

CITY COUNCIL

6:00 p.m., Tuesday, May 28, 2019

The regular meeting of City Council was called to order at 6:00 p.m., Tuesday, May 28, 2019 in Council Chambers of City Hall, 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 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 a brief invocation and the Pledge of Allegiance, Clerk Copeland called the role.

2. Appointment and Administrator of Oath to New Employee

MOTION: Councilmember Moye moved to appoint Kevin Cornett as the new Chief of Police for the City of Isle of Palms; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

3. Reading of the Journals of Previous Meetings

MOTION: Councilmember Kinghorn moved to approve the minutes of the regular meeting of April 23, 2019 as submitted; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

4. Citizens' Comments

Based on the number of people in attendance, Mayor Carroll asked that speakers keep their comments to three (3) minutes, and, if someone wishes to speak who agrees with the majority who have already spoken, to simply state their agreement.

John McMaster, 2801 Palm Boulevard, was brief and to the point; he did not think that cement trucks running up and down Palm Boulevard from 2 a.m. til 7 a.m. was a bad idea. He said that he and his wife prefer to sleep during that time.

Debbie Johnson, 7 Grand Pavilion, recounted that she was a resident when the Villages was being built; therefore, she understands what construction means in Wild Dunes. She listened to the audio of the Public Safety Committee meeting and was struck by the Lowe's construction person who stated that they "were just realizing the significance of the construction project." In her opinion, the significance should have been realized when the construction project was initially contemplated. She understood that the trucks would begin arriving at 2 a.m. and continue until 7 a.m. with six to ten minutes (6 – 10 min.) lapsing between the trucks arrivals; she commented that her husband has cancer and must get his rest at night. She also stated that she had no confidence that they would comply with their promises. She asked who would hold them accountable. Who would measure their compliance? And who with the City was going to be responsible to be on-site every night when these pouting event happen to make sure they comply? She concluded that this activity was not acceptable and she encouraged Council not to allow it to happen.

Rusty Streetman, 4004 Palm Boulevard, joined with the previous speakers and added that he was concerned about the disruption these pours would have on the island's residents. The test

of his comments are attached to the historical record of this meeting. He listed his primary concerns and the noise created by the cement trucks as they come onto and leave the island via Palm Boulevard. For those residents who work, the pours between the hours of 2 a.m. and 7 a.m. will create many a sleepless night. The timing was poor in that the majority of the pours will occur during the height of the tourist season and of hurricane season. He questioned what would be done by the City to monitor speeds and control the noise. The quality of life for a great many IOP residents will be seriously impacted for the ten (10) months this part of the construction is happening. He stated that he was "in favor of abiding by our ordinances that are in place and putting the responsibility firmly on Lowe's . . . to find ways to make this happen with a minimum of disruption and noise to our full time, taxpaying citizens."

Other residents who agreed that City Council should not approve the cement pours were:

Dan Tylak, 11 Edgewater Alley
Fred Shinnars, 10 Fairway Village Lane
Kay Grimes, 14 – 57th Avenue
Abby Smith, 1 – 57th Avenue
Carol Willingham, 2 Fairway Village Lane
John Eddy, 4 – 56th Avenue
Julia Eddy, 4 – 56th Avenue
Arnold Karig – 5102 Palm Boulevard
Doug Conrad – 27 Grand Pavilion
Lauren Johnson – 4 Grand Pavilion

Jim Owens, 2805 Palm Boulevard, asked Council to do something about the stacking of cars parked on both sides of Palm; he stated that the situation was dangerous and that the City needed uniformity and enforcement.

Stephanie Gabosch, from the S.C. Aquarium, addressed Council about the Turtle Trek that will be held on the island on Saturday, September 21st for the fourth year and will be prefaced with a beach sweep. She noted that the Aquarium has rehabilitated two hundred seventy-four (274) turtles and returned them to the ocean in a healthy condition; many of the rehabbed turtles are returned to their natural habitat at the Isle of Palms. She stressed that the Aquarium supports keeping the beach clean and will use the beach sweep to share with the participants beach conservation messaging. She stated that the ATAX funds help to cover the costs of food for the turtles in the rehabilitation facility; she urged City Council to approve the ATAX funding of ten thousand dollars (\$10,000).

George Page, 5 Forest Trail Court 1, informed Council that he had attended the Public Safety Committee meeting earlier in the month about the house next to him that is in deplorable condition and an overall public safety issue. If the house were to be sold in its current condition, the property values would drop dramatically. The owner of the house is an island resident, and he does nothing to the house. He brought pictures for Council to see for themselves why Mr. Page was seeking assistance from the City; a copy of the photographs are attached to the historical record of the meeting. He also asked who was in-charge of parking at the marina; he stated that the launch fee was five dollars (\$5) and parking on the weekend was ten dollars (\$10). He opined that having to pay to park at the marina was "absurd"

Brad Strobel, not a resident of the island, reported that, while enjoying a day at the beach in April, his six (6) year old daughter was attacked by a pit bull with no provocation. The City's first responders arrived quickly, and after they cleaned and dressed the wound, he was advised to take his daughter to the emergency room because the wound needed attention they were not

able to provide. Mr. Strobel told Council that the dog was from out of town and had not had a rabies vaccination in three and a half (3½) years; at this point, the authority was turned over to DHEC; based on the time lapse, the dog was quarantined and monitored. He noted that the police officer(s) did not issue a ticket to the dog's owner for the two hundred dollars (\$200) fine as defined State law. When the situation went before the municipal court, the five hundred dollars (\$500) fine for "dog at-large" was reduced by the judge to one hundred thirty dollars (\$130). He voiced support for some way for the City to require all dogs, resident or visitor, to have a current rabies certification.

