old Business since it will be a lengthy discussion; Chair Smith seconded and the motion PASSED UNANIMOUSLY.

B. Update on funding for coyote count

Although processes for getting an estimate of the number of coyotes on the island were discussed during the FY19 budget process, Council did not make a decision for any type of study. Interim Administrator Fragoso recalled that the budget was increased by ten thousand dollars ($10,000) for FY19, and it was done in case the City needed additional funds to take a different approach to reduce the coyote population.

Interim Chief Usry stated that Animal Control would be setting eight (8) soft-let traps and some of the Collarum traps where the ground is not saturated and will support them. The Department is also following up on the sightings in the 600 block of Palm Boulevard where multiple sightings have been reported.

Councilmembers Bell and Ward agreed that they would not support a coyote count in this fiscal year.

C. Update on allowing golf carts on the beach for handicap access

Interim Chief Usry stated, that, as far as the public safety aspect of allowing golf carts on the beach, the Police Department would not be supportive of that action; she explained that golf carts are not regulated by the state which means a four (4) year old child could drive one (1). Another consideration was that the majority of beach accesses are not wide enough to accommodate a golf cart and a pedestrian.

The Interim Administrator indicated that, because of the public safety concerns, she could not recommend that the City move forward; she also noted that the topography of Sullivan's Island's beach was very different from that of the Isle of Palms. She stated that she thought other initiatives were available to the City to make the beach more accessible to handicapped residents and visitors. She suggested that, during the budget process, the City could consider an agreement with IOP Beach Chair and Bike Company whereby the City could provide the beach wheelchair to people and absorb the cost or the City could buy one or two (1 – 2) beach wheelchairs.

Councilmember Ward voiced complete agreement.

Chair Smith asked if one (1) beach access could accommodate a golf cart, could access be limited to that one (1) access.

Interim Administrator Fragoso commented that the access at 42nd Avenue is wide enough but that it ends in soft sand.

Councilmember Bell questioned whether the consideration of buying a beach wheelchair and offering its use for free was for residents or for visitors; he was not interested in IOP becoming the City offering the most, free services. He would prefer for the City coordinate with a commercial business.

D. Consideration of changes to the dog ordinances

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When Chair Smith covered the changes she would like to see in the dog ordinance, she saw that some Councilmembers were supportive of them.

Interim Administrator Fragoso clarified that City Council took no action on the ordinance presented for First Reading, to allow the Committee to discuss those items as possible amendments. She stated that the Committee would not be making changes to the ordinance as presented by Chair Smith; if the Committee wanted to make changes to the ordinance as presented, they would have to be in the form of recommendations and to be offered to City Council for consideration. The amendments would not appear in ordinance form until after being approved by Council.

Councilmember Bell opined that Council was clear that the ordinance presented was not likely to pass, and he asked if the Committee was going to have the same discussion about changes in this Committee because, after discussing the issue for several months, he did not want to have another discussion at Council at this time because the Council had much larger issues to deal with.

Councilmember Smith stated that she did not want to see the changes to the dog ordinance fall by the wayside since the Committee has done a lot of work; she added that she has seen interest from dog owners who frequent the dog park and the beach with their dogs for these changes. She thought that the opposition has died down as residents have come to understand what the changes are trying to accomplish; at the very least verbiage needs to be added to the City Code requiring rabies inoculation so that the Animal Control Officer can enforce violations.

> **MOTION: Chair Smith moved to continue to recommend changes in City ordinances that provide clear language in regard to required proof of rabies inoculations so that the statute can be properly enforced by the Animal Control Officer.**

Interim Administrator Fragoso commented that this provision was already in the ordinance presented to Council.

> **MOTION: Chair Smith moved to recommend that the City only required dogs, resident and non-resident, to have proof of City registration in allowed off-leash situations.**

The motion failed for lack of a second.

> **MOTION: Chair Smith moved to make City dog registration voluntary for resident and non-residents as long as they have other proof of rabies inoculation.**

The motion failed for lack of a second.

> **MOTION: Chair Smith moved to switch from metal tags to a colored collar system for City dog registration, while maintaining the annual cost at $5 for residents and $10 for non-residents.**

The motion failed for lack of a second.

According to the Interim Administrator, the ordinance related to dog regulations presented to Council at the September meeting will go before them again in October for First Reading.

E. Update on IOP public transit initiative in partnership with the Council of Governments (COG)

Interim Administrator Fragoso reported that the City and the COG hosted a meeting in Council Chambers on September 19th and invited the businesses on the island to participate, including those at the marina and in Wild Dunes. The topic for the meeting was public transit to the island that would hopefully be used by their employees, and the purpose was to measure the level of participation the initiative might anticipate. A questionnaire was distributed to attendees and emailed to the invited businesses that could not attend asking additional questions and seeking additional information; they will go to the COG where they will design a program that best meets the needs of the island. She stated that was optimistic about having a plan in place for next season.

Councilmember Ward said that he had been told at the last CARTA meeting that they needed another month; they got behind due to Hurricane Florence.

A. Discussion of parking and traffic issues

- Paid Parking beyond Front Beach
- Review of Stantec work product and impact of recent changes to parking

By way of an update, Interim Administrator Fragoso reported that the signs stating the dates when the parking plan was in effect have been removed so people can get accustomed to year-round parking plan enforcement. The signs reflecting the recent parking changes will arrive in the City in mid-October and the poles a week later; installations will begin the first week in November.

The Interim Administrator reviewed the parking plans and issues with each that the City considered leading up to the adoption of the plan adopted; the reverse chronology of the parking plan is on the City's website.

Councilmember Ward noted that the City was going to get pushback from residents with the single line of parking on the ocean side of Palm.

Interim Chief Usry agreed with Councilmember Ward that the new parking ordinances were going to be difficult; the Councilmember stated that the residents were tired of the parking discussion.

Councilmember Bell stated that single-row, parallel parking was a conscious effort on the part of Council "to cut down on the . . . day-tripping, free parking on Palm Boulevard." He stated that he appreciated the concerns of the long-term residents on Palm, but the concerns become worse when the City does nothing. He stated that cars were four (4) deep in the curve on Palm over the past weekend; for him the problem was over-crowding.

Interim Administrator Fragoso advised the Committee that the State's Beach Management Act requires that the City provide access to the public beach, and cities are encouraged to increase access to the public beach for both residents and non-residents.

Councilmember Bell noted that the City far exceeds the number of parking spaces it is expected to have as defined in the City's Beach Management Plan. He stated that the City needs to set a practical limit as the City government that acknowledges that it has done its job in providing public access.

Chair Smith questioned that paid parking could be used as a tool to better control and steer traffic in a safer way; she stated that pay-to-park apps has made great strides since the City looked at them three to five (3 – 5) years ago and were much more affordable.

Councilmember Bell stated that he preferred to start with defining the problem to understand it because the solution may not be as complicated as once thought.

Councilmember Bell expressed the desire to know how many spaces are estimated to exist along Palm Boulevard with the changes to be implemented in a few weeks.

The Interim Administrator suggested that a good idea might be to wait to see how this year's changes affect parking and traffic next season. She reported that the last traffic study estimated a total of one thousand forty-four (1,044) on-street parking spaces on the island, and the required number of parking spaces per the Beach Management Plan is three hundred forty-eight (348) spaces for public beach access.

Councilmember Bell said that he wanted to see a parking plan that would accommodate what residents want and a number that is considered to be an appropriate amount of visitation on the island in a way that is responsible and in the interest of the public safety.

Interim Administrator Fragoso recalled that originally the existing parking plan left three (3) areas on the island unregulated, i.e. the Rec Center, Breach Inlet and 41st and Waterway; the area of 41st and Waterway was addressed earlier in the year. She suggested that the other two (2) might be starting places for future work. When the Interim Chief stated that Breach Inlet was SCDOT property, Interim Administrator Fragoso noted that the City would be required to get SCDOT approval for any parking regulations it wanted to impose there.

For the next meeting, Chair Smith said that she would like to have the Stantec information to review and to continue discussions about expanding paid parking.

The Interim Administrator said that she would like to have clear direction from the Committee about the information they wanted staff to investigate related to paid parking.

Councilmember Bell suggested that staff learn what other beach communities are doing relevant to paid parking.

5. New Business

Review of Hurricane Florence response

Interim Administrator Fragoso stated that everyone stepped up to the plate throughout the period the City was on alert; department heads gathered at least once a day, and sometimes more, to listen to the updates from the Charleston County Emergency Operations Center (EOC) and to implement the City's emergency action plan. She stated that she was very pleased with the way the departments worked together and coordinated their efforts when necessary.

Interim Chief Usry has a policy referred to as "The Unusual Occurrences or Hazard Policy" in place; the plan meets all CALEA requirements. The policy explains what officers are expected to do in all stages of the operating conditions as they change.

Councilmember Ward stated that he thought the public safety departments did “an exceptional job” when the City was waiting for Hurricane Florence to decide where she was going.

The Interim Administrator explained that the statewide EOC has eliminated the voluntary evacuation order; the governor will only issue mandatory evacuations; however, state law does not establish a means to enforce a mandatory evacuation – people must make their own decisions and be willing to accept the consequences. The City serves as a communicator to those on the island.

For his personal education, Councilmember Bell commented that he attended the staff meetings as the City waited, and he stated that “the level of coordination and the level of professionalism were off the charts.” When the EOC declared that the entire County was at OPCON 1 – immediate threat, people became confused.

Interim Administrator Fragoso suggested that staff erred on the side of transparency by publicizing the operational levels that the City was following.

Chief Graham stated that, before the hurricane season begins, the Fire Department updates it Memoranda of Understanding for alternate sources of housing and for staging equipment. If a storm is approaching, they test their equipment, chain saws, generators, etc., to ensure they are in good working order; they also get extra fuel. They also notify the island residents on the Primary Assistance list; residents who might need assistance are residents who may need help boarding up their windows, may need assistance with securing objects that could become flying projectiles, may need assistance in getting off the island or down stairs to leave the island, etc. Personnel will ultimately place phone calls to each of these people to learn who is staying and who is going. The Chief noted that Station 2 is much lower than Station 1, so the flood panels must be installed and the equipment must be relocated.

Chair Smith stated that she too thought that the City’s departments had done a great job with a high level of professionalism. She indicated that some citizens were complaining about the availability of sandbags and asked that the Interim Administrator explain the City procedures with sand bags.

Interim Administrator Fragoso said that the City bought three or four (3 – 4) truckloads of sand; if the storm was still forty-eight (48) hours out and the determination was that the City should get more sand, depending on availability, it will do so. The Public Works Department maintains a stock of sandbags, and residents are responsible for filling the bags. The notice to residents is that the sand and bags, at no cost, are available to residents only and that they were asked to limit to no more than ten (10) bags.

Councilmember Bell was very complimentary of Director Pitts who stayed “on top” of the sand-bag operation, and, when others were scrambling for bags, he secured an additional quantity of them.

Responding to the Chair’s inquiry, Interim Administrator Fragoso stated that the sand and bags were not very expensive, but having sandbags provides some residents with peace of mind. She commented that it was a service that the City should continue to offer, and she noted that the cost of the sand and bags was reimbursable from FEMA at the 75 – 25 rate.

In the after-action meeting, staff discussed how to better educate the public on the correct placement of sandbags to get the best result.

Councilmember Ward noted that the sandbags were a free service offered by the City, and it could not provide residents with an unlimited supply of bags. Some businesses in the area had` sandbags for sale.

6. Highlights of Departmental Reports

Fire Department (Copies of both reports are on the City's website)
Police Department

7. Miscellaneous Business

Net Meeting Date: 5:00 p.m., Monday, November 5, 2018 in the Conference Room

8. Executive Session not needed

9. Adjournment

MOTION: Councilmember Bell moved to adjourn the meeting at 7:05 p.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

DRAFT

PUBLIC WORKS COMMITTEE

Thursday, October 4, 2018

The regular meeting of the Public Works Committee was held at 9:00 a.m., Thursday, October 4, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Buckhannon and Kinghorn, Chair Rice, Interim Administrator Fragoso, Public Works Director Pitts and Clerk Copeland; a quorum was present to conduct business.

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

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Kinghorn moved to approve the minutes of the regular meeting of September 6, 2018 as submitted; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

4. Departmental Reports for September 2018 – Director Pitts

Director Pitts noted that garbage collections were on a par with the same month in 2017, but debris collections were down substantially. Approximately twenty-eight tons (28 T.) on miscellaneous garbage was taken to the landfill. Prior to Hurricane Florence, Public Works personnel removed the garbage and recycle bins from the beach and afterward replaced them. Weekly beach sweeps took place in September as was cleaning of the parking lot and compactor. In preparation of Hurricane Florence, Pubic Works personnel staged five (5) pumps; one (1) pump was placed on Palm Boulevard and four (4) pumps were deployed on the public avenues between 46th Avenue and 52nd Avenue.

Tires were the big ticket items on vehicle maintenance in September along with the brake systems repairs to the 1998 Mack truck.

5. Old Business

A. Update on Phase II Drainage project

Interim Administrator Fragoso reported that the drainage installation has been completed on 45th and 46th Avenues; currently crews are making repairs to driveways and the pavement. Pipes have been installed on Palm Boulevard from 46th Avenue to the front of the Citadel Beach House. In approximately two (2) weeks, the contractor plans to be nearing 49th Avenue; at this time the second crew is scheduled to come in to start working down 49th Avenue while the original current crew will Continue down Palm toward 52nd Avenue.

B. Update on removal/replacement of underground storage tanks at Public Works site

The contractor will pour the concrete pad at the Public Works site tomorrow; it will set-up over the weekend. Then the canopy company will return to complete the canopy and its components

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installation. Once the canopy is finished next week, the water will be pumped out of the tanks, the final test will be performed, and a fuel drop will be done. They expect to have the project completed in the week of October 15th – 19th.

C. Update on drainage issues

Chair Rice felt that a campaign needed to be developed to educate residents of the island to the value of open ditches; as a barrier island, open ditches move storm water off the island much faster than closed ditches.

Interim Administrator Fragoso said that staff would put some ideas together for the Committee's consideration.

When asked where this area was in Eadie's ditch maintenance schedule, Director Pitts said that the ditches have been maintained except for the box, and it has not been cleaned because of the logistical problems in gaining access to it. The Director confirmed that Eadie's is aware of the box because they initially reported the issue to him.

When Councilmember Kinghorn asked how many homes were affected by this situation, Director Pitts said that he was only aware of 267 Forest Trail, but, in his field trip the day before, he saw that several more homes are impacted. He noted that the two (2) homes under construction were required to have an engineered storm water plan, but he did not know what they entailed, but he expected more problems. He stated that these two (2) new homes "will mean more water in an area that cannot take any more water." Currently this area cannot be tied in to an existing outfall; he opined that an engineer needed to determine where an outfall for this area should be located.

E. Update on trash cans with lids on the beach

The Interim Administrator informed the Committee that she has contacted the manufacturer of the cans the Committee saw at the September meeting to request a few to test over the winter months, but she has not received a return call.

F. Update on ditches

- **At 21st – 22nd Avenues –** Director Pitts had nothing to report.
- **At 31st – 32nd Avenues –** Director Pitts had nothing to report.
- **Between 30th and 31st on Hartnett**

Director Pitts reported that the County has assessed the two (2) lots where, over time, the ditches have been filled in or built up, but they have not yet gotten back with the Director on further action.

G. Update on water fountains at Front Beach

Interim Administrator Fragoso had no update for this meeting and stated that, with all that is going on in the City, she suggested that this would be a good first of the year project.

6. New Business

A. Consideration of requirement for removal of portable restrooms from the island in the event of a mandatory evacuation

Chair Rice commented that she saw many portable restrooms on the island as residents prepared for Hurricane Florence; if the City were to get a storm surge, they would become public health hazards. She was looking for a trigger at which time contractors would have to remove them from the island when the City was expecting a storm surge.

Director Kerr stated that they face this issue with the dumpsters, the trailers, the cranes, etc. He stated that the time between the order for a mandatory evacuation and work stopping because people are making their own storm preparations might be two (2) days; in those two (2) days, contractors must tidy up their construction sites. The focus of the Building Inspector has been the trailers and the dumpsters; what he usually finds is that the dumpster is overflowing and in need of servicing. By the time the contractor places his call for service, the provider has closed or is booked and cannot possibly get to the Isle of Palms for his dumpster.
He stated that the City could pass an ordinance, but he did not think it would be enforceable; he did not think the City could reasonably expect all of the portable restrooms to be removed.

