

MINUTES OF THE ISLE OF PALMS  
PLANNING COMMISSION MEETING  
April 11, 2018

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

**PUBLIC COMMENTS**

Mr. John Sheridan, 7 Chapman Avenue, stated that he has been a lifelong resident of the island and built his house on Chapman Avenue in 1991. When his neighborhood was built, the developer offered to pipe the ditch in front of each property for \$1,000; some owners chose to install pipes and some did not. Since that time, no improvements have been made, and it is as though the street has been forgotten. He explained that he has called the Public Works Department numerous times and they have attempted to make improvements, but that the drainage system was plugged downstream and there has been no attempt to fix the root of the problem. He opined that open ditches were unhealthy and unsightly and that there was no engineering advantage to an open ditch system over a piped system. He believed that a piped system was superior. He suggested the City create a Stormwater Commission to provide intelligent oversight over drainage issues, and he offered to participate on that Commission.

Mary Bridgett Allen, resident at the corner of 29<sup>th</sup> Avenue and Lauden Avenue, explained that the roads in her area flooding so badly that people cannot drive down them. She thought this was a safety concern and stated the flooding has never been as bad in the area as it has been in the last two years.

Mr. Dan Kubeck, 107 Carolina Boulevard, commented that he attended the prior month's Planning Commission meeting and he thought that the problems in his area still have not been addressed by SCDOT. He distributed a Post and Courier article from February 10<sup>th</sup> documenting that the City of Charleston was installing check valves to keep the tidal waters from backing into their stormwater system and they were having success. He believed these types of valves would help his area.

David Pagliarini said that he was an attorney representing the Cook family that lives adjacent to the property at 2401 Waterway Boulevard that was on the agenda for final subdivision approval. He stated the opinion that the restrictive covenants that prohibit the property at 2401 Waterway Boulevard cannot be legally modified without the consent of all owners in the block. He stated that he understands that the declaration

that the applicant's attorney has submitted thus far relies on expired covenants that should not be considered and that nothing has been resubmitted to address the covenants. Therefore, he believed that the application was currently incomplete and a decision could not be made by the Planning Commission.

Dick Heinrich, owner of 2403 Waterway Boulevard, stated that he bought the house next door to the property proposed to be subdivided and he was concerned about what effect the subdivision would have on his view easement that currently exists on the property.

Sam Stathos, attorney for Kimberly Johnson, explained that his client lived adjacent to 2401 Waterway Boulevard and they wanted to express their opposition to the proposed subdivision. He explained that he had the same opinion as Mr. Pagliarini's in terms of the application not being complete at this point and he believed that all eleven owners in Block E would have to sign a release of the covenants in order for it to be legal, which has not been done.

#### **MISCELLANEOUS BUSINESS- DISCUSS WAYS TO INCREASE LIKEHOOD OF FUTURE RECOMMENDATIONS BEING IMPLEMENTED**

Mr. Ferencz explained that he had asked that this item be put on the agenda because he believes that there have been several missteps by the Planning Commission recently that have led to the work of the Planning Commission not being embraced by City Council. He stated that in his opinion these missteps can be attributed to the following reasons: Council changed membership between when the Commission began their work and when the Commission finalized their recommendations; the issues being considered by the Planning Commission are extremely complex and it is challenging to bridge the information gap and have City Council members fully aware of all issues when the recommendations are forwarded; and there have been transposition errors made when issues leave the Planning Commission and they are presented in their final format to City Council.

He stated that in looking forward with an intention of trying to keep this from happening in the future he would suggest: that the Commission collect and report more data that the Council can digest; that the Commission gather more outside input to know the public reaction; and to have the Commission do the final review of documents before they are forwarded onto the City Council.

Mr. DiGangi explained that he had attended the joint meeting between the City Council members and the Isle of Palms Water and Sewer Commission and he felt that it was the

work of the Planning Commission that provided the framework for these agencies to work together on the complex issues of expanding public sewer.

Mr. Mills asked if a member of City Council has ever been assigned to attend the Planning Commission meetings to act as an advocate for the Commission. Mr. Kerr answered not that he was aware of, but they received the minutes, and special workshop meetings had been called to work together on complex issues on a case-by-case basis.

Mr. Kerr explained that he agreed with the points Mr. Ferencz brought up and it is always good to increase the amount of data collected and considered, increase the outside input, and bringing final versions back to the Planning Commission will cost time, but that he did not see any problem with this being the normal process.

He added that he understood the disappointment of issues not progressing through the Council approval process more smoothly, but that he felt that this has historically been the case and he did not perceive that the Planning Commission had misstepped. He explained that both the flood regulations and the sewer regulations were under consideration and that he felt confident that most of the important components of those recommendations would be implemented. He stated that traditionally issues are considered from a technical standpoint by the Planning Commission and that Council looks at the issues through a different lens and ultimately what comes out of the process is an amalgamation of the two groups' efforts. Nonetheless, he agreed that more coordination is always good.

### **APPROVAL OF MINUTES**

Mr. Ferencz explained that the next item on the agenda was the approval of the March 14, 2018 minutes. Mr. Mills made a motion to approve the minutes as submitted and Mr. DiGangi seconded the motion. The vote was unanimous in favor of the motion.

The next item on the agenda was the approval of the minutes of the special meeting of March 19, 2018. Mr. Mills made a motion to approve the minutes as submitted and Mr. DiGangi seconded the motion. The vote was unanimous in favor of the motion.

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

Mr. Kerr explained that at the last meeting, the applicant and the Commission agreed to extend the Planning Commission review until this meeting to provide the applicant more time to provide the City Attorney with additional information regarding the release of the restrictive covenants affecting the property. He stated that the necessary information

still has not been provided and because the City's ordinance includes a time restraint of 60 days on the Planning Commission's review, he would recommend that the Planning Commission deny the request with the understanding that the applicant can reapply as soon as the information is provided.

Mr. Ferencz made a motion to deny the request, and Mr. Denton seconded the motion. Mr. Denton asked if there was a provision in the code that kept the applicant from reapplying within a particular timeframe and Mr. Kerr answered no, they could immediately reapply. The vote was unanimous in favor of the motion to deny the request.

## **DISCUSSION OF STORMWATER PRIORITIES**

Mr. Kerr explained that at the last meeting, the Commission indicated that they wanted to look at the entire drainage basin that ultimately discharges through the 30<sup>th</sup> Avenue outfall. He indicated that Mr. Stevens has provided an estimate of the cost to survey, design, permit, bid and oversee the improvement of this basin at \$300,000. Additionally, he stated that Mr. Stevens looked at the basin that discharges out of the 36<sup>th</sup> Avenue outfall, as this outfall serves more properties and the properties are lower and more prone to flooding, and the cost to fully design this project would be about \$400,000.

Mr. Ferencz asked what the projected construction cost would be for these projects. Mr. Kerr answered that according to Mr. Stevens the design fees typically end up being between 8% and 12% of the total construction cost. So, using a midpoint of 10% would result in construction cost of \$3,000,000 and \$4,000,000 respectively.

Mr. Ferencz explained that he felt that it would be important for the Planning Commission's recommendation to be long-range and include the expense of completing the construction of the projects.

Mr. Ferencz explained that he also thought it would be prudent to get a second estimate of cost. Mr. Kerr answered that he thought that whatever project the City agreed upon would have to go through a competitive process including request for proposals, but now the goal was only to get budgeting numbers for the future budget. He stated that he did not think many firms would be willing to spend the effort necessary to come up with numbers, if they understood it was only a budgeting exercise.

Mr. Ferencz stated that he thought it was important that at least \$400,000 be included in the upcoming budget as well as some mechanism to show the future construction costs beyond the one-year budget.

The group generally agreed that it was important that money be in the upcoming budget.

Mr. Denton explained that he would consider shifting the budget to only include the design of the outfalls, so that maybe some of the work on the outfalls could be started within the year. The group generally agreed that it would be better to have work started as soon as possible and maybe the benefit of only the outfalls being improved would alleviate issues throughout the entire basins.

Mr. Kerr stated that he could ask Mr. Stevens to update the cost to only work on the outfalls and report back on the amount. Mr. Ferencz stated that he was concerned about timing and getting something before City Council to include in the upcoming budget. Mr. Kerr explained that the Ways and Means Committee of Council would be meeting to discuss the budget on April 17<sup>th</sup>.

The group agreed to request \$400,000 be included in the upcoming budget, but work towards getting updated pricing before the Ways and Means meeting and call for a special meeting of the Planning Commission, if necessary. Mr. Kerr indicated he would work on this.

## **ADJOURNMENT**

Mr. Kerr explained that at the last meeting, the Planning Commission agreed to forward impervious surface recommendations without seeing the final draft in ordinance form. Based on the discussion at the beginning of the meeting of the Planning Commission seeing final ordinances before they are sent onto Council, he asked if the group wanted to delay these to allow another review. The group agreed that they would like to look at the changes a final time before going forward.

With there being no further business, the meeting was adjourned at 6:20 p.m.  
Respectfully submitted, Richard Ferencz, Chairman