

City Council  
6:00 p.m., Tuesday, March 26, 2019  
Council Chambers  
1207 Palm Boulevard, Isle of Palms

**AGENDA**

1. **INTRODUCTION OF MEETING** and notification that members of the press and public were duly notified in accordance with the Freedom of Information Act.  
A. Invocation                      B. Pledge of Allegiance                      C. Roll Call
2. **READING OF THE JOURNAL OF PREVIOUS MEETING**  
Regular meeting of March 26, 2019
3. **CITIZENS' COMMENTS** - Request for City-sponsored event status for 100 meter Fun Run, fundraiser to support the IOP VFW and 14<sup>th</sup> Airlift Squadron Pelican Booster Club, on Saturday, April 13, 2019
4. **REPORTS FROM STANDING COMMITTEES**
  - A. **Ways and Means Committee**
    1. Approval of a Change Order from Thomas & Hutton in an amount not to exceed \$7,500 for the surveying, engineering and design for a drainage improvement on Tabby Lane (Pg. 23, In 54 – Capital Projects, Public Works, Drainage Contingency - \$70,000)
    2. Award of a contract to Eadie's in an amount not to exceed \$30,000 for emergency repairs to Marginal Road (Pg. 23, In 54 – Capital Projects, Public Works, Drainage Contingency - \$70,000)
    3. Acceptance of the award of a Flood Mitigation Grant through SCDNR in the amount of \$294,244.20 to elevate 210 Forest Trail
    4. Award of a contract to Rahman's Painting and Repairs, LLC in the amount of \$73,104.25 to pressure wash, caulk and paint IOP Fire Station #2 (Pg. 41, In 70 – Fire Station #2 Maintenance, ½ Capital Projects \$39463, ¼ Muni ATAX \$19,731, ¼ State ATAX \$19,731)
    5. Approval of a Change Order to the scope of work for Phase 3 Drainage Improvements from Thomas & Hutton in the amount of \$23,300 (Pg. 23, In 54 – Capital Projects, Public Works, Drainage Contingency - \$400,000)
    6. Approval of a Change Order from Applied Technology Management (ATM) to pursue the necessary permits on behalf of the City to ensure that the existing Tidal Wave Dock is compliant with the regulatory requirements
  - B. **Public Safety Committee**
  - C. **Public Works Committee**  
Request from 48<sup>th</sup> Avenue LLC to tie into the City's drainage system
  - D. **Recreation Committee**
  - E. **Personnel Committee** – no meeting in March

**F. Real Property Committee**

**5. REPORTS FROM CITY OFFICERS, BOARDS AND COMMISSIONS**

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

**6. REPORTS FROM SPECIAL OR JOINT COMMITTEES** – None

**7. PETITIONS RECEIVED, REFERRED OR DISPOSED OF** – None

**8. BILLS ALREADY IN POSSESSION OF COUNCIL**

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

**9. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS**

- A. First Reading, by title only of Ordinance 2019-05** – An Ordinance Amending Title 7, Chapter 1, Business Licenses, of the City of Isle of Palms Code of Ordinances Regarding the Increase of Short-Term Rental License Fees
- B. First Reading, by title only, of Ordinance 2019-06** – An Ordinance Amending Title 3, Public Works, Article A Regarding Stormwater Management Utility Fee Increase
- C. First Reading, by title only, of Ordinance 2019-07** – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 2, District Regulations Regarding Lot Subdivisions
- D. R.2019-01** – A Resolution to increase Franchise Fee with Comcast from 3% to 5%
- E. R.2019-02** – A Resolution to Increase Building Permit Fees

**10. MISCELLANEOUS BUSINESS**

Proclamation Naming April as Sarcoidosis Awareness Month

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

**11. EXECUTIVE SESSION** – if needed

Upon returning to open session, Council may take action on matters discussed in Executive Session

**12. CONCLUSION/ADJOURNMENT**

## **CITY COUNCIL**

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

The regular meeting of City Council was called to order at 6:00 p.m., Tuesday, February 26, 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, Interim City Administrator Fragoso, Attorney Copeland and City Clerk Marie 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 Pledge of Allegiance, Clerk Copeland called the roll.

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

**MOTION: Councilmember Bell moved to approve the minutes of the regular meeting of January 22, 2019 as submitted; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

### **3. Citizens' Comments**

Scott Pierce, #4 – 9<sup>th</sup> Avenue, addressed Council regarding more transparency regarding annual salaries of City employees, and he cited Folly Beach as an example; his written comments and the example he distributed are attached to the historical record of the meeting.

Barbara Harrington, 523 Carolina, spoke to Council to clarify the relationship between the Exchange Club and the IOP Community Corporation that was formed in 1961 to receive ownership of the property donated by J.C. Long where the Exchange Club is located today. The full text of her comments is attached to the historical record of the meeting.

Henry Hagerty, 106 Forest Trail, stated that he had emailed City Council members and commented that he was “upset by the flooding in the circle next to him for a couple of reasons.” He could not understand why anyone would think that replacing three (3) houses with five (5) houses on a street that already has flooding issues would not exacerbate the problem. He asked that, in the future, City Council serve as the Planning Commission rather than persons who were not elected by the residents of the island thereby giving residents the impression that their interests were being considered. He stated that “no structure was in place for a mandatory notification” or “for some codes to be given more weight than others.” He stated that the developer as a for-profit venture should set aside an amount of money to pay for solutions when the flooding problems increase.

Jamie Zazella, 104 Forest Trail, presented pictures of Forest Trail demonstrating the flooding that the street had with the high tides of last week. The full text of her comments is attached to the historical record of the meeting that include several recommendations for changes to the zoning regulations.

Margaret Mitchell, 25<sup>th</sup> Avenue, brought pictures of her grandchildren canoeing down 25<sup>th</sup> Avenue at Thanksgiving and noted that the flooding in it was common for the street. She said that she had to wear boots on February 19<sup>th</sup> to get her mail, and, on February 25<sup>th</sup>, her block was totally

underwater. The water was so deep that the ditch was overflowing and could not be located. When residents asked what caused flooding, they were always told it was due to high tides. She asked that something be done because the flooding was resulting in a loss of property, and every heavy rain brought with it a greater loss of land. Ms. Mitchell said that she has been given a list of what she can and cannot do using words like “permeable” and “impermeable.” She said that a friend living near Breach Inlet had told her that a check valve had been used to solve a similar problem with tidal waters and to allow rainwater to drain out. She concluded asking for the City’s help.

Brian Enright, 2902 Hartnett, told Council about an adjoining lot that was built up for new construction following the City’s regulations; today the lot is approximately one foot (1 ft.) higher than his property. All of the water from that lot now runs into his yard; his septic system has backed up twice requiring that the fields be redone. For him, the damage was done, but he did not want to see it happen to others. In addition, Mr. Enright expressed support for holding surf lessons on the beach assuming the instructor hold the proper credentials and are respectful of the beach by cleaning up at the end of the day.

Jeanie Murray, 233 Forest Trail, commented to the number of large homes on Forest Trail; when the statement was made that the integrity of Forest Trail was being changed, she felt that the integrity of the entire island has changed in the forty-three (43) years that she has been a resident. Until last year, she was able to get to the beach with water only ankle deep, but now the water is at the top of her thigh. She noted that flooding was not limited to Forest Trail but was all over the island. She suggested that the Beach Company’s triangular property on Palm Boulevard should be donated to the City for a statue of J.C. Long.

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

##### **A. Ways and Means Committee**

From the meeting of February 19, Chair Ward reported that the Treasurer presented an expanded format for the monthly summary of financial information to make it more meaningful to Council and to the public; on the first page, forecasts for year-end balances and the forecasted amount above or below budget have been added. At January 31, 2019, fifty percent (50%) of the revenue budget has been collected, and fifty-three percent (53%) of the expenditure budget has been expended. Total cash in the bank was approximately seventeen million four hundred thousand dollars (\$17,400,000). Items of note were that Rental Business Licenses revenue has exceeded budget, and Business Licenses and the “All Other” category of revenue collections were strong. The first revenues from the Wild Dunes construction project began to flow into the City in February. At this time, the projected year-end new positive results is three hundred twenty-eight thousand dollars (\$328,000) resulting from unfilled job positions and lower than budgeted legal/professional fees and tuition reimbursement costs. Also new to the financial packet were pie charts showing the sources of the General Fund Revenue and Expenditure FY19 budgets. Pursuant to information gathering, Council and staff have been considering changes to the pay ranges for the Police Department to make the IOP Department more competitive with surrounding local governments.

##### **1. Consideration of merit pool of 2.5% for FY20 Budget**

**MOTION: Councilmember Moyer moved to approve a merit pool of 2.5% for the FY20 budget; Councilmember Buckhannon seconded.**

Councilmember Bell stated that he would support the proposed merit pool if it would be focused on City's lower paid employees to bring them up to or near the mid-level of the pay range for the position, and not to be spread "like peanut butter" over all employees.

Councilmember Moye stated that the recommendation from the Personnel Committee was to apply this increase with the caveat and expectation that Council would work with department heads to establish a standardized merit process to create an objective range-based and merit-based process for determining the amounts to be paid.

Councilmember Ferencz added that the Personnel Committee was also looking into providing a new evaluation tool as well as a fairer use of the merit pool.

Councilmember Buckhannon said that he hoped that the new process would also recognize those employees who were going "above and beyond" what was expected of them.

**VOTE: The motion PASSED UNANIMOUSLY.**

**2. Consideration of wage adjustments in the Police Department**

**MOTION: Mayor Carroll moved to approve the pay adjustments in the Police Department approved by the Ways and Means Committee; Councilmember Bell seconded.**

Councilmember Buckhannon commented that a shortage of police officers existed across the state and the nation; in an effort to draw police, the City of North Charleston was offering one thousand dollar (\$1,000) bonuses to existing personnel who refer new officer(s) to the City and to the new hires as a signing bonus.

As Chair of the Personnel Committee, Councilmember Moye remarked that the primary reason for resigning cited by those officers who left was compensation. After gathering information on police wages from around the area, the wages paid by the Isle of Palms were one (1) of the two (2) lowest at approximately thirty-nine thousand two hundred fifty dollars (\$39,250) per year; the average was forty-two thousand two hundred seventy-one dollars (\$42,271) per year.

Interim Administrator Fragoso Added the following details to the motion:

- To keep the same pay range for non-certified Police Officers;
- To add a pay range for Certified Officers (officers who have graduated from the Academy and the field training) starting at the average of \$42,009, a 7% increase;
- To increase the pay range for Sworn Officers below the position of Captain by 7% to match the Patrol Officer increase and to maintain parity between positions;
- To adjust current employees to new minimum if not already there;
- To adjust patrol officers and detectives with less than 10 years of service by 1.0.% for each year of service; to adjust sworn Police Officers with less than 10 years of service by 0.50% for each year of service; and to increase all other sworn positions with more than 10 years of service by 0.25% per year of service to avoid salary compression.

To implement these changes would impact the FY19 budget by forty-three thousand four hundred eighty-four dollars (\$43,484), and that could be paid from the wage savings created by the vacancies that total approximately one hundred twenty-eight thousand two hundred dollars (\$128,222).

**VOTE: The motion PASSED UNANIMOUSLY.**

**MOTION: Councilmember Ward moved to re-order the Agenda to address Item 8. D. Second Reading of Ordinance 2019-04; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Speaking on behalf of the Public Works Committee, Councilmember Smith noted that this ordinance would expand the existing ban on single-use plastic bags to include polystyrene products, straws and stirrers; the Committee discussion also recommended including plastic cup lids and condiment packages. Since the meeting was inadvertently not taped, the addition of plastic lids and condiment packages were not reflected in the minutes; therefore, she suggested delaying Second Reading until the March Council meeting.

**MOTION: Councilmember Ward moved to delay Second Reading on Ordinance 2019-04 until the March 2019 Council meeting; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

**4. Reports from Standing Committees**

**A. Ways and Means Committee**

- 3. Consideration of an award of a contract to Butler Chrysler Dodge Jeep in the amount of \$59,569.00 for two (2) Pickup Trucks (\$25,329.50 each) (PG. 25, In 120 – Muni ATAX, Public Works Capital Outlay - \$33,500 and Pg. 29, In 281 – State ATAX, Public Works Capital Outlay - \$33,500)**

**MOTION: Mayor Carroll moved to award a contract to Butler Chrysler Dodge Jeep as specified above; Councilmember Ward seconded.**

Mayor Carroll noted that these vehicles were in the FY19 budget.

In addition, The Interim Administrator stated that one (1) truck would replace Director Pitts' truck that was deferred a couple of times, then recently was stolen and remains at Jones Ford being repaired. The second vehicle would be for the Assistant Public Works Director that will be hired in the coming months.

**VOTE: The motion PASSED UNANIMOUSLY.**

- 4. Consideration of increasing the annual NPDES stormwater fee to \$72**

**MOTION: Mayor Carroll moved to increase the annual stormwater fee to \$72; Councilmember Bell seconded.**

Councilmember Moyer stated that, of the increased fees on the Agenda, he found the stormwater fee increase the most concerning because was a "effectively and truly a flat tax," meaning that the small homes on large lots that have a significantly lower impact than large homes with a pool and impervious driveway would all pay the same fee. Although the island has a significant drainage issue, which will require a very large sum of money to resolve, the fee should be weighted more heavily on those properties that contribute the most to the problem.

Councilmember Kinghorn commented that breaking out the properties would be difficult and the City would not raise the revenues it needs to combat the drainage issues.

Councilmember Smith recalled from the Ways and Means Committee meeting that for the City to undertake the task of classifying properties based on the square footage of impervious surface on each property would cost approximately three hundred sixty-six thousand dollars (\$366,000).

Mayor Carroll informed Council that the Planning Commission would be taking another look at lot coverage, pervious versus impervious and drainage. The Mayor stressed that the City must be proactive, must be resilient and must be receptive to what the Planning Commission brings forward for their consideration in the future. He noted that the City has hired an engineering firm that was studying the drainage outfalls in the center of the island and developing a plan for their improvement in getting water off the island.

**VOTE: The motion PASSED on a vote of 5 to 3 with Councilmembers Buckhannon, Ferencz and Moya casting dissenting votes.**

- 5. Consideration of a Change Order from Jones & Frank in the amount of \$12,920.20 for hose reels for the underground storage tanks at the IOP Marina (Pg. 45, In 175 – IOP Marina, Capital Purchases, \$620,000 - 1/3 from Hospitality Tax and 2/3 from the Marina Fund)**

**MOTION: Councilmember Ward moved to approve the change order from Jones & Frank in the amount of \$12,920.20 for hose reels for the UST at the IOP Marina; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

- 6. Consideration of increasing residential rental license fees to a base rate of \$350 for revenues from \$0 to \$2,000 and the incremental fee of \$4.60 for each additional \$1,000 or fraction thereof**

**MOTION: Mayor Carroll moved to approve the increases to the rental license fees as proposed; Councilmember Bell seconded.**

Responding to Councilmember Ward, Interim Administrator Fragoso stated that if the increases go forward as stated, the City would receive an additional four hundred eighty-eight thousand dollars (\$488,000) in revenue.

Councilmember Bell stated that these rates have not changed since the ordinance went into effect in 2007, but he was certain that the rental rates charged by the property owner have increased.

**AMENDMENT: Mayor Carroll moved to amend the motion for the base rate to be \$350 and the incremental rate to go to \$3 per \$1,000 or fraction of in excess of \$2,000; Councilmember Buckhannon seconded.**

Councilmember Bell stated that the City has no problem spending money, but it has a difficult time raising revenue.

Councilmember Kinghorn agreed with Councilmember Bell and added that, in order to keep property taxes low, the Council should approve the increase as originally presented.



**VOTE on the Amendment:** The amendment **FAILED** on a vote of 3 to 5; Councilmembers Buckhannon, Ward and Mayor Carroll supported the amendment.

**VOTE on the Original Motion:** The motion **PASSED** on vote of 7 to 1 with Mayor Carroll casting the dissenting vote.

7. Consideration of standardizing the building permit fees to a \$50 base fee plus \$5 per 1,000 of project value

**MOTION:** Mayor Carroll moved to approve standardizing the building permit fees as stated above; Councilmember Bell seconded.

In Councilmember Buckhannon's opinion, the existing fees actually incentivized the construction of larger houses since they actually got the fee breaks. The Councilmember stated that he would like to go further to consider the amount of impervious surface along with the size of the house.

**VOTE:** The motion **PASSED UNANIMOUSLY**.

8. Consideration of increasing the Comcast franchise fee from 3% to 5%

**MOTION:** Councilmember Moyer moved to approve the increase in the Comcast franchise fee to 5%; Councilmember Kinghorn seconded.

Councilmember Ward stated that he was opposed to all franchise fees because he saw them as "another backdoor tax."

Since the other cable television providers to the island were charging a five percent (5%) franchise fee, Councilmember Smith saw this as "a leveling of the playing field."

The Mayor voiced regret in supporting the increase to SCE&G franchise fees.

**Vote:** The motion **PASSED** on a vote of 5 to 3 with Councilmembers Buckhannon and Ward and Mayor Carroll casting dissenting votes.

