

City Council
6:00pm, Tuesday, October 22, 2019
Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. **The invocation and the Pledge of Allegiance was followed by the roll call.**

Present: Mayor Carroll, Council members Bell, Buckhannon, Ferencz, Moye, Rice, Smith, and Ward

Absent: Council Member Kinghorn

Staff Present: Administrator Fragoso, City Attorney Copeland, Asst. City Administrator Hanna, City Department Heads

2. **Appointment and Administration of Oath to New Employees**

MOTION: Council Member Ward made a motion to approve the administration of oath and Council Member Bell seconded the motion. The motion passed unanimously.

Mayor Carroll administered the oath to new Assistant City Administrator Ronald Hanna.

3. **Reading of the Journals of Previous Meetings**

MOTION: Council Member Bell made a motion to approve the minutes of the September 24 and September 26, 2019 meetings, and Council Member Rice seconded the motion. The minutes were approved unanimously.

4. **Citizen's Comments**

Wendy Kelly, 3502 Waterway Boulevard, spoke in favor of the Ordinance 2019-18.

Howard "Beach Santa" Hough, 445 Fedderbrush, Moncks Corner, also spoke in favor of Ordinance 2019-18. He shared statistics about the number of cigarette butts and cigar tips picked up off the beach this year. He added the ban should include all public areas.

Sandra Hines, 624 Carolina Boulevard, shared that while her father died of small-cell lung cancer, she against another law being made. She believes the litter law should be more strongly enforced to deal with this issue and more law enforcement should be added to the beach to do so.

Elizabeth Shirley, 3 Abalone Alley, said that as a former smoker she knows better than anyone about the litter issue with cigarettes. She said it is time for everyone to be healthy and to keep the beaches healthy.

Kelly Thorbelson with the South Carolina Aquarium spoke in favor of Ordinance 2019-18. She noted that over 300 coastal communities nationwide have implemented such a law and they are very effective.

Rusty Williamson, 605 Carolina Boulevard, shared that he is a smoker who does not litter. He also believes the litter law should be more strictly enforced.

Carolina Bradner, on behalf of the Coastal Conservation League, spoke in favor of Ordinance 2019-18, stating that cigarette butts are the number one piece of litter picked up off the ground. She thanked City Council for taking up the issue, adding that these types of ordinances work where they have been enacted.

Mike Cummings, an MUSC professor, said Ordinance 2019-18 would be a welcome sign for people who visit the Isle of Palms. He offered to help pay for signage.

Bill Molsav, 11 29th Avenue, also said this sort of law works in other communities. He said it is worth it to ban smoking on the beach to stop the environmental damage it causes.

5. Reports from Standing Committees

A. Ways and Means Committee

Council Member Ward reviewed the minutes of the October 15, 2019 meeting.

MOTION: Council Member Ward made a motion to distribute the FY19 positive net result as follows: \$200,000 to the General Fund, \$100,000 to the Disaster Recovery Fund, and the remaining into the Capital Projects fund. Council Member Bell seconded the motion. The motion passed unanimously.

B. Public Safety Committee

Council Member Buckhannon reviewed the minutes of the October 7, 2019 meeting.

MOTION: Council Member Buckhannon made a motion to direct staff to request SCDOT to conduct a speed study on the section of Palm Boulevard between 10th and 21st Avenues. Council Member Ward seconded the motion. The motion passed unanimously.

Council Member Buckhannon also noted the Public Safety Committee will have a meeting specific to parking concerns at some point in the future.

C. Public Works Committee

Council Member Rice reviewed the minutes of the October 3, 2019 meeting. She again noted the great work done by the Public Works department on the clearing of Hurricane Dorian debris. Administrator Fragoso said the City will be applying for FEMA reimbursement for labor and all expenses related to emergency preparedness, which is expected to cover 75% of those expenses. The State of South Carolina has not yet declared if it will cover the remaining 25% of municipal expenses related to the storm.

D. Recreation Committee

Council Member Smith reviewed the minutes of the October 7, 2019 meeting and gave a brief overview of upcoming holiday events. Council Member Moye reminded everyone of the Farmer's Market being held on October 23, 2019.

E. Personnel Committee

Council Member Moye reviewed the minutes of the October 1, 2019 meeting. He reviewed the code requirement to have City Council fill vacant spots on the Water & Sewer Commission and the selection process conducted by the Personnel Committee to find those commissioners. He briefly shared some background information on both appointees.

MOTION: Council Member Moye made a motion to appoint Jan Anderson and Bob Hooper to the open seats on the Isle of Palms Water & Sewer Commission. Council Member Ward seconded the motion. The motion passed unanimously.

Council Member Moye reported the annual Employee Appreciation Event was held on October 18, 2019 and went very well. He shared Russell Roper of the Public Works department was this year's recipient of the Leola Hanbury Award. Administrator Fragoso reported that Mr. Roper was unable to attend the Employee Appreciation Event due to illness and was presented with the award on October 21. He was very humbled by the award.

Council Member Moye thanked Administrator Fragoso for the draft of the City Council training documents. He said a complete draft will be available for review next month.

F. Real Property Committee

Council Member Bell reviewed the minutes of the October 14, 2019 meeting. He shared how he had asked Administrator Fragoso to lay out the leases, procurement processes, and permitting surrounding the marina projects, and she did so very well. Council Member Bell clarified that there was a discussion about the proposed development at 1100 Palm Boulevard and the Committee vote unanimously to not recommend a zoning change for the project. However, he noted the vote taken by the Real Property Committee on the proposed development should not have happened as it was meant to only be a discussion item at the meeting.

Mayor Carroll asked if the beach erosion at Breach Inlet could be a declared FEMA disaster and qualify for FEMA reimbursement. Administrator Fragoso said it is a possibility and that a FEMA representative has been assigned to look at the issue.

6. Reports from City Officers, Boards, and Commissioners

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

7. Reports from Special or Joint Committees – none

8. Petitions Received, Referred, or Disposed of – none

9. **Bills already in possession of Council** – none

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

Ordinance 2019-18 – AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 4, SMOKING IN THE WORKPLACE. An Ordinance to prohibit smoking in City-owned facilities, City-owned property, on public beaches, and beach access points.

MOTION: Council Member Ward made a motion to suspend the rules of order to allow for discussion of Ordinance 2019-18. Council Member Moye seconded the motion. The motion passed unanimously.

Council Member Smith asked if it was possible to defer the reading of this ordinance until December so that the entirety of the Public Works Committee could be in attendance. Council Member Ferencz noted that two of the three members are present.

Each Council member spoke to their reasons for supporting or not supporting Ordinance 2019-18. Council Member Smith reiterated many of the points made during Citizen’s Comments, adding that the City has a responsibility to the residents, visitors, and wildlife of the island to keep it safe and clean. She said that now is the time to pass such an ordinance on the Isle of Palms as Sullivan’s Island is passing a similar ordinance.

Council Member Moye said this was a difficult issue for him to discern as it impacts an activity that many people enjoy and adds another ordinance when he is not certain one is needed. He said, “This is about litter and what it’s doing to our environment,” and that this ordinance is the only way to reduce the litter. He added that while he is in favor of the ordinance, he hoped that additional signage would not be needed to support it. He would like to see the City be intentional about a widespread education campaign.

Council Member Rice said, “We are charged with protecting this island,” and noted the data shows that cigarette litter is a pervasive problem.

Council Member Bell also spoke about how this issue was difficult to consider. He noted that City Council is not trying to legislate people’s health. He mentioned how Sullivan’s Island is also enacting a similar ban, and that if the Isle of Palms does not do the same, all the smokers will come here.

Council Member Ferencz said there is equipment that can be purchased to rake cigarette butts from the sand. She said that education about the effects of cigarette litter is needed more than another ordinance. She suggested that City Council should look at a resolution about smoking on the beach and establish a month of education about the issue, educating not just Isle of Palms residents, but the entire Charleston community. She also suggested the fine for smoking on the beach should be \$100 instead of the \$10-\$25 fine in the proposed ordinance. She spoke about the City purchasing receptacles for the beach that encourage people to dispose of their cigarette trash.

Administrator Fragoso clarified the defined areas in which smoking would be banned as “anything seaward of the primary dune,” City-owned facilities, City-owned property, public beach and public beach accesses to include the front beach at Ocean Boulevard.

In response to a comment made by Howard Hough during Citizen’s Comments, Chief Cornett said that considering a lighter or a match as a “fire on the beach” does not match the intent of the law.

When asked about the costs of new signage, Administrator Fragoso said the budget includes a provision allowing for signage based on need. Any new signage regarding Ordinance 2019-18 would be small in size and cost the City approximately \$600. She noted new signage would be included in the existing wooden signs at all beach access points. As the signs for the new plastics ban have not yet been ordered, this ordinance would be added at the same time should it be enacted.

Council Member Ward noted that he had not heard anything about Ordinance 2019-18 that has convinced him to support it.

Mayor Carroll said that while he considers himself an environmental advocate, he also does not want to put another law into effect. He asked if the “cellulose acetate” found in cigarette butts could be included in the plastics ban set to go in effect on January 1, 2020. Council Member Smith said Ordinance 2019-18 gives City Council the unique opportunity to eliminate this very specific form of litter.

Chief Cornett reiterated why littering laws are hard to enforce, but noted he is adding more beach patrol officers to the beach next season. He said a smoking ban would be easier to enforce since the smoke is easily seen and smelled. He also added that a resolution does that give law enforcement a legal reason to speak to someone about smoking on the beach. Council Member Smith agreed that an ordinance is not strong enough and that everyone has a right to come to a clean beach.

Council Member Ferencz said having the police department patrol seven miles of beach for smokers will be ineffective. She reiterated her belief that the litter can be disposed of in other ways and the need for concentrated education efforts.

Council Member Rice said litter is an issue that affects everyone and encouraged Council members to have the political courage to set the standard for a clean, safe beach.

Council Member Moye said that lumping cigarettes into the plastics ban will not convey the anti-smoking messages to smokers. He said people need to understand they cannot treat the beach as their ashtray. He also noted that an educational campaign will not reach the people who need to hear the message the most.

Council Member Bell asked for a point of order to clarify what happens in the event of a tie vote. Administrator Fragoso said a tie vote goes to the negative. Council Member Bell asked Council members if they were willing to risk a negative vote or wait until the next meeting with a full Council to consider the issue again. Council Member Ward said only five people were

needed for a quorum, adding that someone different could be absent the following month if the vote were deferred.

Council Member Buckhannon suggested amending the plastics ban at point of sale to include the sale of cigarettes.

MOTION: Council Member Smith made a motion to defer the vote on First Reading of Ordinance 2019-18 until the November meeting. Council Member Rice seconded the motion. A vote was taken as follows:

Ayes: Smith, Bell, Rice, Moye

Nays: Buckhannon, Ward, Ferencz, Carroll

The motion failed.

Council Member Moye and City Attorney Copeland briefly discussed how a failed motion could come back to the floor for consideration.

VOTE: A vote of the First Reading for Ordinance 2019-18 was taken as follows:

Ayes: Smith, Rice, Moye, Bell

Nays: Ward, Buckhannon, Ferencz, Carroll

Ordinance 2019-18 did not pass First Reading.

Council Member Smith noted that the purchase of a \$60,000 beach raking machine does not include labor costs and could possibly harm the ecosystem of the beach.

Council Member Moye said research indicates that ordinances such as these are very effective. Mayor Carroll added that he believes they will find a way to ban smoking on the beach.

11. **Miscellaneous Business**

The next City Council meeting will be held on Tuesday, November 19, 2019 at 6:00pm following the Ways & Means Committee meeting.

12. **Executive Session**

MOTION: In accordance with § 30-4-70(a)(2), Discussion of negotiations incident to proposed contractual arrangements related to the marina restaurant lease, Council Member Ward made a motion to move into Executive Session. Council Member Bell seconded the motion. The motion passed unanimously.

City Council went off record at 7:49pm.

Upon return from Executive Session, Mayor Carroll reported no decisions were made and no actions were taken. The meeting was adjourned at **?????**.

Respectfully submitted,

Nicole DeNeane

City Clerk