

CITY COUNCIL

6:00 p.m., Tuesday, July 23, 2019

The regular meeting of City Hall was held at 6:00 p.m., Tuesday, July 23, 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, Smith and Ward, Mayor Carroll, Administrator Fragoso, Assistant City Attorney Tackett and Clerk Copeland; a quorum of Council was present to conduct business. Councilmember Rice was absent.

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 roll.

At this point, the Mayor recognized that this was the last City Council meeting for Clerk Copeland because she will retire on Friday, August 2nd after twelve (12) years of service to the City; she was gifted a lovely bouquet of flowers.

The Mayor also praised the City's Fire Department personnel who were dispatched to an emergency call on Monday night for a four-month-old baby in cardiac arrest, and, with their training and skill, the baby is alive and well tonight. The Police and Fire Departments' personnel in attendance received a big round of applause from those present.

2. Appointment and Administration of Oath to New Employees

MOTION: Councilmember Bell moved to appoint as new employees of the City Liam Farrell, Andrea Harrison, Tharin Hamilton, Joshua Anderson, Dylan Graham, and Chris Sanders; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

The Mayor swore in each person and gave a bit of anecdotal information about them to the audience.

3. Reading the Journals of Previous Meetings

MOTION: Councilmember Ward moved to approve the minutes of the Regular meeting of June 25, 2019 and the Special Meetings of July 5 and July 16, 2019 as submitted; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

4. Citizens Comments

Presentation by Dominion Energy about tree pruning on the island

Rep-resenting Dominion Energy were Jennifer Hightower, Economic Development and Local Government Manager, Bill Turner, Vice President of Electric Operations, and Clay Chaplain, a Forester and an Arborist. The PowerPoint presentation is attached to the historical record of the meeting.

Mr. Turner stressed that safety was Dominion Energy's first concern, safety for their employees, safety for island employees, safety for first responders, and the general population, tree trimming

was one (1) way that they accomplish this. They are trying to be proactive by holding public meetings in the local municipalities to explain their process and to address any issues individual property owners might have. They will hold a public workshop at the Recreation Center from 5:00 p.m. to 7:00 p.m. on Wednesday, August 7th, and he encouraged residents to attend.

Mr. Turner reported that tree pruning would begin on the island in late August or early September, and he wanted to explain the rules that will be in play when the trees were cut back. Customers on the island will be sent notifications before the cutting begins either by mail or email; included in the information will be a phone number for people to call if they have questions or concerns about a tree or trees on their property.

Clay Chaplain, a registered arborist, explained that the standard specifications for distribution line clearing are

- A minimum clearance of 10 feet to the side from the outermost primary conductor;
- A minimum of 20 feet clearance above the highest primary conductor;
- A minimum of 20 feet clearance below bottom most primary conductor for 4 feet below neutral;
- Certain conditions exist that preclude these clearances such as significant size parent limbs/leaders and large trunks that are located less than 10 feet from outermost primary conductor.

He clarified that the primary line was typically the highest wire and the second wire would be the neutral line.

Mayor Carroll reported that a map of the work areas was on the City's website.

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Administrator Fragoso re-emphasized that residents with concerns should contact Dominion Energy through the phone number provided. Frequently a staffer familiar with the tree trimming processes will make a house call to confer with the concerned resident.

Once again, the public forum will be held from 5:00 p.m. to 7:00 p.m. on Wednesday, August 7th at the Recreation Center.

4. Citizens' Comments

As the organizer of the IOP Cleanup Crew, Katrina Limbach, 5 Duck Lane, expressed her supporter of putting lidded trashcans on the beach, but she understood that the City had to back away because they cost three hundred dollars (\$300) each. Additionally, at first look the lidded trashcans could not be emptied using the existing equipment. She has done a good deal of research and found and purchased a lidded can that she believes will work with the City's equipment, and she brought it to the meeting so the City could test it with its equipment. She volunteered to assist the City staff with developing a campaign to "put a lid on trash" that would encourage residents to contribute the two hundred eighty dollars (\$280) to buy them, and she was confident that they would.