## **B. Public Safety Committee**

From the meeting of February 11, Councilmember Buckhannon reported that the meeting began with a discussion of implementing a pay-to-park system on Palm Boulevard; Interim Administrator Fragoso and Interim Chief Usry had a meeting with SCDOT in December 2018 to get an impression of their approval or disapproval of such a plan. After receiving a general "nod," they were told about the improvements to the right-of-way that would be required before any approval could be granted. The SCDOT regulations call for an improved surface, but they do not fully define what that would be; the investigation continues. Interim Chief Usry found an app called "Flowbird" that was compatible with the City's kiosks and was user-friendly should the City decide to go in that direction; the app would be free to the City, and it also tied into enforcement as well. Since the meetings on public transit to the island were after the Public Safety Committee meeting, Councilmember Buckhannon asked Councilmember Ward and the Interim Administrator to update Council.



Councilmember Ward stated that CARTA was looking for space in Mount Pleasant to use as a base for a park-n-ride system; sites being pursued include the DMV across the Connector, Town Centre/Sweetgrass and Seacoast Church.

Interim Administrator Fragoso informed that Committee that CHATS has approved funding for eight (8) vans to be used to transport passengers to and from Mount Pleasant; the service will be geared to serve, primarily, the food and beverage industry on the island, Wild Dunes and the marina businesses. The plan is to have the vans in service by Memorial Day.

On the subject of coyotes, trapping started again the beginning of February when ten (10) traps were deployed in areas where multiple sightings have been reported. Two (2) coyotes were trapped in the first few days the traps were placed.

The Committee discussed way the City could make the beach more handicap accessible to residents and visitors. The Interim Administrator has continued gather information on several individuals who could serve as an independent consultant to review the management practices in the Police Department. The Committee also discussed the City's having a Quick Response Vehicle (QRV); having a QRV "on the ready" on the island would eliminate the need for the fire equipment to go on every EMS call and would reduce the wear and tear on these vehicles. The Committee reviewed the FY20 operating budgets for the Fire and Police Departments; Councilmember Ward asked to see the total costs to the City for the July 4<sup>th</sup> fireworks display including overtime for those eligible.

The next Public Safety meeting will be at 9:00 a.m., Monday, March 4<sup>th</sup> in the Conference Room.

**MOTION: Award of a contract to Motorola for a budgeted expenditure of \$247,644.75 to replace 27 portable radios and 25 mobile radios (in cars) for the Police Department ( Pg. 22, In 32, Police Department Capital Outlay – \$130,000; pg. 25, In 109, Muni ATAX, PD Capital Outlay - \$65,000; pg. 28, In 263, State ATAX, PD Capital Outlay - \$65,000)**

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Mayor Carroll noted that the City's current radios were outdated and that Motorola was no longer making replacement parts for them. Additionally, Charleston County will be transitioning to encryption in the coming months, and, without the new radios, the public safety personnel would not be able to communicate with the Charleston County Consolidated Dispatch Center (CCCCDC) or any of the local municipalities with whom the City has mutual aid agreements.

**MOTION: Mayor Carroll moved to award a contract to Motorola for the budgeted expenditure of \$247,644.75 for replacement of radios for the Police Department as detailed above; Councilmember Ward seconded.**

Councilmember Ward reminded Council that the City has been putting money in reserves for several years for this purchase.

Councilmember Ferencz noted that, since the resumes and interviews for a new Police Chief were now only weeks away, the radio replacements, costing a quarter of a million dollars (\$250,000) should be delayed until he/she was in place and could provide input.

**AMENDMENT: Councilmember Ferencz moved to postpone the purchase of new radios until the new Police Chief was in place; Councilmember Ward seconded.**

Interim Chief Usry stated that the radios were being purchased under State contract pricing that would expire on June 30, 2020; the County was planning to move to encryption in the coming twelve (12) months. As noted previously, if the Police Department does not have the new radios, it could not communicate with the CCCDC or other agencies with mutual aid agreements. In addition, if the radios were not purchased now, the City would lose the discount afforded by the State contract and the price would increase to approximately four hundred sixty-seven thousand dollars (\$467,000). When she spoke with the Charleston County Radio Shop director, the Interim Chief was told that Charleston County was concerned about the City's delays and were concerned about the City's ability to function once encryption was initiated. The Interim Chief commented that the staff of the Police Department has not figured out how it will communicate with other agencies and the CCCDC without the new radios.

Councilmember Bell remarked that the Department was currently understaffed and did not need the number of radios represented in this contract award. Interim Chief Usry reported that the Department has enough radios for police officers and BSOs, and the City would not have a surplus. She noted that to purchase them now would result in a savings of twelve thousand dollars (\$12,000) against the amount in the FY19 budget.

**VOTE on the AMENDMENT: The amendment FAILED on a vote of 2 to 6 with Councilmembers Ferencz and Kinghorn voting to support it.**

**VOTE on Original Motion: The motion PASSED on a vote of 6 to 2 with Councilmembers Ferencz and Kinghorn casting the dissenting votes.**

On the subject of initiating a pay-to-park system on Palm Boulevard, the Mayor understood that everyone, including residents, would be required to pay, and Councilmember Buckhannon confirmed that the Mayor was correct – no exemptions. Mayor Carroll said that some of the homes on Palm Boulevard did not have driveways and regularly parked their vehicles in the right-of-way; would they be required to pay if the City installed kiosks as part of a pay-to-park system?

Councilmember Buckhannon stated that the Committee continued to investigate ways to stabilize the shoulders and to delineate spaces on Palm Boulevard; he directed attention to a sample product on the back wall that the City would test in a small area of Palm.

Councilmember Smith was still interested in knowing if SCDOT would allow the non-ocean side of Palm to be designated as "Resident Only Parking."

Interim Administrator Fragoso responded that the City has the authority to regulate parking in the right-of-way, but the City would need an assessment by a traffic engineer to check the feasibility and the impact on the area.

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

Reporting on the meeting of February 11<sup>th</sup>, Councilmember Smith stated that the Director's report for February had included several pieces of good news such as Eadie's has begun another contract year of cleaning the City's ditches as scheduled, and SCDOT will meet with City staff quarterly to be more systematic in addressing issues on the island. One (1) issue they will address in March is the drainage problem at Marginal Road and 41<sup>st</sup> Avenue. The balance of the infrastructure for Phase II Drainage has been installed and the landscaping should be complete by May. Residents from Tabby Lane presented a plan to the Committee to control the tidal flow onto the road, but learned that the City had certain requirements that must be met before any

drainage work could be initiated. The Committee discussed the proposed ordinance expanding the plastics ban that was sent back to the Committee; they also discussed the possibility of increasing the annual stormwater fee to seventy-two dollars (\$72). The Committee decided to defer further discussion of the IOP Water and Sewer Commission until they present their newly completed Master Plan. Deputy Director of Public Works for Charleston County Frank Pandullo attended the Committee to explain work to be done on the island to replace broken pipes in a section of Ocean Boulevard; the only cost the City would be responsible for would be the cost of materials totaling twenty-five thousand dollars (\$25,000). The funds would come from the City's stormwater funds being held by the County.

**MOTION: Councilmember Kinghorn moved to approve up to \$25,000 in materials for the replacement of the cross-pipes in sections of Ocean Boulevard; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

The next Public Works Committee meeting will be at 9:00 a.m., Thursday, March 8, 2019.

Councilmember Kinghorn recalled that, at a previous Committee meeting, the members unanimously supported the goal to have the whole island on sewer by the year 2030.

Councilmember Ferencz asked whether Council had the authority to make that kind of command; she thought that the Water and Sewer Commission was completely in-charge of their projects. Any project they initiate in order to get sewer to the residents would be their project.

The Mayor stated that the Water and Sewer Commission was a stand-alone entity.

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

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Reporting on the meeting of Monday February 4<sup>th</sup>, Councilmember Smith stated that Marshall DePass, an island resident who was active in the local surfing community, attended the meeting to learn the status of the franchise agreement that would allow for surfing lessons to be taught on the IOP Beach. He stated that Carolina Salt Surfing wanted to pursue the opportunity to offer surfing lesson on the beach in Wild Dunes, but they were not interested in offering any camps. Since this was a much wider discussion than franchise fees, Councilmember Smith wanted the topic to go back to the Committee before they made a recommendation to Council.

Since this was the second year that Carolina Salt Surfing has come to the Committee asking to provide surfing lessons in Wild Dunes, Councilmember Bell thought it was only fair to give them some idea of Council's opinions.

#### **"Section 7-3-2 Commercial activities restrictions**

No person shall sell or rent, or offer to sell or rent, any goods, merchandise or services, or solicit any trade or business, on the beach, beach accesses, public parking lots or the Breach Inlet Bridge, except pursuant to a franchises granted by City Council or pursuant to a City-sponsored activity or event.

Councilmember Bell noted that the City has businesses who transact their business off the beach, but deliver to the beach, chairs and umbrellas as examples. He continued that the State decided that Wild Dunes was private; therefore, did that mean that Wild Dunes was exempt from considerations outside the gate and other areas of the beach where the City did not want to see more commercialization of the beach? He opined that enough questions about this ordinance have

been raised that Council should have a legal opinion on the City's position relative to Wild Dunes of the other parts of the beach.

If Council wanted a legal opinion, Interim Administrator Fragoso stated that the discussions should occur in Executive Session, or it could be send back to the Recreation Committee for their consideration.

Councilmember Bell would be satisfied with a renewed discussion at the Recreation Committee meeting.

Proceeding with the report of the meeting, Councilmember Smith stated that upcoming events residents should calendar include the Front Beach Fest on Saturday, March 9<sup>th</sup> beginning at noon, the annual Yard Sale on Saturday, March 30<sup>th</sup>, and the Easter Egg Hunt on Saturday, April 20<sup>th</sup>. Like other Committees, the Rec Committee reviewed the FY20 operating budget for the Rec Department.

The next Recreation Committee meeting will be on Monday, April 1<sup>st</sup> at 5:00 p.m. in the Conference Room.

Councilmember Ward asked if the Front Beach Fest was being advertised off of the island, and Recreation Director Page replied that it was. The Councilmember indicated that residents were nervous that an incident like the one (1) at Folly Beach last weekend could be repeated here.

Responding to Councilmember Moyer's question about why the Committee did not have a recommendation to Council, Interim Administrator Fragoso recalled that she had suggested that they not make a recommendation until they knew Council's position on allowing commercial activity on the beach. She said that she would like direction from Council about reversing the City's position regarding commercial activity on the beach before the RFP was advertised and respondents submit their proposals.

Councilmember Moyer stated that residents appear to be in favor of allowing surfing lessons on the beach, and he did not see a problem with issuing the RFP.

**MOTION: Councilmember Moyer moved to issue the RFP for surfing on the beach; Mayor Carroll seconded.**

Councilmember Buckhannon suggested that a vote should be delayed until after the Executive Session; at which time, Councilmember Moyer and Mayor Carroll withdrew the motion and second respectively.

**MOTION: Councilmember Kinghorn moved to suspend the rules to discuss the item stated under Miscellaneous Business; Councilmember Bell seconded.**

## **10. Miscellaneous Business**

**Discussion of request from the Exchange Club and the East Cooper Land Trust to apply for the City's \$100,000 allocation of Greenbelt Funds**

**MOTION: Mayor Carroll moved to approve an application for the \$100,000 in Greenbelt Funds by the Exchange Club and the east Cooper Land Trust.**

With no second the motion failed.

Stating that he was not speaking for the Exchange Club, Councilmember Kinghorn asked why this item was on the Agenda; he was unaware of a request being made by them for this item to be on it.

Mayor Carroll stated that the same item was on the City Council Agenda in January, but no one attended the meeting to advocate for the activity.

In clarifying the matter, the Interim Administrator stated that, in December 2019, the East Cooper Land Trust approached the Mayor requesting that Council vote to allow them to apply for the City's current allocation of Greenbelt Funds totaling approximately one hundred thousand dollars (\$100,000). She communicated the request to all Councilmembers and added the request to the Agenda for the February Council meeting; at the last minute, the East Cooper Land Trust asked that the item be deferred until they ironed out some of the details. As of this date, Interim Administrator Fragoso has not heard from either the East Cooper Land Trust or the Exchange Club. The subject was on the Agenda for this Council meeting for the Mayor to get an indication from the balance of Council about what they thought should be done when the request was made again; she stated that the funds would be used toward the Exchange Club's dock project.

Since no decision was needed on the subject, the Mayor withdrew his motion.

In December, the Interim Administrator was given the impression that a decision was a matter of urgency.

According to the Interim Administrator, the available money today was one hundred three thousand dollars (\$103,000); one these funds were spent, the City could expect to receive about thirty-two thousand dollars (\$32,000) per year. The City could use the funds for the acquisition of green space, such as the Mayor Carmen R. Bunch Park, wetlands protection, historic and cultural preservation, etc. Beach communities have been given a bit more leeway in that they could also use the funds to place allowable improvements on land they currently own, such as boardwalks, foot bridges, unpaved roadways, unpaved small parking areas, etc.

The Exchange Club's dock project would likely be approved, but the City would have to approve their application for funds allocated to the City. If that were to happen, the funds would not be available for the City to use for another Greenbelt approved project.

Councilmember Bell was under the impression that the purpose of the Greenbelt funds was "to provide full public access, and he also thought that the dock planned by the Exchange Club would only be accessible to their membership.

Interim Administrator Fragoso stated that Greenbelt funds have been used in the past for projects with limited access. If the City were to allow the Exchange Club to have access to the Greenbelt funds, they would have certain requirements they would have to meet.

The Interim Administrator explained that the available funds were from the first allocation of the sales tax increase; future funds would come from the second increase. The funds from the first allocation would rollover into the next year and not lost to the City.



Councilmember Kinghorn alluded to the limited access for residents to the creek and marshlands behind the island without paying a fee. He suggested that, if the City partnered with the Exchange Club, it could ask what access would be provided for residents.

When Councilmember Ward asked how the proposed project was being received by the residents, Councilmember Kinghorn replied that the immediate neighbors were not enthusiastic about it. Councilmember Kinghorn opined that the decision should be made for the good of many; he stated that many island residents do not have do not have immediate water access, and an Exchange City dock, particularly for kayaking and paddle-boarding.

Councilmember Moye indicated that he supported having a dock at the Exchange Club, but, before he would be willing to invest City money into the project, he wanted to see other ways that these funds could be used for the betterment of the community.

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

From the meeting of March 11, Councilmember Moye reported that he was selected as Chair. Jim Raih addressed the Committee about the hiring process and about the position of HR Director. Under Old Business, the Committee received an update on the hiring process for the City Administrator, Chief of Police and Assistant Public Works Director; Mr. Mercer anticipates providing the Personnel Committee with a short list of candidates for the Chief of Police position that would include their resumes and his impressions from telephone interviews with them. Mr. Mercer assured HR Officer DeGroot that the materials would be sent to the City on Sunday.

Interim Administrator Fragoso reported that members of the Personnel Committee have received emails from Councilmembers indicating their desire to be more involved in this stage of the process. She has suggested that Council hold a Special Meeting in Executive Session to discuss the candidates' resumes, and, when the Personnel Committee meets to narrow the list to three to five (3 – 5), they will have the opinions of the balance of Council to know where they stand on each one (1).

With the Personnel Committee meeting on Tuesday morning and the resumes coming in on Sunday, the Interim Administrator was concerned that the Committee members would not have time to read and to digest the information before the meeting.

Councilmember Bell repeated what has been said in Council meetings in recent months that Council has generally lost confidence in The Mercer Group; they have not met deadlines on more than one (1) occasion.

Returning to the Committee report, Councilmember Moye stated that they discussed the merit pool increase for the FY2020 budget and the way that candidates have been selected to serve on boards and commissions. City staff continued to work on criteria and questions to be asked as well as term limits. The Committee discussed the need for a strategic plan and the suggestion was made that this might be a good project for an *ad hoc* committee. In addition to discussing the FY20 budget for General Government and the Building Department, the Committee reviewed the staff proposal for the pay adjustments in the Police Department. A discussion took place on establishing a Director of Human Resources position and, in the end, the decision was that the discourse should continue between the Chair of the Personnel Committee, the Mayor and Interim Administrator Fragoso.

The Personnel Committee will hold its next meeting at 8:30 a.m. Tuesday, April 2<sup>nd</sup> in the Conference Room.

**F. Real Property Committee**

Councilmember Bell recapped the meeting of February 6 noting that he was again elected Chair. The citizens who spoke all addressed the flooding problems and the planned subdivision Forest Trail. The assessment of the building housing Morgan Creek Grill should be available for the April meeting, and the responses to the RFP for the real estate consultant will be opened on Friday, March 8<sup>th</sup>. To this date, the removal/replacement of the underground storage tanks at the marina was on schedule, and ATM was working on the permit applications for the various regulating agencies. Director Kerr has not completed the list of certified arborists the Committee requested. The Committee also discussed various means of generating revenue, and they have been discussed and voted on in this meeting. Some discourse took place on the incorporation of the terminus of 41<sup>st</sup> Avenue, but, after learning that it was a stringent process, the idea was abandoned for now. It could well come up again as the City reviews the respondents to the RFP for the lease of the marina restaurant. As other Committees had done, the Real Property Committee reviewed the FY20 budget for the Front Beach area, Beach Monitoring and Maintenance and the IOP Marina. When the number of vehicles at a rental property was discussed, the Chair surmised that the problem of too many cars at any one (1) property was an issue of a lack of enforcement. He reminded residents that, despite the construction, the marina store and Saltworks were open for business.

The Real Property Committee will hold its next meeting at 9:00 a.m., April 3<sup>rd</sup> in the Conference Room.

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**6. REPORTS FROM SPECIAL OR JOINT COMMITTEES – None**

**7. PETITIONS RECEIVED, REFERRED OR DISPOSED OF – None**

**8. BILLS ALREADY IN POSSESSION OF COUNCIL**

**A. Second Reading of ORDINANCE 2019-01 - AN ORDINANCE TO SELL A PORTION OF CITY-OWNED PROPERTY**

**MOTION:** Councilmember Ward moved to waive the reading and to approve Ordinance 2019-01 for 2<sup>nd</sup> Reading; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

**B. Second Reading of ORDINANCE 2019-02 – AN ORDINANCE AMENDING TITLE 1, GOVERNMENT AND ADMINISTRATION, CHAPTER 4, OFFICERS AND DEPARTMENT, ARTICLE B, CITY ADMINISTRATOR**

**MOTION:** Councilmember Buckhannon moved to waive the reading and to approve Ordinance 2019-02 for 2<sup>nd</sup> Reading; the motion PASSED UNANIMOUSLY.

**C. Second Reading of Ordinance 2019-03 – AN ORDINANCE AMENDING TITLE 2, PUBLIC SAFETY, CHAPTER 1, POLICE PROTECTION**



**MOTION:** Councilmember Ward moved to waive the reading and to approve Ordinance 2019-03 for 2<sup>nd</sup> reading; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

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

**10. Miscellaneous Business**

Next Meeting Date: 6:00 p.m., Tuesday, April 23<sup>rd</sup> in Council Chambers

**11. Executive Session**

**MOTION:** Councilmember Buckhannon moved to go into Executive Session AT 8:15 p.m. to receive legal advice on franchise agreements; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.

Upon returning to open session, Council may take action on matters discussed in Executive Session.

Upon returning to open session at 8:40 p.m., Mayor Carroll announced that Council did not vote or take any action while in Executive Session.

**MOTION:** Councilmember Moyer moved to charge staff to issue an RFP for a single, exclusive franchise agreement for surfing lessons to take place in Wild Dunes; Councilmember Buckhannon seconded.

**AMENDMENT:** Councilmember Smith moved to amend the motion to include surf camp as an option in the RFP; Councilmember Kinghorn seconded.

**VOTE on the Amendment:** The amendment FAILED on a tie vote of 4 to 4 with Councilmembers Bell, Ferencz, Ward and Mayor Carroll casting the “nay” votes.

**VOTE on the original MOTION:** The motion PASSED on a vote of 6 to 2 with Councilmembers Ferencz and Ward cast the dissenting votes.

**12. Conclusion/Adjournment**

**MOTION:** Councilmember Buckhannon moved to adjourn the meeting at 8:45 p.m.; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland  
City Clerk

## **WAYS and MEANS COMMITTEE**

5:00 p.m., Tuesday, March 19, 2019

The regular meeting of the Ways & Means Committee was held at 5:00 p.m., Tuesday, March 19, 2019 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the Committee were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moyer, Rice and Smith, Chair Ward, Mayor Carroll, Interim Administrator Fragoso, Treasurer Suggs, Attorney Copeland and Clerk Copeland; a quorum of Council was present to conduct business.

1. Chair Ward 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 Bell moved to approve the minutes of the regular meeting of February 19, 2019 as submitted; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

**MOTION:** Mayor Carroll moved to suspend the rules and to reorder the Agenda to take up Item F under New Business at this time; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

### **5. New Business**

**F. Discussion of a request from the resident at 2600 Palm Boulevard to construct a public boardwalk and to agree to future maintenance**

Interim Administrator Fragoso stated that the resident, upon learning the cost of such an endeavor, has changed his mind and withdrawn his request.

**MOTION:** Mayor Carroll moved to suspend the rules of order to reorder the Agenda to address Item G under New Business at this time; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

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

The Chair invited Kirby Marshal, representative of ATM, to come forward to explain this matter to the Committee and to answer any questions they might have.

Interim Administrator Fragoso explained to the Committee that the City recently learned that the Tidal Wave dock was out of compliance with the most recent DHEC permit issued in 1995. She stated that the City has two (2) options, i.e. (1) to submit an application under the City of Isle of Palms asking for the existing structure to be permitted or (2) to make the necessary modifications to make the structure compliant with the 1995 permit as recommended by SC DHEC. She noted that the 1995 permit was issued to the prior owner of the jet ski operation. One (1) issue of noncompliance with this dock was that a portion of it and the temporary jet ski dock encroach into the one hundred twenty-five foot (125 ft.) offset established by the Army Corps of Engineers. Mr. Marshall discovered this encroachment when he was preparing the permit application for the

rehabilitation of the marina docks, and correcting it requires a different permitting process through the Corps of Engineers.

Mr. Marshall stated that currently ATM was under contract with the City to permit the IOP Marina docks for the dock rehabilitation project. When they were preparing the permit application documents, they were contacted by Tidal Wave Watersports and told that DHEC had identified several areas of non-compliance related to a 1995 permit. When Mr. Marshall reached out to DHEC/OCRM, the non-compliance issues were fueling procedures, point-of-sale procedures, etc. – they were for the most part minor operations type issues and could be corrected with modifications to the operator's Operations and Maintenance Manual. However, DHEC/OCRM noted other issues about the dock that were not reflected in the 1995 permit, for instance the configuration of the floating dock, more floating dock area than was permitted and more jet ski docks than approved. The recommendation of DHEC/OCRM to the operator was to seek a permit authorizing the structure as it stands; at that time, the decision was made that the permit should not be in the operator's name, but in the City's name as the owner.

The procedures for bringing this dock into compliance is relatively straightforward. It would require a separate permit application similar to the permit for the rehabilitation project and its own Operations and Maintenance Manual. Mr. Marshall noted that Tidal Wave has an Operations and Maintenance that needs updating relative to their operating procedures. When the Real Property Committee met last week, they recommended that the City should move forward with two (2) permits, i.e. one (1) to bring Tidal Wave and the dock structure into compliance and two (2) to allow the rest of the dock rehabilitation to occur. If in the future the City decided to turn the Tidal Wave dock into a community dock or to allow for a different use, the permit could easily be modified. A complicating factor that the Interim Administrator mentioned was the eight (8) jet ski docks on the outside of the floating dock that are completely inside the channel construction offset; based on ATM's past experiences, the Corp of Engineers has been very strict about not allowing any structures inside the offset. These docks are seasonal docks and have not yet been put into the water for the coming tourist season. Additionally, the long floating dock itself encroaches about three feet (3 ft.) into the offset area; it is delineated on the drawing by the solid line from end to end. The assumption is that this occurred in the 2012-2013 timeframe when a barge impacted the dock and repair work was done to the structure. Mr. Marshall reported that he reached out to the Corps of Engineers last week to discuss with them the encroachment of the long floating dock, and he was told that a variance could possibly authorize that structure since the encroachment was so limited. He was also told that, due to the seasonal nature of the jet-ski dock on the outside of the floating dock, a variance might be possible to authorize it as well. Therefore, that is the position ATM will take to approach the permit application to bring the structure into compliance as it stands, all of the floating jet-ski docks to be authorized as positioned and to try to get the seasonal/temporary jet-ski dock included also.

Councilmember Bell pointed out these operating violations were only discovered through a citizen's FOIA request because they were being worked as operating manual issues and not brought to the Real Property Committee or Council in detail. As a result of the FOIA request, the City received a copy of the violations cited by DHEC/OCRM and another document from the Army Corps of Engineers. He noted that he did not think there was any egregious behavior by Tidal Wave and that they were doing what they thought was right under the current permitting process. The City has been told that any permit would take ninety to one hundred twenty (90 – 120) days; therefore, no permits would likely be approved before September. The City, then, has a non-compliant dock and must tell its tenant Tidal Wave that they must operate within the limits of the 1995 permit.

**MOTION: Mayor Carroll moved to approve the Change Order from ATM, and Councilmember Bell seconded.**

When DHEC/OCRM found these violations, Councilmember Moye asked if they made any recommendations for resolving them.

Interim Administrator Fragoso stated that she has spoken with DHEC/OCRM since the City learned of the situation, and their goal was compliance. If the violations were such that they could be resolved through an application for a permit modification, they typically worked with the permittee, in this case the City, to bring the structure into compliance. If the violation was deemed egregious, they would typically not shut down the operation but would allow the permittee to pursue a permit modification. The problem with the floating temporary structure was that its entire area encroached into the offset area, and the City could pursue a variance that may or may not be approved. In the meantime, the advice has been not to allow that structure to be reattached to the floating dock. She stated that, if the City does not allow the floating jet-ski dock to be put back in place until the City gets an official notice from the Army Corps of Engineers, the City could face a liability. The City could require the tenant to get creative and to find another location on the structure for that jet-ski dock; DHEC/OCRM would accept that as a permit modification.

Councilmember Rice recalled that an extensive rehabilitation of the dock was done in 2013 with a keen eye to detail and on the regulating agencies; therefore, she did not understand how the floating dock was now encroaching into the offset.

Mr. Marshall reported that nothing specific in the FOIA request or the project files they received from DHEC/OCRM showed the Tidal Wave dock in its current reconfiguration; he continued that they surmise that the repairs made to the dock in 2013 were done through a Maintenance and Repair Authorization from the Corps or DHEC/OCRM. The Corps typically would not issue a document because the original authorization would have the stipulation that the permittee maintain the dock in good working order. DHEC/OCRM, on the other hand, would usually issue a letter of authorization; he has not seen it, and the permitting agent who worked on this with the City has died.

The Interim Administrator noted that the City was in possession of the 2013 permit modification when the City's plan was to fully replace and renovate that dock. After running into funding concerns, the plan was scaled back to do repairs and modifications, which would not have required a modified permit. She has been unable to locate any surveys or drawings.

Councilmember Bell asked how Tidal Wave could continue to operate while the City was pursuing the permit.

The Committee agreed to defer any decision making until after Executive Session later in the meeting, and the Mayor and Councilmember Bell withdrew the motion and second respectively.

Mr. Marshall stated that the permitting process for the dock would be like the process for the rest of the marina; it will be a joint permitting process with DHEC/OCRM and the Corps of Engineers, and it will go out for public comment for each agency. The variance request would be part and parcel of the standard permitting process.

Regarding the variance and how Tidal Wave could operate this summer, he explained that ATM was set to submit the permit package to the Corps and DHEC/OCRM to set a pre-application meeting where they would present what was there today and what they wanted to do. The

package would be presented to them in advance of the meeting so they could study it to be able to provide some preliminary feedback which could be a determining factor about the City's ability to allow Tidal Wave to operate. He expects to have the meeting in the next month or so.

### **3. Citizens' Comments**

Matt and Cindy DeAntonio were the residents at 210 Forest Trail; he stated that they have been working toward acquiring the Flood Mitigation Grant since 2016 and were notified in December 2018 that they would receive the award. They were present to answer any questions that might arise.

### **4. Financial Statements – Treasurer Suggs**

#### **A. Financial Reports**

Treasurer Suggs reported that collections through the end of February 2019 in the General Fund were in excess of seven million dollars (\$7,000,000) of a ten million dollar (\$10,000,000) budget; based on trends, she indicated that the City might end the year five hundred thousand dollars (\$500,000) ahead of budget. Expenditures were at fifty-seven percent (57%) of budget against a target of sixty-seven percent (67%); all departments were at or below budget except Mayor and Council due to a timing issue. She commented that the Capital Project Fund has seen significantly less activity than was anticipated by the budget; projects that been done were Drainage Phase 2, the underground storage tanks, a garbage truck, renovations to the Public Works structure, the gym floor and the Eadie's ditches clean out. Projects not done this year will be reallocated to FY20. She stated that the forecasted year-end positive net result in the General Fund will be eight hundred sixty-two thousand dollars (\$862,000) which will be rolled into the Capital Projects Fund for FY20, until Council makes its final decision on its disposition. The cash balance at the end of February was approximately eighteen million five hundred thousand dollars (\$18,500,000) with approximately seventeen million five hundred thousand (\$17,500,000) in the LGIP. Business Licenses and Building Permits revenue continued to outperform budget, and, with the forecasted revenue from Wild Dunes, revenues in these funds were projected to exceed budget by four hundred seventy thousand dollars (\$470,000). The Treasurer noted that today the Fire Department was in budget for expenditures; the situations that have generated the excess overtime – military leave, light duty and FMLA leave – have ended, so the over-budget overtime should have ended. She reminded the Committee that nine hundred forty thousand dollars (\$940,000) was in the FY19 budget for the repairs to the Public Safety Building (PSB), but only half of the amount was expected to be spent this year so the forecast would be adjusted. The projects that will carry over to FY20 are the PSB rehabilitation, Phase I drainage and the ladder truck.

Responding to the Mayor's question, Interim Administrator Fragoso said that she expects the forensic investigative work on the Public Safety Building to be complete by mid-May; therefore, Council should have a better cost estimate for the repairs to the PSB to finalize the FY20 budget.

For the pie charts representing General Fund revenue and expenditures, Treasurer Suggs remarked that the two (2) circles were equal; they represented identical amounts of money. With that information in mind, she pointed out that Property Taxes and Other Licenses collected for insurance and utilities were paid by property owners meaning that half of the City's General Fund revenues were paid by property owners.



The Tourism Revenue data was presented in a new format that did not contain the month-to-month comparisons and all of the sources were shown on one (1) page; the yearly comparison by fund are at the bottom of the page.

## **B. Project Worksheets**

The Phase II Drainage Project was winding down and the February expenditures were for invoices from Civil Site Environmental for professional services in excess of the contract.

The key expenditure on the underground stage tank project at the marina was for pay application #5. The budget remaining for this project was eighty-three thousand six hundred seventy-one dollars (\$83,671).

## **5. Old Business – None**

**MOTION: Councilmember Bell moved to suspend the rules of order and to take up Item C under New Business; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.**

## **C. Acceptance of the award of a Flood Mitigation Grant through SCDNR in the amount of \$239,000 to elevate 210 Forest Trail**

**MOTION: Chair Ward moved to accept the FEMA grant in the amount of \$239,000; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY,**

When asked what he thought about this, Director Kerr opined that it was good for the community and that it was a grant where FEMA paid ninety percent (90%) if the property was categorized as a severe repetitive loss property. The goal of the grant was to make one's home no longer flood prone.

Although she thought the grant was wonderful for the DeAntonio's, Councilmember Rice thought that the application was cumbersome. She stated that her concern was being certain that the City would have no liability since all funds would flow through the City, and Director Kerr assured her that the City would not be liable in any way.

The Interim Administrator commented that she initially had the same concerns and had expressed them to Director Kerr, Attorney Copeland and the SCDNR staff handling it, and had been assured that the City was free of liability. She explained that the federal government has already allocated the funds to DNR and that the City's role as the sub-recipient would be to pay the invoices presented to it and to file for reimbursement from SCDNR.

Director Kerr commented that the City always was interested in ways to make homes on the island more resilient.

When asked how residents would know if they were on this list of repetitively damaged homes, the Director said that these property owners were mailed letters each year and, as a result of being on the list, were made aware of programs available to them.

The amount of the grant was incorrectly noted on the meeting agenda; the correct amount was \$294,244.20.

**6. New Business**

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

**MOTION: Councilmember Rice moved to approve the Thomas & Hutton Change Order for Tabby Lane; Councilmember Bell seconded, and the motion PASSED UNANIMOUSLY.**

As a property owner on Tabby Lane, Mayor Carroll recused himself from this discussion and subsequent vote because he would benefit personally from the drainage project.

Interim Administrator Fragoso stated that the City would pay for the surveying, engineering, and design for the Tabby Lane project, but the property owners on Tabby Lane would pay for the construction. The City's portion of this project would come from the Drainage Contingency that currently has a balance of seventy-one thousand dollars (\$71,000).

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

The Interim Administrator reported that a pipe separation has occurred underneath Marginal Road and, as a result, the road was caving in. The work will entail cutting the asphalt, replacing the pipes, installing the flap gate and sealing the joints, and Eadie's has given the City a quote for twenty-seven thousand five hundred dollar (\$27,500). The Public Works Committee recommended that the City accept Eadie's project cost so that the work could get underway as soon as possible to prevent the road from completely caving in. The unanimous recommendation from the Public Works Committee was to accept the Eadie's proposal with a not to exceed amount of thirty thousand dollars (\$30,000). She stated that staff has asked Charleston County to do the work in case the City would see savings if they did the work, but the Interim Administrator was seeking an emergency approval of the funds due to the precarious condition of the road by whichever entity could do the work most efficiently and get to work the quickest.

**MOTION: Councilmember Rice moved to approve emergency repairs to Marginal Road in an amount not to exceed \$30,000; Councilmember Smith seconded.**

Councilmember Rice told the Committee that Marginal Road was where the Forest Trail drainage went to the 41<sup>st</sup> Avenue ditch and "the road was literally falling in."

Councilmember Bell thought that this repair might help the stormwater drainage and flooding issues on Forest Trail, and Councilmember Rice agreed.

**VOTE: The motion PASSED UNANIMOUSLY.**



- D. Award of a contract to Rahman's Painting and Repairs, LLC in the amount of \$73,104.25 to pressure wash, caulk and paint IOP Fire Station #2** (Pg. 41, ln 70 – Fire Station #2 Maintenance, ½ Capital Projects \$39,463, ¼ Muni ATAX \$19,731, ¼ State ATAX \$19,731)

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

The Interim Administrator reported that the funds for this work was included in the FY19 budget as part of the repairs and maintenance in the Hill Report. The RFB drew two (2) respondents, and Rahman's bid was the lower one (1), allowing the City to approve certain alternates included in the bid package.

Responding to Councilmember Rice's concern about timing, Interim Administrator answered that she brought this bid straight to the Ways and Means Committee so that the contractor could begin work as quickly as possible.

**VOTE: The motion PASSED UNANIMOUSLY.**

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

**MOTION: Councilmember Kinghorn moved to approve the Change Order from Thomas & Hutton in the amount of \$23,300; Councilmember Rice seconded.**

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Interim Administrator Fragoso stated that this request was coming from the Planning Commission.

Director Kerr explained that, due to the long permitting period of about eighteen (18) months, the Planning Commission was concerned that residents would become discouraged since they were not seeing any work toward resolving the island's multitude of drainage problems. They thought that it would be prudent to locate some "quick and easy" projects that could be done in FY20 while the City was waiting for the issuance of the permits. These funds would be used to expand Thomas & Hutton's current contract; Thomas & Hutton would be looking at the entire drainage basin to insure that the outfalls are correctly sized and doing a deeper analysis of the basin and locate "quick and easy" projects for FY20. These smaller projects would insure that, when the outfalls' improvements have been completed, the water will get to them more efficiently. The twenty-three thousand three hundred dollars (\$23,300) would be for conceptual analysis, and, depending on the project(s) selected, the City would see another Change Order of an equivalent amount for the design in FY20.

**VOTE: The motion PASSED UNANIMOUSLY.**

**7. Miscellaneous Business – none**

Next Meeting Date: 5:00 p.m., Tuesday, April 16, 2019 in the Conference Room

8. **Executive Session to receive update and legal advice on SC DHEC permit operations for marina operations in accordance with SC. Code Section 30-4-70(2)**

**MOTION:** Councilmember Bell moved to go into Executive Session at 6:00 p.m. to receive legal advice on SC DHEC permit operations for marina operations in accordance with Section 30-4-70(2); Mayor Carroll seconded and the motion **PASSED UNANIMOUSLY.**

When the Ways and Means Committee returned to regular session at 6:15 p.m., Mayor Carroll announced that the Committee had not taken any action or a vote while in Executive Session.

**MOTION:** Councilmember Rice moved to approve a Change Order from ATM in the amount of \$6,500 to pursue the necessary permit on behalf of the City to insure that the Tidal Wave comes into compliance with regulatory requirements; Councilmember Buckhannon seconded and the motion **PASSED UNANIMOUSLY.**

9. **Adjournment**

**MOTION:** Councilmember Buckhannon moved to adjourn the meeting at 6:20 p.m.; Councilmember Moya seconded and the motion **PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk



# THOMAS & HUTTON

682 JOHNNIE DODDS BOULEVARD, SUITE 100 | POST OFFICE BOX 1522  
MT. PLEASANT, SC 29464 | 843.849.0200  
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February 25, 2019

Mr. Douglas Kerr  
City of Isle of Palms  
P.O. Drawer 508  
Isle of Palms, SC 29451

Re: Tabby Lane Outfall Improvement  
City of Isle of Palms, South Carolina  
Scope of Services and Fees

Dear Mr. Kerr:

Thank you for requesting our engineering services for the Tabby Lane Outfall Improvement Project. Please find the enclosed Scope of Services and Fee Proposal.

We understand that the Project consists of the following: A study of the existing conditions and proposed drainage improvements to address flooding conditions during high tides on Tabby Lane. The Scope of Services includes:

1. Engineering Analysis and
2. Recommendations.

See the attached Scope of Services for details of the services to be provided. Payment for our services will be as described in the attached General Provisions. You will be billed monthly for our services rendered and for Reimbursable Expenses.

We propose that payment for our services will be as follows:

<u>Phase</u>	<u>Fee Structure</u>	<u>Fee or Time &amp; Expense Budget</u>
Survey	Lump Sum	\$ 1,500.00
Design Phase	Lump Sum	\$ 5,630.00
Reimbursable Expenses	Time & Expense – Budget	\$ 200.00
<b>TOTAL</b>		<b>\$ 7,500.00</b>

The above fee arrangements are on the basis of prompt payment of our invoices and the orderly and continuous progress of the Project through construction.

We anticipate commencement of our work within 7 calendar days from receipt of your authorization to proceed with completion within 30 calendar days from commencement.

Mr. Douglas Kerr  
City of Isle of Palms  
Scope of Services and Fees  
February 25, 2019  
Page 2

This proposal between the City of Isle of Palms (Owner), and Thomas & Hutton Engineering Co. ("Consultant" or "Thomas & Hutton"), consisting of the Scope of Services, Engineering Services Rate Sheet, and this letter with authorized signatures, represents the entire understanding between you and us with respect to the Project. This agreement may only be modified in writing if signed by both of us.

It is our understanding that no work will commence until written authorization is provided to us by you for the Project.

If the arrangements set forth in these documents are acceptable to you, *please sign and initial the enclosed documents in the spaces provided below and return to us.* This proposal will be open for acceptance until March 1, 2019, unless changed by us in writing.

We appreciate the opportunity to prepare this proposal and look forward to working with you on the Project.

The parties agree and acknowledge that any of the parties hereto may execute this agreement by electronic signature, and the other party may rely upon such electronic signature as an original record of signature.

Very truly yours,

**THOMAS & HUTTON ENGINEERING CO.**

By

Richard P. Karkowski, PE, PH, CPSWQ, D.WRE  
Water Resources Department Manager

RPK/ala

Enclosures: Scope of Services  
General Provisions  
Consulting Services Rate Sheet

## **INTRODUCTION AND BACKGROUND**

The City of Isle of Palms (City) intends to prevent flooding from tidal inundation along Tabby Lane. The area of study will be limited to the alignment of the existing storm drain system located on Tabby Lane that extends west through a drainage easement to its outfall in an existing ditch along 25<sup>th</sup> Avenue.

## **SCOPE OF SERVICES**

Our proposed Scope of Services includes the following phases and tasks:

### **1.0 SURVEY**

#### **1.1 Field Survey**

### **2.0 DESIGN PHASE**

#### **2.1 Engineering Analysis**

#### **2.2 Recommendations**

#### **2.3 Design Plan**

### **1.0 Survey**

#### **1.1 Field Survey**

Limited survey data will be collected to augment the available data from T&H's in-house library of GIS mapping data. Some missing data will need to be collected and some "spot" survey data may be collected to confirm the available data. T&H has assumed ½ day of field surveying for this task.

### **2.0 Design Phase**

#### **2.1 Engineering Analysis**

An analysis will be performed to determine what level of protection can be provided from the installation of backflow prevention.

#### **2.2 Recommendations**

A summary of the engineering analysis and the recommendations for improvements will be provided to the City.

#### **2.3 Design Plan**

A single design plan sheet (plan and profile) will be prepared based on the approved recommended plan from the City. The plan sheet will be provided to the City for use in the procurement of construction contractor.

## **EXCLUSIONS**

Items not included in the Scope of Services are as follows:

- Hydrologic and/or Hydraulic modeling.
- Archaeological survey and report.
- Wetland delineation, surveys, or permits.

**SCOPE OF SERVICES AND FEE PROPOSAL BETWEEN  
THOMAS & HUTTON ENGINEERING CO. (CONSULTANT) AND THE CITY OF ISLE OF PALMS (OWNER)  
TABBY LANE OUTFALL IMPROVEMENT**

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**FEBRUARY 25, 2019**

- Geotechnical investigation or report.
- Phase one or phase two environmental assessments.
- Endangered species survey and report.
- Off-site work, unless specifically covered in the Scope of Services.
- Approvals or permits.
- Act as an expert witness for legal activities.
- Subsurface utility engineering.
- SCDOT encroachment permit
- Project Specifications.
- Construction Services.

These items can be coordinated or provided if requested by the City in writing.

DRAFT

**OFFICIAL SEALED BID OPENING**  
**RFB 2019-02 – Pressure Wash, Caulk and Paint**  
**Isle of Palms Fire Station #2**  
10:00 a.m., Wednesday, March 13, 2019  
Council Chambers in City Hall  
1207 Palm Boulevard, Isle of Palms, South Carolina

Present: Douglas Kerr, Director of Building, Planning and Zoning  
Desirée Fragoso, Interim City Administrator  
Marie Copeland, City Clerk

Director Kerr announced the sealed bid opening for RFB 2019-01 – Pressure Wash, Caulk and Paint Isle of Palms, Fire Station #2. He stated that the bid had been advertised in *The Post and Courier* and on the City's website in accordance with the City's Procurement Ordinance. Addenda were issued on February 22 and on March 8, 2019.

**BIDDERS**

**PRICING**

IPW Construction Group LLC

<u>Base Price</u>	\$79,955.00
<u>Alt 1</u> – Pressure wash, repaint bay area, paint roll-up and folding door	9,250.00
<u>Alt 2</u> – Repair and replace rusted ductwork in bay area	15,950.00
<u>Alt 3</u> – Replace rusted railing on roof top	8,355.00

Rahman's Painting & Repairs, LLC

<u>Base Price</u>	\$64,147.15
<u>Alt 1</u> – Pressure wash, repaint bay area and paint roll-up and folding door	2,525.00 3,000.00
<u>Alt 2</u> – Repair and replace rusted ductwork in bay area	3,432.10
<u>Alt 3</u> – Replace rusted railing on roof top	4,475.15

The bids will be evaluated by Interim City Administrator Fragoso and Director Kerr; the award of the contract could be announced at the City Council meeting on March 26, 2019.

Respectfully submitted:

Marie Copeland  
City Clerk





682 JOHNNIE DODDS BOULEVARD, SUITE 100 | POST OFFICE BOX 1522  
MT. PLEASANT, SC 29464 | 843.849.0200  
WWW.THOMASANDHUTTON.COM

March 1, 2019

Mr. Douglas Kerr  
City of Isle of Palms  
P.O. Drawer 508  
Isle of Palms, SC 29451

Re: Phase 3 Internal Drainage Improvements  
City of Isle of Palms, South Carolina  
T&H J-27670.0000  
Letter Agreement for Services

Dear Mr. Kerr:

Pursuant to our meeting on February 25, 2019, you requested Thomas & Hutton perform the following scope changes, which were not included in our original Contract: An expansion of the Study, Alternatives Analysis, and Recommended Outfall Improvements Task from the Phase 3 Drainage Outfall Design and Permitting Contract.

The additional services to be provided will use the H&H modeling and analysis under the original scope to perform a more detailed analysis resulting in the identification, prioritization, and recommendation of drainage improvements to address existing flooding problems and inadequate drainage internal to the three Phase 3 basins. The total construction cost of the recommended improvements will amount to roughly the \$500,000 the City has budgeted for these projects. The Scope of Services includes:

1. A detailed study area analysis,
2. Identification of internal drainage improvement projects,
3. Prioritization of the identified improvement projects,
4. Opinions of probable cost (based on conceptual plans),
5. Recommendations based on the City's available funds, and
6. Miscellaneous consulting.

In order to provide the additional scope of work specified, we request a modification of our Contract. Our fee to perform the described scope change is \$23,300.

If acceptable, please indicate your authorization to proceed with this additional work by signing and initialing where designated below and returning a copy to us for our files. This proposal will be open for acceptance until April 1, 2019, unless changed by us in writing. Please note that no work will be performed without prior written authorization to proceed. This extra work is subject to the terms and conditions of the Contract executed for this Project dated January 16, 2019.

\_\_\_\_ Owner's Initials

\_\_\_\_ Consultant's Initials

Mr. Douglas Kerr  
City of Isle of Palms  
Letter Agreement for Services  
March 1, 2019  
Page 2

This proposal between The City of Isle of Palms (Owner), and Thomas & Hutton Engineering Co. ("Consultant"), consisting of the Consulting Services on a Time & Expense Basis Rate Sheet and Exhibit "A," represent the entire understanding between you and us with respect to the scope change. This agreement may only be modified in writing if signed by both of us.

We appreciate this opportunity to be of service to you on this Project. Should you have any questions or need further information, please do not hesitate to call on us.

Very truly yours,

**THOMAS & HUTTON ENGINEERING CO.**

By

  
Richard Karkowski, PE, PH, CPSWQ, D.WRE  
Water Resources Department Manager

RPK/ala

Enclosures: Exhibit "A"

**CITY OF ISLE OF PALMS**

ACCEPTED: \_\_\_\_\_, 2019

By \_\_\_\_\_

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
Owner's Initials

\_\_\_\_\_  
Consultant's Initials


EXHIBIT "A"

ADDITIONAL SERVICES OF CONSULTANT

If authorized by Owner in writing, Consultant shall furnish or obtain from others Additional Services of the following types that are not considered normal or customary Basic Services.

1. Revising previously fully approved and accepted studies (by regulatory agencies), reports, design documents or Contract Documents when such revisions are due to causes beyond Consultant's control.
2. Furnish the services of special consultant for other than the civil or structural engineering defined in the scope of services. Special services such as mechanical or electrical engineering, geotechnical exploration, underwater investigation, laboratory testing and inspections of samples, materials, and equipment.
3. Preparing to serve or serving as a consultant or witness for Owner in any litigation, public hearing or other legal or administrative proceeding involving the project.
4. Services after completion of the Construction Phase, such as inspections during any equipment, material, or construction guarantee period and reporting observed discrepancies under guarantees called for in any contract for the project.
5. If requested by Owner and agreed to in writing, a Resident Project Representative will be furnished and will act as directed by Consultant in order to assist in observing performance of the work of Contractor(s). Through more extensive on-site observations of the work in progress by the Resident Project Representative, Consultant shall endeavor to provide further protection for the Owner against defects and deficiencies in the work of Contractor(s). However, the furnishing of such representation will not make Consultant responsible for construction means, methods, techniques, sequences, procedures or for safety precautions or programs, or for Contractor(s) failing to perform their work in accordance with the Contract Documents.

Owner's Initials

 Consultant's Initials

**Public Safety Committee**  
9:00 p.m., Monday, March 4, 2019

The regular meeting of the Public Safety Committee held its regular meeting at 9:00 a.m., Monday, March 4, 2019 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell and Ward, Chair Buckhannon, Interim City Administrator Fragoso, Interim Chief of Police Usry, Battalion Chief Hathaway and City Clerk Copeland; a quorum of the Committee was present to conduct business.

1. Chair Buckhannon 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 Bell moved to approve the minutes of the regular meeting of February 7, 2019 as submitted; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

3. **Citizens' Comments**

**Request for City-sponsored event status for 100 meter Fun Run, fundraiser to support the IOP VFW and 14<sup>th</sup> Airlift Squadron Pelican Booster Club, on Saturday, April 13, 2019**

Captain Anna Herndon representing the 14<sup>th</sup> Airlift Squadron at Joint Base Charleston stated that they wanted to hold a fundraiser for their Booster Club, a non-profit group that exists to assist military members and their families, specifically through events for deployed members, gathering care packages and other morale boosters. She described the Fun Run as more of a 100-yard dash. She reported that they have already spoken with the VFW and The Windjammer; they would start with the short run, and then return to the VFW or The Windjammer to eat breakfast and socialize.

They want to leave the smallest footprint for the smallest amount of time; they are expecting no more than one hundred (100) attendees but not all are expected to run. They will have their own medical supplies and trained personnel as well as their own security. Captain Herndon said that they were well aware of the City's policy of no alcohol on the beach and they will make it abundantly clear to those participating.

Responding to Interim Chief Usry, Captain Herndon said that they plan to be on the island between 6:30 a.m. and 7:00 a.m. to set up, and the race time will be set as they get close to the actual date and have a better idea of low tide.

Interim Chief Usry stated that this event will not require service of the Police Department, and the parking lot and street kiosks are operational.

**MOTION: Councilmember Ward moved to approve the VFW and the 14<sup>th</sup> Airlift Squadron event on Saturday, April 13<sup>th</sup> as a City-sponsored event; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

Interim Administrator Fragoso informed the Captain that the next step will be a final approval from City Council that meets at 6:00 p.m., Tuesday, March 26<sup>th</sup> and that it would be good if she attended

to answer any questions Councilmembers might have. The only requirement remaining was to provide the City with a Certificate of Insurance with the City named as an “additional insured.”

Ted McKnight, 2 Shad Roe, stated that he had come before the Public Safety Committee two (2) years ago about the same issue and nothing has been done; therefore, he was going to give his presentation again. His background was as an attorney with the last twenty-four (24) years as a district attorney in Pennsylvania. His issue was parking on Palm Boulevard at the beach access at 54<sup>th</sup> and 55<sup>th</sup> Avenues; in the past, parking in that area was not a problem, but the new parking regulations have pushed people there. He noted that, between 20<sup>th</sup> and 41<sup>st</sup> Avenues, parking has a four-foot (4) setback and, what appears to be, a twenty-five or thirty-foot (25 – 30 ft.) setback at intersections to provide a line of sight; both of which he acknowledged to be for safety. Although the four-foot (4 ft.) restriction did not apply to parking at the far end the of the island, people try to do it anyway and the result is that a person exiting the beach access to get to a car parked on the opposite side of the street cannot possibly see if cars are coming from either direction. As an example, he described a mother with more than two (2) children in-hand and one (1) or more running ahead – that child cannot see whether it is safe to cross or not. He said that it was a tragedy waiting to happen. He opined that, despite the Beach Management Plan’s requirement for parking t beach accesses to public access to the beach, some unique regulations should be made for parking at the beach accesses on the north end of the island. Mr. McKnight added that he would like to receive a text or an email about what the Committee decide to do or not to do; he gave his email address as [tedmcknight8@gmail.com](mailto:tedmcknight8@gmail.com).