Joe Houdek, 65 Twin Oaks Lane, asked that the City install bike lanes on Palm Boulevard from the Connector to 41st Avenue; he reported that currently cyclists ride down the middle of a lane intended for vehicular traffic. He commented that, when the cement trucks come onto the island, they will be very heavy, and he asked who would be responsible for the repairs to the island's roads and streets when the hotel was completed.

Terri Thorvalson, Director of Conservations Programs at the SC Aquarium, thanked the IOP City Council for leading the fight in costal preservation based on its ban on single use plastic bags on the beach. She told Council that the Aquarium has treated twenty-seven (27) turtles who had ingested marine debris, and twenty-two (22) of the twenty-seven (27) were rehabilitated in the last four (4) years. She stated that over eighty-five thousand (85,000) pieces of debris have been removed from the IOP beach; she noted that that number did not represent all of the liter taken from the beach since some groups do beach sweeps and do not record their data with the Aquarium. She noted that the majority of what was taken off the beach were single-use plastic bags and Styrofoam products. She urged City Council to approve the ordinance on the Agenda that expands the plastics ban to the beach.

Mary Michaels of 7 – 47th Avenue stated that, as an avid surfer, she was a supportive of all efforts to reduce the plastic pollution, and she thanked Council for what it has done in this regard.

John Mart, 18 Seagrass Lane, informed Council that he recently got a ticket for having chickens, and he asked the Council consider changing the ordinance.

Chad Anderson, 6 Edgewater Alley, also agreed with the speakers on the cement trucks, but he also asked Council to consider crosswalks at all of the beach access paths that lead to Palm Boulevard.

Jim Owens, 2805 Palm Boulevard, asked to speak a second time to address the matter of property lines for properties on the ocean side of Palm Boulevard; he stated that he has spoken with neighbors who have palm trees very close to the road and they seem to believe that their property lines extend to Palm Boulevard. He asked that someone be assigned the task of determining the true property lines for those properties from 21st to 41st Avenue.

Carolina Bradner, 131 Spring Street, was representing the Coastal Conservation League and added their voice in support of banning plastics and Styrofoam on the beach. She stated that they would be happy to assist the City in this effort in any way they could.

Joe Houdek, 65 Twin Oaks Lane, said that the City has provided pedestrian cross walks on Palm Boulevard, but people do not seem to care and dart from behind vehicles creating a major public safety issue. He asked Council to provide police officers to insure that people do what they should.

Mike Mansanger, with Lowe Wild Dunes construction, apologized for the disruption caused by the major construction project; he said that it was a significant undertaking demanding many workers, a lot of equipment and materials that will all pass through the Isle of Palms on Palm Boulevard to get to the resort. He noted that he has been meeting with the Isle of Palms Interim Administrator, Fire Inspector and Interim Chief Usry or Captain Swain on a weekly basis and that, in an April meeting, they discussed the proposed thirty-five (35) nighttime pours that were recommended by the general contractor and his concrete sub-contractor. They discussed the impact of the large concrete pours related to the number of trucks, the limited time to dispatch the load, the traffic concerns along Palm Boulevard and its impact on public safety. He explained that they brought the issue to the City based on the potential impact to first responders' access. He noted that the communication between the construction team and the Police and Fire Departments has been excellent, and he commended them on making themselves a part of process to get the hotel constructed in the safest manner possible. The issue of the large pours was taken to the Public Safety Committee after garnering support from the Police and Fire Departments that this was a beneficial alternative to the overall public safety of the island residents. Anticipating resistance from the community relative to the nighttime pours, a public forum was held on May 16th to explain their plan. He stated that he believed the nighttime pours were the best option for the residents and the construction, but they were fully committed to work with the City and to communicate with the residents potential impacts of construction activities and will continue to work to minimize the potential impacts.

MOTION: Councilmember Buckhannon moved to suspend the rules of order to address the recommendation from the Public Safety Committee and stated on the Agenda; Councilmember Kinghorn second and the motion PASSED UNANIMOUSLY.

Councilmember Buckhannon confirmed that the plan for thirty-five (35) night pours was presented to the Public Safety Committee; there were not citizens comments at that meeting related to this subject; therefore, the motion passed unanimously.

MOTION: Councilmember Buckhannon moved to deny Lowe Wild Dunes the approval of the 35 night pours and to support the City's ordinances that apply to the nighttime pours as proposed; Councilmember Ward seconded.

Councilmember Kinghorn asked if the Committee had discussed an exception to the ordinance, but not a change to an ordinance. Councilmember Kinghorn stated that beyond its being a safety issue, a key responsibility for an elected official; therefore, he asked about what the alternative might be. If the alternative is day pours, they will occur primarily in July and August, the island's high season; will Council hear more complaints with more people on the road and will there be greater safety issues?

Councilmember Bell stated that the message the residents misunderstood was the Public Safety Committee recommending the nighttime pours; the unanimous vote from the Committee was to take it out of the Committee and to get it before the full City Council. He opined that, if the corporation was truly concerned about the citizens of the island, they would not schedule the major pours in the height of the season. If they were truly concerned, they would push the pours out three (3) months and have the major pours before the "dead" season starts; he said that he understood that they had to hit a certain date to open the hotel. He noted that to allow the pours would be an exception to the ordinance, not an ordinance change; he continued by asking, if this exception was allowed, how many more exceptions would they have?

Councilmember Smith stated that she did not think that the exemption by called the pours City-sponsored events would be contrary to the intent of the ordinance.

Looking to the construction team in the audience, Councilmember Rice asked what other alternatives were that would allow them to get the work done.

Dan Battista with Lowe restated that their primary concern was public safety which is why they brought the activity to the City for discussion and that the obvious alternative was to do the pours during the day. He noted that they would be happy to discuss the issue with the City to try to come up with better alternatives. He thought it was up to the governing body to decide what it wanted to do relative to public safety.