Currently, the City canvasses all of the construction sites, makes lists, contacts every contractor and every dumpster provider; they have never considered the port-a-lets a threat. He noted that possibly the Department has "dropped the ball" by not including them; he reported that he has reached out to the portable restroom providers who told him that they confirmed that they would not be able to do it.

The Director learned that the portable restrooms are serviced every Wednesday, and they could reasonably adjust that day. He also was told that the providers could dry them out on the day and zip-tie them closed, and they could put a note on the door saying "Do not use; it has been prepared for the storm." In order to protect their equipment, they are asking that the portable restrooms be taken inside or otherwise secured.

In a first effort, in the initial notice to the contractors, the City staff should add portable restrooms to the list of things to be secured at the work site; they could be put inside the dumpsters.

B. Discussion of Hurricane Florence response

The Chair added this item to the Agenda in case one (1) of the other Committee members saw or was told of a possible threat to the residents or the island that has not been addressed.

Director Pitts stated that Public Works personnel do what they can during the storm preparation, but their real work is post-storm; they act proactively when they deploy the pumps, and they secure the barrels on the beach.

Interim Administrator Fragoso thought the greatest challenge was the fuel situation since it was not available at the Public Works site. The lack of fuel availability was a known factor prior to the beginning of the hurricane season, and staff had a plan in place. She expressed the City's appreciation for the marina manager who remained open and arranged for City vehicles to refuel there. The storage tank replacement should be complete in a couple of weeks, and staff is hopeful that the City does not experience a storm event in the interim.

Another topic of discussion in the after-action meeting was the sandbag operation – were they being placed properly and whether or not they do any good? Based on the peace of mind they give to residents, staff recommended that the City should continue to offer the sandbag service.

In addition, staff also advocated for some type of education for residents on how to properly place them; staff has a couple of ideas that they want to test.

Despite being under-staffed, the Interim Administrator complimented the staff on how well they worked together and the level of professionalism they showed.

Chair Rice commented that the communication to the residents was good.

Councilmember Kinghorn commented on the City's duty to maintain a healthy business at the marina and to be mindful that the second source for fuel on the island was a critical factor. The convenience store across from City Hall sold the last of its gas on Tuesday and closed, but the marina manager had planned ahead and had plenty of fuel.

C. Expansion of plastics ban

The Chair noted that Sullivan's Island and Mount Pleasant were in the process of banning plastic straws and Styrofoam, and she wanted to know if the members of the Committee had any interest in expanding the City's ban on single-use plastic bags to include these items.

According to the Interim Administrator, Sullivan's Island's proposed ordinance would ban the use and distribution of single-use plastic bags, Styrofoam, plastic straws and cups; the City's ordinance only address the distribution of single-use plastic bags. She noted that, if Sullivan's Island's ordinance passes in its current form, people would not be allowed to bring their own plastic bags, cups or straws to the beach.

Chair Rice clarified that, at this time, she was only interested in Styrofoam and plastic straws.

Responding to the Chair's inquiry about interest by other Committee members, Councilmember Buckhannon said that he would prefer to begin with an educational campaign.

The Chair suggested that, at every City event, it should have a tent where residents could be educated about various issues on the island, i.e. drainage, open ditches, hazards to the island's wildlife, coyote management, etc.

Interim Administrator Fragoso remarked that the City had tried that approach for the Farmers' Market, but it was unsuccessful in getting an employee to commit to man the booth. For the Front Beach Festival held in March, the plan is to have a booth related to emergency preparedness.

The Chair questioned why a booth could not be planned for the Tree Lighting coming up on December 1.

The Interim Administrator stated that the single-use plastic bags ordinance could be amended to include these other items that would be bio-degradable or compostable.

Director Pitts cautioned about the use of the term "bio-degradable;" things are only bio-degradable when that product is placed in a compostable situation. For an example, he noted that the new pooper-scooper bags are advertised to be bio-degradable, but, when that bag is placed in a garbage can, not a compostable situation, it is considered to be plastic.

7. Miscellaneous Business

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Councilmember Kinghorn thought that the time had come for a report on the Memorandum of Understanding between the City and the IOP Water and Sewer Commission since this Committee will be asked to assume jurisdiction of it.

Councilmember Buckhannon stated that at the next meeting, he would like to have an update on Phase III Drainage, the outfall project.

Next Meeting Date: 8:45 a.m., Thursday, November 1, 2018 in the Conference Room

8. Executive Session – not needed

9. Adjournment

MOTION: Councilmember Kinghorn moved to adjourn the meeting at 9:55 a.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

DRAFT

RECREATION COMMITTEE

9:00 p.m., Tuesday, October 9, 2018

The regular meeting of the Recreation Committee was called to order at 9:00 a.m., Tuesday, October 9, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Moye and Smith, Chair Buckhannon, Interim Administrator Fragoso, Recreation Director Page, and Clerk Copeland; a quorum was present to conduct business.

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

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Moye moved to approve the minutes of the regular meeting of August 7, 2018 as submitted; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments – None

4. Departmental Report for September 2018 – Director Page

Director Page stated that programs and classes halted for the summer have started up again as have adult athletics. Soccer season is in full swing with one hundred eighty-four (184) children participating. The IOP Community Wellness Fair was quite successful; approximately seventy (70) City employees participated, and East Cooper reported that they did sixty (60) cholesterol screenings. The IOP Connector Run and Walk for the Child was held on Saturday, October 6th with more than eight hundred (800) participants. Ghostly Tide Tales will be held at Friday, October 19th; it will be held at the end of the 25th Avenue beach access this year. Pumpkin Painting will be Friday, October 26th, and the Halloween Carnival will be on Wednesday, October 31st. The 7th Annual Holiday Street Festival will be held on Saturday, December 1st from 2:00 p.m. til 7:00 p.m. at Front Beach; music for the event will be provided by the Shem Creek Boogie Band and the Blackwater Rhythm and Blues Band.

5. Old Business

Update on Sunday gym opening

Director Page reported that the participation has varied from week to week; on the initial four (4) Sundays, the adult participation numbers were ten, six, ten and two (10, 6, 10 and 2). At the desk are two (2) sign-in sheets, one for adults and another for youth; from the surveillance camera, appearances were that an organized youth team was practicing the previous Sunday, so she will investigate that further.

Councilmember Moye asked that the sign-in sheets be modified to capture resident versus non-resident.

6. New Business

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A. Consideration of results of RFB 2018-04 – Removal and Replacement of Gymnasium Floor and consideration of award of a contract in the amount of $62,000, with offsetting PARD grant of $13,000, to Southeast Sports & Play (Capital Projects Fund, pg. 23, ln. 62 – Recreation Department Maintenance - $62,000 with $13,000 offset of PARD grant)

On this RFB, the City received four (4) bids for the replacement of the gymnasium floor, and one (1) vendor gave the City multiple options. Director Page recommended that the contract be awarded to Southeast Sports and Play in the amount of sixty-two thousand dollars ($62,000) for a maple-looking shock floor that she believes is better suited for the gym.

The low bidder Preferred Sports Flooring was offering a rolled-type floor, but they would not do any of the preparatory work, whereas Southeast Sports and Play will.

Responding to Councilmember Smith, the Director stated that the new flooring selected would be an improvement over the current floor.

Commenting that the members of the Committee had received an email from Medallion Athletic Flooring warning of mold and mildew, Director Page stated that the type of floor they would put in was like the floor in the hallway and that they would glue it down because they were concerned about the moisture content of the slab. The Director noted that the slab had been laid in the 70's, and she was relatively certain that no moisture barrier was under it. The product from SouthEast Sports will be forgiving.

Chair Buckhannon stated that he would be worried about anything that was a glue-down.

Another important feature to Director Page was that, if the City were to bear the brunt of a storm surge, the gym would definitely flood; the product from SouthEast Sports can be taken up, washed out and put back down.

The Director noted that the difference between the products SouthEast Sports quoted was the degree of shock absorption.

MOTION: Chair Buckhannon moved to recommend to the Ways and Means Committee the award of a contract to SouthEast Sports and Play in the amount of $62,000; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

B. Consideration of results of RFP 2018-03 – Removal and Replacement of two (2) Tennis Courts at the IOP Recreation Center and discussion (MUNI ATAX, pg. 26, ln. 124, Rec Dept. Capital Outlay – $34,000; State ATAX, pg. 29, ln. 285, Rec Dept. Capital Outlay - $34,000; both funds contributing 50%)

Director Page noted that both of the bids the City received were much higher than expected and significantly greater than the sixty-eight thousand dollars ($68,000) in the FY19 budget. When she went back to the bidders, they both recommended that she consider a product known as RiteWay, a product guaranteed to repair tennis court cracks; she distributed a handout with pictures of its application.

Using RiteWay, Director Page reported that one (1) vendor would repair all of the cracks on the court for $29,235; the other vendor would repair cracks that are three (3) feet or longer for $27,257 and the warranty is not as long as the first. The first vendor would guarantee the cracks they repair for up to three (3) years, and both vendors say that the repairs would be good for five (5) years, but they cannot guarantee that other cracks might form because of the integrity of the asphalt. She added that five years is typically the time period between resurfacing of the tennis courts.

Director Page was in favor of accepting one (1) of these vendors so that the work could be done expeditiously, but Interim Administrator Fragoso noted that, since the scope of work has change from replacing the tennis courts to repairing them and since these bids are in excess of twenty-five thousand dollars ($25,000), the project must be open to competitive bidding per the Procurement Code, a new RFP needs to be drafted with the new scope of work. The Interim Administrator suggested that Director Page reach out to these two (2) vendors and possibly others to get pricing.

MOTION: Councilmember Moye moved to issue an RFP for the repair of the tennis courts; Chair Buckhannon seconded.

Chair Buckhannon commented that these courts have been repaired several times in the past, and he questioned putting more money into repairs versus banking this money and adding to it in the FY20 budget to have the courts replaced.

Director Page stated that the courts were in “desperate need of repair.”

Based on the Director’s statement, the Chair recommended that City Council begin to reserve funds, starting with the FY20 budget, to replace the courts in five (5) years.

Responding to Councilmember Moye, Director Page said that, when the courts are replaced, they will have to be resurfaced in six or seven (6 – 7) years, the average life of a tennis court; resurfacing costs between ten and twenty-five thousand dollars ($10,000 – $25,000).

VOTE: The motion PASSED UNANIMOUSLY.

C. Consideration of allowing surfing lessons on the beach through a franchise agreement

Councilmember Smith noted that the issue of surfing lessons on the beach has been moved from the Public Safety Committee to the Recreation Committee because the City is no longer considering it as a City-sponsored event.

Interim Administrator Fragoso recounted that, during the early summer, City Council was asked to approve a company that would provide surfing lessons from the beach in Wild Dunes. They appeared to have a sense of urgency because they had already been advertising the surfing lessons, which would be illegal since the City does not allow any commercial activity on the beach. City Council discussed options that might allow the business to operate as they had advertised; when Council opined that the request would not fit the classification as a City-sponsored event, other possibilities were explored.

The Interim Administrator stated that the first decision Council had to make was whether or not it wanted to allow this activity to take place on the beach. If the answer was ‘yes,’ the City had two

(2) ways to accomplish it on a long-term basis, i.e. the first would be to have a franchise agreement with the company which would take the form of an ordinance and would give the City the most control or the second would be to amend Section 7-3-20 of the City Code that addresses commercial activity on the beach and that exempts photographers for an hour or less from the limitations the ordinance. The issue with amending the Code is that, if after the first year City Council decided that they were unhappy with the surfing lessons, another ordinance amending the Code would be necessary to eliminate the exemption – which would be cumbersome.

Councilmember Moye said that he heard support from the community for offering the surfing lessons on the beach; therefore, to the question about whether to move forward with this activity, he said that the answer would be "yes." Based on the Council discussions, he thought that a franchise agreement specifically for surfing lessons would the best way to move forward.

MOTION: Councilmember Moye moved for staff to draft the necessary franchise agreement and ordinance to allow surfing lessons on the beach; Councilmember Smith seconded.

The Interim Administrator asked whether the City would want one (1) exclusive franchise agreement to one (1) company every year; the agreement could be done every year so that, if Council was not satisfied, the company would not have a two (2) or more year agreement. She recommended that the City issue an RFP; Folly Beach has a sample RFP the City could use as a model. Council could then evaluate the proposals and decide to which company to grant the franchise agreement. The franchise agreement would allow the City to control the magnitude of the activity, i.e., the months it would be allowed to operate, the location on the beach where the activity occurs, the hours of the day they would be allowed to operate; the maximum number of people in a class, etc. In addition, the City could require that the company meet the same insurance requirements as the marina tenants and that the City be named as "an additional insured." She thought that the agreement and ordinance could be developed over the fall and winter to be ready in the spring.

Chair Buckhannon did not know if the City wanted to have one (1) exclusive franchise agreement; he noted that Wild Dunes has the perfect setup and could possibly have more people in each class. On the other hand, he agreed that outside the gates the number in a class must be limited because the City does not have the infrastructure like Wild Dunes.

Interim Administrator Fragoso agreed with the Chair that the City has been very restrictive about what it allows to happen on the beach, and this one (1) franchise agreement might open the door for other activities on the beach. The question was whether City Council would loosen up and would allow other activities on the beach. She also explained that the City has interpreted the Code as saying that chairs/umbrellas delivered to the beach did not violate the ordinance against commercial activity on the beach because no solicitation was occurring on the beach.

VOTE: The motion PASSED UNANIMOUSLY.

D. Discussion of fall field use and scheduling

Director Page stated that the policy for several years has been that outside teams are not allowed to use the City's fields; she stated that the fields needed time to rest to encourage growth.

E. Consideration of providing free WI-FI in the Rec Center and on the grounds

Chair Buckhannon said that he added this topic to the Agenda because he received a few emails asking for free WI-FI; he commented that he was also stopped by people at the Wellness Fair asking about WI-FI at the Rec.

Director Page stated that the Rec Department has WI-FI through the Police Department and is secured; therefore, the password is not given out. She stated that it was put there for meetings when Councilmembers would need access to their iPads. The Director indicated that she has reached out to Technology Solutions for a cost to provide free WI-FI, particularly in the cardio room and the lobby; she learned that to have it inside the building was complicated and would be limited because of the structure.

F. **Consideration of adding sun shade to Rec grounds**

Chair Buckhannon also added this topic to the Agenda although he thought sun shade for the grounds was talked about in the past.

The Director responded that it depended on which feature the Committee wanted to shade. She continued saying that each feature has a parameter around it that must be kept free of anything else; the challenge would be that features would have to be removed and put into a different location. If the Committee was considering a sun shade for the entire playground, the cost would be in the neighborhood on one hundred thousand dollars ($100,000). Another issue would be removing the sun shade when the island was in the path of a hurricane, and the Department did not have sufficient staffing to do it; the Director opined that the cost to remove and reinstall the shade would be approximately one thousand dollars ($1,000). In an effort to provide more shade to the playground, Director Page has been planting more oak trees; she stated that at any given point in the day, areas of the playground are shaded, but the shade might not be on the feature you are interested in.

The Chair asked for Director Page to prepare an overview of possibilities, without relocating features – possibly something that would show the equipment locations and something that would fit on to provide one (1) shaded area.

Director Page asked the Chair which feature he wanted her to concentrate her efforts; she noted that the shade provider would have to be tall so the children could not climb on it.

The Chair suggested that possibly features should be replaced that would be located in a shaded area.

The Director reiterated that a product to shade an area or areas of the playground would be a maintenance issue, and the Department has only one (1) maintenance person. She noted that, when the hurricane shutters must be installed or removed, it takes the entire staff to get the job done. She agreed that she would research what shade products were available.

7. Miscellaneous Business – None

Interim Administrator Fragoso announced that the Farmers' Market scheduled for Thursday might be cancelled due to weather conditions; she expected to know more after the briefing from the Emergency Operations Center (EOC) later today or tomorrow morning.

The next meeting is scheduled for November 6th which also happens to be Election Day; therefore, the meeting was rescheduled to **5:00 p.m., Tuesday, November 13th.**

Sunday Opening of the Rec Center – 1:00 p.m. until 5:00 p.m.
1:00 p.m. – 3:00 p.m. Adult, full-court basketball
3:00 p.m. – 5:00 p.m. Family Gym

8. Adjournment

MOTION: Chair Buckhannon moved to adjourn the meeting at 9:54 a.m.; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

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PERSONNEL COMMITTEE

5:00 p.m., Thursday, October 4, 2018

The regular meeting of the Personnel Committee was held at 5:00 p.m., Thursday, October 4, 2018 in City Council Chambers, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending were Councilmembers Moye and Rice, Chair Ferencz, Interim Administrator Fragoso and Clerk Copeland; a quorum was present to conduct business.