Jim Raih, 3904 Cameron Boulevard, thanked Interim Chief Usry for her years of service to the City; he noted that she was a wealth of information and that she be pumped for as much information as possible. He voiced his preference for crushed shell over ROC for stabilizing the shoulders of the road; although he thought the crushed shell was more expensive, he noted that it packed down better than ROC and looked better. He stated that the Waterway Boulevard multiuse path would be a good use of Greenbelt Funds. On the subject of beach handicap accessibility, he said that his wife has MS and that anything the City could do to make the beach more accessible for the handicap would be appreciated. He expressed his support for the Fun Run approved earlier because it was for a good cause, but he thought the day was coming when the City was going to have to turn groups away. He recalled that a list of events was approved several years ago to avoid taking on new ones.

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#### **4. Old Business**

- A. Update on implementing a pay-to-park system on Palm Boulevard**
  - 1. Update on stabilizing product**
  - 2. Update on Stantec feasibility study**

Interim Administrator Fragoso stated that she and Chair Buckhannon attended a meeting in the Stantec offices along with SCDOT and their traffic engineers for a presentation by Tru-Grid of their permeable pavers, a modular, flexible system that can be filled with gravel. She said that the City was evaluating the product for use as a stabilizing product for the shoulders of Palm Boulevard if it were to meet SCDOT requirements for an improved surface for a pay-to-park system. According to the Interim Administrator, this product was one hundred percent (100%) permeable, would delineate spaces, improve the surface, and help with drainage. The City was waiting for Stantec’s proposal for a feasibility study that would provide the true cost of implementing the use of a product like this; she was told that the cost was approximately two dollars ninety cents (\$2.90) per square foot, exclusive of installation. Installation by a certified and licensed contractor would increase the cost to five or six dollars (\$5 – \$6) per square foot.

Tru-Grid did offer to install their product in a location in the City for a test; she and Chair Buckhannon agreed that the test area should be one that was constantly used. The Interim Administrator said that she would be working with them to select the location and allow a season for people to get used to it before any decision was made. The Committee has talked about using the product on the shoulders of the road, but she envisioned other applications, such as the marina parking lot or the municipal parking lot. Such a use would be some time in the future when funds were available for innovative and creative solutions to create a systematic and organized parking plan that would also help to manage stormwater.

The Interim Administrator commented that the SCDOT representatives appeared to be very receptive and excited about the product, and they mentioned some applications where they could also use the product.

Chair Buckhannon again stated that, if the pay-to-park system were to be implemented along Palm Boulevard, it would apply to everyone not just to visitors, but, at the same time, this product would eliminate the man hours dedicated to putting down the white line delineating four (4) feet from the road and the individual parking spaces. He also reported that the Tru-Grid product was approved as ADA compliant.

Councilmember Bell said that the parking problems to be solved were an overcrowding issue, a public safety issue and a State compliance issue with how much parking the City must provide for complete public access to the beach. He remarked that the City was probably providing four (4) times the amount of parking required to get State funding. One (1) problem with pay-to-park along Palm Boulevard was that some residents did not have sufficient parking on their property and use the right-of-way on Palm for any overflow. The Councilmember thought that some of the beach access parking could be eliminated in a responsible way and the City would still meet the State's required number of parking spaces. He opined that the focus of Council should not be revenue generation from parking, but the focus should be public safety, and, for those residents who needed the rights-of-way for parking, he opined that some areas on Palm could be identified as "No Parking."

Councilmember Ward stated that he would like to look into restricting parking between 41<sup>st</sup> and 57<sup>th</sup> Avenues, and he asked that the subject remain on the agenda until it was resolved. He did not think a resident should have to lecture the Committee because it was not doing what it should to address a problem that he brought to the Committee's attention two (2) years ago.

Interim Administrator Fragoso recalled that Chair Buckhannon asked about imposing the four-foot (4 ft.) requirement between 41<sup>st</sup> and 57<sup>th</sup>; she reported that because of the location of the swale ditch, the City would be eliminating parking in some areas. To do this would have consequences with the Beach Management Act; she stated that the City must be very careful not to significantly impair public access to the beach. To address Mr. McKnight's concern about vehicles being parked too close to the beach accesses in Wild Dunes that require crossing the street, the City could install some signage restricting parking, on both sides of an access, within twenty or thirty (20 – 30) feet of a beach access. The City would be losing parking spaces, but the signs would create a buffer from the beach access oaths and create a line-of-sight for those crossing the street. This would require SCDOT approval so an encroachment permit had to be issued before the signage could be installed, but she was confident it could be done for public safety reasons.

Councilmember Bell wanted to see a map eliminating all parking in theory that was possible and work back from there.

Since signage has been such a sensitive issues on the island, Mr. McKnight suggested putting any new beach access parking signs on the same post that has signage on it now. Interim Chief Usry said that SCDOT made the signage rules, but she would ask if this would be possible.

**B. Update on public transit initiative**

The Interim Administrator reported that a meeting has being scheduled for Monday, March 11<sup>th</sup> with the food and beverage businesses and the COG to discuss the public transit initiative and to gauge their interest level; the businesses will also be updated on the changes to the plastics ban being considered and what changes they would be asked to make. The COG has received approval from CHATS to buy the vans, and SCDOT approval was expected from their meeting at the end of the month. With approval from these agencies, the pilot program should be active for this summer season. She stated that she would update Council after the March 11<sup>th</sup> meeting.

**C. Update on Waterway Multi-use Path**

Since the City has been successful in the past in securing funds from CTC and TST funding, the Interim Administrator recommended that the City submit the improvements to the Waterway multi-use path as its priority project with the next round of funding. Based on the number of projects currently underway, Charleston County has been late in getting the requests out for this year. She noted that this project would not be eligible for Greenbelt funding.

**D. Discussion of coyote management**

On Friday, March 1<sup>st</sup>, nine (9) traps were removed from their locations to be properly cleaned for re-deployment; last week, another coyote was trapped making a total of three (3) for 2019. The City has received its Depredation Permit and the island's trapper will operate under the City's permit. In the month of February, only four (4) sightings were reported.

Chair Buckhannon reported that he has had contact with Jim Westerholt, the Forestry and Wildlife Chair for the Horry Georgetown Technical College, and he has offered assistance to the City. He stated that the only way to get a rein of the situation was to get an estimate of the number of coyotes the City was dealing with; Mr. Westerholt offered his class to count them without using DNA. He explained that what he has done in the past was to place students throughout an area and to blast the siren from an emergency vehicle causing the coyotes to being howling; the students then count the different howls they hear.

Since the Wild Dunes Community Association annual meeting was upcoming, Councilmember Bell voiced hope that the Coyote Coalition would be present and would get a clarification on Wild Dunes' response and reaction to the coyote complaints of their residents.

Chair Buckhannon reported that he has sent Mr. Westerholt the City's coyote information and the website location for additional information, and Interim Administrator Fragoso indicated that she had his contact information to arrange a meeting with him.

**D. Discussion of beach handicap accessibility**

Interim Chief Usry referred to State law that she had cited at the February meeting saying that the City must provide access and the City has the means to do it, but the law falls short in that it does not define a cart. If the City were to move forward with allowing golf carts with handicap passengers on the beach, she needed to know if the City would consider a permitting process



and whether or not the City wanted to charge a fee for it. She added that she was working with the City Attorney to get the details of the Sullivan's Island program; if permitting was required, they could be tracked in the existing residential decals system. She expressed her preference that the golf carts only be allowed to access the beach at specified beach accesses, preferably the emergency accesses; that they be required to stay within fifty yards (50 yds.) of the path they utilized; the cart must be registered with the State; and they must have the handicap placard issued by the DMV. If Council approves golf carts on the beach for the handicapped, City ordinances would require a minor change.

Referring to golf carts on the golf course, Councilmember Bell said that they have flags that can be seen from a distance; he thought that would be much easier for residents to have than decals.

**MOTION: Chair Buckhannon moved to suspend the rules to allow Dr. Smiley to join the discussion; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

Jim Smiley, 16 44<sup>th</sup> Avenue, said that the City has been "fooling" around with this issue since September 2018 and appears to be making little, if any, progress. To him, the City was only going to provide limited access to the beach for the disabled; he did not understand limiting where a handicapped person could go once they reached the beach. He stated that, within fifty yards (50 yds.) of the beach access was in the soft sand where the golf cart or motorized wheelchair could most likely mire down; he also questioned why the disabled would not be allowed to go up and down the beach to enjoy it to the fullest extent. He stated that State law did not say "regulate access" but it says that you "shall not prohibit" access. He then asked what the City was going to do with motorized wheelchairs, and Interim Chief Usry explained that motorized wheelchairs were not regulated by the State.

5

The problem the City was trying to avoid was having individuals who were not handicapped taking golf carts on the beach.

The City's ordinance was mimicking the Sullivan's Island ordinance, and the concern over the definition of "motorized cart" might be addressed in their ordinance reducing the time the City would have to spend seeking legal opinions. Interim Administrator Fragoso was confident that if needed an ordinance could be drafted for First Reading at the March Council meeting.

**F. Status of engaging a law enforcement consultant to conduct an independent assessment of management operations in the Police Department**

The Interim Administrator reported that proposals have been requested from four (4) individuals, i.e. one (1) to a person recommended by the Municipal Association, one (1) recommended by the Center for Public Safety Management, and two (2) others recommended by a former Chief of Police for the City of Charleston. The proposals are due this week, and she will go through them to ensure that they include what the City wanted to accomplish.

**5. New Business – None**

**6. Highlights of Departmental Reports**

The Fire and Police Departments' monthly reports are posted to the City's website.

Councilmember Bell recalled that, last year, he had asked that the monthly reports be shortened to include only items on which the Committee should take action or abnormalities that occurred the previous month and why.

The Interim Administrator said that she was working with HR Officer DeGroot to establish training for all department heads. She agreed that the reports contain a lot of good materials for the department managers in running their departments, but not necessarily information that Councilmembers needed to know to allow for informed decision making. She praised Director Pitts who has been proactive in reducing reporting; his Public Works monthly report has been reduced to a one-page dashboard report.

**7. Miscellaneous Business**

Next Meeting Date: 9:00 a.m., Monday, April 1, 2019 in the Conference Room

**8. Executive Session**

**MOTION: Chair Buckhannon moved to go into Executive Session at 10:12 a.m. in accordance with S.C. Code Section 30-4-7(a)(1) to discuss employment matters related to the search for a new Police Chief; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

The Public Safety Committee returned to open session at 10:32 a.m., and the Chair announced that the Committee had not taken a vote or any other action while in Executive Session.

**9. Adjournment**

**MOTION: Chair Buckhannon moved to adjourn the meeting at 10:33 a.m.; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

**PUBLIC WORKS COMMITTEE**  
9:00 a.m., Thursday, March 7 2019

The regular meeting of the Public Works Committee was held at 9:00 a.m., Thursday, March 7, 2019 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmember Smith, Chair Rice, Interim Administrator Fragoso, Public Works Director Pitts and City Clerk Copeland; a quorum of the Committee was present to conduct business. Councilmember Kinghorn was absent.

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 February 11, 2019 as submitted; Chair Rice seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments** – Recognition of Bernard Gourdine and 18 years of service to the City

Chair Rice recognized Bernard Gourdine who would be retiring at the end of March after giving eighteen (18) years of continuous service to the City; he will be missed in the Public Works Department. The Committee wished him health and happiness in his retirement.

Jim Raih, 3904 Cameron Boulevard, said that he has been studying the 10-Year Capital Plan and opined that the City would have some difficult decisions to make in FY 21 through FY 27 with large capital expenditures anticipated in those years. He thought that the time was coming when the City was going to have to look at the capital outlay and the real costs of Public Works to continue the level of service provided today.

4. **Department Reports for February 2019**

Director Pitts noted that garbage was down significantly in the two (2) year comparison, while yard debris was relatively flat over two (2) years. With the extreme high tide, a breach occurred in the stormwater pipe at the marina in the underground storage tank area which filled the area where the new tanks were. The tanks did not float since they had been filled with water. The water was pumped out and the area was secured, and the breach was repaired. In addition, they found an error in the fuel exhaust pipe in the construction area; he was going to meet with Travis Stafford, the Fire Inspector, because there are regulations about exhaust within three feet (3 ft.) of electrical that could require the exhaust to be re-located from the center island to another spot at the marina. The Director was hoping that they could find a way to off-set the exhaust so that it would not have to be relocated away from the center island but be three feet (3 ft.) from electrical components. Responding to the Chair, Director Pitts thought that the project would be completed in five or six (5- 6) weeks. The work highlight for February was preparing the parking lot for the March 1 re-opening. The Director noted that he had invested a significant amount of money in the 2001 flatbed truck, but, by doing so, he opined that it had added five or six (5 – 6) years to the useful life of the truck. He added that the Public Works Department fleet of vehicles was ready for another visitors' season.

Councilmember Smith commented to the fact that the Horry County site that has been the repository for recycled materials was not accepting any more and asked if this would have an impact on the City.

Director Pitts responded that, when Horry was not accepting recycled materials, Charleston County took its material to the landfill.

## **5. Old Business**

### **A. Update on Phase II Drainage project**

Currently work continued on the landscaping and driveways along the route of the project. Additionally the people representing the Rural Infrastructure Grant have visited the work site and were finalizing their report. On the day the representative was on the island, it was raining and no standing water could be seen on the avenues included in the project; she went through the documents she needed from the City and found everything to be in order. The project should be completed by the end of March.

### **B. Update on ditches and drainage issues**

Interim Administrator Fragoso had a brief update on the Burke ditch at 32 – 32<sup>nd</sup> Avenue that the crew from Charleston County would begin work this week and expect to complete the work by the end of the month.

She reminded the Committee that the City gave SCDOT a list of nine (9) small drainage projects on the island; she reported that the crews began their work on Monday, March 4 and have completed the work seven (7) of them and were working on the last two (2) projects now. The crews have been visible all over the island. The schedule for the balance of the year is that SCDOT will send seven or eight (7 – 8) crews to the island the first week of June, and again in September and December; every three (3) months crews will come here to address projects the City has identified for them.

Director Pitts also noted that Eadie's was continuing its work to clean out the ditches on the schedule for this year.

Responding to Councilmember Smith, the Director that, through research, he had discovered that the 21<sup>st</sup> Avenue was the ditch that was not a ditch, but it was visible to all who passed by. The depression could handle stormwater from low-lying areas between 21<sup>st</sup> and 22<sup>nd</sup> Avenues. The next step would be for the City to get easements before any work could be done, but Directors Kerr and Pitts did not anticipate any problems.

Director Pitts stated that the stormwater from this ditch flowed into the 21<sup>st</sup> Avenue collection box.

Once the easement has been recorded, the Interim Administrator opined that, possibly, NPDES funds could be used to cover the costs of the improvements.

### **C. Update on proposal from residents to install a flap gate on Tabby Lane**

Proposals for the surveying, engineering and design were submitted to the City by Coastal Environmental Services (CSE) in the amount of ten thousand dollars (\$10,000) and from Thomas & Hutton for seventy-five hundred dollars (\$7,500). The staff recommendation was to award the

contract to Thomas & Hutton in an amount not to exceed seventy-five hundred dollars (\$7,500) and paid from the Drainage Contingency Fund.

**MOTION:** Chair Rice moved to recommend to the Ways and Means Committee the award of a contract not to exceed \$7,500 for the surveying, engineering and design for a flap gate on Tabby Lane; Councilmember Smith seconded,

Chair Rice noted that the residents would pay for the construction costs.

**VOTE:** The motion PASSED UNANIMOUSLY.

**D. Update on repairs needed at Marginal Road**

Chair Rice recalled that the City was waiting for a decision from Charleston County about whether they would participate in the work; she also noted that the road was sinking more rapidly than she had expected.

Director Pitts reported that he has pressed Eadie's to give him a cost to do the work; they made a second site visit and quoted him a cost of twenty-seven thousand five hundred dollars (\$27,500). Kip Eadie said that the job would require the contractor to cut across the road, to replace the joints and then to install the flap gate.

Chair Rice asked about the balance remaining in the Drainage Contingency Fund.

Interim Administrator Fragoso said that she would have confirm the number with Treasurer Suggs.

When the Chair stated that she wanted to see a ~~formal~~in actual quote from Eadie's, Director Pitts suggested that he would continue to press the County and SCDOT for quotes and to obtain quotes from other contractors before making a decision.

Chair Rice agreed that the Committee needed to do its due diligence, but she stressed that the work should be completed before the next king tide; she did not think that section of the road could withstand it, and the Director agreed.

**MOTION:** Chair Rice moved to recommend to Ways and Means an amount not to exceed \$30,000 for emergency repairs needed on Marginal Road; Councilmember Smith seconded.

Councilmember Smith asked the Director why this work would be deemed an emergency and the ramifications if the work was delayed.