The Mayor thanked Lowe for their working with the City and that, over the last week, Council was plagued with phone calls, texts and emails from residents protesting the nighttime pours. In the end, Council must be responsive to the residents.

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

Councilmember Buckhannon said that the Public Safety Committee would continue to work with the Lowe construction team.

5. Reports from Standing Committees

A. Ways and Means Committee

The financial report for April 2019 were that General Fund Revenues were at eighty-one percent (81%) of budget and General Fund expenditures were at seventy-six percent (76%) of budget. According to the Treasurer, the General Fund is forecasted to end the year one million two hundred thousand dollars (\$1,200,000) ahead of budget. The major contributors to the net positive result were business licenses, building permits and parking fees; the lower than expected forecast for expenditures can be attributed to vacancies in City Hall, the Police Department and the Public Works Department. Tourism funds were tracking as predicted, and the last couple of months of the year are expected to be high impact months for tourism revenues. Local Option Sales Taxes are running four point three percent (4.3%) that the same period in FY18. The Phase II Drainage project is nearing completion with four hundred twenty-nine thousand dollars (\$429,000) remaining to be spent. The removal/replacement of the underground storage tanks at the marina is running past its completion date, and the City will be seeking liquidated damages from the contractor.

The Ways and Means Committee had another budget work session on Thursday, May 23rd, and some members still have concerns about the FY20 budget. Based on those concerns, another budget workshop will be held the second week of June. Councilmember Kinghorn was out of Council Chambers for the votes on items one through three (1 – 3).

1. Recommendation from the Real Property Committee to approve a proposal from ATM in the amount of \$68,000 to expand the scope of work to develop a plan for the inclusion of dock areas referred to as Area B and Area C.

MOTION: Councilmember Ward moved to approve the proposal from ATM in the amount of \$68,000 to expand the scope of services at the IOP Marina dock replacements; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

2. Recommendation from the Real Property Committee to award a contract to Coastal Science and Engineering (CSE) for RFP 2019-02 – Island-wide Beach Monitoring in the amount of \$30,520 per year for 3 years

MOTION: Councilmember Ward moved to award a contract to CSE for island-wide beach monitoring at \$30,520 per year for 3 years; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

3. Consideration of an award of a one-year contract to Technology Solutions in the amount of \$40,000 for City-wide IT management and support services

MOTION: Councilmember Ward moved to award a one-year contract to Technology Solutions in the amount of \$40,000; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

4. Recommendations from the ATAX Committee
 - a. Sponsorship of Carolina Coast Surf Club website in the amount of \$1,000

MOTION: Councilmember Ward moved to approve the \$1,000 sponsorship of the Carolina Coast Surf Club website; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

- b. Sponsorship of the SC Aquarium 2019 Turtle Trek in the amount of \$10,000

MOTION: Councilmember Ward moved to approve the \$10,000 sponsorship of the SC Aquarium 2019 Turtle Trek; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

The next Ways and Means Committee meeting will be at 5:00 p.m. on Tuesday, June 18, 2019.

B. Public Safety Committee

From the meeting of May 6th, Councilmember Buckhannon reported that multiple residents appeared before the Committee to complaining about the condition and appearance of a neighbor's house and the impact it was having on their homes and quality of live. They asked that the City find a way to force the owner to fix it up or tear it down; as lengthy discussion followed. Staff will research State law to determine if an answer can be found there and other possible sources for solutions. The Lowe Wild Dune construction team appeared before the Committee to present their concept of the best way to handle the cement pours over the coming ten (10) months. On the park 'n ride program between SCDOT, the COG and CARTA, the Interim Administrator stated that they were hopeful that the vans would be on the agenda for approval by SCDOT so that they could move forward with the program.

Interim Administrator Fragoso reported that the SCDOT meeting was today and, due to turnover of personnel, the vans were not on the meeting agenda. The search is on to find another way of funding the van so the project can become a reality.

The last meeting on coyote management was with members of the Wild Dunes Community Association board, and the City staff was going to reach out to Lowe, SCDNR and to James Westerholt of the Horry Georgetown Technical College with the intention of setting up a meeting to discuss the options the City has relative to the coyote population. Captain Swain reported that he spoke with the coyote expert with the SCDNR Jay Butfiloski, who is a font of information, but he does not appear to want to be involved beyond that. Mr. Westerholt, the professor from the technical college, was willing to bring his students here for a count, but he, too, was not interested in assisting the City in any other way. Captain Swain stated that someone had sprung all of the City's traps in one (1) location, and he confirmed that at least one (1) trap was on the golf course that was marked with a sign. The Interim Administrator put forth her idea for a film permit for filming on the beach that would be to streamline the approval process for small, unobtrusive film, video or still photography shoots on the beach. The permit application should be submitted with a minimum of a fourteen (14) day notice; the project would need to carry the City's established limit for liability insurance with the City named "additional insured." The permit's processing fee would start at ten dollars (\$10), but the fee could increase based on the project's need for City services. Councilmember Buckhannon also noted that the Public Safety Committee proclaimed support for National Safe Boating Week that was last week.

The Public Safety Committee will hold its next meeting at 9:00 a.m., Monday, June 3rd in the Conference Room.

Councilmember Kinghorn asked that the Public Safety Committee look to (a) the continuing open dialogue with Lowe relative to its project and monitoring traffic and safety on Palm Boulevard; (b) installing of a camera at Breach Inlet that would focus out in the water rather than traffic on the road; and (c) extending bike paths the full length of Palm Boulevard.

Councilmember Rice asked that Council be kept informed on any and all progress made on the dilapidated house on Forest Trail Court 1.