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

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Rice moved to approve the minutes of the regular meeting of September 6, 2018 as submitted; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments – none

4. Old Business

A. Update on 2018 Employee Appreciation

Interim Administrator stated that the event is planned for Friday, October 19th from 11:00 a.m. til 1:00 p.m. in the parking lot behind City Hall; all administrative offices will be closed and shift employees will be encouraged to attend, even if off-duty. Longevity will be recognized for employees who have served five (5), ten (10), fifteen (15), twenty (20), twenty-five (25) and thirty (30) years, and gifts will be presented to each. Invitations went out to employees and Council members this week.

Chair Ferencz suggested that a schedule of events or an informal agenda might be helpful, particularly for those who might come late.

As far as the gifts are concerned, Human Resources Officer DeGroot and Interim Administrator Fragoso have decided to go with small gift catalogs for each milestone of increasing values as the number of years increase.

Recalling the Leola Hanbury Award, the Interim Administrator reminded the Committee that they needed to discuss and recommend the criteria for awarding it so that it could be presented at the annual Employee Recognition event when an employee's actions warrant it.

B. Update on progress in searches for City Administrator, Chief of Police, and Assistant Director of Public Works

Human Resources Officer DeGroot reported that Jim Mercer had become ill after the ICMA Conference; therefore, the production of the City brochures got behind schedule. He did anticipate having the narrative for the Police Chief's position tomorrow. He also mentioned that he spoke with several potential candidates at the conference.

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Interim Administrator Fragoso reminded the Committee of the email she had sent stating that any time the three (3) members of the Committee were discussing this issue, they would be considered to be having a meeting. Therefore, any meeting needs to be properly advertised twenty-four (24) hours in advance and to generate an agenda to post to the website.

Referring to the narratives, Chair Ferencz did not think the Committee would need to meet to discuss them; she thought that each member could write his/her comments on the document and return them to HR Officer DeGroot to forward to Mr. Mercer.

C. Discussion of developing a policy for merit increases for long-term employees who are at the top of their salary range

The Interim Administrator stated that she did not have an update at this time, but she said that she has reached out to the Municipal Association to find out if an Attorney General's opinion has been handed-down on how to do this legally. She did explain that the problem with paying a lump sum, as some cities do, is that it is done retroactively, i.e. services already done.

D. Recommendation for the adoption of the revised Employee Handbook

Noting that "clean" copies of the Employee Handbook were a part of the meeting packet, Interim Administrator Fragoso stated that it contained the changes made at the September meeting.

Chair Ferencz directed attention to the second and third paragraphs of page 18 where the sentenced is duplicated in paragraph three.

On the same page in paragraph four, "discretion" is given to two (2) different entities, the City Council and the City Administrator; Chair Ferencz asked which was correct.

The Interim Administrator said that no changes were made to this section of the handbook, she would need to check the existing handbook to learn what was there before any revisions were made.

MOTION: Councilmember Moye moved to recommend City Council to adopt the Employee Handbook as revised in 2018, including the 2 corrections from this meeting; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

Chair Ferencz thanked HR Officer DeGroot and Interim Administrator Fragoso for their work on completing this tedious task.

5. New Business

A. Discussion of role of City Administrator as defined in the IOP City Code, Title I Government and Administration, Chapter 4, Officers and Departments, Article B, City Administrator, Section 1-4-11, Office Established, Duties

Chair Ferencz recalled that several months ago the Committee agreed to look at possibly changes to the City Code and other municipal documents. Since the Committee is in the process of hiring a new City Administrator, the Chair thought it would be a good time to hone in on the City Administrator's duties as described in the City Code. She added that she would like to look at the job description for this position at the same time. The fact that the Code does not mention

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procurement would need to be corrected to state that the City Administrator serves as the purchasing agent for the City.

Interim Administrator Fragoso noted that Council recently approved the revised job description for the position of City Administrator.

The Chair asked that the HR Officer and the Interim Administrator look at other City Codes to compare them with IOP's.

The Interim Administrator added that a search of the Code needed to be done to insure that this section is consistent with other directives for the City Administrator in the Code.

The Chair asked that the same type of scrutiny be given to the Chief of Police position.

B. Consideration of timekeeping software

Treasurer Suggs was asked to join the discussion for this topic.

The Treasurer stated that HR Officer DeGroot selected three (3) vendors to provide demonstrations on their products; the attendees included some employees since they will be the end users, all department managers and supervisory positions in the Police and Fire Departments. The materials in the meeting packet were a price comparison between the three (3) and a comparison of renting versus buying the equipment. The lost cost vendor NOVAtime is the vendor the employees chose and the vendor recommended by BS&A. She reported that NOVAtime offers, at no charge, as much support time as needed in the first year for supervisory and administrative positions.

When asked to comment on her evaluation of the three (3) products, HR Officer DeGroot stated that the selection was a collaborative one in that the users were able to see the functionality. She stated that, personally, she was pleased that the choice was NOVAtime because their product appeared to be the most user-friendly; she added that BS&A has had good implementation experiences with them as well.

Councilmember Moye asked if the City was looking for other key services, outside the obvious one, from these vendors. According to HR Officer DeGroot, the NOVAtime product has some advanced parts that the City will look at.

Treasurer Suggs stated that this system will simplify the process of knowing when overtime begins, which can be quite cumbersome for shift employees in weeks that include a holiday; their process will eliminate all guesswork from the calculation and standardize such decisions across all departments.

Interim Administrator Fragoso stated that this activity is budgeted in this fiscal year in the amount of twenty-eight thousand dollars ($28,000), and the first year's expenditures are far less than budgeted.

Although her recommendation usually is to buy equipment and systems, in this case Treasurer Suggs is recommending rental; renting will give the City more flexibility to upgrade to newer technology when it becomes available and, under the rental program, any broken equipment can be replaced at no cost to the City.

MOTION: Councilmember Moye moved to recommend to the Ways and Means Committee the rental of a bio-metric time and attendance system; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

6. Miscellaneous Business

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

7. Executive Session – not needed

8. Adjournment

MOTION: Councilmember Rice moved to adjourn the meeting at 5:40 p.m.; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

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City of Isle of Palms

Employee Handbook

Adopted _____

ALL EMPLOYEES OF THE CITY ARE EMPLOYED AT-WILL AND MAY QUIT, OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF THE CITY'S RULES, PRACTICES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. THIS HANDBOOK REPLACES ANY PREVIOUSLY ISSUED POLICIES, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NO PAST PRACTICES OR PROCEDURES, WHETHER ORAL OR WRITTEN, FORM ANY EXPRESS OR IMPLIED AGREEMENT TO CONTINUE SUCH PRACTICES OR PROCEDURES. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, THAT ARE CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS SET FORTH IN THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE PUT IN WRITING; 2) THE DOCUMENT IS LABELED "CONTRACT:" 3) THE DOCUMENT STATES THE TERM OF EMPLOYMENT; AND 4) THE DOCUMENT IS SIGNED BY THE CITY ADMINISTRATOR OR APPROVED BY VOTE OF COUNCIL.

DISCLAIMER

ALL EMPLOYEES OF THE CITY ARE EMPLOYED AT-WILL AND MAY QUIT, OR BE TERMINATED AT ANY TIME AND FOR ANY OR NO REASON. NOTHING IN ANY OF THE CITY'S RULES, PRACTICES, POLICIES, HANDBOOKS, PROCEDURES OR OTHER DOCUMENTS RELATING TO EMPLOYMENT CREATES ANY EXPRESS OR IMPLIED CONTRACT OF EMPLOYMENT. THIS HANDBOOK REPLACES ANY PREVIOUSLY ISSUED POLICIES, WRITTEN OR ORAL, GOVERNING EMPLOYMENT. NO PAST PRACTICES OR PROCEDURES, WHETHER ORAL OR WRITTEN, FORM ANY EXPRESS OR IMPLIED AGREEMENT TO CONTINUE SUCH PRACTICES OR PROCEDURES. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, THAT ARE CONTRARY TO OR INCONSISTENT WITH THE LIMITATIONS SET FORTH IN THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT UNLESS: 1) THE TERMS ARE PUT IN WRITING; 2) THE DOCUMENT IS LABELED "CONTRACT;' 3) THE DOCUMENT STATES THE TERM OF EMPLOYMENT; AND 4) THE DOCUMENT IS SIGNED BY THE CITY ADMINISTRATOR OR APPROVED BY VOTE OF COUNCIL.

I ACKNOWLEDGE RECEIPT OF THE CITY'S EMPLOYEE HANDBOOK AND UNDERSTAND THAT IT IS NOT A CONTRACT OF EMPLOYMENT. I UNDERSTAND IT REPLACES ALL PREVIOUS HANDBOOKS AND POLICIES.

_____

[Signature] Date

_____

Printed Name

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Welcome to the City of Isle of Palms

We are delighted to have you as a member of our team. We are confident you will be a valuable addition to the City and will help us provide excellent services to our community.

This Handbook will provide you with important information regarding your employment with the City of Isle of Palms.

Please read it carefully and retain it for future reference.

We are very excited to have you as a part of our team!

GENERAL POLICIES

Equal Employment Opportunity

The City provides equal opportunity to all applicants for employment and administers hiring, conditions and privileges of employment, compensation, training, promotions, transfer and discipline without discrimination because of race, color, religion, gender, genetic information, sexual orientation, gender identity, veteran status, disability, age or national origin. The City also prohibits retaliation against employees who have reported discrimination. Any employee who believes that he or she has been discriminated against in violation of this policy should report the matter to his or her supervisor, department head, Human Resources, or the Administrator.

Anti-Harassment

Various laws and regulations generally prohibit employment decisions from being made on the basis of race, gender, religion, national origin, color, age, genetic information, or disability. In addition, the City desires to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, threats and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being.

The City does not tolerate harassment of any kind and forbids retaliation against anyone who has reported harassment in good faith.

Sexual Harassment

Sexual harassment warrants special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when

1. Submission to the conduct is an explicit or implicit term or condition of employment; or

2. Submission to or rejection of the conduct is used as the basis for an employment decision; or

3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented kidding or teasing, practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, “put-downs” or condescending or derisive comments or terms based on gender, and physical

conduct, such as patting, pinching or brushing against another person. This policy prohibits such conduct regardless of the gender of the perpetrator or victim.

Disputes sometimes arise as to whether conduct was "welcome" or "unwelcome." Conduct that would violate this policy if it were unwelcome violates the policy if anyone complains of it. However, not all conduct prohibited by this policy constitutes a violation of the law.

Complaint Procedure and Investigation

If you believe this policy has been violated by anyone with whom you come in contact on the job, regardless of whether it is by a fellow worker, a supervisor or a member of the general public, you should report the incident(s). You may do this by reporting to your supervisor or to a higher level in your "chain of command." Complaints against the City Administrator should be made to the Chair of the City's Personnel Committee.

Supervisors and managers who receive complaints of or become aware of harassment should coordinate with the City Administrator or the Human Resource Officer.

Harassment allegations will be investigated, and the investigatory process may vary from case to case. The investigation is conducted as confidentially as possible consistent with the effective handling of the complaint and the goals of this policy. All employees have a responsibility both to cooperate fully with the investigation and to keep the matter confidential, whether the employee is the accused person, the complaining one or merely a potential witness. Persons who are interviewed should not discuss the matter with co-workers, friends or management. This does not mean, however, that employees may not complain to civil rights agencies.

Employees may be asked to submit to a polygraph (lie detector) examination.

-- IMPORTANT --

To avoid misunderstandings, complaints require the completion of a complaint report, either by you or by the person to whom the complaint is made, summarizing the allegations and listing any witnesses to the alleged harassment. Be sure to get a copy of the complaint report from the Human Resources Officer to confirm you have complied with this procedure.

These procedures have been established to enable you to get relief if you feel that you are the victim of harassment. The U.S. Supreme Court has said that as a general rule you may not sue the City for a violation of your rights unless you first give ~~us~~ notice and an opportunity to end the harassment. The reporting procedures ~~we have~~ adopted are intended to establish a clear record of what has been reported.

Workplace Violence

The City of Isle of Palms desires to create and maintain an environment free from disruptive, threatening, and violent behavior. The goal of the City is to set a standard of zero tolerance for workplace violence and/or bullying and/or the threat of workplace violence and/or bullying by employees or citizens. The City is committed to communicating the standard of zero tolerance for workplace violence and/or bullying and/or the threat of workplace violence and/or bullying by employees or citizens. The City acknowledges that employees may be exposed to violence by the very nature of their jobs in public service (e.g. Police Department and Fire Department.)

Workplace Violence is the use of harassment, intimidation, physical force, or the abuse of power or authority when the intent is to control by causing pain, fear, or harm.

Examples of inappropriate behavior by employees or citizens include: Behavior that distracts, interferes with, or prevents normal work functions. This behavior includes, but is not limited to: verbal harassment, using profanity or vulgarity, verbal abuse, threatening or degrading language. Physical harassment, assault, sexual assault, or actions short of actual contact/injury, and specific threats to inflict physical harm as well as unlawfully impeding or blocking the movement of another person. Electronic communication utilized in a manner to interfere with an individual's ability to effectively function is also considered to be in violation of this policy.

The City can't always predict violent acts; therefore, department heads and employees are asked to be vigilant and report any concerns or violent acts to the City Administrator or Human Resources as soon as possible. All reports or complaints under this policy will be investigated and include confidentiality, to the extent possible. Behaviors may be reported to the proper authorities.

This policy prohibits retaliation against an employee who in good faith brings a complaint of violent, threatening, or hostile behavior.

EMPLOYMENT POLICIES

Hiring/Recruiting

The City endeavors to hire the most suitable candidate for open positions and encourages current employees to apply for positions for which they are qualified. The City may also solicit and consider applications from external applicants. Decisions to fill an open position that are made by lower levels of management require prior approval by the City Administrator.

Nepotism/Employment of Relatives

People in the same immediate family may not be employed or continue to be employed if one directly or indirectly supervises another or interacts with another in the handling of money or compensation. For purposes of this policy, immediate family is defined as spouse, parent, child,

grandparent, grandchild, brother or sister, parent-in-law, grandparent-in-law, brother-in-law and sister-in-law. The immediate family is also considered to include stepparents, stepchildren, stepbrothers and stepsisters when the employee and the step-relative have lived together regularly in the same household. Unrelated employees residing together or otherwise engaged in a close personal relationship (such as domestic partner, co-habitant or significant other) are treated as being within the immediate family of each other for the purposes of this nepotism policy. Members of the immediate family of elected officials of the City are not eligible for City employment.

If employees become related by marriage and create a situation prohibited by this policy, one of the employees may be asked to give up his or her position. If the employees cannot choose which of them it will be, the employee having the lower budgeted annual compensation may be removed. The removed employee may be considered for other positions within the City for which he or she is qualified.

Situations not specifically addressed in this policy that, in the City's opinion, create a conflict of interest or give the appearance of a conflict of interest, will be handled at the City's discretion.

Members of the volunteer fire department are exempt from this restriction.

Employment Status

Regular full-time employees are those who have completed their probationary periods and fill a full-time position with the City. Employees in this status are normally scheduled to work at least thirty (30) hours per week. However, the City does not guarantee any minimum number of hours of work per week. Regular full-time employees are generally eligible for fringe benefits.

Regular part-time employees are those who have completed their probationary periods and fill a part-time position with the City. Employees in this status are normally scheduled to work less than thirty (30) hours per week but may be called upon to work above their normally scheduled hours of work when workloads require. Regular part-time employees who work thirty (30) hours per week or more may be eligible for fringe benefits.

Probationary employees are part-time and full-time employees who have not yet completed their probationary period.

Temporary employees are those hired for a limited period of time or until completion of a particular project or projects. Such employees may work part-time or full-time hours depending on the needs of the City. Temporary employees are generally not eligible for fringe benefits.

Probationary Period

All new employees, including former employees who have been rehired, are considered to be on probation for the first six months. This period is a continuation of the selection process and is a time in which the new employee should demonstrate that he or she is suited for the job. This

period is not a guarantee of employment for six months. If the department head concludes at any time that the employee is not suited for his or her position, the employee may be terminated or may be placed on extended probation if approved by the City Administrator.

The probation period ends successfully when the department head, not sooner than six months after the employee was hired, evaluates the new employee in writing and authorizes his or her classification as a "regular" employee.

Probation for Police Department sworn officers who are hired and sent to the South Carolina Criminal Justice Academy starts on the first day of work after graduation from academy and extends for one year of becoming sworn law enforcement officers.

All newly promoted employees are considered to be on probation in their new jobs for six months. This period is a continuation of the selection process and is a time in which the newly promoted employee should demonstrate that he or she is well suited for the promotion. It is not a guarantee of employment for six months.

If the department head concludes at any time during the promotion probationary period that the newly promoted employee is not suited for his or her new position, the employee may be removed from that position. If there is a vacancy in his or her former position that is to be filled, he or she may be returned to it. If there is no such vacancy, he or she may be considered for the filling of other vacancies for which he or she is qualified. If no other position is found, the employee may be terminated. This action does not prohibit an employee from applying for future vacancies with the City.

Dual Employment

If an employee is discharged for disciplinary reasons or allowed to resign in lieu of discharge, that employee is automatically discharged or deemed to have resigned from all positions with the City, including any secondary employment. If an employee resigns or is discharged for other than disciplinary reasons, the City reserves the right to discharge that employee from any other position the employee holds with the City, including any secondary employment. (City Council Approved 10/22/02)

Outside Employment

The City expects an employee's work for the City to take precedence over any outside employment engaged in by an employee. Employees must get prior written approval from his or her Department Head before engaging in other employment. Should the City, in its sole discretion, determine that the outside employment interferes with or is otherwise incompatible with employment for the City, the employee may be asked to choose between the jobs.

Employees may not engage in any private business or activity while on City work time or at City workplaces.

No Solicitation/No Distribution Rule

The City of Isle of Palms has adopted the following rules to promote efficiency in the work place:

1. Solicitation or distribution by persons other than City employees in those areas of government property not open to the public is prohibited. Solicitation or distribution by persons other than City employees in areas open to the public is prohibited unless expressly approved by the Administrator.

2. Solicitation by City employees during work time or in work places is prohibited. Work time is all time that the employee soliciting and the employee to be solicited is on the premises and expected to be working.

3. Distribution of unofficial literature by City employees during work time is prohibited.

4. No solicitation, even though it does not violate the City's rules, should include any mention of the City of Isle of Palms.

5. Employees may not solicit non-employees for charity while wearing a City uniform or displaying any other indicia of City employment status. Nor may any employee identify himself or herself as a City employee when making a solicitation for charity.

Conflict of Interest

City employees are covered by state ethics laws that prohibit public employees from using their public position for their own personal gain or to benefit a family member or business associate. State law also prohibits employees from making governmental decisions on matters in which they, their family or business associates have an economic interest. Employees must notify their supervisors in writing of any matter in which they, their family or business associates have an economic interest and in which they must act on behalf of the City. The supervisor must send the notification to the City Administrator for review. If the City determines a potential conflict or appearance of conflict of interest exists, the matter will be reassigned to another employee.

Gifts and Gratuities

No employee may directly or indirectly solicit, accept or receive a gift under circumstances in which it could be inferred that the gift was intended to influence her or him in the performance of her or his official duties or was intended as a reward for an official act on his or her part. A gift is defined as any benefit, favor, service, privilege or thing of value that could be interpreted as influencing an employee’s impartiality. A gift includes, but is not limited to, meals, trips, money, loans, rewards, merchandise, foodstuffs, tickets to sporting or cultural events, entertainment, and personal services or work provided by City suppliers or contractors. This policy is not intended to prohibit the acceptance of items of nominal value that are distributed generally to all employees.

A determination as to whether this policy has been violated is in the City's sole discretion.

Employee Bidding

From time to time, the City may hold a public auction for the sale of City personal property or surplus supplies which have become obsolete, unusable or otherwise unsuitable for public use. City employees may bid on such items at public auction so long as the following conditions and requirements have been met:

1. The employee has not performed any official function related to the sale or auction. "Official function" means writing or preparing the contract specifications, acceptance of bids, award of the contract or other action on the preparation or award of the contract.
2. The employee has not participated in identifying, selection, recommending, inspecting or preparing the item for sale.
3. The employee does not use a straw buyer.
4. The employee complies with all state ethics laws.

Situations not specifically addressed in this policy that, in the opinion of the City Administrator, create a potential conflict of interest or give the appearance of a conflict of interest, will result in the disqualification of the employee's bid. For the purposes of this section, "employee" shall refer to all regular full-time and part-time paid City employees as well as to City volunteer firefighters.

Political Activity

Employees may fully and freely associate themselves in organizations of their own choosing, except those organizations whose purpose is the violent overthrow of the government of the United States, the State of South Carolina or any of its political subdivisions. In addition, supervisory employees may not join or support labor organizations that accept to membership subordinates of such supervisors.

In certain circumstances involving real or potential conflicts, employees who run for public office may be placed on an unpaid leave of absence until after the election. If an employee is placed on leave of absence, his or her employment will terminate upon his or her election to a partisan public office.

For purposes of this policy, an employee is considered a "candidate for public office" as soon as he or she begins actively campaigning for nomination or election, or when he or she files for candidacy, whichever comes sooner.

Workplace Privacy/Computer and Internet Use

The workplace is intended to be a place of work. An important part of work is communications and recordkeeping. No employee is at work 24 hours a day, seven days a week, and there are times when management needs access to communications or records maintained by employees in their individual workplaces. Personal items and personal communications received or stored on City premises are not entitled to a guarantee of privacy.

Management may search City property and documents in City-owned vehicles, employee desks, lockers, file cabinets, etc.

Electronic media raise similar issues. The City provides electronic and telephonic communication devices to employees for use in performing their job duties. Although assigned to the employee, these items still belong to the City. Similarly, any computer files created, or software downloaded on a City computer belong to the City. Unauthorized programs, applications and files may not be used or installed on City computers. Employees may not destroy or delete files from City computers or mobile devices except pursuant to the South Carolina State record retention policy.

Employees are given certain access and computer rights based upon the employee's job description. Employees may not change any of these rights or the rights of anyone else. Software, programs, games, applications, and any other downloads may not be installed on City computers without the written permission of the City.

Employees are prohibited, unless specifically authorized by the City, from accessing and/or viewing e-mail which has not been sent by, or addressed to, the employee. Similarly, employees are prohibited, unless specifically authorized by the City, from accessing and/or viewing databases containing personal employee information. Employees who have received appropriate authorization to access and/or view databases containing personal employee information are prohibited from using or discussing information in those databases except as directed by management.

The City consents to the reasonable personal use of its communication devices. The definition of "reasonable personal use" is determined in the sole discretion of the City. The only sure way to avoid violating the City's policy on personal use is not to use the City's communication devices, computers and network for any personal purpose. The following personal computer use is absolutely forbidden:

1. Accessing any material which the City considers to be pornographic; transmitting or knowingly accepting receipt of any communication which is pornographic, obscene, or in the City's opinion might contribute to a hostile work environment in that it demeans individuals on the basis of race, gender, age, national origin, disability or some similar distinction;

2. Conducting business for outside employment or a side-business;

Although employees may use City-owned communication devices, computers and network for limited personal use, all files and data created or transmitted using a computer (desktop or laptop), telephone, pager, "smart phone," or any other electronic device provided to the employee by the City belongs to the City and may be accessed by the City during transmission of the communication or while in storage on the City's equipment. This includes, but is not limited to, voicemail, the content of e-mail, text (sms) messages, multi-media messages (mms), instant messages, and the content of internet websites.

By accepting employment with the City, you consent to monitoring, including "real time" monitoring, of all communications described in this policy and authorize the City to access all data stored on communication devices provided by the City. The City also reserves the right to report the finding of such reviews to appropriate agencies. Data stored on a City communication device includes data, such as personal third-party e-mail accounts (*e.g.,* yahoo, Hotmail, Gmail, etc.) and websites, that is accessed with a password where the data was accessed using the City's communication device. **Thus, if you do not want the City to have access to your personal e-mail account or your social networking site, you should not access your personal e-mail or other password-protected websites using City-owned communication devices.** Even though an item has been "deleted" and the employee cannot retrieve it, this does not mean that the City cannot do so. It is also possible to generate a report of every internet connection made by each user and the amount of time spent in each connection.

If you access personal e-mail accounts or other password-protected websites using City-owned communication devices, you will be subjecting those accounts and websites to any viruses that may have infected the City-owned communication device. The City is not liable for any damages you suffer because of such access. The best way for you to protect your personal information is to refrain from accessing it using City-owned equipment.

Employees may not use their personal electronic equipment (including, but not limited to, personal laptop computers and cellular phones) on City property or at City work sites to engage in conduct which would be prohibited if using City equipment.

Social Networks; Personal Web Sites; Blogs

The City consents to reasonable limited access to social media sites during working hours or using City equipment. What is "reasonable" is determined in the sole discretion of the City. The only sure way to avoid violating the City's policy on personal social media site access is to not to access such sites at all during working hours or using City equipment.

Employees must understand that material posted on these media may be read by persons other than those for whom it is intended. Employees are cautioned that they are responsible for the contents of social media posts, comments and actions they make. Posts that contain obscene or harassing material, that are unlawful, that contain personal attacks on coworkers, that reasonably call into question the employee's judgment, or that reasonably cause concern among the public may result in discipline, up to and including termination from employment. Similarly, conduct

that would violate City policies, if done in person, also violates City policy if done through social media. Employees may not disclose confidential information over social media or similar sites.

Employees who post on media sites and who have identified themselves as a member or employee of the City on those sites, must make it clear that they are expressing their own views and not those of the City.

Package Inspection

Employee packages, bundles, knapsacks, shopping bags, briefcases, large handbags, and similar items are subject to inspection by management or security officers. (City Council Approved 3/28/00)

Use of Tobacco

The use of tobacco, "**vaping materials,**" or smokeless tobacco inside of City-owned and publicly utilized City facilities and vehicles is prohibited. (City Council Approved 2/22/05)

Use of City Vehicles

If a City employee's job entitles or requires him or her to use a City vehicle, the employee is responsible for the proper care of the vehicle. Abuse of or carelessness in the use of City property is prohibited.

Use of City-owned vehicles for unofficial business is limited to the City employee and to twenty-five (25) miles from employee's home or workplace. Specific departmental policies and procedures must be adhered to. Vehicles must be used within limitations imposed by the City and must be operated within the limits of the law at all times. Under no circumstances shall a City-owned vehicle be operated by an employee, whether on official or unofficial duty, if the employee has consumed alcohol or illegal drugs or legal drugs which adversely affect his or her ability to operate the vehicle. Additionally, the use of tobacco and smokeless tobacco in City vehicles is prohibited. Operators are responsible for fines and damages resulting from his or her own negligence. Use of seat belts in City vehicles is required by law. (City Council Approved 2/27/01)

Any City employee involved in an accident while driving a City vehicle must immediately notify the police department having investigative jurisdiction over the area where the accident occurred. The employee's supervisor must be notified as soon as possible. If the vehicle is radio-equipped and the control station is within range, a report and request for police investigation should be made by radio. If not, then the request should be made by telephone.

Upon review of the accident, if the City Administrator determines that negligent or improper use contributed to the accident, the employee responsible for the vehicle may be subject to a financial penalty of up to one per cent of annual pay, collected through payroll deduction and

being placed on probation. Any such penalty assessed will be considered an advance of wages and may be deducted from an employee's final paycheck(s).

Inclement Weather Policy

All City offices and departments will be operating as scheduled unless extremely hazardous weather conditions exist. The City Administrator will determine if weather conditions are so severe that City offices should close, or if their openings should be delayed. If closing or delayed opening is necessary, the news media will be advised. In case of a weather-related closing or delay in opening, employees will not be penalized for the loss of scheduled time.

WAGES AND HOURS OF WORK

Classification System

The City of Isle of Palms has a system for classifying positions within the City, including pay ranges for those positions. Classification systems and pay ranges are subject to change at any time. The establishment of pay ranges or grades for any position does not guarantee the occupant of that position any particular rate of pay.

Normally, an employee newly hired to a job begins at the first step or minimum rate of the range. Selected applicants are compensated within the salary ranges based upon their qualifications and experience. Selected applicants having a minimum or no prior experience begin at the minimum rate of the range. In all cases, the department head, in consultation with the City Administrator, shall attempt to work within available funding designated in the City's current budget. If it is determined that the compensation will create a budgetary impact, then concurrence regarding the compensation must be obtained via the Personnel Committee, Ways and Means Committee and City Council. (City Council Approved 9/25/01.)

Hours of Work

The City's normal hours of business are Monday through Friday from 8:00 a.m. to 5:00 p.m. However, some departments must operate outside the City's normal hours of business, and schedules of employees of those departments may differ from the City's normal hours. Each department is responsible for scheduling its employees to meet the needs of the City. Employees may be required to work overtime.

Overtime and Compensatory Time

Full-time, non-exempt employees, with the exception of law enforcement and fire suppression personnel, receive overtime premiums at one-and-a-half times their regular hourly rate for all hours worked in excess of forty (40). Law enforcement personnel receive overtime premiums after eighty-four (84) hours in a pay period. Fire suppression personnel receive overtime

premiums after one hundred six (106) hours in a pay period.

Employees must accurately record all hours worked and must have worked all hours recorded. Employees may not work "off the clock," and employees may not work overtime without the permission of their supervisor except in cases of emergency.

Employees who are exempt from overtime receive a salary that compensates them for all hours worked in the workweek.

Employees who are exempt from overtime receive a salary that compensates them for all hours worked in the workweek. Such employees do not receive overtime pay or compensatory time off. However, department heads may grant additional paid time off to exempt employees who have worked unusual amount of time in excess of the normal schedule, but no exempt employee has a right to such additional paid time off. Compensatory time is forfeited if not used in a timely fashion, generally within thirty days, unless otherwise approved by the Administrator or Council. Documentation procedures for time accrued and taken are the responsibility of the City Administrator. Unused compensatory time will not be paid out for any reason.

Special Compensation for Exempt Employees - In the case of a state of emergency or disaster declared by the Isle of Palms City Council, the Governor of the State of South Carolina, or the President of the United States, at the discretion of the Isle of Palms City Council, employees who are otherwise exempt may, at the discretion of the City Administrator, be paid a sum in addition to their regular salary. (City Council Approved 3/28/00)

Payment of Wages

Employees are paid every other week on Friday by direct deposit. (City Council Approved 6/28/05) Employees should examine their paychecks/pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made. Any payment errors must be reported to payroll within fourteen (14) days.

The City deducts from employees' gross pay taxes and withholding required by the taxing authorities. The City may also deduct from employees' pay the employee's share of any premiums or plan contributions for insurance, retirement and similar plans that are elected by the employee. The City may make other deductions as required by law or court order. The City does not make unauthorized deductions and will reimburse employees if such deductions are made inadvertently.

Cash, debts owed the City, fringe benefits, uniforms, tools, equipment, vehicles, instruction manuals, keys, City identification cards and other items belonging to the City that are advanced or issued to an employee but not repaid or returned at the time of her or his separation are considered advances of wages, the value of which may be deducted from the employee's final pay check(s).

Performance Evaluation and Merit Pay (PE&MP) Policy

While favorable performance evaluations may be a factor in determining wage increases, no employee is entitled to a wage increase because he or she receives a favorable evaluation.

1. The City of Isle of Palms PE&MP policy is as follows:

An annual Performance Evaluation generally is conducted for each regular full-time City employee during the month of January. Newly hired employees generally receive a Performance Evaluation at the end of their six-month probationary period. Newly hired employees and other employees are eligible for a merit increase provided he or she is off of probationary status during the City's Annual Performance Evaluation. (Change approved by City Council 9/27/2005)

2. The following specific policies apply to the PE&MP Program:

A. The merit pay increase cannot place an employee's compensation outside the pay range for their position.

B. Performance Evaluation criteria are developed by the City Administrator in conjunction with the City department heads and are submitted to the Personnel Committee for approval.

C. The City Administrator's Annual Performance is developed by the Personnel Committee and submitted to the City Council for approval.

D. Regular part-time employees receive an Annual Performance Evaluation. Regular part-time employees working at least 30 hours per week are eligible for a merit pay increase. (Approved by City Council 11/17/2009)

Travel and Subsistence Allowance Policy

When City employees are required to travel out of town on official business, the City will provide funds for reasonable transportation, lodging and meal expenses. Allowances and/or reimbursements for travel and subsistence shall be consistent with current allowances set for State employees of the State of South Carolina.

Travel Expenses

The City may purchase advance tickets for traveling by common carrier. Whenever possible, employees must travel in tourist class.