The Director replied that the issue of delaying the work was that Marginal Road would collapse.

**VOTE:** The motion PASSED UNANIMOUSLY.

**E. Consideration of Ordinance 2019-04 – An Ordinance amending Title 4, Public Works, Chapter 4, Single Use Plastic Bags**

Interim Administrator Fragoso reported that the ordinance expanding the plastics bags ordinance was offered at the February City Council meeting for Second Reading and was deferred and sent back to the Committee. She reported that a meeting has been scheduled for Monday, March 4<sup>th</sup>

with the restaurant owners and managers to explain the ordinance changes and a representative of the COG would attend to report on the progress made in the public transit initiative. Additionally she reported that she and the Mayor had gone to Columbia last week to attend a Hearing where the plastic ban ordinances should be made null and void; the reasons to take this action were that they did not think the ordinances would be enforceable and that the ordinances were inconsistent from one (1) community to the next. One (1) of the inconsistent issues was the thickness of the bags; for example, the City of Charleston recently amended its ordinance to go to four (4.0) mills thickness from two point twenty-five (2.25) mills. She stated that Mount Pleasant, Sullivan's Island and the Isle of Palms' ordinances state a thickness of two point two five (2.25) mills. Another topic of discussion was to exclude as exceptions plastic drink lids and plastic condiments tubes; prior to First Reading the Committee decided to include in its ordinance the ban on plastic drink lids and plastic condiment tubes. Members of the food and beverage industry voiced concerns over this and pointed out that the Isle of Palms would be the only community to do so; they also questioned the practicality of banning these items. In an effort to be consistent with the island's neighbors, the Interim Administrator recommended that the City's ordinance should include plastic drink lids and plastic condiment packaging as exemptions in the plastics ban.

**MOTION: Councilmember Smith moved to add plastic drink lids and plastic condiment packaging in the exemptions in the ordinance expanding the plastics ban; Chair Rice seconded.**

Chair Rice reiterated the need to be consistent with Folly Beach, Sullivan's Island, the City of Charleston and Sullivan's Island.

**VOTE: The motion PASSED UNANIMOUSLY.**

After First Reading, some Councilmembers asked about banning drink lids and condiment packaging from the beach like Sullivan's Island and Folly Beach, and the Mayor thought it was worthy of evaluation.

Councilmember Smith thought that to ban these items from the beach would make enforcement easier and that it would show how seriously the City values the environment in the sea and on land. Based on the Mayor's opinion, she thought the subject should be put before the full Council for discussion.

Chair Rice agreed with the idea of Council discussing the issue, but she also wanted to hear from the public safety side.

Having reached out to Folly Beach about their ban on plastic drink lids and condiment packaging from the beach relative to enforcement, the Interim Administrator learned that their enforcement consisted of issuing warnings to people. She also learned that they were involved in public awareness and education on the problems associated with plastics in the waterways. She also remarked that Kelly Thorvelson, the Sea Turtle Rescue Program Manager for the South Carolina Aquarium, was a strong advocate for banning these items from the beach.

Councilmember Smith agreed that consistency in the beach communities was valuable and offered that possibly a public service message could be coordinated with these municipalities. She was pleased to know that polystyrene coolers would not be allowed on the beach because of its deadly impact on marina life.

## **6. New Business**

**A. Request from 48<sup>th</sup> Avenue LLC to tie into the City's drainage system**

As background, Interim Administrator Fragoso stated that 48<sup>th</sup> Avenue was a private road, and, as such, was not included in the Phase II Drainage project; they contacted the City several months ago asking what the process would be if they wanted to tie-in to the new drainage project. They contracted with Dave Stevens and CSE for the engineering and design and the Interim Administrator reminded the Committee that Mr. Steven told them that he had designed the system to handle additional capacity thinking that 47<sup>th</sup> and 48<sup>th</sup> Avenue and the Citadel Beach House would likely tie-in at some point in the future. The City Attorney was drawing up an agreement stating that the responsibility for maintaining the system would fall to the 48<sup>th</sup> Avenue LLC to insure that any issue they incurred would not impact the City's overall drainage system.

Mr. Stevens reiterated that the stormwater from 48<sup>th</sup> Avenue would not be additional flow because it was taken into account in the original design. He stated that they needed a letter from the City requesting that they be allowed to tie-in to the SCDOT system because it was part of the IOP drainage system and the City was required to maintain it.

Responding the Interim Administrator's question about when construction would begin, Mr. Stevens replied that they would begin as soon as the encroachment permit was issued. He also assured the Chair that traffic on Palm would not be interrupted since this drainage would tie-in to the junction box at the corner that has already been installed.

Interim Administrator Fragoso explained that the letter of approval would also include language for the City to enter into a maintenance agreement with the LLC. In addition, she reported that she has been working on an agreement between the City and the property owners to ensure that they understand their responsibility for the maintenance of the drainage system up to Palm Boulevard.

**MOTION: Councilmember Smith moved to recommend to Council the approval of the 48<sup>th</sup> Avenue LLC to tie-in to the City's drainage system at their cost and to assume the responsibility for its maintenance; Chair Smith seconded and the motion PASSED UNANIMOUSLY.**

**B. Discussion of Dominion Energy's 2019 tree trimming schedule for the Isle of Palms**

The Interim Administrator said that the tree trimming on the length of the island was being done now in preparation for hurricane season as part of a five (5) year program, and the pruning was projected to take two (2) months. She said that she has met with them twice and asked them to hold a public meeting on the island to demonstrate what they do and they have agreed to do so. In addition, they have a thorough educational program that will involve notifying property owners by mail and by email ahead of the start. Their task is to remove tree limbs that are near power lines. She stated that she did not have a timeframe when work will begin.

Chair Rice said that it was "very horrifying" and "really alarming" what they do to trees, and she predicted that the work would generate quite an "uproar."

On the City's website will be 'before and after' pictures to inform people about what they should expect, as well as notification of the public meeting encouraging residents to attend.



**7. Miscellaneous Business**

**Next Meeting Date: 9:00 a.m., Thursday, April 4<sup>th</sup> in the Conference Room**

**8. Executive Session – not needed**

**9. Adjournment**

**MOTION: Chair Rice moved to adjourn the meeting at 10:53 a.m.;  
Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

February 20, 2019

Ms. Desiree Fragoso  
Interim City Administrator  
City of Isle of Palms, SC  
1207 Palm Boulevard  
Isle of Palms, SC 29451

Re: Drainage Connection Request for 48th Avenue

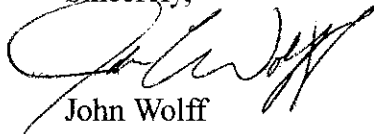
Dear Ms. Fragoso,

As you are aware, 48th Avenue experiences drainage and flooding issues similar to those experienced by other beachfront avenues. In order to resolve these issues we would like to request permission from the City to connect to the City's recently installed drainage line on Palm Blvd.

We have retained Civil Site Environmental to provide engineering design and construction plans so that we may construct a piped drainage system to collect runoff and to connect to the City's system. Additionally, we will obtain all necessary permits for the construction of the system.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Wolff', is written over the printed name.

John Wolff  
President/Member  
48th Avenue LLC

South Carolina Secretary of State Mark Hammond

# Business Entities Online

File, Search, and Retrieve Documents Electronically

## 48TH AVENUE, LLC

### Corporate Information

**Entity Type:** Limited Liability Company**Status:** Good Standing**Domestic/Foreign:** Domestic**Incorporated State:** South Carolina

### Important Dates

**Effective Date:** 03/14/2013**Expiration Date:** N/A

:

**Term End Date:** 12/31/2099**Dissolved Date:** N/A

### Registered Agent

**Agent:** CUSTIS M BYARS ESQ**Address:** 435 FRESHFIELD'S VILLAGE DR STE H-200  
JOHNS ISLAND, South Carolina 29455

### Official Documents On File

Filing Type	Filing Date
Organization	03/14/2013

For filing questions please contact us at 803-734-2158

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**OPERATING AGREEMENT  
OF  
48<sup>th</sup> Avenue, LLC**

This Operating Agreement of 48<sup>th</sup> Avenue, LLC (the "LLC"), a South Carolina Limited Liability Company organized on the 20<sup>th</sup> day of March, 2013, is hereby adopted by John C. Wolff, Trustee of the Irrevocable Trust Created By Ann B. Crane, dated December 19, 2012, as its sole member.

**ARTICLE I  
ORGANIZATION**

- 1.1 **Formation.** The LLC has been organized as a South Carolina Limited Liability Company by the filing of Articles pursuant to the South Carolina Uniform Limited Liability Act of 1996 (the "Act") and the issuance of a certificate of existence for the LLC by the Secretary of State of South Carolina.
- 1.2 **Name.** The name of the LLC is 48<sup>th</sup> Avenue, LLC and all LLC business must be conducted in that name or such other names that comply with applicable law as the Member may select from time to time.
- 1.3 **Designated Office.** The designated office of the LLC required by the Act to be maintained in the State of South Carolina shall be the office of the initial registered agent named in the Articles or such other office (which need not be a place of business of the LLC) as the Member may designate from time to time in the manner provided by law.
- 1.4 **Registered Agent.** The registered agent of the LLC in the State of South Carolina shall be the initial registered agent named in the Articles or such other Person or Persons as the Member may designate from time to time in the manner provided by law.
- 1.5 **Term.** The LLC commenced on the date the Articles were filed with the Secretary of State of South Carolina for the LLC and the LLC shall be an at-will Company, as that term is defined in the Act.

**ARTICLE II  
MEMBER**

- 2.1 **Additional Members.** Additional Persons may be admitted to the LLC as Members and Memberships may be created and issued to those Persons and to the Member at the direction of the Member and on such terms and conditions as the Member may determine at the time of admission. The

terms of admission or issuance must specify the percentage of Net Profit and Net Loss allocable to such Person and the Capital Contribution applicable thereto, and may provide for the creation of different classes or groups of Members having different rights, powers and duties. The Member shall reflect the creation of any new class or group in an amendment to this Operating Agreement indicating the different rights, powers and duties.

- 2.2 **Liabilities to Third Parties.** Except as otherwise expressly agreed in writing, no Member shall be liable for the debts, obligations or liabilities of the LLC, including under a judgment decree or order of a court.

### **ARTICLE III CAPITAL CONTRIBUTIONS**

The Member's Capital Contribution is described in Exhibit A. No interest shall accrue on any Capital Contribution.

### **ARTICLE IV MANAGEMENT BY MEMBER**

- 4.1 **Management by Member.** The powers of the LLC shall be exercised by or under the authority of, and the business and affairs of the LLC shall be managed under the direction of the Member. The Member may make all decisions and take all actions for the LLC not otherwise provided for in this Operating Agreement, including, without limitation, the following:
- A. entering into, making and performing contracts, agreements and other undertakings binding the LLC that may be necessary, appropriate or advisable in furtherance of the purposes of the LLC and making all decisions and waivers thereunder;
  - B. opening and maintaining bank and investment accounts and arrangements, drawing checks and other orders for the payment of money, and designating individuals with authority to sign or give instructions with respect to those accounts and arrangements;
  - C. maintaining the assets of the LLC in good order;
  - D. collecting sums due the LLC;
  - E. to the extent that funds of the LLC are available therefore, paying debts and obligations of the LLC;
  - F. acquiring, utilizing for LLC purposes, and disposing of any assets of the LLC;

- G. borrowing money or otherwise committing the credit of the LLC for LLC activities and voluntary prepayments or extensions of debt;
- H. selecting, removing and changing the authority and responsibility of lawyers, accountants and other advisors and consultants;
- I. obtaining insurance for the LLC; and
- J. determining distributions of LLC cash and other property.

## **ARTICLE V INDEMINIFICATION**

The LLC shall indemnify the Member and agents for all costs, losses, liabilities and damages paid or accrued by the Member or agents in connection with the business of the LLC to the fullest extent provided or allowed by the laws of this State.

## **ARTICLE VI DISSOLUTION, LIQUIDATION AND TERMINATION**

- 6.1 **Dissolution.** The LLC shall dissolve and its affairs shall be wound up on the first to occur of the following:
- A. the written consent of the Member;
  - B. upon the withdrawal, death, retirement, resignation, expulsion, bankruptcy or dissolution of the Member or the occurrence of any other event which terminates the continued membership of the Member in this Company; or
  - C. administrative dissolution as provided in Section 33-44-809 of the Act.
- 6.2 **Winding up and termination.** On dissolution of the LLC, the Member, or in the event of the death of the Member, the Member's Personal Representative or Executor, will act as liquidator. The liquidator shall proceed diligently to wind up the affairs of the LLC and shall make final distributions as provided herein and in the Act. The costs of liquidation shall be borne as a LLC expense. Until final distribution, the liquidator shall continue to operate the LLC properties with all of the power and authority of the Member. The liquidator shall pay, satisfy, or discharge from LLC funds all of the debts, liabilities, and obligations of the LLC or otherwise make adequate provision for payment and discharge thereof. All remaining assets of the LLC shall be distributed to the Member or, in the event of the death of the Member, the Member's estate.

- 6.3 **Articles of Termination.** After the dissolution of the LLC pursuant to Section 33-44-801 of the Act, the Member, or in the event of the death of the Member, the Member's Personal Representative or Executor, shall file Articles of Termination with the Secretary of State of South Carolina and take such other actions as may be necessary to terminate the LLC.

The undersigned, being the sole Member, hereby certifies that the foregoing Operating Agreement was adopted by the Member, effective the date first noted above.



John C. Wolff, Trustee of the Irrevocable  
Trust Created By Ann B. Crane, dated  
December 19, 2012



**EXHIBIT A**

Member	Capital Contribution
John C. Wolff, Trustee of the Irrevocable Trust Created By Ann B. Crane, dated December 19, 2012	\$ <u>2.2</u> MILLION

**Recreation Committee**  
5:00 p.m., Monday, March 4, 2019

The regular meeting of the Recreation Committee was held at 5:00 p.m., Monday, March 4, 2019 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Buckhannon and Smith, Chair Moyer, Interim Administrator Fragoso, Recreation Director Page and Clerk Copeland; a quorum of the Committee was present to conduct business.

1. Chair Moyer 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. Election of Chair and Vice Chair**

Chair Moyer resigned his Chairmanship due to the demands of the Personnel Committee where he is also Chair. He, therefore, called for the election of a new chair.

Chair Moyer nominated Councilmember Smith as Chair; Councilmember Buckhannon seconded. Councilmember Smith was unanimously elected Chair of the Recreation Committee.

Councilmember Moyer nominated Councilmember Buckhannon as Vice Chair; Chair Smith seconded, and Councilmember Buckhannon was unanimously elected Vice Chair.

**3. Approval of Previous Meeting's Minutes**

**MOTION: Councilmember Buckhannon moved to approve the minutes of the regular meeting of January 8, 2019 and February 7, 2019 as submitted; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.**

**4. Citizens' Comments**

Jim Raih, 3904 Cameron Boulevard, was pleased to see that the Committee was seeking ways to better engage with the community; he thought that the Rec Center should have a limited staff on holidays to keep the Rec Center open and should provide activities for the days the island's youth were out of school. Mr. Raih recalled that he had served on the first *ad hoc* committee for an island farmers' market. He said that the name "Farmers' Market" did not fit the market that the City was sponsoring; with only one (1) farmer participating, he thought it should be called a food truck rodeo or a fair or whatever the City chooses, but not a farmers' market. He suggested encouraging residents to stop on their way home from work to get dinner from one (1) of several food trucks participating. He concluded by suggesting that, since the Rec Center was the benchmark for the City's overall appearance, Director Page should be more involved with the Real Property Committee to guide them in improving the appearance of the municipal parking lots, for example; he said that he has frequently heard residents refer to the lots as "an eye sore." He stated that it was time for the City to take ownership and to make the necessary improvements to the lots. He thought that the marina tenants should chip in to have the parking lots graded; he recalled a time when the City would partner with the marina manager to improve the lot, i.e. the City would buy the materials and the marina manager would provide the labor to grade the lot.

**5. Departmental Reports**

Director Page stated that the report was longer than usual to answer some of the questions she has been asked in recent meetings.

The Director commented that the "Acting Performance Workshop" was a well-received program; the instructor Jean Schubert has a special means of relating to the youngsters in the class. At the end of the program, they will put on a performance for their parents, family and friends, and it is always well done.

Among the social groups that take advantage of the Rec Center to get together are "Gather, Knit and Stitch", mah jongg and woodcarving; they sit around with their projects, talking and just enjoying the companionship.

A class that was suggested by the instructor was the 'Spanish: Travel and Leisure'; the class has been very popular.

Director Page reported that Doggie Day at the Rec was a huge success, and many dogs were adopted. The Front Beach Fest will be on Saturday, March 9<sup>th</sup> from noon until 4 p.m., and the weather forecast calls for a perfect day for the event. The bands that will be performing are the bands from the Holiday Street Festival when it rained and activities had to be moved inside. The annual Yard Sale will be held on Saturday, March 30<sup>th</sup>, the Easter Egg Hunt on Saturday, April 20<sup>th</sup> and Music in the Park on May 4<sup>th</sup>.

The Director noted that the Rec staff always has activities planned for the days when the island's youth are out of school; for instance, it could be dodgeball and a movie when the kids have pizza, watch a movie and play.

Registration for island residents for summer camps will be on Saturday, May 4<sup>th</sup> from 1:00 p.m. to 3:00 p.m.; non-residents can register the following week.

