

PUBLIC WORKS COMMITTEE

9:00 a.m., Thursday, April 4, 2019

The regular meeting of the Public Works Committee was held at 9:00 a.m., Thursday, April 4, 2019 in the City Hal Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Kinghorn and Smith, Chair Rice, Interim City Administrator Fragoso, Public Works Director Pitts and Clerk Copeland; a quorum of the Committee was present to conduct business.

1. Chair Rice 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.

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Smith moved to approve the minutes of the regular meeting of March 7, 2019 as submitted; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Caroline Bradner, 49 Calhoun Street, told the Committee that she was attending as a representative of the S.C. Coastal Conservation League, a coastal advocacy, non-profit organization, and that they have supported anti-pollution campaigns all over the Lowcountry. She expressed their support for the City's actions to expand its plastics ban and offered to assist in any way possible.

4. Department Reports for March 2019 – Director Pitts

Trash Collection Tracking Reports and Vehicle Maintenance

Director Pitts announced that garbage collections were down, and yard debris collections were down significantly from the prior year due to the pickup from storms in 2018. Highlights from March were the repair and lock replacement of the gate at the Breach Inlet boat ramp; he reminded the Committee that the City provided daily trash removal for the Methodist Tea Room every year. Public Works crews cleaned the eleven (11) beach access paths that the landscaping company will clean routinely over the summer; he noted that he added the 23rd Avenue access at an additional cost of fifty dollars (\$50) per month.

When the Chair asked about the reason for the decline in household garbage, the Director suggested looking for an increase in accommodations taxes to see if residents were eating out more.

Director Pitts opined that the trend in recycling on the island was going down based on the lack of proper servicing by Charleston County.

Based on the amount of revenue generated by the Breach Inlet boat landing, Councilmember Kinghorn suggested opening it only to residents as a service to the community; he asked that the Chair of this Committee contact the Chair of Real Property for the suggestion to be discussed in the appropriate Committee.

When the question was posed about the island having weekly recycling over the coming summer, Director Pitts said that he has not yet been notified by Charleston County one (1) way or the other. He said that he would reach out to the County's Recycling Department for a confirmation.

Twice a week garbage collections will start the week following Memorial Day week according to the Public Works Director.

5. Old Business

A. Update on Phase II Drainage

The Interim Administrator announced that the project was complete and that only a few driveways and yards remain to be repaired. Construction on the project has been completed, and the avenues are draining as they should. The "as-built" drawings and final surveys are expected to be submitted to Charleston County and SCDOT by the end of May. She added that the balance of the contingency funds for Phase II would be re-budgeted to the Phase III project.

B. Update on Phase III Drainage project

According to the Interim Administrator, Thomas & Hutton is on schedule having completed the surveying and were now working on the analysis of their recommendations which were expected to be provided to the City by mid-May.

C. Update on the renovations to the Public Works' workshop

Director Pitts reported that the flooring and ceiling have been installed, the plumbing for the new kitchenette was through the wall, the painting has been completed and the new roof has been installed. The office was to be cleaned on Friday, and he expected to move into the new offices on Monday; new furniture was ordered today.

Interim Administrator Fragoso noted that the improvements have been a collaborative effort by the Clerk of Court Lee, HR Officer Degroot and Directors Kerr and Pitts and that she would like to hold next month's Public Works Committee meeting in the new offices.

When Councilmember Kinghorn asked the status of the hiring process for the new Assistant Public Works Director, Director Pitts replied that he and HR Officer DeGroot were reviewing the one hundred seven (107) resumes submitted to select the applicants who would receive the assessments and then to choose the ones to interview. He expressed confidence that the City would find a fully qualified applicant to be offered the job.

D. Update on general ditches and drainage issues – Forest Trail area

Director Kerr acknowledged that the requested lots subdivisions on Forest Trail that was sent to the Planning Commission has generated a lot of controversy among other residents, primarily related to flooding they were currently experience and anticipated experiencing if this subdivision was allowed. The existing problems were the result of a low ditch and a lower road, and anything above a high tide would push water into the roadway about shin high. The subdivisions would replace three (3) houses with five (5) houses; the developer must provide drainage plans and stormwater approvals through the County and the state, as well as the City's drainage requirements. The plans they submit would not address the problem of low roads and tidal flow onto those roads; this area would be addressed by the outfall improvements in Phase III drainage,

but that was approximately two (2) years away, assuming everything went according to plan. If Council deemed the drainage problems on Forest Trail in need of immediate attention, Director Kerr indicated that there were smaller and less expensive projects that could be done in the interim to provide some relief.