Employees, who are authorized to use their personal vehicles on official business, may be compensated at the current rate authorized by either the Internal Revenue Service or the State of

South Carolina, whichever is greater, and if a record is kept of the personal vehicle miles driven on official business.

Employees may be reimbursed after submitting the proper receipts for bridge, ferry and parking tolls. Receipts for taxi fares are not required, but expenses must be itemized.

Meal Allowances

In accordance with guidelines for State travel and subsistence, employees will be given a daily allowance to cover the cost of meals for each full day of travel.

Lodging

When lodging is required, employees are expected to utilize standard, medium priced hotels and that facility's government rate. In all cases, the City will not pay more than the regular single room rate. Receipts must be submitted for reimbursement of lodging expenses.

Travel Advances

In some circumstances, with the approval of the City Administrator, funds may be advanced to an employee to cover anticipated travel expenses. In all cases, receipts are required for all expenditures. (City Council Approved 2/27/01)

SAFETY AND RISK MANAGEMENT

Use of City Property

Proper use and maintenance of City property is very important. The tools and equipment used on the job are modern and costly. If equipment is defective or in a non-working condition, report the matter to your supervisor or department head at once. Never use defective or broken equipment which may endanger safety or the safety of others. Any employee who damages City property or equipment through negligent or improper use may be subject to a financial penalty of up to 1% of annual pay, collected through payroll deduction and being placed on probation. Any such penalty assessed will be considered an advance of wages, subject to immediate satisfaction upon separation of the employee. The City Administrator shall determine when damage to property or equipment has resulted from negligence.

At no time should any City owned property be used by an employee, or should the employee allow others to make unauthorized use of City property for the purpose of conducting an outside business, any money-making venture, or any personal purpose outside of the scope of the employee's job.

Safety Policy

It is the City's policy to provide safe working conditions for all employees, to provide ~~complete~~ instructions covering safe working methods, and to provide special equipment to protect employees against particular hazards. This municipality complies with the Occupational Safety and Health Act (OSHA) and other safety laws.

Accidents/injuries are preventable. All employees will promote accident prevention by actively supporting the Safety Program, by observing the safety regulations and by working safely.

The keys to the City's safety program are:

1. The designation of a responsible employee in a position of authority as the Safety Coordinator.

2. Support from management and supervisory personnel in the prevention of accidents and the implementation of this policy.

3. The establishment of the Safety Committee composed of representatives from various departments of this municipality.

4. Regularly scheduled safety meetings held with supervisors.

5. Supervisors conducting regularly scheduled safety meetings with employees.

6. Investigations of all accidents and incidents to determine causes and remedial actions required to prevent recurrence.

7. Employees being responsible for the safe condition of assigned equipment and materials, good housekeeping practices and safe working conditions. Supervisors and employees are expected to conduct regularly scheduled inspections of their work places to identify hazards. Corrective actions shall be initiated to control unsafe acts, conditions or procedures.

8. Accident prevention principles being incorporated in new employee orientation training and being a part of on-going training programs for ALL employees. Supervisors will train employees to use safe work practices.

9. The department heads, with the assistance of the Safety Coordinator, analyzing hazardous working conditions and developing standard operating procedures to ensure that the hazardous conditions are minimized and that safe work practices are used.

10. Use of personal protective equipment by employees to reduce the probability of injury.

11. ***All*** employees are charged with the responsibility for making safety a daily concern. This responsibility must be accepted by everyone, regardless of their position in the organization.

LEAVE POLICIES

Holidays

The City observes the following holidays:

New Year's Day
Martin Luther King, Jr.
President's Day
Memorial Day
Fourth of July
Labor Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving Day
Christmas Eve
Christmas Day

Holidays that fall on Saturday are generally observed the preceding Friday. Holidays that fall on Sunday are generally observed the following Monday.

Council may declare additional days as holidays.

Employees must work his or her scheduled day before and after the holiday, or be on approved leave, in order to be paid for the holiday.

Employees are paid eight (8) hours of holiday pay if they do not actually work the holiday. All employees whose schedule or circumstances require them to work on a holiday are paid regular pay for the hours they work plus an additional number of holiday hours equal to the number of hours they actually work during the twenty-four (24) hour holiday, but in no case less than eight (8) hours. Fire and Police shift personnel will recognize the actual day the holiday falls on, not the observed day for pay purposes.

If a holiday is observed while an employee is on approved annual leave, the employee will receive holiday pay and that day will not be charged against his or her annual leave balance.

Annual Leave

The City of Isle of Palms encourages employees to take any annual leave for which they are eligible. A regular, full-time employee is eligible to take accrued annual leave after completing their 6-month probationary period or any probation period. (City Council Approved 6/22/04)

Employees desiring to take annual leave should give their supervisors at least two weeks advance notice. Annual leave will be scheduled as much as practical in accordance with employee requests. The City's workload demands, however, are paramount.

When more employees request particular days off than can be accommodated, supervisors will make annual leave assignments taking into account the date the requests were made, special needs for particular annual leave dates and the employees' lengths of service.

Annual Leave Accrual Rates

Employees with up to twelve (12) months of service accrue annual leave at the five (5) day rate; employees with more than (12) twelve months** to five (5) years of service accrue annual leave at the ten (10) day rate; employees with more than five (5) years of continuous service accrue annual leave at the fifteen (15) day rate.

5 Days Annual Leave	10 Days Annual Leave	15 Days Annual Leave	Department hours per shift
4.42	8.84	13.26	24 hr. shift*
3.50	7.00	10.50	12 hr. shift*
3.35	6.67	10.05	8 hr. shift

*Sworn Law Enforcement and Fire Fighters
** New accrual rates effective January 1, 2019 upon Council approval.

The maximum number of annual leave days that can be accumulated is 30.

An employee may only take in one (1) calendar year the maximum number of days leave that he can accrue in that calendar year. Any deviation from this policy must be approved by the department head and the City Administrator with the advice and consent of Council.

The City of Isle of Palms is an island beach resort community where the demand for public services increases dramatically during the beach season. This is also the most popular time for employees to request annual leave. Because of this conflict, there will be circumstances when department heads will not be able to approve requests for annual leave because of the impact on essential services. Annual leave time requested during the period of May 1- September 30 may require the additional approval of the City Administrator.

If an employee who has been advanced any leave time leaves the City's employment, either through resignation or termination, the deficit in annual leave is considered an advance of wages and will be withheld in an equivalent dollar amount from the employee's final pay check(s).

Any accumulated annual leave credited to a regular full-time employee at the time of separation from employment will be paid to the employee at his or her regular hourly rate of pay provided that the employee has given and properly worked a fourteen (14) day notice of resignation or has been discharged for non-disciplinary reasons. Payment of accrued annual leave may be requested by any regular, full-time employee in good standing in the event of a personal need or family emergency. Employees must maintain a balance of ten (10) days in order to request a payment. The payment of accrued annual leave is limited to two requests per employee per fiscal year, not exceeding a total of $1,000. Requests for payment of $500 or less may be approved by the employee's department head and the City Administrator. Any request for a payment in excess of $500 requires the additional approval of the City Council's Ways and Means Committee. (City Council Approved 11/25/03)

After the exhaustion of available paid leave, employees who are on an unpaid leave of absence do not continue to accrue annual leave during the absence. Unpaid leaves of absence include those caused by an on-the-job injury for which the employee is receiving workers' compensation benefits. Annual leave begins to accrue again when the employee returns to work.

Sick and Family Leave

Sick and Family Leave Accrual Rates

Department hours per shift	Sick Leave Accrued per month in hours	Sick Leave Accrued in days per year
8 hours	8 hours	12
12 hours	12 hours	12
24 hours	12 hours	6

Employees may carry over a maximum of 90 sick leave days.

Sick leave is paid when an employee is excused from work due to his or her own non-occupational disability. Employees may be required to submit a physician's statement of disability before being eligible for sick leave payment, including when absent for prolonged periods of time or if the employee has been counseled for excessive use of sick leave. However, submission of an excuse does not guarantee payment of sick leave. In some circumstances, employees may be required to provide certification from their physician that they are able return to work. Abuse of leave or failure to call in as required may result in denial of paid sick leave.

Sick and Family Leave is to be used for the following reasons:

(1.) The employee's own illness.

(2.) Employee's own medical or dental appointments.

(3.) To provide care during the illness or injury of an employee's spouse, child or parents or as approved by the City Administrator.

Bereavement Policy

Employees will be paid for time actually lost from straight time scheduled work to attend the funeral of a member of their immediate family, which is defined as spouse, parent, child, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, and sister-in-law. The immediate family will be considered to include stepparents, stepchildren, and stepbrothers and stepsisters only when the employee and the deceased had lived together regularly in the same household at or prior to the time of death. The City may require proof of relationship and attendance at the funeral.

Employees may be excused from work to attend the funerals of other family members and, upon request, may be paid for such absences from accrued annual leave balances.

Up to five calendar days may be taken in the event of the death of a member of the employee's immediate family. Employees must request bereavement leave by contacting their department head/supervisor before going on leave.

General Policies:

1. Sick and Family Leave may accrue to a maximum of ninety (90) days.

2. An employee maybe required to submit a physician's statement after the third consecutive day of absence at the discretion of the department head. Human Resources must be notified of the absence after the third consecutive covered day.

3. Employees must notify their department heads that they will be out sick from work no later than one (1) hour after the time they are supposed to report to work; otherwise, their absence from may be charged against their annual leave. Individual department heads or supervisors may have earlier call-in procedures due to the nature of their staff assignments.

4. If an employee has exhausted all sick leave and family leave, he or she may use any available accrued annual leave for the absence. Upon the exhaustion of all paid leave, the employee may request an unpaid leave of absence.

5. Upon recommendation of the department head and the advice and consent of Council, the City Administrator may grant an extension of sick leave and family leave to an employee who has exhausted his or her accrued balance of ninety (90) days of sick leave and family leave.

6. Sick leave and family leave shall not be advanced to an employee before it would otherwise accrue.

7. Normally, Sick Leave and Family Leave will not be granted automatically; it should be requested in advance.

8. Paid Sick and Family Leave runs concurrently with leave taken under the federal Family and Medical Leave Act (FMLA). This means that the same day of absence may count as both paid Sick and Family Leave and FMLA leave.

9. Employees will not be paid at resignation or termination for unused sick leave.

Military Leave

Employees are entitled to leave of absence and reinstatement upon return from leave of absence for military service (including Reserve and National Guard duty) as may be provided by applicable state and federal law. The provisions of these laws change from time to time and for that reason no effort is made to set forth the law in this policy.

Leave Donations

The City is promulgating this policy in order to accommodate those employees who have accrued leave and, of their own volition, want to donate paid leave to an employee who is out of work and has exhausted sick and annual leave.

Annual Leave Donations

An employee who has accrued more than ten (10) days of annual leave may donate up to ten (10) additional days to another employee in one calendar year. In order to donate annual leave, the employee must request in writing that leave be taken from the accrued total, and in no instance may it reduce the employee's accrued leave below ten (10) days. The employee receiving annual leave must be incapacitated by a non-work-related illness or injury for which the employee does not have disability insurance coverage and must have exhausted all of the employee's sick and annual leave. The employee may receive annual leave from more than one employee and such donations will count as paid leave for the receiving employee. *The City of Isle of Palms will not coordinate requests for donations of leave but will process all requests that are received.* An employee may donate leave to more than one employee in a calendar year so long as the total donation does not exceed ten (10) calendar days. Each donation must be in increments of not less than one full day.

Sick and Family Leave Donations

An employee who has accrued more than thirty (30) days of sick leave may donate up to ten (10) additional days to another employee in one calendar year. In order to donate sick leave, the employee must request in writing that leave be taken from the accrued total and in no instance

may it reduce the employee's accrued leave below thirty (30) days. The employee receiving sick leave must be incapacitated by a non-work-related illness or injury for which the employee does not have disability insurance coverage and must have exhausted all of the employee's sick and annual leave. The employee may receive sick leave from more than one employee and such donations will count as paid leave for the receiving employees. *The City of Isle of Palms will not coordinate requests for donations of leave but will process all requests that are received.* An employee may donate leave to more than one employee in a calendar year so long as the total donation does not exceed ten (10) calendar days. Each donation must be in increments of not less than one full day. (City Council Approved 2/22/00)

Civil Leave

A regular full-time employee will be given time off without loss of pay when performing jury duty or when subpoenaed to appear before a court, public body, or commission on behalf of the City. The employee may retain any allowances granted in connection with such duty. Paid leave under this policy is limited to two (2) weeks per calendar year.

This policy of paid civil leave does not apply to personal litigation.

Civil leave for court or legal matters will does not apply to police officers when such action is deemed part of an officer's routine work. Under those circumstances, the time is paid as work time.

Disability and Personal Leave

A. Disability & Personal Leave

Applies to:

- Employees employed less than 12 Months
- Employees who have worked fewer than 1250 hours in the preceding 12 months
- Employees whose reasons for leave are not covered by FMLA

1. An employee who has completed his or her initial probation (and any extension thereof) may request a leave of absence for up to six months when unable to work because of the inability to perform the essential functions of the job. Such an employee may also apply for leave of absence for personal reasons. Personal leaves are granted only in the discretion of the City Administrator upon recommendation by the employee's department head.

2. Employees are requested to apply for leaves of absence as far in advance of need as is possible, but an employee may be placed on leave status without application when the circumstances warrant such action.

3. Disability leave begins on the first day of absence.

4. After the employee has exhausted his or her annual and/or sick leave, an employee on leave of absence is not entitled to wages or fringe benefits and does not accrue fringe benefits.

5. Employees desiring to return to work from an unpaid leave of absence should notify the City Administrator in writing at least ten days prior to their desired return date. If the City finds the employee is fit to resume her or his duties, the employee may be recalled to his or her former job if a vacancy exists that is to be filled. If no such vacancy exists, the employee may be recalled to any job in which there is a vacancy that is to be filled and for which he or she is qualified. If no such vacancy exists at the time the employee desires to return to work, the employee's leave of absence may be continued. Any employee who has not been reinstated within six months following the commencement of a leave of absence may be terminated. This action does not affect the employee's eligibility to be considered for hire as a new employee at some future time.

Pregnancy Accommodations

The City adheres to the Federal Pregnancy Discrimination Act, the South Carolina Pregnancy Accommodations Act, the Americans with Disabilities Act, and Title VII of the Civil Rights Act, the Affordable Care Act, and the Family Medical Leave Act. Employees will be free from discrimination for medical needs arising from pregnancy, childbirth, or related medical conditions, including, but not limited to, lactation.

The City will reasonably accommodate those medical needs on a case-by-case basis. Requests for accommodations will be honored whenever possible.

Employees will be given reasonable break time to express breast milk. In addition, they will be given access to a private place, which is shielded from view and free from intrusions of coworkers and the public.

FAMILY AND MEDICAL LEAVE ACT (Applies only to employees employed 12 months or longer and who have worked 1250 hours or more in the preceding 12 Months, both prior to commencement of leave.)

General: Employees who meet the length of service and hours worked requirement described above have rights under the Family and Medical Leave Act. As a general rule, employees must request leaves of absence under this law and policy, but in appropriate situations, employees may be placed on leave status without application.

Reason for Leave of Absence

1. Medical and Family Leave. An eligible employee may be entitled to a leave of absence under this law and policy if a serious health condition, including disability resulting from an on-the-job injury, prevents the employee from being able to perform his or her job, if the employee's spouse, child or parent has a serious health condition and the employee must be absent from work in order to care for that relative, or to care for a natural child, adopted child, or formally placed foster child, provided that entitlement to leave to care for a child who is newly born or newly received in the employee's household shall end 12 months after a natural child is born or 12 months after an adopted or foster child is received in the employee's household.

2. Military Caregiver Leave. An eligible employee whose spouse, parent, child or next-of-kin is a covered service member of the Armed Forces of the United States may be entitled to leave of absence to care for the service member if he or she is injured while on covered active duty.

3. Qualifying Military Exigency Leave. An eligible employee whose spouse, parent or child is a member of the Armed Forces of the United States and is on active duty or called to active duty in federal service may be entitled to a leave of absence due to one or more qualifying exigencies arising out of the active duty or call to active duty. Qualifying exigencies are: (1) Short-notice deployment (*i.e.*, notice of 7 days or less); (2) Military events and related activities; (3) Childcare and school activities (regular or routine childcare by the employee does not count); (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

Proof of need for leave of absence may be required regardless of the type of leave taken.

Length of Leave

1. Medical and Family Leave. An eligible employee may take the equivalent of a total of 12 work weeks of leave during any 12 consecutive months (which is a rolling year measured backward from the date the employee is requesting to use covered leave) for his own serious health condition, that of a parent, spouse or child, or to care for a newly born or newly received child. Leave to care for a newly born or newly received child must be taken consecutively. Leave required because of the employee's own serious health condition or that of a spouse, child, or parent, may be taken intermittently or by means of a modified work schedule when necessary.

2. Military Caregiver Leave. Leave to care for an injured service member may be taken for up to 26 work weeks in a single 12-month period. Any leave taken by the employee for any other FMLA-qualifying reason will count against the 26 weeks of leave permitted to care for an injured service member.

3. Qualifying Military Exigency Leave. Leave taken because of a qualifying exigency is available for up to 12 work weeks in any 12 consecutive months (which is a rolling year measured backward from the date the employee is requesting to use covered leave). Leave taken because of a short notice deployment is limited to a 7-day period beginning on the date of notice to the service member and leave taken to be with the service member during periods of rest and recuperation are limited to 5 days per period of rest and recuperation. Leave taken to attend post-deployment activities must be taken within 90 days of the end of active duty service.

Coordination of Leave and Paid Time Off

An employee who must be absent due to his or her own serious health condition will be paid for time lost from work from accrued sick leave balances, if any. An employee who must be absent for any other FMLA-qualifying reason will be paid for time lost from work from accrued annual leave balances, if any. Leave taken under this policy counts towards the employee's 12 weeks of leave (or 26 weeks, where appropriate) regardless of whether all or part of the employee's leave is paid.

Effect of Leave on Accrual of Fringe Benefits

1. Health benefit plan. Employees taking leave under this policy must continue to pay their portion of health benefit plan premiums on the same date that such portion of premiums would be deducted from the employee's wages.

2. Accrual of paid leave. Unpaid time lost from work due to leave granted under this policy is not considered time worked for the purpose of accrual of paid time off.

Employee Responsibility

Employees who request leave under this policy must give 30 days advance notice or such lesser amount of notice as is possible in the particular circumstances. When the need for leave is unforeseeable, the employee must follow the normal procedure for reporting an absence. Employees may not engage in side employment or work for another employer without the express written permission of the City Administrator.

Termination of Leave of Absence

A leave of absence under this policy will end when the need for the leave of absence ends, or when the maximum leave described above has been taken, whichever occurs sooner.

Reinstatement

At or before the conclusion of the FMLA leave of absence the employee is entitled to reinstatement to his or her former position or to a position equivalent to his or her former position. The employee must demonstrate that he or she is fit for duty and must give reasonable notice of intent to return to work.

Extension of Leave Without Benefits

An employee who is unable to perform the duties of his or her position and who has exhausted his or her entitlement to leave under the Family and Medical Leave Act by taking 12 consecutive weeks of leave may, in the discretion of the City Administrator, upon written application, be granted up to an additional 14 weeks of leave. This additional leave of absence does not entitle the employee to reinstatement or to payment of any portion of his health benefit plan premiums. If the employee is able to return to work prior to the exhaustion of his or her extended leave, he or she may be returned to his or her previous position if it is vacant and is to be filled, or to some other position of equal or lesser compensation for which he or she is qualified and where there is a vacancy to be filled. If the employee is not returned to active employment, he or she may be continued on extended leave of absence status until he or she is returned to active duty status or his or her extended leave of absence expires, whichever occurs sooner.

Employees who have exhausted their FMLA leave under other circumstances, but who continue to require leave which would qualify for FMLA leave if such leave had not been exhausted, may apply for an extended leave of absence for personal reasons. Such extended leaves are granted only in the discretion of the City Administrator.

Termination of Employment

An employee's employment may terminate if he or she does not return to full active employment status at the conclusion of the leave of absence or extended leave of absence. This does not affect the employee’s ability to reapply for the position. Further, employees with circumstances that warrant special consideration should bring those circumstances to the attention of management.

Special Situations

1. Spouses. When both a husband and spouse are employed, their combined right to a leave of absence because of the birth or placement of a child, or to care for a newly born or placed child or to care for a parent with a serious health condition is 12 weeks in a 12-month period, or 26 weeks in a single 12-month period to care for an injured service member.

2. Key Employees (salaried employee in highest paid 10% of all employees). Such employees may be denied reinstatement rights if reinstatement would cause substantial and grievous economic injury to operations.

Notice of Rights. Federal law requires that the employer provide you with the notice of your rights that appears below:

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition, or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.
Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit arid a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block.
Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose, or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 a day-notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for

military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.
FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Job Abandonment/Unauthorized Leave/Compulsory Resignation

An employee who, without valid reason, fails to report to work for three (3) consecutive days without authorized leave shall be separated from the payroll, considered to have resigned without notice and reported as compulsory resignation. Such an employee is not entitled to pay for any unused vacation and is not eligible for reemployment without the approval of City Council.

BENEFITS

Education Reimbursement Benefit

This Policy is provided in order to encourage all regular full-time employees to continue their education in order to maintain and improve skills and knowledge useful in their current positions or necessary for assuming additional responsibilities for the future. The program described below is intended to provide eligible employees with tuition reimbursement for courses taken outside of working hours and approved by the City of Isle of Palms as beneficial to the City. Eligibility to participate in this program should not be considered a right of employment, but rather a privilege afforded to employees who are determined to be eligible and qualify to participate.

To be eligible for tuition reimbursement, an employee must be:

A. A regular full-time employee, not on initial probation or disciplinary probation. (City Council Approved 2/22/00)
B. Have a minimum of six months of service.
C. Have at least an overall evaluation rating on the last evaluation of "Meets Expectations."

Employees must request, in writing, in advance, approval of their department head and City Administrator for courses, tuition, and related textbooks prior to enrolling in such courses. Requests for the upcoming 7/1-6/30 Fiscal Year (FY) must be received in writing for consideration by the February 28th prior to the next FY to initiate in July. This will allow the City to incorporate this anticipated expense into the City budget. Initial payment of required fees for enrollment is the employee's responsibility; therefore, the City will not advance any monies under this reimbursement program. The City will not reimburse associated education expenses, such as administrative fees, activity fees, graduation or certification fees, etc., which must be paid by the employee. Application may be made utilizing forms available from the Human Resources Officer.

Upon completion of a course, a reimbursement request must be filed with the Human Resources Officer within 20 days accompanied by receipts and evidence of the grade obtained. Tuition and textbook expenses will be reimbursed on a declining scale depending on the grade earned as follows:

A. Post high school and undergraduate courses:

1. Grade of "A" = 100%
2. Grade of "B" = 90%
3. Grade of "C" = 75%
4. Grade below "C" = 0%

B. Post graduate courses:

1. Grade of "A" = 100%
2. Grade of "B" = 90%
3. Grade below "B" = 0%

C. Any approved course that is non-graded and/or only produces a certificate of attendance/completion will be reimbursed at a 50% rate.

D. If an employee is eligible to receive educational financial assistance from any other source such as subsidized Pell Grants and/or Public Service Loan Forgiveness (PSLF) the reimbursement from the City of Isle of Palms will be limited to the amount unfunded by such other source.

Employees terminating from the City's employment within one year of an approved course reimbursement may be required to repay a pro-rated portion of the additional reimbursement. For this purpose, the reimbursement is considered an advance of wages which may be deducted from an employee's final paycheck. **The policies pertaining to this Education Reimbursement Benefit program do not constitute a contract of employment.**

Program availability and level of assistance per employee in any fiscal year shall be limited to two (2) courses per semester at an accredited institution and also dependent upon the amount appropriated by City Council for this program. The City Administrator (or designee) is authorized to limit assistance per applicant based on the number of applications received in order to maximize the number of employees benefitting from the program.

Medical and Life Insurances Benefits

The City of Isle of Palms provides group health insurance, including major medical, vision, and dental coverage, for all full-time employees and regular part-time employees working thirty (30) hours per week or more through the South Carolina Employee Insurance Program. Each employee is enrolled in the group effective on the first day of the first month following his or her date of hire. The City currently pays for employee coverage.

Group insurance is available for family members or dependents through payroll deduction. Coverage normally becomes effective on the first of the month following application for family coverage. If an employee resigns or is terminated, insurance coverage terminates at the end of the month in which the employee is no longer actively at work on a full-time or regular part-time basis for the City. If dependent's coverage premiums have been collected in advance, these premiums will be reimbursed to the employee.

The City's insurance plan carries a small amount of life insurance on each employee eligible for medical coverage. For detailed information, consult your insurance brochure or contact the Human Resources Officer.

Continuation of Medical Insurance Benefits

Under a federal law known as COBRA, employees and their covered dependents have certain rights to continue medical insurance coverage at their own expense even if they resign or are discharged from their employment. Please see the Human Resources Officer for details.

Workers' Compensation

All workers are covered under Workers' Compensation for injuries sustained while on the job. Injuries must be reported to the City's designated Workers' Compensation carrier within 24 hours, or if incurred on a weekend, the following Monday. Department heads/supervisors are responsible for completing all necessary reports and turning these in to the City's designated Claim Contact within this 24-hour period. **EMPLOYEES MUST REPORT ANY ACCIDENT, EVEN IF THE ACCIDENT DOES NOT REQUIRE MEDICAL ATTENTION. FAILURE TO REPORT AN INJURY MAY AFFECT YOUR RIGHT TO RECEIVE BENEFITS.**

For information about payment of group health insurance premiums during leave due to an on-the-job injury, refer to the City's leave of absence policies. With respect to contribution to the State Retirement System, the City will make the employer's retirement contribution during the leave, if the employee elects to pay the employee's retirement contribution.

The City of Isle of Palms has designated a physician for the treatment of all work-related accidents and injuries. If medical treatment is needed for an on-the-job injury or work-related illness, the first treatment must be provided by the **designated physician** (unless the condition is so serious that immediate transport to a hospital emergency room is necessary). Department heads will provide the name and address of the designated physician. Failure to utilize the physician provided by the City for Workers' Compensation claims, may result in the employee being held financially responsible for all or part of the costs of care provided by others.

For information about reinstatement after leave, see the City's leave of absence policies. If the physician releases the employee for **light duty**, the City allows your temporary placement in an alternate position for which the employee qualifies (such as answering phones or sorting mail) **provided that** such a position is vacant and to be filled.

State Retirement System Benefits

All regular and probationary full and part-time City employees (except Fire and Policemen who are covered under the Police Officer's Retirement System) are required to become members of the South Carolina Retirement System. Both the City and the employee contribute monthly a percentage of the employee's compensation into the retirement fund.

Benefits provided under these plans are set by the South Carolina Retirement System and are subject to change.

There is also a group insurance death benefit associated with the State Retirement System.

Employees planning to retire or leave the City's employment should advise the Human Resources Officer of their intentions as soon as possible.

Police Officer's Retirement System

All eligible law enforcement and fire department personnel must join the S. C. Police Officers' Retirement System. Both the City and the employee contribute monthly a percentage of the employee's compensation into the retirement fund.

Benefits provided under these plans are set by the South Carolina Retirement System and are subject to change.

Employees planning to retire or leave the City's employment should advise the Human Resources Officer of their intentions as soon as possible.

DISCIPLINE

Discipline Policy

Employees are subject to disciplinary action up to and including discharge when the department head and/or City Administrator determines that, for the good of the City, such action is necessary. The discipline that may be imposed includes but is not limited to oral reprimand, written warning, probation, suspension without pay, demotion and discharge. In addition, the City may procedurally suspend an employee pending investigation to determine if disciplinary action is appropriate. If the City determines an unpaid suspension is appropriate discipline, exempt employees will be suspended in full-day increments; non-exempt employees will be suspended in partial or full-day increments. In addition, the City may impose a combination of disciplinary measures. Employees may not use accrued time when suspended for their actions. The discipline imposed in any particular situation is at the sole discretion of the City. Nothing in any of the City's policies or by virtue of any past practice of the City requires the City to follow any

particular course of discipline. Supervisors and department heads must submit terminations to the Administrator for review.

Employees must sign disciplinary notices, counseling memoranda, performance appraisals and similar documents. The employee's signature indicates only that the employee is aware of the action taken and does **not** indicate that the employee agrees with such action.

An employee who refuses to sign such a document will be relieved of all duty until the document is signed. If the document has not been signed and returned by the end of the employee's next scheduled work day, the City will consider the employee to have resigned.

Employees may not use accrued time when suspended for disciplinary actions.

Examples of Conduct Warranting Disciplinary Action

It is not possible to list all acts and omissions that may result in disciplinary action. The disciplinary action that is appropriate for any particular misconduct is at the sole discretion of the City. The following are merely examples of some of the more obvious types of misconduct that may result in disciplinary action, up to and including termination. **THE CITY RESERVES THE RIGHT TO TREAT EACH EMPLOYEE INDIVIDUALLY WITHOUT REGARD FOR THE WAY IT HAS TREATED OTHER EMPLOYEES AND WITHOUT REGARD TO THE WAY IT HAS HANDLED SIMILAR SITUATIONS.**

a. conviction of or plea of guilt or no contest to a charge of theft, violation of drug laws, sexual misconduct, offense involving moral turpitude or offense that affects the City's reputation or that reasonably could create concern on the part of fellow employees or the community. Employees who are arrested may be relieved of duty (with or without pay) pending the City's determination on continued employment.

b. incompetence

c. unauthorized absence or tardiness or a pattern of absenteeism or tardiness

d. insubordination, including disrespect for authority, or other conduct that tends to undermine authority

e. failure or refusal to carry out instructions

f. unauthorized possession or removal, misappropriation, misuse, destruction, theft or conversion of City property or the property of others

g. violation of safety rules; neglect; engaging in unsafe practices

h. interference with the work of others

i. threatening, coercing or intimidating fellow employees, including "joking" threats

j. dishonesty

k. failure to provide information; falsifying City records; providing falsified records to the City for any purpose

l. failure to report personal injury or property damage

m. neglect or carelessness

n. introduction, possession or use of illegal or unauthorized prescription drugs or intoxicating beverages on City property or while on duty anywhere; working while under the influence of illegal drugs or intoxicating beverages; off-the-job illegal use or possession of drugs. For purposes of this policy, an employee is "under the influence" if he or she has any detectable amount of any such substance in his system.

o. unsatisfactory performance

p. violation of City policies

q. lack of good judgment

r. any other reason that, in the City's sole determination, warrants discipline

Drug Free Workplace Policy

It is well-recognized that substance abuse has a harmful effect on public health and safety, on the welfare of employees, on morale, and on productivity. Furthermore, it is the policy of the City of Isle of Palms to comply with the Drug Free Workplace Act, to comply with applicable federal regulations, to establish and maintain alcohol and drug-free workplaces, and to prohibit the unauthorized or unlawful manufacture, distribution, dispensation, possession, and the use of controlled substances on or off the job.

For these reasons, the City adopts the following policy:

1. GENERAL RULE

Effective immediately, all City employees are prohibited from swallowing, inhaling, injecting, dealing in, or otherwise using illegal drugs and substances (such as marijuana, cocaine, LSD, heroin, etc.). Further, this prohibition applies to the misuse, abuse, or any unlawful use or possession of otherwise legal drugs. This prohibition applies to use at any time, both on the job and off the job. City employees are permitted to possess any substance when required by their jobs or for the purpose of lawful delivery to another person.

Effective immediately, all City employees are prohibited from using or possessing alcoholic beverages on City premises or time. (The term "City premises or time" includes: City vehicles and private vehicles on City premises; parking lots and recreation areas; and any circumstances in which an employee is representing the City, such as attending off-premises business meetings or conferences. Employees are not prohibited, however, from having unopened containers of alcoholic beverages in their personal vehicles.) The Administrator may approve moderate alcohol use at designated conferences, social or business functions.

All City employees are prohibited from reporting to or being at work while under the influence of alcohol. **(An employee is considered to be "under the influence of alcohol" if he or she has <u>any</u> detectable amount of alcohol in his or her system.)** An employee taking prescribed medication which might affect his ability to perform his or her job is required to advise their supervisor. The City will determine whether the employee may continue to work. Employees may be required to submit to a drug screen.

These prohibitions also apply to leased employees and contractors employed by the City or working on City property.

2. APPLICANTS FOR EMPLOYMENT

Applicants tentatively selected for employment in safety-sensitive positions must undergo a pre-employment drug test. The City does not hire applicants tentatively selected for employment who refuse to submit to a drug test or who test positive for use of illegal or unauthorized substances or the illegal use of authorized substances. An applicant who is rejected under this policy may be considered for future vacancies if he can demonstrate that he or she is no longer a user of any such substances. For example, the applicant may successfully complete a drug abuse treatment program and pass a more thorough drug test conducted at the applicant's expense. (This may include participation in and successful completion of a rehabilitation program as well as a negative drug test result on a more thorough drug test.)

3. CURRENT EMPLOYEES

A. All City employees are subject to drug testing by urinalysis or other generally recognized means where "particularized suspicion" of drug use in violation of this policy exists or under other lawful conditions.

1. Particularized suspicion is deemed to exist when:

a. Information that an employee has used drugs or substances in violation of this policy is provided by a reliable informant;

b. An accident occurs: "accident" is defined as:

(1) an accident involving a fatality;

(2) an accident causing personal injury; or

(3) an accident involving property damage.

(4) an employee files a worker's comp claim

[NOTE: DOT regulated employees are subject to special rules for post-accident testing and will be tested following an accident in accordance with DOT regulations.]

c. An employee exhibits any of the following:

(1) extreme mood swings;

(2) slurred speech;

(3) unusual clumsiness;

(4) staggering;

(5) dilation of pupils;

(6) sleeping on the job or lethargy;

(7) excessive unexplained sweating;

(8) other aberrational behavior; or

(9) an employee has been arrested for violation of drug laws.

B. All employees are subject to alcohol testing where "particularized suspicion" of alcohol use in violation of this policy exists.

1. Particularized suspicion is deemed to exist when:

a. information that an employee has used or possessed alcohol in violation of this policy is provided by a reliable informant;

b. a serious accident occurs due to the apparent fault of an employee. "An accident" is defined in the same manner as it is in section (III) B of this policy.

c. an employee exhibits behavior consistent with alcohol use such as but not limited to:

(1) erratic behavior (mood swings, slurred speech, staggering, bloodshot eyes, sleeping on the job or lethargy, excessive unexplained sweating, etc.);

(2) the apparent odor of an alcoholic beverage on an employee's breath;

(3) other aberrational behavior such as but not limited to excessive absenteeism or tardiness, significant deterioration in job performance, repeated errors or rules violations, etc.

d. an employee has admitted violating the City's alcohol policy;

e. an employee is arrested for or convicted of an alcohol related offense;

f. an employee has tested positive for alcohol in violation of this policy within the past five years.

C. Particularized suspicion testing is conducted upon the approval of the Administrator or his or her designee.

D. All sworn police officers, employees who are required by their jobs to possess a Commercial Driver's License or employees whose jobs the City regards as "safety-sensitive" are subject to random testing to determine compliance with this policy. Random selection testing is unannounced.

E. Employees may be tested for the use of controlled substances as part of any "fitness for duty" physical examination mandated by federal/state law or by the City, or as otherwise allowed by law.

F. Employees who refuse to submit to an alcohol or drug test when ordered to do so or who adulterate, or substitute test samples are in violation of this policy and subject to disciplinary action, up to and including discharge. Refusal to test includes failure to appear for a test, failure to remain until testing is complete, failure to provide an adequate amount of saliva or breath, failure to undergo a medical examination to evaluate your ability to provide an adequate breath specimen, or failure to sign a required certification form.

4. TESTING PROCEDURE

A. Drug testing.

1. Drug testing will be by urinalysis, hair follicle or any other recognized method.

2. The collection of urine samples is performed under reasonable and sanitary conditions.

3. Urine is normally collected under conditions of semi-privacy – that is, a person of the same gender will be in a position to observe obvious attempts to substitute or adulterate a urine sample. Collection of the urine sample may be directly observed by a person of the same gender, however, where the person supervising the collection believes an employee has tampered with an earlier urine sample or the employee has previously admitted or been proved to have used drugs in violation of this rule.

4. Urine samples are sealed, labeled, and documented in accordance with the procedure of the drug testing collector or laboratory. Tests performed pursuant to DOT regulations will follow the procedures required by those regulations. Labeling, storage, and transportation of samples are performed so as reasonably to preclude the probability of erroneous identification, sample contamination, or sample adulteration.

5. Specimens are checked for at least the following six drugs:

a. marijuana

b. cocaine

c. opiates

d. amphetamines

e. phencyclidine

f. barbiturates

[NOTE: Tests performed pursuant to DOT regulations check for only those substances mandated by the DOT regulations.]

6. Applicants and employees are provided an opportunity to provide any information which they consider relevant to the test, including identification of currently used prescription or nonprescription drugs, or other relevant information.

7. Samples which initially result in a positive finding for drug use are re-tested by the gas chromatography/mass spectrometry (GCMS) or an equivalent method. If the confirmatory test results in a positive finding of drug use, and is verified by the Medical Review Officer, the written report of the Medical Review Officer is conclusive for all employment-related purposes.

8. The City's Medical Review Officer normally allows an employee whose drug test results have been confirmed as positive the opportunity to justify the result before the Medical Review Officer notifies the City.

B. Alcohol Testing.

1. A non-evidential screening device may be utilized to initially determine compliance with this policy. If the screening device indicates the presence of alcohol, or if the results of the screening device are deemed questionable by the City, then a confirmatory test is conducted utilizing an EBT (evidential breath testing) device or blood test. The City uses only DOT approved non-evidential screening devices and DOT approved evidential breath testing (EBT) devices for DOT-mandated alcohol testing. The City reserves the right to utilize blood testing for non-DOT alcohol tests.

2. Employees will have an opportunity to provide any information which they consider to be relevant to the test.

3. The EBT confirmatory test is conducted by an individual properly certified to use the equipment. (In situations involving DOT regulated employees, the EBT operator should be properly certified in accordance with applicable DOT regulations.)

4. A confirmatory test result generated through the use of an EBT or blood test which indicates a presence of alcohol in violation of this policy is conclusive for purposes of this policy.

5. NOTICE TO EMPLOYEES

The City attempts to distribute to all employees a copy of this policy. Additional copies of this policy are available upon request. By continuing to work, the employee agrees to abide by the policy as a condition of employment.

6. NOTICE TO EMPLOYER, STATE AND FEDERAL GRANTOR/CONTRACTING AGENCIES, AND LAW ENFORCEMENT AUTHORITIES

A. As a condition of employment, employees agree to notify the City within five calendar days after any criminal conviction for the workplace manufacture, distribution, dispensation, possession, or use of illegal drugs and prescription drugs not prescribed for the individual employee's use. The City will notify all state and federal grantors/contracting agencies of such employee convictions as required by the state and federal Drug Free Workplace Acts. "Conviction" means a finding of guilt, imposition of a sentence, a plea of no contest, or a plea of guilty.

B. The City will notify law enforcement authorities whenever illegal drugs are found in the workplace.

7. CONSEQUENCES OF VIOLATING THIS POLICY

A. Employees who violate this policy are subject to immediate termination of employment.

B. The City, in lieu of terminating an employee, may condition the continued or future employment of an employee who tests positive for or admits to the use of illegal drugs, upon the successful completion of an alcohol or drug counseling/rehabilitation program.

C. If the City, after considering all of the relevant circumstances, agrees to allow an employee who is found to be in violation of this policy to continue as an employee, the employee's continued employment will be subject to the following:

1. Referral of the employee for alcohol or drug abuse counseling;

2. Retesting the employee for alcohol or controlled substances before allowing the employee to return to duty;

3. Requiring the employee to authorize any rehabilitation facility to report periodically to the City during the course of treatment/counseling;

4. Placing the employee on probation for at least six months following the employee's return to duty; and

5. Requiring the employee to submit to unannounced follow-up alcohol and/or drug testing for a period of up to five years.

D. An employee whose continued or future employment is conditioned upon the successful completion of a counseling or rehabilitation program and who refuses or fails to participate in a single counseling or treatment session is in violation of this policy and subject to immediate termination.

E. An employee whose return to duty test sample does not indicate that the employee has discontinued illegal use of drugs or indicates that the employee is in violation of this policy is subject to immediate termination.

8. COMING FORWARD WITH SUBSTANCE ABUSE PROBLEMS

A. Employees, other than sworn law enforcement officers, who have substance abuse problems and report them to the City before being selected for testing, and before the occurrence of an event which normally would result in testing, in the City's sole discretion may be upon the first violation be subject to Part 7 (E) of this policy in lieu of termination.

B. An employee who admits to a violation of this policy or tests positive for drugs in violation of this policy but seeks counseling and remains an employee of the City, is subject to immediate termination if he again either admits to, or is otherwise found to be in violation of this policy.

9. CONFIDENTIALITY

Any alcohol or drug test results or information supplied by employees and applicants as part of the City's alcohol and drug testing program are kept as confidential as possible, consistent with the purposes of this policy.

10. TESTING COSTS

The City is responsible for the costs of all drug tests to which the City requires an employee to submit. However, an employee subject to unannounced follow-up testing pursuant to Part 7(C) is solely responsible for the cost of all follow-up tests.

11. NOTIFICATION OF TEST RESULTS

A. Applicants are notified of the results of a pre-employment drug test, provided the applicant requests the results within 60 days of being notified of the disposition of the employment application.

B. Employees are notified of the results (including the drug(s) discovered) of all positive drug tests.

12. EMPLOYEE ASSISTANCE PROGRAM/DRUG FREE AWARENESS

The use of illegal drugs and similar substances is a serious threat to our nation's collective health, safety, and welfare. Drug and alcohol abuse in the workplace is dangerous because it leads to physical impairment, loss of judgment, safety violations, and the risk of injury and death. In order to prevent these consequences of drug abuse, the City has implemented this policy. Employees who feel they have a problem with controlled substances should seek assistance.

The City has also made available to its employees an Employee Assistance Program. The program provides employees with professional help for problems such as alcohol and drug abuse, emotional stress, money management difficulties and unpleasant family situations. The City's Employee Assistance Program is coordinated through the Human Resources Officer. Information about the Employee Assistance Program is available through Human Resources.

For more information on where to obtain treatment or assistance for drug or alcohol problems, one of the best places to look is in your phone book's Yellow Pages under "Drug Abuse & Addiction Information & Treatment Centers" or "Alcoholism Information & Treatment Centers." Under these headings, there is often a listing for a local "Council on Alcohol and Drug Abuse." These organizations are most helpful, as are Alcoholics Anonymous (AA) and Narcotics Anonymous (NA), in identifying sources for treatment and assistance. Set forth below is a list of organizations that may provide information or referrals.

1. National Clearinghouse on Alcohol and Drug Information
   1-800-729-6686

2. National Council on Alcoholism
   1-800-622-2255

Periodically, the City may make available to employees information regarding substance abuse. All employees are encouraged to attend such programs and to review any material supplied. Some employees may be required to attend such programs or to review such material.

Grievance Procedure

This procedure is adopted in accordance with the "County and Municipal Employees Grievance Procedure Act," Section 8-17-110, *et seq*., Code of Laws of South Carolina, l976, as amended.

1. A grievance is defined as a complaint by an employee that the employee has been treated unlawfully or in violation of rights under City policies with regard to employment. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion. An employee's level of compensation or classification is not the proper subject of a grievance except as it applies to alleged inequities within the employee's department. However, if an employee believes she or he has not received or been credited with or has otherwise lost wages or benefits to which she or he is entitled, she or he must present the grievance in accordance with this procedure.

2. An employee who believes he or she has a grievance must follow the following procedure:

   Step l. He or she must file the grievance within 10 calendar days of the event giving rise to the grievance or his or her knowledge of the events giving rise to the grievance. He or she is to follow the chain of command in his or her department, appealing to each successive level of supervision. These steps may be oral. At each level, each supervisor has four calendar days to render a decision. If no decision is made within this time, the grievance is considered denied. If a supervisor at a particular level is unavailable to consider the grievance, it is considered denied and the employee is to appeal to the next level of supervision.

   Step 2. If the head of the department in which the employee is employed denies the grievance, this decision is final as to any grievance brought by an employee in her or his initial probationary period. A new employee is considered probationary until her or his probationary evaluation is completed and release from probation is approved by her or his department head.

3. Employees other than probationary employees may appeal to the Employee Grievance Committee the denial of their grievances by department heads by filing a written request for appeal to the City Administrator. This must be done within seven calendar days of the department head's denial of the grievance. The written request for appeal must include the following information:

    a. the purpose of the appeal and what recommendation is requested of the Grievance Committee, and

    b. a statement that the chain-of-command has been followed in the appeal as is required by the grievance procedure

    The Human Resources Officer may assist in preparing the appeal, if requested.

4. Within ten days of receiving the employee's request, the Grievance Committee chairman will schedule the requested hearing and notify the Grievance Committee, the employee requesting the hearing, the affected department and the Human Resources Officer.

Employee Grievance Committee

The City Council appoints a committee, as needed, composed of three (3) employees to serve for terms of three years, except that the members appointed initially are appointed so that their terms will be staggered. The City Council may also appoint two alternates to serve when other members are disqualified or unable to serve. Approximately one-third of the terms shall expire each year. A member continues to serve after the expiration of his term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term is for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of the City Administrator. All members are selected on a broadly representative basis from among City employees. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing may not participate in that employee's hearing.

1. The Committee annually selects its own chair from among its members. The chair serves as the presiding officer at all hearings attended but may designate some other member to serve as presiding officer in his or her absence. The chair has authority to schedule and to re-schedule all hearings.

2. A quorum consists of at least two committee members, and no hearings may be held without a quorum.

3. The presiding officer has control of the proceedings. The officer may take whatever action is necessary to ensure an equitable, orderly and expeditious

hearing. Parties must abide by the decisions, except when a Committee member objects to a decision to accept or reject evidence, in which case the majority vote of the Committee governs.

4. The Committee has the authority to call for files, records and papers that are pertinent to any investigation and that are subject to the control of the City; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses; to consider the results of polygraph examinations; and to secure the services to record proceedings in its discretion. The Committee has no authority to subpoena witnesses, documents or other evidence, nor may any City employee be compelled to attend any hearing. All proceedings are recorded. Witnesses, other than the grieving employee and the department representative, are sequestered when not testifying. All witnesses must testify under oath.

5. All hearings are held in executive session unless the grieving employee requests, at least 24 hours prior to the hearing, that it be held in open session. The official recording and the official minutes of all hearings are subject to the control and disposition of City Council.

6. Neither the grieving employee nor the department may be assisted by advisers or by attorneys during the hearing itself. However, the Committee may have an attorney available to it at any time it considers necessary and the Human Resources Officer may provide assistance in reading written materials to the Committee at the request of a grieving employee.

7. In disciplinary actions by department heads and their subordinate supervisors, the employee must receive in reasonable detail written notice of the nature of the acts or omissions that are the basis for the disciplinary action. This notice may be amended at any time 24 hours or more before the commencement of the hearing. The department must demonstrate the disciplinary action is for the good of the City. The department makes the first presentation. The Committee may base its findings and recommendations (and City Council its decision) on any additional or different grounds developed from the employee's presentation.

8. In non-disciplinary grievances, the employee must establish that a right existed and it was denied unlawfully or in violation of a City policy. The employee makes the first presentation.

9. In all grievances, the grieving employee and the department are each limited to one hour of initial presentation. The party required to make the first presentation is entitled to a ten-minute rebuttal of the other party's presentation. The chair may appoint him or herself or another member of the Committee as timekeeper.

10. In all grievances, presentations may be oral, in writing or both. They may be supported by affidavits or unsworn signed statements from witnesses, records, other documentary evidence, photographs and other physical evidence. Presentations are made by the grieving employee (with reading assistance from the Human Resource Officer if the employee desires) and by a managerial employee of the affected department. Parties may request the Committee call witnesses, and a list of potential witnesses should be submitted to the Committee five days prior to the hearing. However, neither party may question the other party or question any witness called by the Committee.

11. The Committee will, within 20 days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to the Administrator. The Administrator will review the findings and recommendation and forward them, along with recommendation, to Council. If the City Council approves, the Committee's recommendation becomes final. The decision and copies of the decision will be transmitted by the Committee to the employee and to the head of the department involved. If, however, City Council rejects the Committee's recommendation, the City Council will make its own decision without further hearing, and that decision is final. Copies of the decision will be transmitted to the employee and to the head of the department involved.

12. Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the City's authority to terminate any employee when the City or respective elected or appointed officials consider such action to be necessary for the good of the City.

REAL PROPERTY COMMITTEE

4:00 p.m., Wednesday, October 3, 2018

The regular meeting of the Real Property Committee was held at 4:00 p.m., Wednesday, October 3, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Ferencz and Ward, Chair Bell, Interim Administrator Fragoso and Clerk Copeland; a quorum was present to conduct business.

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

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Ward moved to approve the minutes of the regular meeting of September 5, 2018 as submitted; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments – none

4. Comments from Marina Tenants

Carla Pope, Operations Manager for Morgan Creek Grill, informed the Committee that she had spoken with Melissa Kiddy of McCay Kiddy to set a date for her to review the financial records described in the scope of the City's contract with them; Ms. Kiddy scheduled a meeting at the restaurant for Wednesday, October 10, 2018. Despite its being a dead issue, Ms. Pope wanted to clear up the confusion over the term defined in the lease they had presented to the Real Property Committee; they were seeking a fifteen (15) year extension, not a lease of thirty-three (33) years. She reported that they are gathering information for the RFP and reminded the Committee that, for the restaurant, time was of the essence.

Brian Berrigan, Marina Manager, explained to the Committee that he received an e-mail from the Interim Administrator on July 26th requesting some information in addition to what they had already sent to her. At that time, he did not open the e-mail's attachment; after receiving a follow-up e-mail from her, he opened the attachment on Tuesday of this week and immediately set about gathering the data. He apologized to the Committee about the delay.

5. Old Business

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

MOTION: Chair Bell moved to re-order the Agenda to address this item after the Executive Session at the end of the meeting; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

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

The Chair repeated his concern that these businesses, primarily charter fishing boats, should meet the same insurance requirements as other marina leases and sub-leases; he also stated

that the options are for these businesses to have a lease with the City, which he did not think was best for the City, or to have a lease with the Marina Manager.

After meeting with staff, they wanted clearer directions from the Committee. Was the Committee's intention to reduce or limit the commercial activity; if so, staff has options for consideration to accomplish it. If the intention was to ensure that the City was protected, staff also has options to consider.

Chair Bell stated that he did not want to put charter boat captains out of business.

Councilmember Ferencz offered that she wanted the City to be protected, i.e. for these entities to have the appropriate levels of liability insurance and for the City to be named as "an also insured" on the insurance policies.

In a conversation with the marina manager, he commented that he also wanted protection, and they discussed a couple of options to accomplish that goal.

C. Update on insurance documentation requested from marina tenants

Chair Bell stated that the leases with the marina tenants and the sub-leases that fall under Marina Joint Ventures are all required to have the city named as "an additional insured" and to have specific levels of insurance. He added that the Committee wants to know how to live by the terms of the leases and what processes to put into place to ensure that all parties are acting by the terms of the leases.

Interim Administrator Fragoso provided an update; as of today, Tidal Wave WaterSports has supplied all of the information the City requested; Barrier Isles LLC still needs to provide the Certificate of Insurance related to their liquor license, Marina Joint Ventures is missing two (2) documents that she expects to receive in the next couple of days, and Marina Outpost has supplied all of their documentation.

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

Chair Bell said that he would bring this topic up when he gives the Committee report at the October Council meeting.

E. Update on marina tenant operations and financial review by McCay Kiddy and Associates

Councilmember Ward reported that he, Treasurer Suggs and Interim City Administrator Fragoso met with three (3) representatives of McCay Kiddy on Tuesday, October 2 to pinpoint what procedures the City wants them to look at. They will write-up an engagement letter that will state exactly what they will do; he reminded the Committee that they will not be doing a review or an audit, but certain agreed upon procedures, i.e. testing cash, revenues and cost of goods sold.

Responding to Councilmember Ferencz' question, Interim Administrator Fragoso said that she had contacted the marina tenants and asked that they contact Melissa Kiddy this week to schedule a meeting with her to explain their processes. After these meetings are held, the City will receive the engagement letter since a lot of time will depend on those interviews and to determine the scope and how much time their work would take with each tenant.

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6. New Business

A. Selection of firm(s) with whom to negotiate for PSB design/build project

Chair Bell said that the Committee held a Special Meeting where they interviewed the three (3) respondents to the Request for Qualification to spearhead the remediation of the Public Safety Building (PSB). Chair Bell noted that the full extent of the remediation needed will not be known until the walls are opened up, and many more problems might be identified then.

When Councilmember Ferencz took a tour of the building today with Chief Graham and got on the roof, her only question was "How did this happen?' and "How can it be prevented from happening again?" The interviewees all agreed that the problem was the lack of proper supervision during the construction phase of the project. The Councilmember apologized to the men and women of the Police and Fire Departments for the deterioration of the building and assured them that it would be made right.

After agreeing with both the Chair and Councilmember Ferencz, Councilmember Ward praised the administration for devising a way to distinguish the firms with objective evaluation criteria.

Chair Bell explained that a design/build project was an architect paired with a contractor, a paired team approach; with a one point eight million dollar ($1,800,000) budget, this remediation might be a multi-year process and might turn out to be much more extensive than originally thought.

For the Chair, two (2) of the firms stood out above the third; therefore, he would like the Interim Administrator to enter into negotiations with Hill Construction Company and Trident Construction LLC.

Councilmember Ferencz felt that Trident rose to the top; they were the company on the design/build for Station 2, and the City has not encountered any of the serious problems that exit at Station 1. On the other hand, Hill Construction performed the maintenance evaluations for all of the City's buildings that was done a couple of years ago; they also produced an ongoing maintenance plan.

Councilmember Ward selected Hill and Trident as well; in his opinion, both firms stressed that the City was facing these serious problems as the result of the lack of proper supervision during construction. He stated that he was impressed by the level of detailed documentation Hill described for the remediation of buildings.

Since each member of the Committee selected the same two (2) firms, Hill Construction and Trident Construction, the negotiation process will begin.

Interim Administrator stated that she would begin negotiations with the two (2) firms and that she was hopeful of having to show the Committee at their next meeting; if she receives the information earlier than the next meeting, a special meeting could be called to expedite the process.

In explaining the contractual process, Interim Administrator Fragoso stated that the City would be looking at a two-phased process. The first phase will be the negotiation of the design fees, overhead and profit percentages; the first phase will be doing the investigative work to understand what needs to be done. She noted that the City had an assessment of the building done a couple of years ago that identifies things that need to be repaired and those that need to be replaced.

B. Discussion of RFP process relative to the marina restaurant

Chair Bell stated that the City has a piece of property on the Intracoastal Waterway, and the lease for the restaurant on the property expires in October 2020; via the RFP process, the City will come to know the fair market value for the property and restaurant. The Chair commented that the marina has a number of other issues the City needs to address; they are the over comercialization of the property, the parking issues, the impact of the implementation of the parking restrictions on 41st Avenue and Waterway Boulevard. The Committee wants to have an independent appraisal and an inspection of the property by the City's Building Inspector; the lease contains maintenance items that are the responsibility of the tenant and will remain so for the next two (2) years. In addition, the City needs to look at the structural issues when looking at any long-term lease. He opined that the concerns of Council were not a fifteen (15) year lease term as much as What would the City be signing up for? For how much money? Was it fair market value? He stressed the fact that the process was a Request For Proposal was non-binding, and the City would not be required to accept the low bid.

Councilmember Ferencz commented that the RFP process takes time, and she has been asked what Morgan Creek Grill was to do in the meantime. She added that they are going into the down season and cash flow would be impacted; therefore, they would not have extra money to put into maintenance and improvements to the property.

As the Committee was discussing how long the RFP process would take, Interim Administrator Fragoso said that staff needs to be given clearer directions to ensure that the specifications of the RFP match what the Committee and the balance of Council want. She referenced conversations about reducing the size of the restaurant; she asked if that should be a consideration in drafting the RFP.

Chair Bell stated that the loss to the City from the marina was approximately three hundred forty-seven thousand ($347,000) per year; the three hundred thousand dollars ($300,000) in annual debt disappears in February 2019. This means that the significant transfers of funds will not have to be made, assuming no future investments which is unrealistic; the restaurant also needs improvements that a new tenant might require before moving in. He repeated that the City needs a real estate attorney's opinion, an appraisal opinion, and to define what the City is able to do for the RFP.

The Interim Administrator stated that the starting points was to get the appraisal and the building inspection to determine its condition.

5. Old Business

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

8. Executive Session top receive legal advice concerning potential claims related to 1100 Palm and right-of-way Pavilion Drive

MOTION: Councilmember Ward moved to go into Executive Session AT 4:35 p.m. to receive legal advice on potential claims related to 1100 Palm and right-of-way on Pavilion Drive; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

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The Committee returned to open session at 5:17 p.m., and Chair Bell reported that the Committee did not take a vote or take any action while in Executive Session. Upon returning to open session, the Committee may take action on matters discussed in Executive Session.

MOTION: Chair Bell moved to authorize a survey and appraisal of the structure as defined by the physical foot print and 5 feet of steps in such a way that will allow for the conveyance of the property to the current owner to allow him to get a clear title; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

Interim Administrator Fragoso stated that this would go before full Council at the end of the month.

7. Miscellaneous Business

The Interim Administrator informed the Committee that all tenants were current.

Next Meeting Date: 4:00 p.m., Wednesday, November 7, 2018 in the Conference Room

9. Adjournment

MOTION: Chair Bell moved to adjourn the meeting at 5:18 p.m.; Councilmember Ferencz seconded and the motion PASSED UNANIMOUISDLY.

Respectfully submitted:

Marie Copeland
City Clerk

DRAFT

Board of Zoning Appeals
Minutes
October 2, 2018

I. Call to order

The regular meeting of the Board of Zoning Appeals was called to order on October 2, 2018 at 5:30 p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Members present were Elizabeth Campsen, Glenn Thornburg, Arnold Karig, Pete Doherty and Carolyn Holscher; also secretary Douglas Kerr was present.

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

II. Approval of minutes

Mr. Thornburg made a motion to approve the minutes of the September 4, 2018 Meeting, and Mr. Doherty seconded the motion. The motion passed unanimously.

III. Special Exceptions

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

103 Shady Lane

Mr. Kerr stated that the request was to establish an auto wholesale business in the applicant's home. He reported that the applicant indicated on his application that only office work would be done in the house. The house would have no exterior evidence of a business operation and no business-related traffic would be coming to the house.

Ms. Holscher asked if there would be any signs or other advertisements visible at the house. The applicant William Evans replied there would be no exterior evidence of a business.

Ms. Campsen asked if he would be selling cars to dealers only, and Mr. Evans stated that he would only sell to dealers and that there would never be a need to have a car at his property.

With no further questions, Ms. Holscher made a motion to approve the request and Mr. Thornburg seconded the motion. The motion passed unanimously.

IV. Variances

11 JC Long Boulevard

Since the applicant was not present, Mr. Doherty moved to continue the case until the next meeting; the motion was seconded and unanimously approved.

V. Appeals

3601 Palm Boulevard - height appeal

Mr. Kerr explained that the applicant was appealing his determination, as the Zoning Administrator, concerning the overall height of a proposed structure. He stated that, based on the definition of *height of a structure*, he had interpreted the ordinance to state that the height of the proposed structure had to be measured from the high point of the road. The property he bought had been altered from its original condition by the construction of a house with a concrete slab underneath it.

Mr. Kerr noted that the applicant believes that he made an error in interpreting the code and the overall height of the building can be measured from the elevation of the slab under the house.

He read Section 5-4-2(19) into the minutes of the meeting:

> *Height of a structure means the vertical distance from either the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or the lowest area within the building footprint, proposed or existing, of an unaltered/unfilled lot, whichever is higher, to the highest point on the structure. Except for height limitations of communication towers and antennae contained in this chapter, the zoning district height limitations contained in this chapter shall not apply to church spires, chimneys, antennas, communication towers or aerials.*

The applicants, Anita King and Jason Fowler of Sea Island Builders, contended that they were entitled to measure from the lowest point in the footprint of the proposed addition, which was 11.3 feet above Mean Sea Level (MSL).

Mr. Kerr stated that the Board should be aware that this position is slightly different from what was stated on the application; it stated that they should be allowed to measure above the existing concrete slab, which has an elevation of 12.1 feet.

Mr. Fowler stated that the 11.3 foot elevation was within 6 inches of the road elevation of 10.8 feet, but this 6 inches would make a big difference in their ability to fit reasonable ceiling heights into the home. He added that the topographical survey shows that the adjacent properties have a similar elevation; therefore he thought it was safe to assume that this was the natural grade of the land and that the elevations of the lot had not been altered.

When Mr. Karig asked if anyone in the audience wanted to speak, Avery Burns of 3603 Palm Boulevard stated that he has been on his property before the development of 3601 Palm Boulevard and he could confirm that the lot at 3601 Palm had been altered with the addition of fill by the prior owner, Mr. Milner. He explained that Mr. Milner had dump trucks bring in dirt to raise the lot significantly; he added that the neighboring property behind 3601 Palm Boulevard was also significantly altered with the addition of fill dirt.

Ms. Cindy Feltman of #3 - 36th Avenue stated that, during the construction of her home, she was required to lower her roof by 4 inches to fit within the height limits; she opined that it would be unfair if adjacent homes could be built above the height limits.

Mr. Doherty commented that, because a house was built on the lot already, he did not see how the Board could find that the lot had never been "altered" as required by the code as a prerequisite to measuring above the lot and not the road. He asked what the result would be if the Board determined that the measurement should be taken above the road. Mr. Fowler answered they would have 7 feet 8 inches on the ground floor, 9 feet on the first living floor, 9 feet on the second living floor, and 7 feet 8 inches on the third floor.

Ms. Campsen stated that, as she read the definition of height, once a house has been constructed on a lot, there is no option for measuring above the lot, because the lot has been altered.

Mr. Doherty moved to affirm the Zoning Administrator's determination that the overall height of the proposed structure should be measured above the road and not the lot. Mr. Thornburg seconded the motion, and the motion passed unanimously.

3601 Palm Boulevard - setback appeal

Mr. Kerr explained that the applicant was appealing his determination, as the Zoning Administrator, concerning the front setback and the 5 foot exception provided for front stairs. He stated that, in his judgement, what was being proposed would project into the setback as a portion of the deck and not permissible, but the applicants feel that he has made an error and that the projection is part of the stairs and thereby entitled to project five feet into the front setback.

He read Section 5-5-12(f): *Sills, belt course, window air conditioning units, chimneys and cornices may project into a required yard by not more than two feet (2'). Steps may project into a required front yard or rear yard by not more than five feet (5').*

Mr. Doherty asked if the stairs could extend out further than what was being proposed, and Mr. Kerr answered yes because their proposal was to extend 2 feet into the setback, which is less than the 5 feet that stairs can project.

Mr. Kerr showed the configuration that was approved, which showed a 5 foot by 5 foot stair landing projecting into the setback, with the stairs extending down.

Ms. King stated that their preference was to minimize the encroachment and stay setback 23 feet; if they are not allowed to do this, they will have to encroach further into the setback with the stairs.

Mr. Karig explained that, regardless of which configuration is preferable, the Board is being asked to rule on what the proper interpretation of the code is in regard to whether or not the encroachment is truly a stair.

Mr. Fowler added that landings are also allowed under the interpretation.

Ms. Campsen asked if landings being allowed are in the language of the code or if these are being allowed by interpretation. Mr. Kerr answered the code uses only the word “stair” and it is his interpretation that a stair landing fits within the code.

Mr. Doherty explained that he struggled with this request because he too had to alter his stairs to fit within this interpretation and turn the stairs back, which he did not really want to do.

Ms. Holscher asked why the applicants did not like what had been approved, and Ms. King explained that, when you pull back the railing, you have less than three feet in front of double doors, which is inadequate.

Ms. Campsen said that, in her opinion, the Board could not find that the proposal meets the letter of the code and the projection as proposed could not be deemed a stair. She, therefore, moved to affirm the Zoning Administrator’s interpretation regarding the proposed encroachment into the setback; Mr. Doherty seconded the motion and the motion passed unanimously.

VI. Adjournment

With no other business, the meeting was adjourned at 6:20 PM.

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.

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: September 25, 2018
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 ~~one~~ two (2~~1~~) book~~s~~ of thirty (30) visitor ~~parking permits~~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 be valid for one (1) day only and must be dated by the permit holder on the date of use.~~ 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)

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.

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: _____
Second Reading:_____
Ratification:_____

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

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

Formatted: Normal

(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~~; 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 pharma-ceutical 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~~services~~ 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.

~~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.~~

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

Sec. 6-2-13. ~~–~~ ~~Badges~~Tags Issued; records.

The City shall annually provide a sufficient number of stamped metal ~~badges~~ 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 ~~badge~~ 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 ~~badge~~ tag has been issued shall be kept on file by the City, for the purpose of identification in case such ~~badges~~ 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.

(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 ~~badge~~ tag from dog prohibited.

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

(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.