The adult athletic programs will begin a new session this week, and the youth have just finished basketball and are beginning baseball. The numbers for baseball registration are in the report showing how many youths from IOP and how many from off island.

Councilmember Moyer asked how the 2019 registration compared to previous years, and the Director thought that they would be very similar. Although the Rec Department teams suffer due to the traveling teams, the total needed to form a league was usually met.

Noting that summer camp registration was later than usual, Chair Smith was interested to see if it has any impact since Mount Pleasant registration begins at the end of this month. Since staff will be on duty anyway for Music in the Park, registration for summer camp the same afternoon seemed to be a good fit.

Chair Smith asked if notification of the Saturday camp registration was being advertised to residents, and Director Page was certain that the word was being spread among interested island residents.

## **6. Old Business**

**A. Consideration of rental alternatives for the Recreation Center, fields and courts and associated costs**

Director Page stated that she “was not crazy about the idea of renting the facility” because if it was rented to one (1) group it must be rented to all. She thought the biggest demand would be for renting the athletic fields based on the number of traveling teams in the area. She reported that the area Recreation Directors meet every month, and the biggest challenge to all was field usage by outside groups, then allowing the fields to rest before the Rec Departments’ athletic activities begin. She also noted that it would be difficult to police; she also foresaw a problem when a traveling team has rented a field and a large family who are residents of the island want to use it –who wins the conflict? The team that rented the field or the residents of the island. If Council were to decide to rent the fields, the policy would need a campaign to educate the residents. The same issue could come up with the picnic shelter; many island residents show up to hold birthday parties, graduation parties, etc., and only seldom do they call in advance. If they were to be asked to leave because it has been reserved by whoever, their response would be that they did not see the sign or that, as island residents, they should get preference. But the Director said that they could do it; it would take time and resources to do it.

Councilmember Moyer stated that the question that should be asked when change was proposed was “what is the benefit to be provided versus the cost to do it?” On the subject of field rest, he said that he would look to the Director and her staff to tell him how much rest time the fields would need so that neither Rec activities nor a group wanting to rent a field would be allowed to use them. For him, the first part was to preserve the City’s asset and he would look to the Rec Department’s staff to insure that was done; he then saw the cost to be the added burden to the Rec staff. He stated that island residents who belong to travel or other teams would benefit from using the fields, and he has heard from a number of them that they want to use the Rec Department’s fields. He said that, if Council decided to rent the facilities, it would be because more people would benefit. He added that he did not have a recommendation at this time because he was still digesting the information.

Councilmember Buckhannon opined that the best approach to the issue would be to make those concessions when the fields were available based on the Rec Department’s schedule. He stated that the field rental would be considered on a case-by-case situation since the Rec Schedule changes month to month and maybe week to week; any long-term scheduling would be difficult.

Interim Administrator Fragoso said that these actions would require a change in the Rec policy that currently discourages organized groups from using the fields and basketball courts. This might be an opportunity to address why that policy was in place, and she said that this could be a way to accommodate residents without establishing a formal rental program.

Director Page cautioned the Committee that, if the City establishes this program, the Rec Department will receive requests from travel teams from Mount Pleasant because they were constantly looking for fields.

Councilmember Moyer opined that being inconsistent with the times when the fields would be available on a monthly basis would not suit their needs because they practice on specific days and times.

The Rec teams also have to practice, but their practice days can vary week to week to accommodate date the coaches’ schedules.

A problem that the Director anticipated was who or how they would keep up with these schedules since the full Rec staff was not at the Rec all of the time. She suggested that the City might have to invest in a program to maintain the schedule of field usage.

Councilmember Moyer was ready to depend on Director Page's knowledge and expertise to devise a plan "to test the water" possibly by allowing one (1) field to be rented or reserved. He wanted a way that the residents would know that Council was listening to them and trying to meet their needs.

Chair Smith thought that they should distinguish between school teams and traveling teams; she was under the impression that traveling teams were accustomed to renting fields.

Councilmember Buckhannon noted that most school teams have a place to practice.

Interim Administrator Fragoso opined that paying to rent the field might add a layer of accountability that was important; it would discourage teams from calling to reserve a field and then not showing up.

Director Page voiced total agreement, but asked the Committee how it could be policed; for example, she was convinced that someone was teaching tennis lessons on the Rec Department's courts, but, if they were approached, the response was that she was an aunt helping her nieces.

For Councilmember Moyer, allowing island residents to reserve a field or the picnic shelter was not about raising revenue but about accommodating them. He stated that he wanted to know if it was a feasible system that that was helping to educate the community and helping Council make better decisions. Between now and the next meeting, he wanted the Rec staff to devise a way to determine if it was a feasible way to accommodate residents.

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Interim Administrator Fragoso wanted to clarify the Committee's charge to the Rec Department, and she stated that the Committee wanted the Rec staff to determine what times the Rec athletics and activities would be using the fields, how much time needed to be built in for the fields to rest, how much time to be left open for first come/first served and finally identify the times that could be made available for the field to be rented.

Director Page explained that the organized teams that might come to use the City's fields have coaches that are unknown to the Rec staff and who have not had a background check by the City. Their backgrounds would be a blank; if someone wanted to coach a Rec team but did not pass the background check, he/she would not be allowed to coach.

After lengthy discussions, the decision was made that teams that have fifty percent (50%) island residents on the team would be allowed to reserve a field. Director Page remarked that this would be much easier to do and did not require any calculation of available times.

Councilmember Moyer was impressed by the criteria the Director had for coaches and indicated that he would support background checks for coaches who are unknown to her.

**B. Consideration of policy changes to encourage more residents to use the Rec Center**

Councilmember Moyer said that this subject came up from the meeting Mrs. Rosenthal attended when she also wanted a better way to pay for classes.

Director Page said that she was comparing the IOP Rec Center with the Mount Pleasant Senior Center which, for a variety of reasons, was not an equal comparison. According to Director Page, the Senior Center has a cafeteria, free coffee and pastries every day, daily newspapers, etc. Their pay system is one (1) where a resident pays the annual fee, and they pay five dollars (\$5) per class. Additionally, their instructors are paid a salary where the Isle of Palms pays its instructors a percentage of the class enrollment/attendance fees.

On a bit of a tangent, Councilmember Moyer asked what the process was if a person offered to teach a new class or a resident suggested a new program or class to get that class added to the schedule. According to the Director, that is how ninety percent (90%) of the classes happen – an instructor or a resident presents a new idea to her; no petitions were needed. The idea or concept was put into the Activity Guide and either enough people registered for the class or they didn't; if the number of registrants was reasonable, the classes moved forward as listed in the Guide.

Interim Administrator Fragoso said that she was charged with looking into ways the City could partner with the Exchange Club since they have a large facility. Although she has not had a lot of time to think about it, she thought that, as the Committee pursues way to create a sense of Community, opportunities might arise that would lend itself to partnering.

Councilmember Moyer suggested that resident education was needed more than policy changes; residents want to know how to get something done or make something happen.

Director Page suggested that, when Councilmembers were approached about new classes or programs, to get their name and phone number for her to call them as opposed to telling the person to call Norma Jean. Director Page's reaching out to him/her has a way of making him/her feel more important, and the call shows that the City does care about him/her.

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### **C. Discussion of fee structure for classes and programs**

Chair Smith stated that she had some specific suggestions relative to exercise classes; she was interested in finding a way that residents could buy a month's classes that were not tied to one (1) class. She wanted residents to be able to attend a variety of exercise classes in a month for an established price.

Director Page thought that the instructors would allow someone to attend a class at no charge to determine if she thought it was right for her.

Director Page saw challenges for her in that the classes have different fees and in figuring the month's class attendance to compute the instructor's pay since it was a percentage of the revenue generated by the classes they teach.

The first step would be for Director Page to compute the per class fee when using a sampler rate, and then to ask the instructors to agree to a third rate, a sampler rate, being charged for their classes. When someone checks in at the desk using a sampler card, she would be coded as a sampler rate holder attending the exercise class of her choice; from there, Councilmember Moyer thought the computations for determining the instructors pay would be relatively simple.

Director Page stated that, when a class fee is paid, it must be applied to the appropriate class, and with this sampler category, the participant will likely not know in advance what classes she would attend in the coming month. She thought that she and the Treasurer could determine a way to make it work, but it would not be through the existing RecTrac software. On the other

hand, she would prefer to let the resident attend the classes she wants to attend in a month and to settle up financially at the end of the month.

Director Page asked for the name of the person to whom Chair Smith spoke to call to ask her to come into the office to hear exactly what it was that she wanted and to figure out a way to accomplish it.

#### **D. Update on franchise agreement**

Interim Administrator Fragoso reminded the Committee members that City Council voted in their February meeting to proceed generating an RFP for an exclusive beachfront franchise agreement within Wild Dunes. She has the final draft that reflects Council's decision to allow surfing lessons on the beach, and she has a meeting scheduled with Frank Fredericks from Wild Dunes on Wednesday in an effort to speed up the process by getting his approval of the terms in the agreement. The franchise agreement has been drafted and will be part of the RFP so that anyone submitting a proposal would know the terms of the agreement would be required to meet. She distributed a proposed timeline that if everything went according to plan, would have the franchise operational for the 2019 beach season. The public notice of the bid will be in newspaper on March 6<sup>th</sup>, and the deadline for proposals will be March 19<sup>th</sup>. The timeline provides ten (10) days for the evaluation of the proposals and interviews with the individuals, if necessary; a recommendation for an award of a contract will be presented to the Recreation Committee on April 1<sup>st</sup> and then go to Ways and Means and to City Council for First Reading on April 23<sup>rd</sup>.

#### **7. New Business**

##### **Discussion of 2019 Farmers Market**

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Interim Administrator Fragoso reported that she met with the two (2) managers of the IOP Farmers Market recently, and they asked that the City consider moving the Farmers Market to the Rec Center. The County Park was chosen because of the availability of parking and the proximity to Front Beach; the hope then was that market-goers would go to a Front Beach restaurant after shopping. After two (2) years, that has not happened, and, last year, the market added beer and wine sales but the managers were unable to draw any vendors.

The Interim Administrator agreed that holding the market at the Rec Center was a good fit despite the fact that it would have to be scaled back a bit. She noted that the City has received many comments that the market had too many craft vendors and only one or two (1 – 2) farmers.

Staff is working on the logistics necessary to have the farmers market at the Rec Center that could possibly see a change in the day of the week when it is held.

#### **8. Miscellaneous Business**

Next meeting date: 5:00 p.m., Monday, April 1, 2019 in the Conference Room

#### **9. Adjournment**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 6:32 p.m.; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted: Marie Copeland, City Clerk



**Real Property Committee**  
9:00 a.m., Wednesday, March 6, 2019

The Real Property Committee held its regular meeting at 9:00 a.m., Wednesday, March 6, 2019 in the City Hal Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmember Ward, Chair Bell, Interim Administrator Fragoso and City Clerk Copeland; a quorum of the Committee was present to conduct business. Councilmember Ferencz was absent.

1. Chair Bell 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 Ward moved to approve the minutes of the regular meeting of February 6, 2019; Chair Bell seconded and the motion PASSED UNANIMOUSLY.**

**3. Citizens' Comments**

Jim Raih, 3904 Cameron Boulevard, said that he read the proposal for the real estate consultant and opined that the City might not receive any proposals because finding someone who could meet all of the criteria was going to be difficult. He stated that he has been in commercial real estate most of his life and was able to meet most of the specifications, but not all. On the subject of a list of certified arborists, he cautioned the City about limiting the number of arborists who can do work on the island; he opined that, if an arborist was certified and registered with the State, he should be allowed to work here.

**4. Comments from Marina Tenants**

Michael Fiem, Tidal Wave Watersports, stated that their dock permit needs to be updated; he noted that it has not been permitted since 1995. He said that he was unaware of the problem until November. He told the Committee that they have everything ready with the exception of the survey, and he was asking permission to hire ATM to do it thereby maintaining all marina related information in one (1) location. He went on to say that, when their dock fell in during the last dredging project, the electrical was torn apart and redone, but the company did a sub-par job. Since they were running out of wire, they started putting junction boxes underneath and they are not waterproof; every time there is a really high tide, they lose power and an electrician must dry them out and flip the breaker. With the start of another season, they have decided to go out for bids to redo the electrical on their dock at their expense. They are planning to do a stand-alone location for a shuttle/concierge service to the marina from the Front Beach area, and this service will be in addition to the public transit service for food and beverage employees. Mr. Fiem announced that Tidal Wave will hold another Residents' Day on April 14<sup>th</sup> with donations going to the Exchange Club.

Brian Berrigan, Marina Manager, appreciated the timeline sent to him on the marina restaurant RFP, but he thought that it allocated a short window for prospective respondents to do their due diligence to submit a complete and comprehensive proposal. He asked that bidders be given ninety (90) days to respond.

Chair Bell commented that he and the Interim Administrator have discussed this issue and he agreed that forty-five (45) days was not enough time, and he thanked Mr. Berrigan for his input.

**5. Old Business**

**A. Discussion of marina restaurant lease bid process/timeline**

- 1. Status of building assessment**
- 2. Status of engaging the services of a commercial real estate consultant to guide and advise the City on the bidding process**

Interim Administrator Fragoso reported that the building assessment report will be presented to the City on Wednesday, March 13<sup>th</sup>; as part of the report, Hill voiced concerns about the subfloor under the walk-in freezer and expressed concerns for public safety. She met with the restaurant operator on-site and asked that he engage the services of a structural engineer to draw up a repair action plan for the City.

The deadline for submitting proposals for a real estate consultant was March 8<sup>th</sup>.

**B. Update on removal and replacement of the underground storage tanks at the IOP Marina**

The contractor has indicated that the bulk of the work will be completed next week, and the dockside dispensers will be installed this week in order to pour the concrete on the fuel island next week.

Interim Administrator Fragoso reported that the City has not yet received the analysis of the soil sample that was submitted.

**C. Update on marina dock rehabilitation project**

According to the Interim Administrator, ATM was continuing its work on the permits and was scheduling the pre-application meeting with the permitting agencies.

**D. Status of list of certified arborists**

Referring to Mr. Raih's comments, Chair Bell said that the intention of the list was not to identify the arborists who would be allowed to work on the island but would identify arborists that the City considered reliable.

Interim Administrator Fragoso reported that she had not had a lot of time to work on this, but she did have concerns that she wanted to discuss with the City Attorney before going forward, such as, whether it would require a change to the City Code. If a code change was necessary, the City would need to issue a Request for Qualifications.

Director Kerr said he received only a handful of requests in a year to cut down a tree that appeared to be healthy on a site visit and that a possible middle ground would be to add to the budget for Professional Services to allow him to hire an arborist to confirm the health of the tree. He noted that, if an arborist was found to be doing something egregious and inaccurate, a state process existed to "weed" him out. It would not put the City in a position of recommending from a limited list of arborists.

When Chair Bell asked if it would be better to recommend “XYZ company” rather than mandate the “XYZ Company,” Director Kerr stated that he has been cautioned about recommending anyone, but he has given out the names of companies the City has used.

Chair Bell remarked that the Committee would wait for the attorney’s advice.

## **7. New Business**

### **A. Discussion of moratorium on future lot subdivisions as it relates to stormwater management**

Residents have voiced concerns over the current permit application for the subdivision of lots on Forest Trail based on the stormwater flooding they are experiencing currently, and they asked what was needed for the City to declare a moratorium on lot subdivisions. Interim Administrator Fragoso stated that imposing a moratorium was an extreme land use action for the City to take since it completely suspends the rights of property owners to use their property as they choose. She said that if the real issues were drainage or development, the City has other avenues it could pursue.

Chair Bell said that the Real Property Committee was asked to look into a possible moratorium after the question was posed to the Mayor. In the manner that the Chair addresses issues, he asked what the problem was that needed to be solved. The problem on Forest Trail is not one that the City could do much about under the current zoning regulations. If the core problem was drainage, the island’s drainage issues will not be fully addressed for many years; the drainage problems manifest themselves in two (2) ways, stormwater and king tides. With this knowledge, the next steps would be to address issues the City would have control over, such as lot coverage, dealing with trees, the size of houses and issues around permeability.

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The Interim Administrator reiterated that the City has alternatives it could pursue in the way of Code changes to consider before taking a moratorium.

Director Kerr stated that the Planning Commission was looking at all of these issues and would come forward with valuable recommendations.

### **B. Discussion of City’s Tree Ordinance**

Chair Bell commented that he has seen “thirteen (13) palms be eradicated on Waterway that left many in shock;” such instances have caused him to think that the City needed to revisit the tree ordinance based on the level of development on the island. He stated that he did not like that palm trees and pine trees could be removed regardless of their size and with no protections from the City. One woman who has spoken out about the Forest Trail subdivision would be more impacted by the removal of the pine forest in front of her home than the subdivision of the lots. These tall pines have small root bases and are brittle in storms so it could be assumed that they have likely been there since before Hugo and will likely be standing after the next major storm. The Chair opined that the developer on Forest Trail would not be able to build in this subdivided area to the scale of the development planned with the ability to remove the pine trees with no questions asked.

Having been a member of City Council after Hugo, Councilmember Ward stated that many homes were damaged by pine trees, and residents became scared of them.