Michael Fiem, co-owner of Tidalwave Watersports, stated that the present Council was the best he has worked with because the members have called him and met with him to learn about their business, and they were most appreciative. He reported that the engine on the parasail boat had exploded and that the replacement engine was costing seventy-two thousand dollars (\$72,000). When they have gone to lending agencies to take out a loan to pay for a new one, they have been

refused credit because the City has stated publicly that it will not renew their lease beyond September 2020. They had also received two (2) communications from the City; the first informed them that their request for the use of one (1) of the restaurant docks would not be approved until the City received the response from OCRM and the Army Corps of Engineers, and the second was the written notice that the City would not renew or exercise the option to renew their existing lease. He opined that the situation has gotten more complicated than necessary, and he stated that he and his partners have become very frustrated. He continued that he has felt that a particular Councilmember was doing everything possible to push them out of the IOP Marina. In the course of his comments, Mark Fiem distributed a host of paperwork that will become part of the historical record.

Stuart Colman, 10 Live Oak Drive in the Wildwood Road subdivision, he addressed the neighborhoods concerns about the emergency entrance being proposed by the Wild Dunes Community Association (WDCA). The full text of his comments is attached to the historical record of the meeting. He reported that a meeting had been held with the interested parties present, and the neighbors had presented Dave Kynoski with an alternate location for the emergency entrance that would not impact the Wildwood Road community. Mr. Kynoski agreed to take their recommendation to the Association's Safety Committee for their consideration. Mr. Colman asked that City Council support their recommendation for the proposed alternate location.

Gary Nestler, 17 – 22nd Avenue and a volunteer fireman for the City, commented about this Council's dedication to fairness and transparency; he opined that if so much "heat" existed between a Councilmember and Mr. Fiem that, possibly, the Councilmember should recuse himself from any decisions Council might be asked to make regarding Tidalwave Watersports. Mr. Nestler thought that recusal was the responsible and fair action to take.

5. Reports from Standing Committees

A. Ways and Means Committee

Reporting on the meeting of July 11th, Councilmember Ward stated that Treasurer Suggs was expecting to end the year on a very positive note with a large net positive result due in part to projects that did not progress as expected and for which funds would be carried forward to FY20 and to FY21. The City's continued to have positive financial results in June but expenditures and some revenues remain to be accrued. The current forecast estimates that the General Fund will be one point nine million dollars (\$1,900,000) greater than budgeted. The forecast assumes that the positive net result will roll forward to the FY20 Capital Projects fund to cover the big dollar projects the City is facing, i.e. the remediation of the Public Safety Building, drainage issues, and the marina docks rehabilitation. The biggest contributors to the net positive result for revenues were Business Licenses at four hundred sixty-two thousand dollars (\$462,000), Building Permits at three hundred eight thousand dollars (\$380,000) and Parking Fees at one hundred thirty-nine thousand dollars (\$139,000). For expenditures, the categories most under budget were personnel vacancies in City Hall, the Police Department and Public Works by five hundred forty thousand dollars (\$540,000), Professional Services at one hundred twenty-four thousand dollars (\$124,000), Utilities at sixty-seven thousand dollars (\$67,000) and Training/Tuition Reimbursement at fifty-four thousand dollars (\$54,000). The audit will begin in October. A preliminary concept for the development of 1100 Palm was pitched by a developer; he wanted to know whether the City would consider having a boutique hotel on that property before he invested time and money into it.

MOTION: Councilmember Ward moved to award a contract to Trident Construction in the amount of \$395,646.90 for Phase 2 of the Public Safety Building rehabilitation project; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

The next Ways and Means Committee meeting will be at 5:00 p.m., Tuesday, August 20, 2019 in Council Chambers.

B. Public Safety Committee

Councilmember Buckhannon recapped the meeting of July 1, 2019 and noted that a large contingent of the residents of the Wildwood Road community sought support from the Committee for rejecting Wild Dunes request to add an emergency exit that would impact their neighborhood. The Committee discussed ways that the City could tighten up its standards for dilapidated structures which will come up for First Reading later in the meeting. By way of an update, the Administrator reported that she spoke with Andy Benke, her counterpart at Sullivan's Island, about sharing the costs related to a surveillance camera for Breach Inlet, and he was willing to evaluate the possibility of sharing in the costs. When the Committee discussed extending bike lanes on Palm Boulevard from 41st to 57th Avenues, the Administrator recalled that the City has included this request to CTC and TST as a priority, but they have not provided any funding. She planned to re-write the application for funding in hopes of renewing their interest in the project and acquiring funding. Following up on the request for crosswalks on Palm Boulevard from 41st Avenue to the 2nd gate into Wild Dunes, the Committee was informed that the City has asked SCDOT to study the feasibility of crosswalks on the Palm between these points. This discussion morphed into one about the 20th Avenue crosswalk; the Committee was interested in learning the cost of activated crosswalk signals. An encroachment permit application will be submitted to SCDOT after the City gets an easement from the Beachside community for the area where the golf cart path now travels. Chief Cornett has learned from the BSOs on the street that six (6) is the ideal number of BSO assigned to traffic details, and, assuming more BSOs can be hired this summer, he plans to deploy them to the beach for enforcement of the plastics ban recently adopted by Council. In meeting with Cynthia Wilson, the County Park manager, she agreed to start opening the gate at 7:30 a.m. instead of 8:00 a.m. in an effort to eliminate the line from forming and encroaching into the intersection. Ms. Wilson told Chief Cornett that Charleston County Parks and Recreation were considering putting kiosks in the County Parks' parking areas, which would permanently eliminate the backup at the gate. The Committee unanimously approved the Mutual Aid Agreement with Sullivan's Island.

