

## CITY COUNCIL

6:00 p.m., Tuesday, March 26, 2019

The regular meeting of the Isle of Palms City Council was held at 6:00 p.m., Tuesday, March 26, 2019 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, and South Carolina. Present for the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice Smith and Ward, Mayor Carroll, Interim Administrator Fragoso, Attorney Copeland and Clerk Copeland; a quorum of Council was present to conduct business.

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

### 2. Reading of the Journal of the Previous Meeting

**MOTION: Councilmember Bell moved to approve the minutes of the regular meeting of February 26, 2019 as submitted, and Councilmember Rice seconded.**

Councilmember Smith asked for an addition to the minutes on page 4, the first paragraph saying, "The delay in Second Reading for Ordinance 2019-04 was to allow the City to talk with Front Beach business owners about the proposed expansion of packaging restrictions."

**VOTE on Amended Motion: The motion PASSED UNANIMOUSLY.**

### 3. Citizens' Comments

Interim Administrator reported that the VFW and the 14<sup>th</sup> Airlift Squadron have withdrawn their request after realizing that some issues needed to be resolved before they could hold it; the City will see another request from them in the coming months.

Michael Fiem of Tidal Wave Watersports said that he was unable to attend last week's Ways and Means Committee meeting but has listened to the audio that is on-line, and he wanted to clarify certain issues. He stated that he was notified in the fall of certain violations, out of compliance issues, that he was totally unaware existed, and the Tidal Wave staff has been working with DHEC/OCRM to bring their business into compliance. He recalled that he asked the representatives why he was being cited and not the City, and he was told repeatedly that it was their responsibility because it their business, their jet skis, etc. He said that was why he had not come to the City when they received the out-of-compliance notice. Mr. Fiem indicated that the Maintenance and Operations Manual has been completely updated except for the survey, and he called Kirby Marshall of ATM since ATM was working with the City to permit the marina docks for the rehabilitation project. It was around this time that he started the dialogue with Interim Administrator Fragoso, and only recently was he informed of the encroachment into the one hundred twenty-five foot setback established by the Army Corps of Engineers. He reiterated that he wanted to work with the City on these issues, but he also wanted the City to work with him.

Henry Hagerty, 106 Forest Trail Circle, stated that he had emailed all members of Council about the proposed subdivision on his street. Commenting that the subdivision was considered a "done deal," he asked who the keeper of the laws and the codes was. He said that codes and/or laws existed for flooding and for one point four acres (1.4 acres). He also commented that the Planning Commission was great, but he opined that they should not be as independent as they are and

that he would prefer to see Council take back some of the control of the Planning Commission. He has been told that the proposed new lots will have forty percent (40%) of non-permeable surface, but Mr. Hagerty noted that with the king tides, the heavy rainfalls, the rising sea level and the rising water table on the island, forty percent (40%) might be too much and, in his opinion, even dangerous.

Howard Hogue, 445 Fetterbush Drive, Moncks Corner, aka Beach Santa, reported that, in July of 2018, he was asked to document what he takes off the beach. In 2018 he made thirty-four (34) trips to the beach and removed two hundred seventy-nine (279) straws and stirrers, five thousand one hundred thirty-eight (5,138) cigarette butts and seven hundred forty-four (744) articles of Styrofoam for a total of ten thousand two hundred eighty-three (10,283) pieces of litter from the beach between the Windjammer and 21<sup>st</sup> Avenue. In two and a half (2½) months in 2019, he has removed four hundred twenty-six (426) straws and stirrers, five thousand five hundred twenty-three (5,523) cigarette or cigar butts and seventy-six (76) articles of Styrofoam for a total of eleven thousand one hundred thirty-eight (11,138) pieces of litter. He said that he likes to make things better than when he found it. He concluded by saying that he hoped Council would do the right thing and expand the plastics ordinance later in the meeting and said, "Clean looks nice."

Albert George of the South Carolina Aquarium stated that the Aquarium partnered with the City on eleven (11) one-hour (1 hr.) sweeps and accumulated twenty-three thousand one hundred two (23,102) items of litter. Of that number, approximately fifty-one hundred were plastic items and almost eighty-four hundred (8,400) were cigarette or cigar butts. He concluded saying, "it was great to be back where it all started;" the Isle of Palms was the first community in the state "to take a stand." He also thanked Mayor Carroll for his representing the Lowcountry before the State legislature about the harm being done to marine creatures and the waterways by plastic items.

Katrina Limbach, 5 Duck Lane, was one (1) of the founders of the IOP Cleanup Crew which developed last summer from a grassroots effort to fight litter on the beach. She stated that seventy-six percent (76%) of the items they removed from the beach were plastic or cigarette butts; she noted that cigarette butts were the most littered item in the world and take up to ten (10) years to decompose. She stated that the Isle of Palms has been the leader for this type of changes and urged Council to consider the data when they talk about expanding the plastics ban ordinance.

#### **4. Reports from Standing Committees**

##### **A. Ways & Means Committee**

Reporting on the meeting of March 19<sup>th</sup>, Councilmember Ward said that the first item of business was the proposal from ATM in the amount of sixty-five hundred dollars (\$6,500) to acquire the necessary permit(s) to bring the Tidal Wave dock into compliance with regulating agencies and to have the permits(s) issued to the City of Isle of Palms as the owner of the marina. Kirby Marshall of ATM attended to answer questions or provide clarifications as needed. He stated that the discussion was quite lengthy, but he found certain parts to be noteworthy, and they were as follows:

- The City was informed recently that the Tidal Wave dock was out of compliance with both DHEC/OCRM and the Army Corps of Engineers and that the most recent permit issued for the dock was dated in 1995; and
- According to the Interim Administrator, the City had two (2) options. i.e., (1.) to submit a permit application in the name of the City of Isle of Palms for the dock as it is configured

today or (2.) to make the necessary modifications to the dock for it to be compliant with the 1995 permit.