Responding to the question from the Chair, Director Kerr said that a major canal on 36th Avenue would be a part of the outfall project, and the source of this problem was a smaller ditch attached to the major canal. If the City were to decide to undertake a project to address Forest Trail, it would be to install a flap gate on the smaller arm connecting to the larger canal knowing that the water from the larger trunk would be addressed in the near future. Director Kerr noted that an added complication was that the canal bank on the Forest Trail side was too low, and large amounts of rain or an extreme high tide overwhelmed the ditch on that side.

Director Pitts added that to install a flap gate requires a closed system; Director Kerr said that it was possible to have an open ditch connecting to a closed system at the canal where the flap gate would go.

In selecting the priority list, Director Kerr thought of a scoring sheet that would include the number of people effected, the severity of the problem and the cost benefit. The Director thought that the issues on Forest Trail would put it near the top of the severity list but the cost and the number of people might move the project down the list.

Director Kerr added that, if the subdivision was approved, the future property owners' interests would be served if they contributed to the project since they would also benefit from it.

According to the Building and Planning Director, the Planning Commission was looking at another issue, not related to subdivisions, where houses on septic systems would have a smaller capability for lot coverage and house size. Generally, the Planning Commission has been "wrestling with the idea of impervious surface," and they liked the logic that a house served by a septic system would need more space that was open. The other ordinances were deferred due to the lack of support from the Water and Sewer Commission. The Director also stated that the City was trying to set a meeting with the Water and Sewer Commission to discuss their Master Plan.

Councilmember Kinghorn asked if Directors Kerr and Pitts, the Planning Commission, and the Water and Sewer Commission were concerned about the clusters of septic systems in the Forest Trail community and other outfall areas that might be sending drainage tainted by effluents into the island's creeks and marshes.

Responding personally, Director Kerr said that he did not believe that was true, but after talking with engineers, he was informed that effluents were flowing into the waters surrounding the island.

E. Status of drainage improvements project on Ocean Boulevard

The Interim Administrator informed that Committee the Charleston County was informed that the City would contribute \$25,000 for materials which would be reimbursed should FEMA decide to participate. The project will begin in October 2019.

F. Discussion of FY20 budget

The Interim Administrator reported that no changes were made to the FY20 Public Works budget since it was last reviewed. She reviewed the following highlights:

- Funding of \$1.7 million dollars for Phase III Drainage has been moved from FY21 to FY20 in an effort to get the permitting done as soon as possible to start construction in FY20.
- In the Drainage Contingency are funds for the Eadie's contract and drainage contingency.
- For the drainage projects referred to as "the low hanging fruit," \$500,000 has been assigned, and communications with the City Attorney were taking place about using tourism funds for these projects.
- The City-wide landscaping contract would be funded by Hospitality Taxes, and funding was available to address the municipal parking lot improvements.

Councilmember Kinghorn suggested that a percentage of the revenue from the parking lots be used for their maintenance and upkeep; to do this would provide an ongoing source of funds that would not be subject to debate each year.

Director Pitts recalled that, fifteen (15) years ago, the parking lots were all dirt; irrigation was added, and they were fertilized for the first few years to encourage the growth of native Bermuda grass which was very tolerant. When the parking kiosks were installed, those irrigation lines were broken, and money would be required to repair them. The irrigation was installed and grass was planted in response to complaints from the condominiums about dust from the lots and in an effort to emulate the County Park. He also said that a closed stormwater system was on the ocean side of the parking lot.

Councilmember Smith said that she continued to run into people who did not know they could park at no charge in the municipal parking lots, and she wanted to see a stronger effort to notify residents.

4

Referring to the FY20 budget, the Interim Administrator reviewed certain Capital items including:

- The replacement of an F150 truck for the Public Works Department;
- The deferred maintenance initiative for all City-owned structures; and
- Drainage initiatives totaling approximately \$2.4 million dollars.

Councilmember Kinghorn reiterated his reasons for imposing a franchise fee on the Water and Sewer Commission billings; he stated that franchise fees on utilities were commonplace across the nation.

Councilmember Smith's comments about the FY20 budget started with the new beach access signs that fall under General Government; Interim Administrator Fragoso said that the plan was to add three or four (3 – 4) signs each season. Although the City did not have a master plan for the new signage at beach accesses, the City did not intend on placing them at every beach access.

Councilmember Smith thought that the City should proceed with installing all of the signs it plans to have.