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The Public Safety Committee will hold its next meeting at 9:00 a.m., Monday, September 9th, 2019 in the City Hall Conference Room.

Chief Cornett recalled that, shortly after he was named Chief, Sullivan's Island's Chief Griffin reached out to him about the mutual aid agreement between the two (2) municipalities; the call prompted a search by Chief Cornett to locate the City's mutual aid agreement and to determine which were current since a law change in 2016. What he found was that the only agreements that have been updated since 2016 were the agreements with Charleston County and the City of Charleston; the agreement in the packet will allow the City of Isle of Palms to share its public safety resources with Sullivan's Island.

MOTION: Councilmember Ward moved to approve the Mutual Aid Agreement with the Town of Sullivan's Island; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

Administrator Fragoso asked to be allowed to provide additional information on the proposed exit through the Wildwood neighborhood. She recalled that last year a power pole was downed between 41st and 46th Avenue in Wild Dunes, and, until it was standing again, public safety personnel were forced to block access to that area from Palm Boulevard. To complete the repair and re-erect the pole took some five to six (5 – 6) hours, and for that period of time access into and out of Wild Dunes was not possible. Since then the residents of Wild Dunes have reached out to the WDCA asking for an alternate exit point to use in emergencies. In a meeting that included SCDOT, Dave Kynoski of the WDCA, and the City Administrator to review and consider the options, and SCDOT recommended the route through Wildwood Road. A public right-of-way is at the end; therefore, The WDCA must get an encroachment permit through SCDOT. When the residents of the Wildwood neighborhood came to the Public Safety meeting, they voiced concerns, including what would constitute an emergency; they were worried that it would become a commonly used way in and out of Wild Dunes. Both Chiefs have looked at the area and agree that a vulnerability exists there; if located there, the WDCA does not plan for it to become a third entrance/exit from the resort. If the emergency gate is located there, it will have a locking gate that only the IOP Police and Fire Departments will be able to access.

- C. Public Works Committee – no meeting in July**
- D. Recreation Committee – no meeting in July**
- E. Personnel Committee – no meeting in July**
- F. Real Property Committee**

Reporting on the meeting of July 3rd, Councilmember Bell stated that Jay Clarke of Morgan Creek Grill asked that the restaurant again be allowed to lease four (4) Intracoastal docks from June 1, 2019 through the end of their lease in October 31, 2020; the docks referred to were the docks that the restaurant leased until May 31, 2019. A vote was taken on leasing one (1) of these docks to Tidalwave Watersports, but the issue was sent back for further discussion. The Committee has not taken any action on Tidalwave's request because neither OCRM nor the Army Corps have issued responses to the permit requests. Kirby Marshall of ATM told the Committee that they have completed the final documents for the permit applications for the rehabilitation of the marina docks. Councilmember Bell said that he was acting pursuant to the direction of the City staff when he stated that the City was not going to enter into a lease renewal or a new lease with Tidalwave until the City received responses, either letters or new permits, from the regulatory agencies.

Commenting on the lease renewal for Tidalwave Watersports, Administrator Fragoso opined that a certain degree of confusion existed regarding OCRM due to the nuances in the law. She stated that she suggested that, until the City learns what OCRM and the Corps will permit, it could wind up repeating what has happened in the past where the City's lease with Tidalwave was not in agreement with the permit stipulations. She added that the City has the ability to renegotiate a lease with the condition that it could be revised depending on the requirements of the permit(s); she commented that she did not think that the City or the tenant wanted to take such a risk. The Administrator acknowledged that this was frustrating for the tenant, and she was sympathetic to their feelings.