The next step would be to submit the permit application for the rehabilitation of the marina docks rehabilitation and to submit a separate permit application for the Tidal Wave dock with the updated Operations and Maintenance Manual. The Real Property Committee voted unanimously to submit two (2) permits, and the permit application for the Tidal Wave dock was to be submitted in the name of the City and in its current configuration.

Since the City was told the permitting process would take ninety to one hundred twenty (90 – 120) days, meaning that the permits would not be issued until at least September. The City, then, has a non-compliant dock and must tell its tenant Tidal Wave that they must operate within the limits of the 1995 permit. Mr. Marshall reported that he reached out to the Corps of Engineers last week to discuss the encroachment of the dock, and he was told that a variance could possibly authorize that structure since the encroachment was so limited.

Matt and Cindy DeAntonio were the residents at 210 Forest Trail; he stated that they had worked toward acquiring the Flood Mitigation Grant since 2016 and were notified in December 2018 that they would receive the award.

General Fund revenue through February 28<sup>th</sup> was seventy percent (70%) collected, and General Fund expenditures were at fifty-seven percent (57%) of budgeted expenditures; the target for the end of February was sixty-two percent (62%). All departments were within the target except for Mayor and Council that was above due to a timing difference. The Capital Projects fund has seen less activity than the FY19 budget predicted; the Treasurer stated that the completed projects were Drainage Phase 2, the underground storage tanks, a garbage truck, renovations to the Public Works structure, the gym floor and the Eadie's ditches clean out. Projects not done this year will be reallocated to FY20. She stated that the forecasted year-end positive net result in the General Fund will be eight hundred sixty-two thousand dollars (\$862,000) which will be rolled into the Capital Projects Fund for FY20, until Council makes its final decision on its disposition. Cash in the bank at the end of the month was approximately eighteen million six hundred thousand dollars (\$18,600,000) with seventeen million four hundred thousand dollars (\$17,400,000) invested with the LGIP with an interest rate of 2.4288%. Business Licenses and Building Permits revenues continue to outperform the budget FY20. The Treasurer stated that as of today the Fire Department overtime was within budget and should remain so because overtime caused by military leave, FMLA and light duty issues have ended. Treasurer Suggs also noted that nine hundred forty thousand dollars (\$940,000) was included in the FY19 budget for the remediation of the Public Safety Building; current projections are that only half of that money will be spent in this fiscal year, and the balance will be rolled into the FY20 budget. In reviewing the pie charts, the Treasurer commented that the circles were equal and that one (1) represented the various sources of revenue while the other represented expenditures. She pointed out that Property Taxes and Other Licenses collected for insurance and utilities were paid by property owners meaning that half of the City's General Fund revenues were paid by property owners. The Phase II Drainage Project was winding down and the February expenditures were for invoices from Civil Site Environmental for professional services in excess of the contract. The Phase II Drainage Project was winding down and the February expenditures were for invoices from Civil Site Environmental for professional services in excess of the contract.

1. Approval of a Change Order from Thomas & Hutton in an amount not to exceed \$7,500 for the surveying, engineering and design for a drainage improvement on Tabby Lane (Pg. 23, In 54 – Capital Projects, Public Works, Drainage Contingency - \$70,000)

**MOTION: Councilmember Rice moved to approve the Change Order from Thomas and Hutton for the surveying, engineering and design for a drainage improvement on Tabby Lane; Councilmember Smith seconded.**

Mayor Carroll recused himself from the discussion and vote because he was a resident of Tabby Lane.

Councilmember Kinghorn asked if the City had a prioritized list of the drainage projects, and, if so, where did this issue appear on it.

Interim Administrator Fragoso stated that such a list did exist, but it was not published; she anticipated getting a better list from Thomas and Hutton after they complete their investigative work in the basins. She also took the opportunity to remind Council that this project was the one (1) where the residents were paying for the construction after the City paid for the engineering and design.

**VOTE: The motion PASSED UNANIMOUSLY.**

2. **Award of a contract to Eadie's in an amount not to exceed \$30,000 for emergency repairs to Marginal Road** (Pg. 23, In 54 – Capital Projects, Public Works, Drainage Contingency - \$70,000)

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**MOTION: Mayor Carroll moved to award a contract to Eadie's in an amount not to exceed \$30,000 to perform emergency repairs to Marginal Road; Councilmember Moye seconded.**

Councilmember Rice recalled from the Committee meeting that staff was going to contact Charleston County to see perhaps they could put the work at a lower cost to the City.

Interim Administrator Fragoso has spoken to the County and their workload was such that they could not do the work for two to three (2 – 3) months, and the situation on Marginal must be addressed before the road collapses. The City will get a quote from the County and make its decision based on who could deploy first.

**VOTE: The motion PASSED UNANIMOUSLY.**

3. **Acceptance of the award of a Flood Mitigation Grant through SC DNR in the amount of \$294,244.20 to elevate 120 Forest Trail**

**MOTION: Chair Ward moved to accept the grant award, and Councilmember Bell seconded.**

A key factor in receiving this grant was that the home must have been flooded multiple times and experienced serious damage to the house and property; these properties are on a list maintained by FEMA. The property owners are notified annually that their property is on the list each year along with programs open to them.