C. Public Works Committee

Councilmember Rice reported on the meeting of May 7th when Don Thompson of Goat Island came before the Committee requesting a site where household garbage could be placed by residents of the island. Charleston County will provide the dumpster and will service it weekly; they need somewhere to put it. Interim Administrator Fragoso said that she would work with Director Pitts, Mr. Thompson and the City contractor to see if something could be worked out to accommodate Mr. Thompson and the residents of Goat Island. Based on the volume of miscellaneous garbage, Public Works Director Pitts reported that fifty-one tons (51 T.) went to the Bees Ferry Landfill; the Director thought that residents must have been in spring cleaning mode in April. He noted that the yard debris appeared low in comparison, but he reminded the Committee that a storm hit the island the year before last that skewed the numbers for that year. While the crews are still on once a week garbage collection, they try to mow and maintain the rights-of-way; they were mowed twice in April. The parking lot was mowed three (3) times and the 41st Avenue ditch once. He noted that the Mobi-mat put at the Front Beach boardwalk is problematic, and since the area has not had any rain, the soft sand is quickly covering the mobi-mat and making a big hump. He said that he and his crew would continue to do what they can to keep the mat level. The Hazardous Material Collection and Shred Day was held on April 27th,

and, as usual, the response was very good. The cost of vehicle maintenance in April was nominal at approximately seven hundred thirty dollars (\$730), but the Director believes that the year will end right at or slightly over budget. Relative to Phase II Drainage, the work has been completed and the system is working well. The project was completed under budget and the balance was transferred to the Capital Projects fund for use on Phase III drainage – the outfalls improvements. HR Officer DeGroot put together a short presentation of before and after photographs; the changes provide more space for the personnel, more organization, and a real office space for the Director, Assistant Director Washington and the new Assistant Director. The renovation was described as “the overdue re-do.” Director Pitts reported that the pipe under Marginal Road has been replaced and the road is no longer in danger of caving in; the contractor is waiting for the gate valves that are due in the next two (2) weeks. Once they are in, the contractor will complete the asphalt work. Chair Rice told the Committee that she was served with a petition from residents of Forest Trail and Sparrow Drive requesting that “City Council authorize a flood abatement solution” for them. The Chair turned the petition with forty-five signatures over to the Interim Administrator to be presented to City Council at their meeting of May 28. The Chair noted that this area has no drainage infrastructure and experiences frequent flooding. From a discussion of a comprehensive sewer implementation, the Committee agreed that ordinance deferred in 2017 should be re-introduced to City Council for re-consideration. These ordinances require the following:

- Ordinance 2017-08 – all subdivisions of lots be connected to public sewer when the public sewer line is within one hundred fifty (150) feet and that certain information related to sewer connection for subdivision approval process;
- Ordinance 2017-09 – all new construction or substantial improvements shall be connected to public sewer when requirements and floor to area ratio requirements for lots with septic systems;
- Ordinance 2017-10 – the mandatory connection to public sewer system requires where public sewer line available upon sale or transfer of property.

Councilmember Rice told Council that the Planning Commission worked on these ordinances for months and that the May Public Works Committee meeting.

MOTION: Councilmember Rice moved to place the above referenced ordinances on the Agenda for consideration at the City Council meeting on June 25th; Councilmember Kinghorn seconded.

Councilmember Ward asked if the provision was in the ordinance for exemptions when property was transferred within a family or transferred as the result of an estate to a family member; he said that he wanted these exemptions in the ordinances to protect residents who were on a fixed income.

Interim Administrator Fragozo informed Council that a meeting has been scheduled with the Water and Sewer staff on Friday; the ordinances were sent to them, and the hope is that they would give their feedback at this meeting.

Councilmember Moye asked for a definition for “where sewer was accessible”, possibly one hundred fifty feet (150 ft.); he decided to go with a septic system because connecting to sewer, approximately two hundred feet (200 ft.) away, was going to add six (6) figures to the cost of constructing his home. His second concern relative to these ordinances was that piecemeal connections were being made to the sewer system that were not necessarily done in accordance with what would be a more cohesive sewer system working all together. He wanted to make sure

that, in adopting these ordinances, the City was not propitiating that type of mentality versus that something that is more consistent with what the master plan to have everything flowing more fluidly.

VOTE: The Motion PASSED on a vote of 8 to 1 with Councilmember Moye casting the dissenting vote.

Councilmember Rice reiterated the need for a joint meeting with City Council and the Water and Sewer Commission.

On the subject of smoking on the beach, the Committee will continue research into communities that have successfully banned it. Relative to the FY20 budget, the Interim Administrator reported that the only change in this version of the budget is the addition of two hundred seventy-five thousand dollars (\$275,000) for improvements to the Waterway Boulevard multi-use path that staff is proposing to be paid from Hospitality Taxes. The CTC funding requests were due soon, and the Public Works Committee agreed to submit a request for funding the construction of improvements to the Waterway Boulevard multi-use path.

MOTION: Councilmember Rice moved to support a request for CTC funds for improvements to the Waterway Boulevard multi-use path; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

Councilmember Rice was happy to announce that twice a week garbage and once a week recycling will begin the week of June 2nd.

The Public Works Committee will hold its next meeting at 4:00 p.m., Wednesday, June 5th in the Conference Room.

Councilmember Ward asked about the heavily-trafficked golf cart path that runs parallel to 21st Avenue beginning across the street from the Lutheran Center and whether it belonged to the City or SCDOT. Since the area has not received any rain, people are frequently getting stuck in the sand. If it was not the City's responsibility to maintain it, it should be shut down.

Councilmember Buckhannon stated that the property was SCDOT right-of-way, but the City could apply for an encroachment permit.

C. Recreation Committee

From the meeting on May 6th, Councilmember Smith reported that things are changing up at the Rec Center in preparation for summer camps. Pickleball has taken up residence in the Charleston area and the Isle of Palms was not immune; having located an instructor, lessons will begin June 4th for beginner and intermediate players. New programs for the fall are "Handling Social Media with Confidence and Grace: geared toward eleven and twelve year old (11 – 12) girls and "Kids Planet Earth", a hands-on learning program for children age six (6) and up. Rec personnel tried out a new form of registering children for summer camps in that it was held on a Saturday afternoon; per the norm, some liked it and some hated it. The staff will continue to brainstorm to find a way that would be easy and convenient for island residents. As always the Easter Egg Hunt was a huge success, but parking was a real issue with so many surrounding streets marked as "Resident Parking Only"; the Public Safety Committee will try to find a way around or an exception to the parking program for that event. The Piccolo Spoleto Sand Sculpting Contest will be at Front Beach on Saturday, June 1st, and on Wednesday, June 5th, the US Air Force Heritage

Winds will give a free concert on the Rec Center grounds beginning at 7:00 p.m. Other upcoming events are the IOP Beach Run on Saturday, July 27th and the Half Rubber Tournament on Saturday, August 17th. Director Page related that Weston Smith has resigned to take a position with the Recreation Department in his hometown in North Carolina; with Baby #2 on the way, he and his wife felt the need to be closer to family. The Director noted that she is often approached by family members who want to do something at the Rec Center to honor or memorialize a loved one, and she has to tell them that she does not have a way to help them. She has been thinking about this and realized that a path from the picnic area to the front door was needed to keep people from walking on the grass; she proposed having a brick walkway, like at Front Beach. People can purchase bricks to be engraved with the family name or the name of a loved one, etc. When meeting with the managers of the Farmers' Market, the decision was made to hold the markets on Wednesday afternoons from 3:00 p.m. til 7:00 p.m. in September and October. Surfing lessons continues to be a topic of discussion, and the hope is to be able to offer classes in the summer of 2020. The Committee decided not to meet in June; future meeting dates and times will be announced later.

E. Personnel Committee

Councilmember Moye stated that the Personnel Committee held its regular meeting on May 7th but had multiple special meetings during the month relative to interviewing prospective City Administrator candidates. Interim Administrator Fragoso stated that an offer will be made for the Assistant Public Works Director's position will be made this week. Councilmember Moye reported that the Committee discussed criteria for selecting new members of boards and commissions; staff submitted a list of recommendations which the Committee decided to forward to current boards and commissions to get their feedback on those suggestions; the Personnel Committee was particularly interested in opinions for term limits and what they should be. Pursuant to the discussion of the strategic planning process, the Committee requested that five thousand dollars (\$5,000) be added to the FY20 budget to obtain assistance to ensure the process was done as it should be.

In an update on the hiring of a new City Administrator, Councilmember Moye reviewed the process that the City followed beginning with hiring a nationally known search firm that distributed the City's information from coast to coast; that search received more than one hundred (100) applicants. The applicants were reviewed and some were eliminated based on their lack of experience or their inability to meet the City's minimum job requirements; the remaining candidates were sent a pre-employment assessment tool to complete and return to the City's HR Officer that assisted in the elimination of more of the candidates. The assessment tool has been scientifically proven to predict who would be the top performer in the position being filled. Casual phone calls were placed to the remaining candidates by the HR Officer DeGroot and Vice Chair Ferencz to learn more about the applicants and their qualifications to be the new City Administrator. The search came down to four (4) finalists who had face-to-face interviews with the Personnel Committee and then a second interview with the involvement of City Council members. Both interviews were structured, and the questions were then scored by those in attendance and ranked by those scores. Interim Administrator Fragoso was one of the finalists and person after person has approached him as the Chair of the Personnel Committee saying that she has earned the position through her performance over the past eighteen (18) months. Paraphrasing Councilmember Kinghorn, Councilmember Moye said that Council needed to insure that it was hiring the person who was most qualified after conducting a national search. The Personnel Committee recommended that the City should make an offer to and begin negotiations with Desirée Fragoso for the position of City Administrator for the City of Isle of Palms.

MOTION: Councilmember Moye, as chair of the Personnel Committee, moved to offer and to negotiate with Desirée Fragoso to hire for the position of City Administrator; Mayor Carroll seconded.

Councilmember Bell stated that he has hired a lot of people in the course of his career and recalled that Councilmember Moye saying that you hire for potential and not what you have right now. In referring to the amount of time he spends in the Interim Administrator's office, he said he "has seen her step up and take on some of the toughest challenges this City has seen in an awful long time." He added, "She has done it with grace, done it with a great attitude, done it with a smile on her face . . ."

Councilmember Ferencz thanked Council "for putting up with" her since April 15th and for going through the process. She recalled being told that the Personnel Committee was wasting its time and money because they already had the votes to appoint Interim Administrator Fragoso. She stated that she was unable to agree with her fellow Personnel Committee members in the previous meeting because she thought the City had the opportunity to look at new ideas, but she was certain that the Interim Administrator would do an excellent job. She felt compelled to go against the other Personnel Committee members in the recommendation of her for City Administrator.

Councilmember Smith called Interim Administrator Fragoso a rock star, and she looked forward to going back to work to see what the future holds.

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

F. Real Property Committee

Reporting on the meeting of May 1st, Councilmember Bell noted that the lease for the Morgan Creek docks expires at the end of the month, and the Committee plans to bring forth the City's intent for those docks through the end of the Morgan Creek lease. Jay Clarke again brought up the subject of parking at the marina, and he was again told that the City would not arbitrate the parking issues at the marina and that the tenants need to get together and resolve the problem. Marina Manager Brian Berrigan stated that residents have been using social media to complain about the launch rates, and he wanted to clarify that the launch rates are, and always have been, five dollars (\$5) and apply to residents as well as visitors. Councilmember Bell also stated that Mr. Berrigan was allowed to charge for parking since it was not regulated in his lease with the City. The marina tenants have expressed concern about the revenue losses they suffered due to the delays in construction with the underground storage tanks replacements, and the Committee will look into reimbursing them a portion of their losses once it has received a comparison between sales in FY18 versus the sales in FY19 for the period the tank construction was ongoing. Hill Construction presented their report on the physical condition of the marina restaurant, which has been put on the website; in brief, the building has a lot of issues not the least of which is that the structure is thirty-five (35) years old. According to Hill, the options were to raze the structure and rebuild or to try to remedy the problems that, due to the 50% rule, will not allow sufficient funds to resolve the problems. Since the completion date for the underground storage tank replacements ended more than ten (10) weeks ago, the City will be seeking liquidated damages from the contractor. On the docks rehabilitation, the Chair repeated that when the Committee originally was talking about this project, it was being thought of as a phased project covering some five (5) years. Since then, ATM has determined that the docks are in such condition that they all of the docks need to be replaced as soon as possible; another section of the dock next to Morgan Creek Grill collapsed last week. How to finance such a project is still

being discussed by the Ways and Means Committee and City staff, but ATM has been approved for the expanded scope to include all of the marina docks on Morgan Creek. When Councilmember Ferencz asked how many major projects the City intended to begin in FY20, she was told that the City was looking not to use a large quantity of ATAX funds to pay for debt since its revenue was unpredictable. The projects include the Public Safety Building remediation, the marina docks replacement, drainage Phase III, and the fire truck refurbishment and one truck replacement. The findings of Trident Construction Company forensics into the Public Safety Building have also been made public; the estimated work is projected to be approximately six point two million dollars (\$6,200,000.). "The Status of Agreed Upon Procedures for all Marina Tenants" was the name of the assignment given to McCay, Kiddy & Associates to determine if the City was getting its share of the revenue generated by the marina tenants. Administrator Fragoso received a draft of the report today and anticipated the final draft next week; it will be discussed further at the Real Property Committee meeting in June. Discussion took place relative to the Brach Inlet boat landing, and Councilmember Ward was blunt in speaking to the Committee that it could hardly be considered an asset when there was no parking, the ramp was dangerous, etc. Consideration was dropped as quickly as it came up.

When Councilmember Kinghorn asked if consideration had been given to opening the boat landing and allowing anyone to use it, Councilmember Bell said that he would be skeptical without knowing more about liability issues.

The Committee how the neighborhoods between 21st and 41st Avenues were increasingly being encroached upon with noise issues from the short-term rentals introduced to the residential neighborhoods. The discussion led to a request to the Planning Commission to look into the issue and to develop recommendations for regaining the quality of life for the residential neighborhoods.

The Real Property Committee will hold its next meeting at 9:00 a.m., Wednesday, June 5th.

6. Reports from City Officers, Boards and Commissions

- A. **Accommodations Tax Advisory Committee** – minutes in process
- B. **Board of Zoning Appeals** – minutes attached
- C. **Planning Commission** – minutes attached

7. Reports from Special of Joint Committees – none

8. Petitions Received, Deferred or Disposed of

Petition from residents of Sparrow Drive and Forest Trail requesting flood abatement solution presented to Mayor Carroll by Public Works Committee Chair Rice

Mayor Carroll stated that the City is moving forward with the Phase III Drainage project for improvements to the outfalls at 31st, 36th and 41st Avenues; the City also has budgeted half a million dollars (\$500,000)in FY20 for smaller, but impactful drainage projects to reduce drainage in hard hit areas of the island.

9. Bills Already in Possession of Council

- A. **Second Reading of Ordinance 2019-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 2, District Regulations** (revisions to lot subdivision regulations)

MOTION: Councilmember Ward moved to waive the reading and to adopt Second Reading of Ordinance 2019-07; Councilmember Rice seconded.

Director Kerr stated that this ordinance was coming before Council a second time, and it, basically, doubles the minimum lot size required for subdivisions in SR-1 and SR-2 districts to reduce density; at the current rate, the drainage systems are being overwhelmed. When this revision was initially discussed, an unintended consequence was that it would make the nearly all of the homes in the residential districts non-confirming. The Code stated that non-confirming lots have reduced front and rear setbacks, i.e. all of the new “nonconforming” properties would have the setbacks reduced to four or five (4 – 5) feet; therefore, Council sent the ordinance back to the Planning Commission. The version before Council at this meeting changes the language from non-confirming lots and directs the reader to the size of the lot that the residential zoning districts currently have.

VOTE: The motion PASSED UNANIMOUSLY.

B. Second Reading of Ordinance 2019-09 – An Ordinance Amending Title 8, Motor Vehicles and Traffic, Chapter 2, Stopping, Standing and Parking of Vehicles, Article A, Standard Provisions (golf carts on the beach for handicap access)

MOTION: Councilmember Ward moved to waive the reading and to adopt Ordinance 2019-09 for approval of Second reading; Councilmember Bell seconded.

Mayor Carroll stated that the City is adopting state law to allow golf carts on the beach when the driver or passenger is handicapped and the state issued handicap placard is displayed on the cart.

Councilmember Smith opined that this was going to need some public education so that residents and visitors do not think they can drive golf carts on the beach.

Councilmember Bell noted that the handicap placards were issued specific to the person, not to the vehicle.

VOTE: The motion PASSED UNANIMOUSLY.

10. Introduction of New Bills, Resolutions and Proclamations

A. First Reading by title only, of Ordinance 2019-11 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 2, District Regulations (regarding maximum impervious surface)

Mayor Carroll noted that this amendment reduces the percentage of lot area that can be covered by impervious surface.

MOTION: Councilmember Ward moved to approve Ordinance 2019-11 for First Reading; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

B. First Reading, by title only, of Ordinance 2019-12 – An Ordinance Amending Title 7, Licensing and Regulations, Chapter 3, Beach and Marina Recreation Regulations (establishing permit process for filming on the beach)

MOTION: Councilmember Bell moved to approve Ordinance 2019-12 for First Reading; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

C. First Reading, by title only, of Ordinance 2019-13 – An Ordinance Amending Title 3, Public Work, Chapter 4, Single-Use Plastic Bags, of the City of Isle of Palms Code of Ordinances (regarding the prohibition of plastics and polystyrene products on the beach and adding balloons)

MOTION: Councilmember Ward moved to approve Ordinance 2019-13 for First Reading; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

11. Miscellaneous Business

Next Meeting Date – 6:00 p.m., Tuesday, July 25, 2019 in Council Chambers

12. Executive Session – not needed

13. Conclusion/Adjournment

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 8:15 p.m.; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

Hello,

My name is Dan Tylak. My wife and I have owned a home on the island since 1988 and we have lived at 11 Edgewater Alley, in Wild Dunes since 2002.

Our house on the corner of Edgewater and Palmetto. This is just about 1/2 mile from the hotel construction site. We are directly impacted by the daily construction noise at the hotel site as well as all the exiting traffic from Wild Dunes with the one way limitations at the Wild Dunes second gate due to the construction. Our master bedroom is a mere ~~26~~²⁰ feet from Palmetto Drive so we are very sensitive to late night traffic flow.

If I understand correctly, the reason for this proposal is because traffic is a nightmare on Palm Blvd in the summer and Lowes' Company wants an unobstructed ride down Palm Blvd. If we could more effectively control the flow of traffic on this road then this proposal may not even be required.

This proposal just re-emphasizes the fact that the busiest street on the island is by default a parking lot 4 months of the year. For example, on Sunday we had wait twice for at least 10 minutes while day trippers stopped their vehicles on Palm Blvd waiting for an available parking spot while the people were returning to their cars, loading and changing clothes before pulling out and not in any particular hurry to do so.

Is it possible for Palm Blvd parking to be more directly controlled during the cement pouring days? Since we already provide far more parking spots for beach visitors that are required by law on a normal basis, can we limit parking to the non-beach side, police, or eliminate street parking during pouring days or hours? If we have some flexibility why should the citizens and vacationers on the island have to bear 100% of the inconvenience? Can traffic patterns be altered to take advantage of alternate roadways such as Waterway?

Between, permanent residence, second home owners and vacationers the island will be nearly 100% occupied during the proposal time period. Please take this into consideration when reviewing this proposal.

Coming from the private business world and having been associated with several major developments and implementations over my working career, we typically had to develop very detailed project plans and contingencies. Did Lowes not work tourist traffic patterns into their building project plan? After all isn't that the reason they are building this hotel complex in the first place?

Lowes is already impacting owners and guests during normal daylight hours, as a good neighbor why would they want to further inconvenience everyone? Is pouring concrete on the critical path or can it be deferred until after peak beach season?

If council does decide to move forward with Lowes request, can you tell me what the anticipated route will be, what the volume of traffic will be, how much noise will be associated with the cement trucks, where will they be cleaning these trucks after a pour and what will be the noise level at the construction site? Finally, who will measure and monitor compliance? What penalties and fines will be executed if Lowes is found in violation?

Thank you for letting me speak.

5/28

Isle of Palms City Council, May 2019

Mayor, Members of Council. I am here today to express my strong opposition to the request by the developers of the new Wild Dunes hotel to schedule night concrete pours between the hours of 2 and 6 a.m. This is an unwarranted intrusion on the quality of life for all Isle of Palms residents. I understand that this request was first made at the May 6, 2019 Public Safety Committee Meeting. Why is this being pushed as a sudden hurry -up and make a decision issue? Certainly the concrete needs of the building have been known (or should have been known) since before the original hotel proposal was made to the City. Now it has suddenly been sprung on the City and without adequate notice to the public.

Isle of Palms ordinances are in place to protect the quality of life of its residents and should be strictly enforced. Sending thousands of concrete trucks down Palm Blvd. between 2 and 6 a.m. and conducting their pours and clean outs should not be allowed.

It should be noted that we do not have any factual information that pours during normal work hours will cause traffic problems. When the initial proposal for the hotel was presented, the developer's traffic study data indicated that the roads and entrances would be adequate to handle the traffic traveling to and from the facility. Therefore it stands to reason that adding concrete trucks to traffic during construction should not cause a problem since they are well within the projected vehicle numbers of the study.

There are many options other than 2 to 6 a.m. deliveries. One option is to postpone concrete work until the end of the current beach season. Delaying a couple of months is certainly in line as the planning for the hotel has been spread over several years. Another option is to spread concrete deliveries over a longer period of time each day so that there will be a more manageable number of trucks per hour. Giving special attention to the time period between 7 p.m. and midnight would allow for lower numbers of trucks per hour as well. Use of off duty law enforcement officers to keep traffic flowing could also help. *These are but a few of a number of possibilities*

In my opinion the use of beach traffic as the concern was likely to cover the real concern, that concern being the frequent gridlocks on I 526.

I have heard that in an attempt to legitimize the night pours consideration is being given to calling these pours "Special Events". In my view this would be a gross misapplication of the Special Events Ordinance and of questionable legality.

In conclusion, Isle of Palms residents should not be made to sacrifice their rights to peace and quiet to accommodate the desires of a commercial enterprise.

Arnold Karuj
5/21/19

Elizabeth Campsen – 32 Intracoastal Court

I attended the recent meeting at which Wild Dunes presented what was referred to as “a status report on the construction of the new hotel, potential impacts of the construction on the residents and the strategies to mitigate them”. I listened to the entire presentation and personally didn’t hear any strategies aimed at mitigating construction impacts for residents. What I heard was an explanation detailing why overnight construction is necessary and why day time construction would not work. Overnight construction is not necessary, it’s preferred, ~~and it does nothing to mitigate the worst impacts to residents living along the construction route or near the site.~~

During the initial hotel presentation in 2018, the project traffic engineer stated that, upon completion and during the peak hours of the summer, the new hotel would put an additional 100-150 trips per hour on Palm, which equals roughly 2 new cars per minute, but we were assured that the new gate would accommodate the added traffic and the impact would be minimal if non-existent. The recent construction presentation stated that each concrete pouring event would require the movement of up to 60 dump trucks on Palm within a 4-6 hour window all headed to a construction site with its own dedicated entrance. That puts between 10-15 trucks an hour on Palm or 1 truck every 4-6 minutes. I don’t believe 10-15 trucks an hour should be considered a “high volume” of traffic if 100-150 cars an hour is not. The truth is – as detailed during the public safety meeting – the perceived need for this request stems considerably more from all of the other construction activity ^{PS} going on at the site during this ^{SAME} time period. The list of deliveries and construction activities detailed on top of the concrete activity is more than enough on its own to create a scheduling challenge no matter the season. That ^{shouldn't} ~~doesn't~~ mean they get to operate 24 hours a day to fix their issue. I believe the project site eluded to in the public safety meeting in the City of Charleston that utilized a similar construction schedule was WestEdge – a mixed use site located in a commercial zone right off of Hwy17 on the crosstown. Other local sites managed by the same project manager are the large condo and hotel developments in Mt. Pleasant near patriots point – again, right off of 17 and not nearly as residentially situated as the site on the island. Any attempt at comparing these doesn’t pass the smell test, in my opinion.

A more reasonable solution would be to extend the schedule a bit so that everything isn’t condensed into such a short window of time. The concrete pour schedule tapers off considerably in the last 5 months of their timeline and pushing those limited events into next season would not be as impactful if a schedule shift

were to occur. This isn't an issue caused by the residents and the solution shouldn't be subjecting residents to nighttime operations. The fact is this project schedule wasn't managed in a way to allow for potential (though not definite) traffic impacts, the heat which is said to effect the concrete pours, or other site related activity and deliveries. Residents shouldn't be exposed to what will essentially amount to a 24 hour a day construction schedule because it is more important to keep that schedule than it is to adhere to our construction and noise ordinances, which were enacted to protect residents from situations just like this one. Allowing night-time operation to be considered a City-authorized special event sets a bad precedent because it strips residents of the very protections the City ordinances were enacted to provide.

In my experience, without public outcry, the City has a tendency to put commercial and investment interests ahead of its responsibility to maintain a reasonable level of livability for residents. I believe the ramifications of a 2am – 6am schedule will have far more significant impacts on residents as a result of the noise and activity level than running during normal business hours will have on Lowe. I'm still not convinced that daytime, early morning, mid-week trips in August, September, October and November (most of which occur after school begins and the high season ends) warrant a nighttime operation schedule. Normal daytime operation may slow down their current schedule a bit – it may result in the need to give more attention to delivery schedules and it may result in a load or two of concrete being returned – but those are challenges which could have been avoided completely – assuming they even exist - had the construction schedule started concrete pouring in a different month. I'd like to hear what other strategies Lowe has to mitigate the construction impacts on the residents because all I've heard to date is how Lowe plans to mitigate the impact to their own construction schedule and bottom line.

Finally, this request was presented only 16 days ago. I do not think the City should vote on this issue next week, as a little over 2 weeks does not give the City or the public a reasonable enough time to learn of the proposal, educate themselves and meaningfully engage on the topic. This entire subject has been treated like a foregone conclusion from the start and I, for one, do not agree with the procedure or the presumption.

Thank you.

"Marie Copeland"

From: Rusty Streetman <rustystreetman@bellsouth.net>
Sent: Wednesday, May 29, 2019 7:37 AM
To: "Marie Copeland"
Subject: Fwd: Rusty Streetman's Citizen Comments Regarding Item 5B Agenda Item. The recommendation to approve a not to exceed 35 City sanctioned night work events between July 2019 and April 2020 for the hotel construction project in Wild Dunes.

Good Morning, Marie,
I meant to give you a copy of my citizens comments last night, but it slipped my mind.
Here they are.
Regards,
Rusty Streetman

Begin forwarded message:

From: Rusty Streetman <rustystreetman@bellsouth.net>
Date: May 27, 2019 at 3:26:07 PM EDT
To: rustystreetman@bellsouth.net
Subject: Rusty Streetman's Citizen Comments Regarding Item 5B Agenda Item. The recommendation to approve a not to exceed 35 City sanctioned night work events between July 2019 and April 2020 for the hotel construction project in Wild Dunes.

-After attending the public forum on May 16th, and asking a few questions of Lowe's Enterprises, I'm concerned about the disruption to IOP Citizens this will cause.

-I also spoke at the Ways and Means Committee Meeting last week to express my concerns, and I made it clear, along with other Citizens who spoke, that our Work and Noise Ordinances that is already in place should be abided by, rather than make this exception.

Major Issues/Concerns:

-35 trips of concrete night pours to Wild Dunes via Palm Blvd utilizing 50-60 concrete trucks is definitely going to create a very noisy situation all along Palm Blvd from the Connector to the worksite. An estimate of over 2,000 trucks convoying to the Island over the next 10 months.

-And the proposal is to do this is between 2am-6am on weeknights while IOP citizens who work for a living are typically sleeping.

-The timing of this work is poor in that a lot of it is going on during the "high tourist season" and the storm season as well.

Why couldn't the schedule and timing of this work have been pushed back to the off season to help minimize traffic disruption and noise ?

-How do we intend to monitor the speed control and the noise as concrete trucks are rolling full speed up Palm overnight, and gearing up/down at 21st Ave, 41st Ave, and the WD Construction gate?