6. New Business

A. Discussion of comprehensive sewer implementation

Councilmember Smith wanted to understand the case for island-wide sewer. She asked why the City would pursue it and what the benefits would be. She stated that she needed a lot more information.

Interim Administrator Fragoso thought that the big price tag of \$40,000,000 to \$50,000,000 scared people, but, with creative financing over a period of years, the project could be done. A number of ordinances need to be passed, for instance, an ordinance requiring people to tie-in under specific circumstances, and the Water and Sewer Commission was expecting the City to participate financially, setting up the opportunity for implementing franchise fees. She stated that she has asked on multiple occasions for a copy of their Master Plan but has not received it.

Councilmember Smith said that she has attended several recent meetings and that the Water and Sewer Commission did not talk about matters like this on their agenda in open session. On the other hand, residents were concerned about the cost to them for tie-in to a sewer system.

The Interim Administrator and Director Kerr have met with the Water and Sewer Commission's rate consultant and financial advisor; the Director and Interim Administrator were told that the City could garner goodwill with the Water and Sewer Commission if it were to fund half of the cost of the financial adviser. His proposal to the Water and Sewer Commission was between \$15,000 and \$20,000; his role would be to generate a time line, to fill it with the appropriate data and to find out what financial opportunities would be available.

Councilmember Kinghorn stated that he has 40 years of experience in working with local governments, specifically in South Carolina, cities and towns, the state legislature and the U.S. Senate; he stated that he has seen, worked with and funded many of these programs. He noted that the history between the two (2) organizations was bad which he thought was a problem particularly when the island has a special purpose district it did not need. He stated that he thought things would be better if the City of Isle of Palms was a full-service municipality and, therefore, would run the water and sewer services provided to residents – as it did at some point in the past. The things that he thought would prove that the City was serious about island-wide sewer would be to impose the franchise fee, begin to educate the public, set goals and objectives that were specific. He then referenced the ordinances needed to support the belief that sewer must be in every home by 2030, for instance, any new home or subdivision must be on sewer. He wanted this Committee to offer a motion stating that the goal for the City was island-wide sewer by 2030.

MOTION: Councilmember Kinghorn moved that the goal of the City was the full implementation of island-wide sewer by 2030; Councilmember Smith seconded.

Chair Rice expressed concern over the grinder pumps installed all over the island.

Councilmember Kinghorn said that she should focus her concern on the septic systems that backup from heavy rainfalls or storms that roll ashore.

Interim Administrator Fragoso stated that the current policy toward grinder pumps was that, if public sewer was available, the property owner would be required to tie into it and prohibited from installing a grinder pump.

Councilmember Smith said that she could see potential problems looming and that she wanted more information for a case to be made to her on why the entire island needs to have sewer and why the urgency has been attached to it. She was aware that certain areas of the island truly needed sewer. She needed additional information in order to be an advocate for this project.

Chair Rice agreed with Councilmember Smith and reiterated that she wanted a meeting with the Water and Sewer Commission to hear from them if this project was feasible.

To Councilmember Kinghorn, eleven (11) years could not be described as urgent; it was a matter of setting priorities and going through the process.

VOTE: The motion FAILED on a vote of 1 to 2 with Councilmember Smith and Chair Rice casting the dissenting votes.

MOTION: Councilmember Smith moved to take to City Council an urgency to work with the Water and Sewer Commission to expedite where the City was going on sewer.

Chair Rice said that her comments did not require a motion.

Councilmember Kinghorn asked that other members of the Committee also consider ways to acquire the Water and Sewer Commission and to operate it as an enterprise fund to eliminate working through problems like this one.

MOTION: Councilmember Smith moved to discuss with Council the steps the City would have to take to actively pursue the implementation of an island-wide sewer system; Chair Rice seconded and the motion PASSED on a vote of 2 to 1 with Councilmember Kinghorn casting the nay vote.

MOTION: Councilmember Kinghorn moved for the City to engage in a 3% franchise fee on the Water and Sewer Commission and that the collections to go into an enterprise fund to deal with these issues in the future.

6

The motion failed for lack of a second.

Councilmember Kinghorn suggested that a task force be appointed to do the investigative work on island-wide sewer, and the task force could include a couple of residents and one (1) or more members of the Planning Commission.

B. Discussion of installing solar power systems to City buildings

Councilmember Smith said that she asked for this subject to be on the Agenda, and, at the time, felt a sense of urgency to install a solar system to the roof of the Pubic Works building, but that opportunity has passed. As a city, she opined that the leadership of the island should push forward with solar powered systems whenever possible.