The Mayor noted that the DeAntonios have filed four (4) claims with FEMA in recent years and worked very hard to get this grant; the City will not incur any expense, but serve as the pass-through for funds to them as the work is done.

**VOTE: The motion PASSED UNANIMOUSLY.**

4. **Award of a contract to Rahman's Painting and Repairs, LLC in the amount of \$73,104.25 to pressure wash, caulk and paint IOP Fire Station #2 (Pg. 41, In 70 – Fire Station #2 Maintenance, ½ Capital Projects \$39463, ¼ Muni ATAX \$19,731, ¼ State ATAX \$19,731)**

**MOTION: Mayor Carroll moved to award a contract to Rahman's Painting and Repairs, LLC in the amount of \$73,104.25 for maintenance and repairs at Fire Station #2; Chair Ward seconded.**

From looking at the bids summary included in meeting packets, Councilmember Ferencz questioned the difference between the bids for Alternate 2 – the repair and replacement of rusted ductwork in bay area of approximately sixteen thousand dollars (\$16,000) from one (1) bidder and thirty-four hundred (\$3,400) from the second bidder. She asked whether the City would be face a large change order after the contract was awarded, because something was not included in the bid.

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The Interim Administrator explained that the two (2) bidders did the required walk-through together and chatted as they moved through the building; Chief Graham has spoken with them to insure they understand the scope of the project.

Upon seeing the difference, Chief Graham photographed the area to show Council how simple the repair was going to be; she asked Councilmembers to look at the ductwork in the bay where the bunker gear was stored that have rusted due to exposure to the salt air. In the Chief's mind that part of the job was not worth sixteen thousand dollars (\$16,000)

The Councilmember's second question was why Chief Graham had not included Alternate #3 in the contract award.

Chief Graham stated that replacing the railing on the roof was going another very simple project, and she was confident Fire Department personnel could handle and do so at a lower cost.

**VOTE: The motion PASSED UNANIMOUSLY.**

5. **Approval of a Change Order to the scope of work for Phase 3 Drainage Improvements from Thomas & Hutton in the amount of \$23,300 (Pg. 23, In 54 – Capital Projects, Public Works, Drainage Contingency - \$400,000)**

**MOTION: Mayor Carroll moved to approve the Change Order for a change in scope of work relate to Phase 3 Drainage; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

- 6. Approval of a Change Order from Applied Technology Management (ATM) to pursue the necessary permits on behalf of the City to ensure that the existing Tidal Wave Dock is compliant with the regulatory requirements**

**MOTION: Mayor Carroll moved to approve the Change Order from ATM to pursue the necessary permits to make the Tidal Wave docks compliant with regulatory requirements; Councilmember Rice seconded.**

In Councilmember Kinghorn's opinion, when multiple parties were involved in anything, especially governmental regulatory agencies, a meeting should take place or have be scheduled when each party participating or with an interest in the project was present; he asked if such a meeting has been held, to which the Interim Administrator answered with a no.

Interim Administrator Fragoso reported that she has spoken or met with everyone participating.

Councilmember Kinghorn opined that a face-to-face meeting with all of the parties involved before moving forward.

Responding to Councilmember Moye, the Interim Administrator noted that the Change Order was in the amount of sixty-five hundred dollars (\$6,500).

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The Interim Administrator noted that Kirby Marshall of ATM was coordinating a meeting with DHEC/OCRM and the Army Corps of Engineers to review the two (2) permit applications with them in hopes of getting a preliminary nod of approval.

**Amendment: Councilmember Kinghorn offered an amendment that all of the stakeholders in the Tidal Wave dock permitting process meet before the project takes another step forward.**

With no second, the amendment died.

Interim Administrator Fragoso stated that the City was assuming that it would work with the Fiem brothers and Tidal Wave to ensure that the permitting process moves forward and that they have a fully compliant dock for the balance of their lease.

**VOTE: The motion PASSED on a vote of 8 to 1 with Councilmember Kinghorn casting the dissenting vote.**

## **B. Public Safety Committee**

Reporting on the meeting of March 4<sup>th</sup>, Councilmember Buckhannon stated that the Public Safety Committee started with a request for a City-sponsored event status from Captain Herndon of the

14<sup>th</sup> Airlift Squadron Pelican Booster Club and the IOP VFW to hold a 100-meter Fun Run fundraiser to support the Booster Club that has now been withdrawn. On the subject of implementing a pay-to-park system on Palm Boulevard, Councilmember Buckhannon reported that he and the Interim Administrator, along with several SCDOT representatives had attended a demonstration of the Tru-Grid product that could be used on the shoulders of the road to stabilize it, mark individual parking spaces and aid in drainage. The product was interlocking, permeable squares in a variety of colors that could be filled with sand shell; the City will be interested in hearing the conclusions reached by SCDOT. The individual squares cost \$2.90 each and would cost five to six dollars (\$5 - \$6) with installation. Tru-Grid did offer to install their product in a location in the City for a test; she and Chair Buckhannon agreed that the test area should be one that was constantly used. The City has been working with the COG and CHATS on the public transit initiative between the Isle of Palms and Mount Pleasant; CHATS has funded the vans to be used, but the search for a pickup spot in Mount Pleasant remains elusive. Since the City has been successful in prior years in being awarded CTC and TST funds for projects on the island, the Committee agreed to submit the improvements to the Waterway Boulevard multi-use path as its primary project in the next round of requests. The Committee was told that another coyote had been trapped and that nine (9) traps were removed for cleaning to be redeployed; residents reported that only four (4) sightings were reported on the month of March. Chair Buckhannon noted that the Committee discussed again the use of golf carts to take handicap residents and visitors to the beach; Dr. Jim Smiley was allowed to join the lively discussion. Staff planned to have a draft of an ordinance available for First Reading at the March Council meeting with the necessary changes. When the Committee discussed coyotes, Chair Buckhannon stated that he had spoken with Jim Westerholt, the Forestry and Wildlife Chair for the Horry Georgetown Technical College, and who offered to assist the City. He stated that the only way to get a rein on the situation was to get an estimate of the number of coyotes the City was dealing with; Mr. Westerholt offered his class to count them without using DNA. He explained that what he has done in the past was to place students throughout an area and to blast the siren from an emergency vehicle causing the coyotes to be howling; the students then count the different howls they hear. The Interim Administrator reported that proposals have been requested from four (4) individuals to serve as a law enforcement consultant for the City. The proposals were due the week, and she would go through them to ensure that they included what the City wanted to accomplish.

The next meeting of the Public Safety Committee was scheduled for Monday, April 1 at 9:00 a.m. and would be held in the City all Conference Room.

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

From the meeting of March 7<sup>th</sup>, Councilmember Rice stated that the meeting began with an expression of appreciation for the job done and a healthy happy retirement to Bernard Gouridine who has been a member of the Public Works Department for eighteen (18) years. In the monthly report, Director Pitts stated that garbage was down and that debris was relatively flat. A leak in one of the new underground storage tanks at the marina was located and repaired; the Front Beach parking lots were cleaned and spruced up in preparation for the season. The Director stated that he had approved rather significant repairs to one (1) of the flatbed trucks that he believed would extend the life of the truck by five or six (5 – 6) years. The renovation of the Public Works Building has started giving the building a much-needed facelift. Councilmember Rice called for a celebration for the conclusion of the Phase II Drainage Project; she reiterated that this project has taken seven (7) years to complete. She cautioned that, if residents see men working in that area of Palm Boulevard, they should not be concerned – the Water and Sewer Commission was working there. She was very pleased to announce that the work on the ditch on 32<sup>nd</sup> Avenue

has finally been completed. In the month of March, SCDOT crews were on the island working on nine (9) separate drainage projects selected by Director Pitts and the SCDOT engineer; they will return in June, September and December to work on additional projects. Eadie's continued its work cleaning the ditches of debris and vegetation. The contract award to Thomas & Hutton for Tabby Lane was met with enthusiasm by the residents who will pay for the actual construction after the City pays for the survey, engineering and design. The Chair was most concerned that Marginal Road would collapse before the repairs were done; she thought it was a public safety hazard. The Committee had a lengthy dialogue on expanding the plastics ban; they reached a consensus to include plastic drink lids, plastic straws and stirrers to be consistent with neighboring communities. She encouraged everyone to strive toward the use of refillable cups and metal straws; she thought this was especially important to do with children so that they develop a habit to use them and do not think of plastics use. Councilmember Rice stated that 48<sup>th</sup> Avenue was a private street, therefore, not included in the City's drainage project, but they have requested permission to tie-in. The residents will be required to pay for the project, i.e. surveying, engineering, design, construction, landscaping after construction and ongoing maintenance. Councilmember Rice explained that the additional capacity of the system by those residents would not stress the system because it was designed knowing that 48<sup>th</sup> Avenue and The Citadel Beach House would likely tie-in at some time.

**MOTION: Councilmember Ward moved to allow residents of 48<sup>th</sup> Avenue to tie-in to Phase II Drainage at their expense and to maintain their system hence forward; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

The last item on the agenda was the tree-trimming schedule set by Dominion Energy to cut tree limbs away from power lines in their attempt to avoid power outages caused by downed power lines after a weather event. Trimming the trees on the Isle of Palms is expected to take two (2) months, and they will hold a public information meeting before they begin. The City has not yet been provided with a timetable.

The Public Works Committee will hold its next meeting at 9:00 a.m., Thursday, April 4<sup>th</sup> in the Conference Room.

Councilmember Kinghorn stated that the plastics ban was a good time for the City to re-double its efforts for litter education and a "Pack-in Pack-out" campaign.

Councilmember Bell voiced his full support for Council member Kinghorn's remarks and was amazed to hear about the number of cigarette butts removed from the beach; he suggested publicizing that number in hopes of making people more aware of lighting up a cigarette and disposing of the butt on the beach.

Councilmember Buckhannon noted that the work on removing and placing the underground storage tanks at the marina should be completed in two (2) weeks assuming no weather delays.

Mayor Carroll thanked Director Pitts for preparing a delicious "going away" luncheon for Bernard Gourdine.

#### **D. Recreation Committee**

Reporting on the meeting of Monday, March 4<sup>th</sup>, Councilmember Smith stated that the work of the Committee began with the Director's February report, and she noted that classes have not changed since the prior month. The Street Fest held Saturday, March 9<sup>th</sup> was another big success

and that the weather cooperated this year; upcoming events include the Annual Yard Sale on Saturday, March 30<sup>th</sup>, the Annual Easter Egg Hunt for Saturday, April 20<sup>th</sup> and the much-anticipated Shred Day on April 27<sup>th</sup> in the large parking lot on Front Beach. The Rec Staff has a school's out activity for Wednesday, March 27<sup>th</sup> with food and entertainment for the school-aged children. Summer camp registration will be on Saturday, May 4<sup>th</sup> beginning at 1:00 p.m. to better accommodate working mothers; this activity will coincide with the Music in the Park event, and could bring additional people to the music event. The Committee had a lengthy discussion on ways to make the athletic fields available to residents or school teams with half of their members being island residents. In addition, they discussed the ways that new programs or classes were added to the activities offered at the Rec. The Chair suggested that more island residents would take advantage of Rec exercise classes if one could pay a single rate for a month or for a specific number of classes and be allowed to participate in several different classes in that time frame. Although some complications have come up, the Committee discussed the exclusive franchise agreement RFP for surfing lessons to be offered in Wild Dunes. Pursuant to a request from the managers of the Farmers' Market, the Committee talked about reducing the number of vendors and holding the weekly event at the Rec Center and the challenges that would create.

Since the tennis courts were in the process of being re-surfaced, Councilmember Kinghorn asked if they would be lined for pickle-ball, and the Director said they would.

Councilmember Ward said that he was glad to see the Farmers' Market move to the Rec Center and that the move would draw more people than holding it at the County Park.

#### **E. Personnel Committee**

Although the Personnel Committee did not meet in March, Chair Moye was planning to make up for it by holding two (2) Special Meetings in the first week of April. On the search for a new Chief of Police, he informed Council that the staff has been studying the resumes, viewing pre-employment assessments and doing some research on the web to reduce the number of qualified candidates; they were conducting an additional phone screening of the candidates they selected. In the Executive Session on April 2<sup>nd</sup>, the Personnel Committee would be seeking guidance from Council on which candidate(s) they thought would be a good fit for the City and, from that discussion, the Personnel Committee would select the strongest three to five (3 – 5) candidates who would be interviewed. Councilmember Moye explained that the discussion would be held in Executive Session to maintain the confidentiality of the candidates so that their present jobs would not be put in jeopardy. The Personnel Committee was following the timetable distributed at the last meeting and was on-schedule with the goal of conducting interviews in mid-April to identify the candidate with whom the City would enter into negotiations for the position. The City staff has been provided the format for structured interviews that will provide those interviewed with a guided and objective way for evaluating them to discern the good fit. For the City Administrator, Councilmember Moye said that the pre-employment assessments would be sent to fifty to sixty (50 – 60) candidates, and they will be asked to return them no later than April 3<sup>rd</sup>.

#### **F. Real Property Committee**

Reporting on the meeting of March 6<sup>th</sup>, Councilmember Bell stated that Tidal Wave Watersports was going to operate a shuttle between Front Beach and the marina as their effort to reduce parking issues at the marina. As the City approached the issuance of an RFP for the marina restaurant, Marina Manager Berrigan asked that the period for bidders to generate their bids be extended from forty-five day to ninety days (45 – 90), and the Chair and Interim Administrator agreed. At the request of the marina manager, the exhaust vent system was relocated close to

the pad at the fuel island to improve the movement of vehicles, and the expanse can be covered by the project contingency fund. ATM continued to work on the permit applications for the docks at the marina. He reported that the Committee should not go forward with producing a list of preferred certified arborists indicating which arborists in the area could work on the island. The Committee was advised that to put a moratorium on the subdivision of lots was a drastic move for the City to take, and the Interim Administrator and Director Kerr agreed that the City has other means at its disposal to reduce the subdivision of lots. After stating that pine trees were not protected on the Isle of Palms, he learned that the ordinance went back to Hugo when pine trees snapped off and damaged homes. Director Kerr also informed the Committee that palm trees, although protected, were technically not trees since they did not have an eco-system and were primarily ornamental. Greenbelt funds and the allowable uses were reviewed by the Committee, and they agreed to find an allowable use project for the City so that the money was not lost.

The next meeting of the Real Property Committee was scheduled for 9:00 a.m., Wednesday, April 3<sup>rd</sup> in the Conference Room.

When Councilmember Rice asked about the timeline for the RFP for the marina restaurant, she was told that the RFP was scheduled to be issued in August of this year, and Councilmember Bell did not see a way to shorten it.

The Interim Administrator added that the only change to the timeline would be to extend the response time to ninety (90) days.

Councilmember Kinghorn noted that the thirtieth anniversary of Hugo was coming up and asked if anyone had thought about acknowledging it in some way and using it as a means to promote hurricane awareness and preparedness.

## **5. Reports from City Officers, Boards and Commissions**

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

## **6. Reports from Special or Joint Committees – none**

## **7. Petitions Received, Referred or Disposed of – none**

## **8. Bills Already in Possession of Council**

**Second Reading of Ordinance 2019-04 – An Ordinance Amending Title 3, Public Works, of the City of Isle of Palms Code of Ordinances, Chapter 4, Single-Use Plastic Bags**

**MOTION: Councilmember Ward moved to waive the reading and to approve for Second Reading Ordinance 2019-04; Councilmember Moye seconded.**

**AMENDMENT: Mayor Carroll moved to amend the motion to include the prohibition of single-use plastic bags, plastic cup lids, stirrers and Styrofoam products from the beach and any other City-owned property; Councilmember Kinghorn seconded.**

Councilmember Smith voiced her concerns over enforcement of this ordinance on the beach, but she did think it was the right thing to do to be consistent with Folly Beach and Sullivan’s Island. She thought it would alert residents and visitors that the City was serious about the harm being done to the aquatic animals and to the environment.

Councilmember Bell did not understand why cigarette butts were not included as well, but he was not prepared to make another amendment at this meeting.

Councilmember Ward stated that it was against State law to leave any type of litter on the beach.

Councilmember Kinghorn reiterated that the City “must have a robust education program.”

Councilmember Rice was pleased that the City was “not being timid,” that the City must “continue to push the envelope and be the leaders.”

For discussion purposes, Interim Administrator Fragoso stated that the existing ordinance only discussed penalties for not complying with the items stated in the ordinance as proposed, i.e. the items noted “at point of sale”. To expand the ordinance and to ban the use of these items on the beach, they must be accompanied by a penalty; at Sullivan’s Island, the penalty is one hundred dollars (\$100) for each offence. Otherwise, the same regulation would apply beginning with a warning, one hundred dollars (\$100) for a first violation, two hundred dollars (\$200) for the second violation in twelve (12) months and five hundred dollars (\$500) for each additional violation.

**AMENDMENT #2: Councilmember Moye moved to amend the motion to add a \$100 penalty for each violation; Councilmember Bell seconded.**

Attorney Copeland said that the way Ordinance 2019-04 was presented at this meeting only penalty applied to the business distributing these products at the point of sale. People bringing these items and using them on the beach is an entirely different matter. At this point, amendment #2 and the second were respectively withdrawn.

The Interim Administrator said that she has been advised that the items included in the original amendment should be in a separate ordinance.

**VOTE on the Original MOTION: The motion PASSED UNANIMOUSLY.**

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

**A. First Reading, by title only, of Ordinance 2019-05 – An Ordinance Amending Title 7, Chapter 1 Business Licenses, of the City of Isle of Palms Code of Ordinances Regarding the Increase for Short-Term Rental License Fees**

**MOTION: Councilmember Bell moved to approve First Reading, by title only, of Ordinance 2019-05 – An Ordinance Amending Title 7, Chapter 1, Business Licenses of the City of Isle of Palms Code of Ordinances Regarding the Increase to Short-Term Rental License Fees; Councilmember Ward seconded and the motion PASSED on a vote of 7 to 2 with Councilmember Rice and Mayor Carroll casting the “nay” votes.**

**B. First Reading, by title only, of Ordinance 2019-06 – An Ordinance Amending Title 3, Public Works, Article A of the City of Isle of Palms Code of Ordinances Regarding Stormwater Management Utility Fee Increase**

**MOTION: Councilmember Bell moved to approve First Reading of Ordinance 2019-06; Councilmember Rice seconded; the motion PASSED on a vote of 7 to 2 with Councilmembers Buckhannon and Moyer dissenting.**

**C. First Reading, by title only, of Ordinance 2019-07 – An Ordinance Amending Title 5. Planning and Development, Chapter 4, Zoning, Article 2, District Regulations Regarding Lot Subdivisions**

**MOTION: Councilmember Ferencz moved to approve First Reading for Ordinance 2019-07; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.**

**R.2019-01 – A Resolution to Increase Franchise Fee with Comcast from 3% to 5%  
R.2019-02 – A resolution to Increase Building Permit Fees**

No action was taken on the resolutions pending the Public Hearing scheduled for 5:30 p.m., Tuesday, April 23, 2019.

**10. Miscellaneous Business**

**Proclamation Naming April as Sarcoidosis Awareness Month**

**MOTION: Councilmember Rice moved to adopt April as Sarcoidosis Awareness Month; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.**

Mayor Carroll read the Proclamation into the minutes of the meeting.

**Next Meeting Date:** 6:00 p.m., Tuesday, April 23, 2019 in Council Chambers

**11. Executive Session – not needed**

**12. Conclusion/Adjournment**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 7:40 p.m.; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

# RECUSAL STATEMENT

Member Name: Jimmy Carroll  
Meeting Date: 3-26-19  
Agenda Item: Section 4A Number: 1  
Topic: Tabby Lane Damagie

*The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.) A written statement describing the matter requiring action and the nature of the potential conflict of interest is required.*

## Justification to Recuse:

Professionally employed by or under contract with principal  
 Owns or has vested interest in principal or property  
 Other: \_\_\_\_\_

Date: 3-26-19 \_\_\_\_\_  
Member [Signature]

Approved by Parliamentarian: \_\_\_\_\_



IOP

|     | DATE    | STRAW/STIRRERS | CIGAR/<br>CIGARETTES | STYROFOAM | TRUCK<br>TOTAL<br>ITEMS |
|-----|---------|----------------|----------------------|-----------|-------------------------|
| 1.  | 7-16-18 | 62             | 273                  | 31        | 658                     |
| 2.  | 7-23-18 | 26             | 212                  | 10        | 439                     |
| 3.  | 8-6-18  | 24             | 301                  | 44        | 665                     |
| 4.  | 8-7-18  | -              | 54                   | -         | 54                      |
| 5.  | 8-8-18  | -              | 134                  | -         | 134                     |
| 6.  | 8-9-18  | -              | 186                  | -         | 186                     |
| 7.  | 8-10-18 | 5              | 77                   | 3         | 299                     |
| 8.  | 8-11-18 | -              | 128                  | -         | 128                     |
| 9.  | 8-12-18 | -              | 164                  | -         | 164                     |
| 10. | 8-13-18 | 27             | 205                  | 12        | 325                     |
| 11. | 8-14-18 | 4              | 149                  | 2         | 222                     |
| 12. | 8-15-18 | 10             | 18                   | 1         | 105                     |
| 13. | 8-17-18 | 6              | 139                  | 12        | 355                     |
| 14. | 8-19-18 | 9              | 190                  | 25        | 498                     |
| 15. | 8-22-18 | 1              | 198                  | 21        | 370                     |
| 16. | 8-23-18 | 2              | 123                  | 4         | 238                     |
| 17. | 8-24-18 | 1              | 123                  | 2         | 279                     |
| 18. | 8-27-18 | 28             | 132                  | 1         | 357                     |
| 19. | 9-3-18  | 14             | 445                  | 129       | 964                     |
| 20. | 9-6-18  | 7              | 296                  | 19        | 570                     |

|     | DATE                      | STRAW/S/<br>STIRRERS | CIGAR/<br>CIGARETTES | STYROFOAM  | ONLY<br>TOTAL<br>ITEMS |
|-----|---------------------------|----------------------|----------------------|------------|------------------------|
| 25. | 10-9-18                   | -                    | 44                   | 3          | 83                     |
| 26. | 10-16-18                  | 3                    | 99                   | 15         | 277                    |
| 27. | 10-21-18                  | 1                    | 49                   | 2          | 112                    |
| 28. | 10-23-18                  | 1                    | 122                  | 10         | 245                    |
| 29. | 10-29-18                  | 2                    | 35                   | 6          | 86                     |
| 30. | 11-4-18                   | 1                    | 51                   | 2          | 105                    |
| 31. | 11-6-18                   | 2                    | 77                   | 5          | 164                    |
| 32. | 11-19-18                  | 9                    | 93                   | 6          | 301                    |
| 33. | 11-22-18                  | 4                    | 50                   | 2          | 102                    |
| 34. | 12-10-18                  | 2                    | 47                   | 18         | 156                    |
|     | <b>SUB TOTAL<br/>2018</b> | <b>279</b>           | <b>5138</b>          | <b>744</b> | <b>10,293</b>          |
| 1   | 35. 1-2-19                | 3                    | 63                   | 1          | 181                    |
| 2   | 36. 1-8-19                | 3                    | 32                   | 2          | 94                     |
| 3   | 37. 1-14-19               | 2                    | 76                   | 1          | 118                    |
| 4   | 38. 1-18-19               | 5                    | 112                  | 2          | 372                    |
| 5   | 39. 1-22-19               | 6                    | 90                   | 1          | 217                    |
| 6   | 40. 1-23-19               | 11                   | 473                  | 4          | 855                    |
| 7   | 41. 1-26-19               | 1                    | 32                   |            | 83                     |
| 8   | 42. 1-21-19               | 4                    | 227                  | 2          | 520                    |

|    | DATE | STRAWS/<br>STICKERS | CIGAR/<br>CIGARETTES | SYNDFOAM | DAILY<br>TOTAL<br>ITEMS |     |
|----|------|---------------------|----------------------|----------|-------------------------|-----|
| 14 | 48   | 2-7-19              | 20                   | 240      | 4                       | 535 |
| 15 | 49   | 2-11-19             | 4                    | 168      | 3                       | 454 |
| 16 | 50   | 2-11-19             | -                    | 29       | 1                       | 57  |
| 17 | 51   | 2-14-19             | 27                   | 319      | 2                       | 585 |
| 18 |      | 2-16-19             | +                    | 67       | 2                       | 205 |
| 19 |      | 2-20-19             | 26                   | 137      | 11                      | 363 |
| 20 |      | 2-25-19             | 7                    | 199      | 9                       | 479 |
| 21 |      | 3-8-19              | 11                   | 152      | 7                       | 372 |
| 22 |      | 3-10-19             | -                    | 17       | -                       | 56  |
| 23 |      | 3-11-19             | 4                    | 57       | 2                       | 193 |
| 24 |      | 3-11-19             | 10                   | 258      | 2                       | 737 |

SUBTOTAL 2019      (426)      (5523)      (76)      (11,138)

TOTAL      [705]      [10,661]      [820]      [21,421]

23,101

### Litter-free Digital Journal Report

Individual/Organization: IOP Cleanup Crew Sweeps Number of Participants: \_\_\_\_\_  
 Location/Habitat Description: \_\_\_\_\_  
 Total Bags of Garbage Collected (#): \_\_\_\_\_ Estimated Weight Collected: \_\_\_\_\_ lbs.  
 Date(s) of Sweep: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Take photos of litter if possible and submit data to:  
 Litter-free Digital Journal: A South Carolina Aquarium Project at:  
<https://www.anecdata.org/projects/view/122>

78 **Balloons**  
 Latex: 59  
 Mylar: 19

49 **Dumping of Large Items**  
 Appliances: 2  
 Building Materials: 45  
 Cars/Car Parts: 2  
 Tires: —

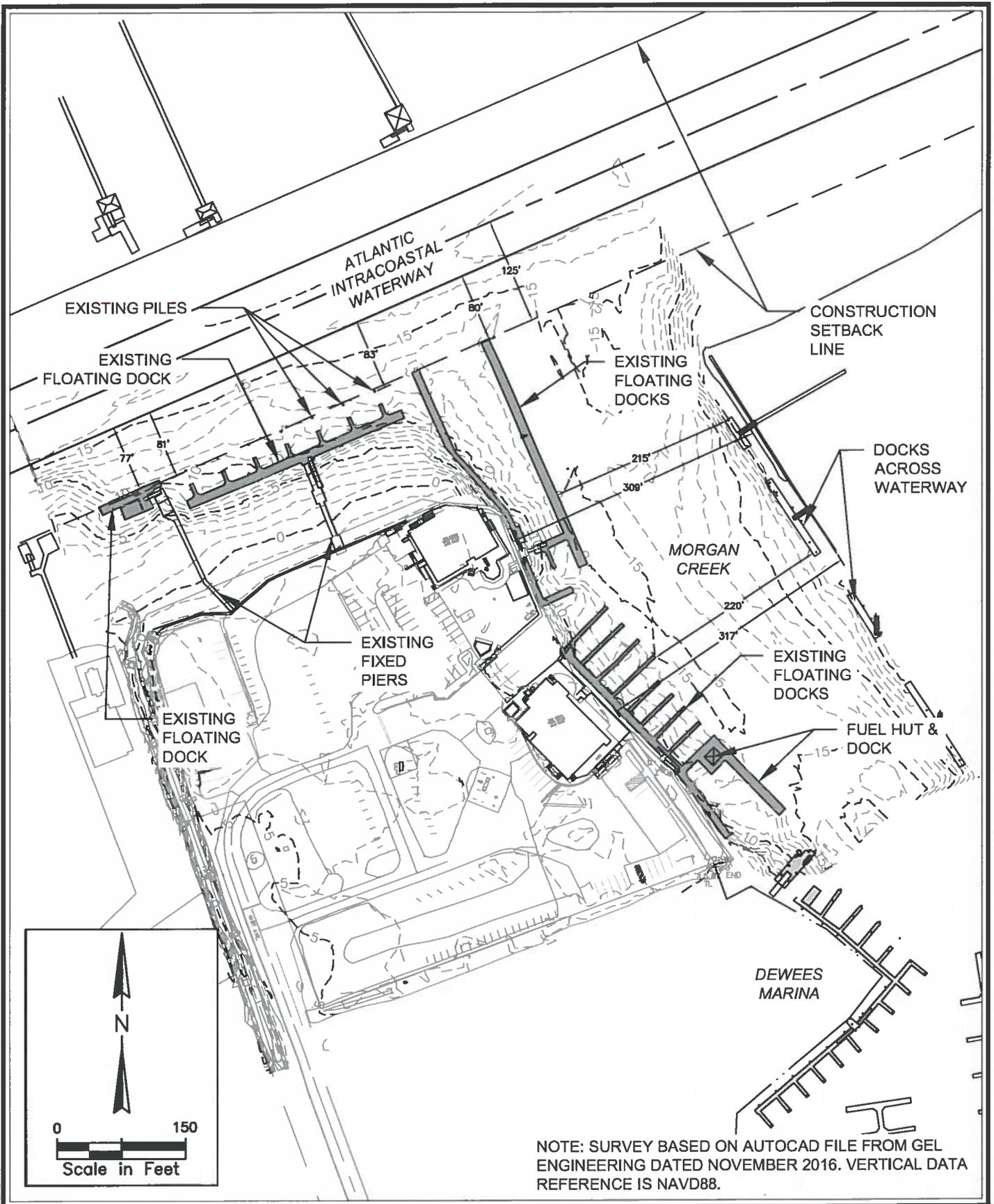
141 **Fishing Gear** 1 fishing pole  
 Crab Traps: 1  
 Fishing Hooks: 4  
 Fishing Line: 42  
 Fishing Nets: 12  
 Rope: 81

410 **Medical Supplies/Personal Hygiene**  
 Band-Aids/Gauze: 353  
 Condoms: 5  
 Diapers: 15  
 Tampons/Applicators/pads: 9  
 Misc med supp: 19 dental picks, gloves,  
*simon & schuster*

10,240 **Plastics**  
 6-Pack Holders: 5  
 Bags: 256  
 Bottles: 389  
 Caps/Lids: 1818  
 Food Wrappers/Film: 2958  
 Fragments (rigid): 1217  
 Straws/Stirrers: 833  
 Plastic straw wrappers: 127 519  
 Toys: 336  
 Utensils/Dinnerware: 109  
 Misc. Plastics: 2194

8424 **Smoking-related Items**  
 Cigarette Lighters: 13  
 Cigarettes/Filters: 8142 !!  
 Cigars/Tips: 198  
 Tobacco Packaging: 71  
8280

O:\Projects\18-3287 IOP Marina Permitting & Design\DWG\18-3287-IOP Marina\_USACE\_REV01.dwg Figure 2 2/12/19  
NOTE: THESE DRAWINGS AND DESIGNS ARE STRICTLY CONFIDENTIAL AND PROTECTED BY INTERNATIONAL COPYRIGHT LAW. DETAILS MUST NOT BE DISCLOSED, REPRODUCED OR COMMUNICATED TO A 3rd PARTY IN ANY FORM OR MANNER WITHOUT THE PRIOR WRITTEN APPROVAL OF APPLIED TECHNOLOGY & MANAGEMENT.



NOTE: SURVEY BASED ON AUTOCAD FILE FROM GEL ENGINEERING DATED NOVEMBER 2016. VERTICAL DATA REFERENCE IS NAVD88.

**FIGURE 2: EXISTING CONDITIONS**  
Isle of Palms Marina Rehabilitation  
Isle of Palms, Charleston County, SC  
12-February-2019



Jet Ski dock platforms and portion of the floating dock encroach on the 125' offset from centerline of AIW