Administrator Fragoso recalled that last year City Council had instructed staff that the City should go through the competitive bidding process for new contracts and leases to insure that the City

was getting the best value for its money. She cited Coastal Science and Engineering's beach monitoring contract as an example; it was re-bid this year despite their having held sole-source contracts for many years. The City Code gives Council the flexibility to decide whether it would be in the City's best interest to go through the bidding process.

Under "New Business" at the Real Property Committee meeting, Jeremy Graves, a local developer, reviewed his concept for a boutique hotel at 1100 Palm; he wanted to get the Committee's feeling about it before he invested additional money into it. He made the same presentation for the same reason to the Ways and Means Committee at last week's meeting. The Committee also approved the proposal from Trident Construction for second phase of work on the Public Safety Building rehabilitation; the cost will be paid from the five point two million dollars (\$5,200,000) budgeted for the repairs and replacements for the project. On the subject of the marina restaurant RFP, the "calls for offers" are due August 31st by the end of the workday. The Committee also reviewed the insurance policies the City holds on its buildings and the marina; Councilmember Ferencz was interested on knowing if the City was covered for any damages to the docks or for loss of revenue to the City for Morgan Creek Grill or Marina Joint Ventures. The Administrator said that she would review the documents relative to loss of revenue to the City; she also indicated that the dock coverage would likely be increased once the new docks are in place.

The Real Property Committee will not meet in August, but is scheduled to meet at 9:00 a.m., Wednesday, September 4th.

6. REPORTS FROM CITY OFFICERS, BOARDS AND COMMISSIONS

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

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7. REPORTS FROM SPECIAL OR JOINT COMMITTEES – None

8. PETITIONS RECEIVED, REFERRED OR DISPOSED OF – None

9. BILLS ALREADY IN POSSESSION OF COUNCIL

- A. **Second Reading of Ordinance 2019-12 - AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, CHAPTER 3, BEACH AND MARINE RECREATION REGULATIONS.**

MOTION: Councilmember Ward moved to waive the reading and to approve for Second Reading Ordinance 2019-12; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

- B. **Second Reading of Ordinance 2019-14 – AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 2, ANIMALS, ARTICLE B: DOGS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO RECOMMEND ALL DOGS, RESIDENT AND NON-RESIDENT, TO HAVE A WRITTEN PERMIT FROM THE CITY AT NO COST AND STATE ISSUED TAG TO SERVE AS PROOF OF RABIES INOCULATION AND TO ADOPT LANGUAGE IN THE ORDINANCE TO REQUIRE PROOF OF CURRENT RABIES INOCULATION.**

MOTION: Councilmember Buckhannon moved to waive the reading and to approve for Second Reading Ordinance 2019-14; Councilmember Moye seconded and the motion PASSEED UNANIMOUSLY.

C. Second Reading of Ordinance 2019-15 – AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ISLE OF PALMS TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN FOURTH AMENDMENT TO COMMERCIAL LEASE AGREEMENT BETWEEN THE CITY OF ISLE OF PALMS AND BARRIER ISLES, LLC, ATTACHED HERETO AS EXHIBIT I AND INCORPORATED HEREIN BY REFERENCE.

MOTION: Councilmember Moye moved to waive the reading and to approve for Second Reading Ordinance 2019-15; Councilmember Ward seconded.

AMENDMENT: Councilmember Ferencz moved to amend the 4th lease amendment to eliminate the language on page 2, lines 4 and 5 specifying the equipment to be stored in a dock leased to Tidalwave Watersports; Councilmember Ward seconded and the amendment PASSED UNANIMOUSLY.

VOTE on the AMENDED MOTION: The vote PASSED UNANIMOUSLY.

10. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS

First Reading, by title only, of Ordinance 2019-16 – TITLE 6 HEALTH AND SANITATION, CHAPTER 1 GENERAL PROVISIONS, ARTICLE B NUISANCES, AND ARTICLE C MAINTENANCE OF PROPERTY, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES

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MOTION: Councilmember Ward moved to approve for First Reading, by title only, Ordinance 2019-15; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

11. MISCELLANEOUS BUSINESS

Filing for the November Election will begin Monday, August 5th. The filing fee for City Council is \$100, and candidates can file at City Hall. The filing period ends promptly at noon on Monday, August 19.

Next Meeting Date – 6:00 p.m., Tuesday, August 27, 2019 in Council Chambers

12. EXECUTIVE SESSION - UNNECESSARY

13. CONCLUSION/ADJOURNMENT

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 7:42 p.m.; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:
Marie Copeland, City Clerk