Chair Rice asked that she research possibilities for solar power at the Public Safety Building since the roof replacement would be a part of the building remediation.

C. Consideration of a change order to the Thomas & Hutton contract in the amount of \$13,000 to cover meeting expenses

MOTION: Councilmember Smith moved to approve the change order to Thomas & Hutton for 13,000; Chair Rice seconded.

Interim Administrator Fragoso explained that their original proposal overlooked this task; it was in the scope as defined in the proposal, but no money was added to the proposal approved in January 2019. They would like to add a portion of their cost for attending meetings.

Councilmember Kinghorn expressed his disbelief and outrage that Thomas & Hutton would charge their client, the City of Isle of Palms, for their attendance at meetings with their client.

VOTE: The motion PASSED on a vote of 2 to 1 with Councilmember Kinghorn casting the dissenting vote.

D. Approval of an expenditure not to exceed \$7,500 for the purchase and installation of a water fountain and bottle-filling station at Front Beach

Chair Rice noted that she has been asking for this type of water fountain since 2002.

Councilmember Kinghorn asked how a water fountain could be so expensive.

The Interim Administrator stated that the model selected has a doggie water bowl, water fountain, and a bottle-filling station. She noted that the price was actually eighty-five hundred dollars (\$8,500) for purchase and installation which was in the three thousand dollar (\$3,000) range. The water fountain would be installed at the new boardwalk.

When the Chair and Councilmember Kinghorn asked about the warranty, Interim Administrator Fragoso said that she would check and get back to the Committee.

Councilmember Kinghorn believed that the water fountain could not sustain the salt air environment and that it would not be functioning in five (5) years; the Interim Administrator assured him that it was stainless steel with a protective coating.

MOTION: Chair Rice moved to approve an expenditure not to exceed \$8,500 for the purchase and installation of a water fountain/bottle-filling station at Front Beach; Councilmember Smith seconded and the motion PASSED on a vote of 2 to 1 with Councilmember Kinghorn casting the dissenting vote.

E. Discussion of prohibiting the use of single-use plastic bags, plastic straws, and Styrofoam products on the beach

Interim Administrator Fragoso stated that this was presented at the City Council meeting as an amendment to the existing ordinance, but the advice of counsel was that it should be a separate ordinance rather than an amendment to an existing ordinance.

MOTION: Councilmember Smith moved to prohibit the use of single-use plastic bags, plastic straws and Styrofoam products on the beach; Chair Rice seconded.

Chair Rice reiterated that this would be a new ordinance that would not only prohibit these products from the beach, but it would also give law enforcement officers the power to enforce it and impose fines.

The Interim Administrator pointed out that the ordinance referred to penalties; therefore, the Committee needed to set them. Sullivan's Island charged one hundred dollars (\$100) per

violation, and the Interim Administrator thought the City could do the same and again produce consistency.

Councilmember Smith thought one hundred dollars (\$100) was too high.

AMENDMENT: Chair Rice moved to amend the motion to include a penalty of \$100 per violation; Councilmember Smith seconded and the amendment PASSED UNANIMOUSLY.

VOTE ON AMENDED MOTION: The amended motion PASSED UNANIMOUSLY.

F. Discussion of implementing a smoking ban on the beach

Chair Rice said that she has a lot of legal questions about banning smoking from the beach acknowledging that smokers used the beach as an ashtray and cigarette butts were the Number One cause of litter on the beach. The Chair said that she viewed this the same as alcohol; people were allowed to drink, but the City did not allow people to consume alcohol on the beach. This was a complicated subject, and she would like Attorney Copeland to provide the Committee with a road map on how to approach it to get the desired result.

In researching the subject, the Interim Administrator found case law on a suit against Sullivan's Island related to smoking in the workplace, and it finally made its way to the State Supreme Court. The Supreme Court ruled "local ordinances cannot impose a criminal penalty because smoking is not prohibited by State law." When Sullivan's Island considered smoking on the beach, they took into account that smoking had not been criminalized in the State. She continued noting that the problems came from the penalty portion for smoking on the beach.

8

The Chair was confused that State Law allowed a criminal penalty for drinking but not for smoking.

The Interim Administrator wanted to do more research and to speak with the Administrator for Surfside Beach to learn how they handled the issue. She would have an update at the next meeting.

7. Miscellaneous Business

Next meeting date: 9:00 a.m., Monday, May 6, 2019 in the Conference Room

8. Executive Session – not needed

9. Adjournment

MOTION: Chair Rice moved to adjourn the meeting at 10:40 a.m.; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk