

MINUTES OF THE ISLE OF PALMS  
PLANNING COMMISSION MEETING  
March 14, 2018

The Isle of Palms Planning Commission met in the City Hall Conference Room, 1207 Palm Boulevard on March 14, 2018 at 4:30 p.m. Members attending included Ron Denton, Vince DiGangi, Richard Ferencz, Lewis Gregory, Lisa Safford, and Phillip Pounds; the Director of Planning Douglas Kerr was present as well. Bill Mills was absent. Mr. Ferencz acknowledged that the press had been notified of the meeting, and the agenda for the meeting was posted in City Hall and the Building Department to comply with the Freedom of Information Act.

**PUBLIC COMMENTS**

Mr. Dan Kubeck, 107 Carolina Boulevard, stated that he had noticed in the Planning Commission packets that the group would be discussing the drainage problems at Carolina Boulevard near Palm Boulevard. He said that he was present with his four neighbors to confirm that this area has a serious drainage problem that the neighbors believe could be fixed with the changing of the check valve at the outfall of the system. He reported that the neighborhood had met with Donnie Pitts, and they had filled out a work order request with SCDOT on March 7<sup>th</sup>. He stated that Kevin Mitchell with SCDOT indicated that this was a 30-day process, but that the work order is in their system. He stated that they believe that, if the ditch was made deeper and if the check valve was replaced, it would fix their issue.

Mr. Wayne Walts, 106 Carolina Boulevard, stated that he was across the road from Mr. Kubeck and his family has had the property since the 1960's. He commented that he has seen flooding many times over the years, but, as it is now, water is almost coming into his house. He reported that the oysters have stuck in the check valve, not allowing the valve to close. He stated that, on his side of the road, there is no drainage system, so he has to run a sump pump across the road when it rains.

Ann Harlingen, owner of 102 Carolina Boulevard, noted that SCDOT had installed a drain near her house with rocks around it and this is where the storm surge comes up from the high tide. She commented that each king tide causes water to go into the road and every hightide causes water to come into the ditch.

Mr. Ferencz asked when the last time any work was done in this area. Mr. Walts answered that it has been many years. Mr. Ferencz asked if Eadies had been in this area in recent years, and the owners answered not that they were aware of.

Ms. Lisa Roberts, owner of 2305 Waterway Boulevard, stated that she wanted to address the request for subdivision at 2401 Waterway Boulevard. She explained that, since the last meeting, she has met with a second real estate attorney, Mr. C.J. Manos, His opinion was that the restriction on lot 2401 Waterway Boulevard could only be

lifted if there was a document on record that would delete the restriction and that, for the document to be legal, all owners on Block E would have to sign off on the division.

Mr. Ferencz asked Mr. Kerr to respond. Mr. Kerr indicated that the applicant's attorney has provided written confirmation that the restriction has been lifted and does not apply, but the City would only be reviewing the request under the City and State code, and it could be that the applicant satisfies the City's requirements, but it may not satisfy the neighbors' claims. There would be nothing to stop the neighbors from pursuing enforcement of the covenants beyond what the City does.

### **APPROVAL OF MINUTES**

The next item on the agenda was the approval of the February 14, 2018 minutes. Mr. Pounds made a motion to approve the minutes as submitted, and Ms. Safford seconded the motion. The motion passed unanimously.

### **SUBDIVISION REQUEST FOR 2401 WATERWAY BOULEVARD**

Mr. Ferencz asked if the memorandum from the City Attorney could be discussed openly. Mr. Kerr responded that it could not, and discussion should occur in Executive Session with the City Attorney.

Mr. Kerr explained that the applicant has agreed to extend the Planning Commission's review until the next meeting and to provide the City Attorney with additional information regarding the release of the restrictive covenants affecting the property.

Mr. DiGangi made a motion to defer and extend the review of this request until the April meeting. Mr. Pounds seconded the motion, and the vote was unanimous in favor of deferring the matter until the April meeting.

### **DISCUSSION OF STORMWATER WITH DAVID STEVENS**

Mr. Kerr introduced Mr. Stevens and explained that he was a prior member of the Planning Commission and was the designer of the City's previous major projects between 57<sup>th</sup> and 43<sup>rd</sup> Avenues.

Mr. Stevens explained that he is currently working on 32<sup>nd</sup> Avenue and he is aware of the check valve problems that the island is having, which is probably the same problem that the owners on Carolina spoke about earlier. He explained that the newer style valve is called TideFlex CheckMate and it goes into the pipe to avoid UV exposure and debris.

Mr. Ferencz asked how much it would cost to install such a valve at Palm and Carolina. Mr. Milner, with CSE Engineering, answered that the City just installed a 36-inch check valve at the outfall near the marina and he thought it was \$15,000 to \$20,000. Another valve has been ordered for the 19<sup>th</sup> Avenue outfall, which is 15 inches; the cost of this valve was about \$3,500 for materials and \$3,000 to install the valve. Mr. Ferencz asked if the City could do the work on the SCDOT system at Palm and Carolina. Mr. Stevens answered that, if the City secured an encroachment permit to do the work, they would allow it, but sometimes they will require that the City assumes maintenance. So this detail would need to be worked out, but it would depend whether SCDOT saw the project as a repair of their existing system or an upgrade.

Mr. Ferencz asked why this problem at Carolina and Palm was not been repaired prior to today. Mr. Kerr speculated that the City has been advised not to fix the problem, because it is clearly an SCDOT system and SCDOT has historically been slow to respond. He thought that the position of SCDOT may have changed very recently, but this is how it has historically been with SCDOT.

Mr. Kerr explained to Mr. Stevens that the Planning Commission was trying to develop some short-range projects as well as long-range strategies for addressing the island's drainage problems, and he asked Mr. Stevens for suggestions.

Mr. Stevens said that he needed more information on the existing system. He explained that the County had some of the information and that DNR was releasing LIDAR elevation data for the entire County that would help. He said that this would provide the background data needed to fix the problems.

Mr. Stevens also thought the outfalls adjacent to Waterway Boulevard were a key to fixing the drainage problems. He said that all the systems on the interior of island outfall along Waterway Boulevard and, if the tides are coming into the system and the outfalls are silting in, this would be the root of many of the problems. He suggested that the group gather some baseline data on the condition and elevations of these outfalls and then work toward the ocean side of the island.

Mr. Kerr said that Mr. Wannamaker indicated that, on Waterway Boulevard where the pipes go into the marsh, OCRM has imposed limitations imposed that could prohibit the maintenance of these systems to allow them to freely flow. He asked Mr. Stevens if they have faced this situation in other areas.

Mr. Stevens answered that he believed it was a permitting issue and that it was something that they should be able to work out. He said that because the person that

Comes to clear the problem, may not have the permission to do the work, they may just pack up and go away. He said that these areas are so much more difficult to work on because it requires having equipment out in the marsh on mats. He said it is a tedious and expensive proposition.

The group discussed the issues around 32<sup>nd</sup> Avenue; Mr. Blanding indicated he had cleaned from Palm Boulevard down 32<sup>nd</sup> Avenue, but the system then turned away from the road and into another system and preventing him from proceeding up the system. Mr. Stevens indicated that he is working on a different portion of this system adjacent to Mr. Burke's property and that the County had indicated that they could clean a portion adjacent to Mr. Burke's property, but that they could not continue up the system.

The Commission agreed that situations like the one at 32<sup>nd</sup> illustrate that there is a high level of coordination that needs to happen with these systems and it appears the coordination is not currently happening. They agreed that improving this coordination should be a strategy.

As a final strategy, Mr. Stevens suggested that the City create a catalog of what updates have been done, so going forward the City would know how the system was originally designed to operate.

The group thanked Mr. Stevens and Mr. Milner for coming and sharing their insight.

The group discussed what the next options should be. The group agreed that, in the short-term, they would like to press for action on the issue at Palm and Carolina Boulevard. Mr. Kerr stated that the owners stated that this problem was with SCDOT, where it should be, and the SCDOT was probably working towards a solution. He believed that this should be viewed as an SCDOT maintenance problem and that the Commission should not focus too much on it. He stated that he would get a status update from the Public Works Department and SCDOT to provide the group at the next meeting.

The group agreed that the number one short-term priority would be getting the water off of Palm Boulevard around 30<sup>th</sup> Avenue. Mr. Gregory stated that, if the work just moved the water off Palm and into the system around 30<sup>th</sup> Avenue, it would just make an existing problem in his neighborhood worse. The group agreed to look at this system in its entirety with the plan of improving the existing system so that it functions well and then add to the system to pick up the water collecting on Palm Boulevard. Mr. Kerr indicated that he would provide background information on this problem to give the Commission a case study project to work through.

## **DISCUSSION of IMPERVIOUS SURFACE REQUIREMENTS**

Mr. Kerr stated that, in the packet, was a draft of the City's stormwater regulations with sections of the Sullivan's Island regulations inserted. He explained that the major changes to the City's existing code were:

1. To provide an infiltration rate of 2.0 inches per hour to be considered pervious;
2. To establish a maximum limit of fill to bring the elevation of the lot up to one foot above the road;
3. To require a stormwater plan for every new house and any change of 625 square feet or more, not just when a property is being filled.

The Commission discussed all the changes and agreed that they would be helpful. Mr. Gregory made a motion to recommend that City Council approve the amendments and Mr. Ferencz seconded the motion. The motion passed unanimously.

## **DISCUSS FLOOD AMENDMENTS WITH OLDER HOMES**

Mr. Kerr reported that the Planning Commission sent forward a recommendation to City Council to establish a 14-foot minimum elevation requirement and that Council expressed concern over the impact of the 50% rule on older homes. He stated that Council expressed a desire to relax the 50% rule, where possible, to hopefully make it more feasible for owners to keep the older homes and not remove them to be replaced with bigger homes, covering more area, and intended to be used by more people.

He had two suggestions, i.e. one that was a broad reaching change that would help all the houses that are below the flood requirement and a second change that was more narrowly focused on the houses that would become conforming under the future FEMA maps.

After discussing the two options, the group agreed that this matter needed additional study and they should have a Special Meeting to come up with a recommendation. The group agreed to set a special meeting for March 19<sup>th</sup> at 9:00am.

## **ADJOURNMENT**

With there being no further business, the meeting was adjourned at 6:10 p.m.  
Respectfully submitted, Richard Ferencz, Chairman