Director Kerr agreed that pine trees lost their protection after Hugo, and probably on four (4) occasions, the Planning Commission has tried to regain their protection. He has found that pine trees have become a very emotional issue among property owners; they fear the pine trees and the potential for damage associated with them.

Referring to the palm trees, the Director stated that they were technically not trees; they do not have an eco-system and have little environmental effect; they are, basically, ornamental. He did state that palm trees were protected and require a permit to remove them.

Director Kerr related that the Sea Cabins that had approximately fifty (50) palm trees in various stages of growth in front of their units, and they wanted to remove some of them; they would replant some on the property and pay the fine for the balance. He was confident that this was the last change to the tree ordinance since they won their challenge from the City; a resident now has the flexibility of removing an older palm tree and to replace it with a new one or to remove a palm and pay to have new palm planted elsewhere on the island. The Director said that he did not see a problem if this Council wanted to revisit that decision.

#### **D. Discussion of City's allocation of Greenbelt Funds and allowable projects**

According to the Chair, this subject came up when a request was made to the City for the Exchange Club to use the City's current Greenbelt Funds that total approximately one hundred three thousand dollars (\$103,000). At the Council meeting, the question was asked if this that request was a legitimate use of Greenbelt Funds. Based on his knowledge of Greenbelt Funds, the Chair thought they should be used for a project that was fully open to the public. Council charged staff to develop a list of projects that would be eligible uses of Greenbelt Funds from which Council would choose.

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The Interim Administrator understood the charge to staff was as the Chair described, and she commented that eligible uses of Greenbelt Funds were boardwalks, footpaths, unpaved roadways and unpaved small parking areas, wetlands protection, parkland acquisition, etc. She said that she would work with the department managers to develop a list of projects for City Council to consider.

Councilmember Ward opined that many uses could be found for these funds, but he "strongly" felt that to donate these Greenbelt Funds to a private club that required membership should be at the bottom of any list.

#### **D. Discussion of marina leases as they relate to overall vision of the marina property**

Although the referendum was soundly defeated, the City owns responsibility for care and maintenance of the real assets at the marina and owns responsibilities to weigh things in consideration of the value delivered to residents of the island and use of the property. Referring to the leases that are due to expire in 2020, Chair Bell stated that his intention for the marina was to adhere to the lease terms, to adhere to a proper process to get through this and to move it as fast as possible so that the businesses there and potentially there in the future have the best information available data.

Interim Administrator Fragoso said that, similar to the process Council had in discussing the future of the marina restaurant lease and the advocacy for putting the lease out to bid before granting a lease extension; she would encourage Council to have the same conversation with Tidal Wave

Watersports about their lease since it expires on September 30, 2020. If Council's inclination was to issue an RFP relative to their lease, the time to do so was now based on amount of time the process takes. She recalled that the idea of using that dock as a public dock has garnered a good deal of interest in the community, and, if Council decided that it wanted to consider or evaluate further, those discussions need to occur in the near future.

Chair Bell stated that he wanted to give the men from Tidal Wave the opportunity to speak to Council.

Councilmember Ward commented that residents whom he has spoken to like having Tidal Wave on the island; although they take advantage of the activities infrequently; family and friends enjoy Tidal Wave when they are visiting.

**8. Miscellaneous Business**

All tenants were current with the rent payments.

Next Meeting Date: 9:00 a.m., Wednesday, April 3, 2019 in the Conference Room

**9. Executive Session – not needed**

**10. Adjournment**

**MOTION: Councilmember Bell moved to adjourn the meeting at 9:53 a.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

MINUTES OF THE ISLE OF PALMS  
PLANNING COMMISSION MEETING  
March 13, 2019

The Isle of Palms Planning Commission met in the City Hall Conference Room, 1207 Palm Boulevard on March 13, 2019 at 4:30 p.m. Members attending included Richard Ferencz, Phillip Pounds, Ron Denton, Bill Mills, and Lisa Safford; the Director of Planning Douglas Kerr was present as well. Vince DiGangi and Lewis Gregory were absent. Mr. Ferencz acknowledged that the press and public had been notified of the meeting and the agenda for the meeting was posted in City Hall and the Building Department to comply with the Freedom of Information Act.

**PUBLIC COMMENTS**

Henry Hagerty, 106 Forest Trail, observed that the applicant for the subdivision request on Forest Trail did not comply with the Planning Commission's prior request to provide a drainage plan, but provided existing and proposed lot coverage amounts instead. He explained that the problem was that, unless the developer was willing to self-encumber the property with a requirement that no owner would ever cover more of the lot than he was proposing, there would be no legal way to limit the impervious coverage to what he was proposing, and the lot coverage for each lot could be as much as 7,000 square feet. He requested that the Planning Commission either require that the drainage plan, that was previously requested, be completed or that the applicant encumber the property to limit the impervious surface to what was currently in place.

Jim Raih, 3904 Cameron Boulevard, commented that the developer was proposing a fair plan that appeared to meet the requirements of the City's code. He stated that he had noticed some marsh grass in the ditches around the properties and felt like a wetlands study should be done. He felt that the only reasonable way to ensure this does not happen in the future was to increase the minimum lot size for future subdivision requests.

Anthony Zazella, 104 Forest Trail, said that he and his wife live across the road from the development being planned. He indicated that he has seen what was provided by the developer and it was not the drainage plan the Planning Commission requested at the last meeting. He asked that the Planning Commission require either the drainage plan be completed, as previously requested, or place a requirement on the properties limiting the future coverage of the lots to their current impervious coverage.

Dave Blaszczyk, 130 Sparrow, explained that he was directly behind this proposed development and across the drainage canal. He explained that, during storm events or high tides, the water overwhelms the system and he has water into his property. He added that a large tree in the ditch was being undermined by erosion from the water in the canal. He was concerned that adding more houses to the area was going to add more water to a system that was already routinely overwhelmed and underperforming.

Tom Widlowski, 107 Forest Trail, was one of the owners of the properties in question that would be selling. He stated that the ditch adjacent to his house was not performing correctly, sometimes leaving two or three feet of water in his yard with no rain, and he asked that, if this request does not pass, will the Coty would look at improving the situation for the residents in the area. He felt sure there was no worse drainage area on the island.

### **APPROVAL OF MINUTES**

Mr. Pounds moved to approve the minutes of the February 13, 2019 meeting as submitted and Ms. Safford seconded. The motion passed unanimously.

### **SUBDIVISION REQUEST AT 105, 107, 109 FOREST TRAIL**

Mr. Kerr stated that the attached request was for preliminary approval of a subdivision at 105, 107 and 109 Forest Trail. He reported that last month the Planning Commission directed the applicant to provide a drainage plan, but it has not been provided and, instead, the calculations of existing and proposed lot coverage were submitted.

Mr. Denton asked if the applicant could be legally held to the lot coverage he was proposing. Mr. Kerr answered that, without additional legal steps, he did not believe the developer would be limited to the lot coverage he was showing in the application. He thought that there could be some legal mechanism put in place that would limit the future lot coverage, but currently nothing was in place.

Mr. Kerr said that he sees two options either to investigate a legal mechanism to hold the future lots to the proposed lot coverage or to go back to the original request for a drainage plan. He cautioned the Commission that they needed to act before 60 days from the date of the application expired because, at the end of the 60-day period, the request would automatically be approved. The end of that period was rapidly approaching.

The applicant's engineer Mickey Seabrook understood from the last meeting that the Commission wanted assurance that the drainage would not be any worse and that, if the lot coverage was reduced by 11%, as proposed, this would not make the drainage situation any worse.

Mr. Mills asked if the developer would be willing to agree not to exceed the current lot coverage.



The applicant Rick Banning replied that he had not fully designed each house, but was confident they will be very close to what was being represented in the application.

Mr. Ferencz explained that drainage problems were not caused just by surface areas, but that the changes in grade could also impact the situation, and the Planning Commission has not been provided this information.

Mr. Kerr stated that the City's code requires that the applicant provide a drainage plan prior to being ultimately subdivided. He also stated that putting deed restrictions into place was a less clear path forward. He explained that, with as much input as the City has received about drainage problems on Forest Trail, he felt that the applicant was running the risk of buying properties and tearing down houses before learning that the request did not meet the drainage requirements in the City's Code, therefore, could not be granted final approval. He suggested that the Commission deny the request until the applicant has provided a drainage plan that satisfies the City's subdivision regulations.

When Mr. Ferencz asked the applicant how long it would take to get the drainage plan together, Mr. Seabrook answered 30 days. Mr. Ferencz stated that the Commission could agree to give the applicant 40 days to provide the information.

Mr. Kerr stated that he felt it would be safer to deny the request, to stop the Code's required timeclock, and to direct the applicant to submit documentation satisfying Sections 5-5-7(e)4 & 5 of the City Code with the understanding that the request would be heard once assurance was provided from Charleston County that the request complied.

Mr. Seabrook explained that he felt like the timing requirement from Charleston County would be more than the applicant or potential buyers could endure.

Mr. Mills asked why the request for a drainage plan was being met with so much resistance since the applicant had to do it anyway.

Mr. Seabrook answered it was a considerable cost to the applicant.

Mr. Mills stated that the applicant must provide this plan anyway, so it was no additional cost.

Mr. Seabrook answered that it was the timing of the cost that was problematic.

Mr. Mills asked if there was any doubt that he would be able to get it approved.

Mr. Seabrook answered that he did not know for certain what the County would do, but he did not remember that he had ever had one denied before.

Mr. Kerr explained that this was the concern, i.e. that the Commission would grant preliminary approval, properties would be purchased, houses would be torn down, and then there was a problem. If this were to happen, all parties would be in a very bad situation.

Mr. Kerr stated that the Commission had discussed the idea of deed restrictions limiting the properties to the current coverage, and he was not clear if the applicant was agreeable to legally encumbering the properties to maintain their current coverage.

Mr. Banning answered that he did not think it would be fair to hold these properties to a different standard than the other properties.

Ms. Safford made a motion to deny the request until the Planning Commission received assurance from Charleston County that the request complies with Title 3 of the City Code.

Mr. Mills seconded the motion and stated that he did not believe the denial would cause the applicant to incur any additional expense.

The motion passed unanimously.

## **DISCUSS FURTHER PROTECTION OF PALM TREES**

Mr. Ferencz asked that this item be placed on the agenda for discussion, but Mr. Kerr would give some background.

He explained that currently the City Code allowed palm trees to be removed if they were mitigated by either moving the trees, replacing the trees, or paying the same amount as replacement into the City's tree fund. He explained that prior to 2013, palm trees were given the same protection as other trees, but City Council relaxed this protection in reaction to owners complaining that palms were not technically trees and were overly abundant on the island. The Planning Commission revamped several aspects of the City's tree removal requirements at the time and engaged arborists from Clemson to guide those amendments. He provided a picture of a property on Waterway Boulevard that had legally removed 13 palm trees and explained that this caused the concern over the issue.

Mr. Ferencz explained that he was on the Planning Commission in 2013 when the palm trees protection was relaxed, but he felt like it was an emotional issue then and had resulted in a close vote. He thought that they should be provided with more protection.

Mr. Mills asked, if the ordinance had not been relaxed, how the removal of the palms would have impacted the property on Waterway Boulevard. Mr. Kerr answered that they could have moved the palms under the old code, but they could not have been removed and a payment made to the tree fund.

Mr. Mills asked if other instances had caused a problem. Mr. Kerr answered not that he could remember; he stated that he frequently issues permits for the removal of palms, when an owner pays into the tree fund, but it was usually one or two palms, not 13.

Mr. Mills stated that, in reviewing the Planning Commission's logic in 2013 when the decision was made to relax the protection of palm trees, the Commission seemed very thorough and the decision was well thought out, including engaging professionals from Clemson. He did not see the need to undo that work.

Mr. Kerr answered that he saw it as a preference. He explained that as the "City of Isle of Palms," he feels that there was an emotional connection between the community and palm trees, and their protection would be in response to that connection.

Ms. Safford explained that she always supports the protection of trees, and she would be in favor of preserving more trees.

The Commission agreed to delay the rest of the conversation until more Planning Commission members were present.

## **DISCUSS WAYS TO REDUCE IMPERVIOUS SURFACING**

Mr. Kerr said that he had included in the packets four options as ways to reduce impervious coverage on lots.

He stated that the first option would be to reduce the lot coverage and FAR limits for properties using septic systems. He recalled that this was a recommendation from the Planning Commission to Council to not only reduce coverage and provide properties tied to septic systems more area for the system to function, but also incentivize tying into public sewer. He explained that the downside to this requirement was that the Water

and Sewer Commission objected to this amendment because they saw it as a requirement that would drive property owners towards grinder systems.

Mr. Denton asked if the Water Commission would object if the recommendation was also to tie the reduction in coverage and FAR to houses using grinder systems.

Mr. Ferencz contended that the logic of the requirement would fall apart if grinders were included, because they do not need the space to function like smaller houses with septic systems.

Mr. Denton pointed out that the draft would also have the effect of driving people away from engineered septic systems, which do not need the area that traditional septic systems need to function well.

Mr. Kerr explained that a second strategy the Commission could consider was implementing a fee for additional coverage that would be paid to the City once a property's coverage toggles over a "normal" amount of coverage. He explained that the fund could then be used for drainage projects to deal with the additional run-off created by the coverage. The fee could be set at an amount that eliminates any savings an owner may have seen by using concrete or other impervious surfaces (i.e. if concrete is \$5 per square foot and pervious pavers are \$7 per square foot, the charge may be \$2 or \$3 per square foot). He explained that he thought the downside of this approach would be the effort that would be required to handle the administration.

Mr. Mills asked if this was Mr. Kerr's creation and if any other municipality was doing it. Mr. Kerr answered that Philadelphia was doing a similar program for major industrial sites with acres of impervious surfacing, but he did not believe a community was doing this on a residential lot level.

Mr. Mills asked if the purpose would be to incentivize pervious materials or raise revenues. Mr. Kerr answered it was primarily to incentivize pervious materials.

Mr. Kerr remarked that a third option would be to require retention for new construction sites. He explained that this could be either to require an engineer to analyze each site and prepare a site-specific plan for retention or the retention could be a set percentage of a lot. He explained that Portland has a very detailed/complex stormwater program, but the program includes a "Simplified Approach" that was intended to allow homeowners to complete projects without having an engineer develop a site-specific plan. The approach appeared to require a retention facility that is roughly 10% of the area of the impervious coverage on the lot.

Mr. Ferencz stated that the City would be better off to try to handle retention at a City level instead of at the individual lot level.

Mr. Kerr explained that the City currently did require this on large-scale projects, like a hotel or shopping center, but it was not required at the individual lot level. He stated that this was probably the simplest to administer, but it could be seen as a burden on those owners wanting to develop their sites.

Mr. Ferencz asked if the Planning Commission could see the existing City Code's definition of what qualifies as a drainage plan. Mr. Kerr answered that he could provide what the Planning Commission forwarded to Council last year that detailed what the plan should include. The Commission agreed to delay the rest of this discussion until they reviewed the language currently in the Code.

#### **DISCUSS DRAINAGE PROJECTS THAT COULD BE QUICKLY IMPLEMENTED**

Mr. Kerr explained that construction on the outfall project was roughly a year and a half away because of the permitting necessary. He added that the staff believed that some smaller projects could be completed within the drainage basins being studied before construction begins on the outfalls. He reported that Council would be considering an amount to expand Thomas and Hutton's scope to develop a list of potential projects that could be completed in the next fiscal year for a construction cost of not more than \$500,000.

#### **UPDATE ON MOU WITH WATER AND SEWER COMMISSION**

Mr. Kerr explained that the next step would be a workshop between the City and the Water and Sewer Commission to review the masterplan that has been developed by Thomas and Hutton. He explained that this meeting would be scheduled soon.

#### **ADJOURNMENT**

With there being no further business, the meeting was adjourned at 6:10 p.m.

Respectfully submitted,  
Richard Ferencz  
Chairman

## ORDINANCE 20159-04

AN ORDINANCE AMENDING TITLE 3, PUBLIC WORKS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, CHAPTER 4, SINGLE-USE PLASTIC BAGS.

WHEREAS, City Council of the City of Isle of Palms, South Carolina has a duty to protect its natural environment, its economy, and the health of its citizens;

WHEREAS, in an effort to further this goal, the City desires to eliminate the use of plastic straws, plastic stirrers and polystyrene products;

WHEREAS, City Council of the City of Isle of Palms finds that it is in the best interests of the environment, marine life, and residents of the City to reduce the use of plastic straws, plastic stirrers and polystyrene products distributed by business establishments;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Title 3, Public Works, Chapter 4 is hereby amended to state as follows:

### “CHAPTER 4. – ~~SINGLE USE PLASTIC BAGS~~ENVIRONMENTALLY ACCEPTABLE PACKAGING AND PRODUCTS”

#### Sec. 3-4-1. – Purpose.

This chapter is adopted to improve the environment of the City of Isle of Palms by encouraging the use of reusable, recyclable and compostable products ~~and –checkout bags and~~ banning the use of single-use plastic bags, polystyrene/plastic foam products, plastic straws and stirrers ~~for retail checkout of purchased goods at the point of sale.~~ Business establishments are encouraged to make reusable, recyclable and compostable products ~~bags~~ available for sale.

#### Sec. 3-4-2. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) ASTM Standard means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for compostable plastics, as those standards may be amended

(2) Business establishment means any commercial enterprise that provides

the products described herein to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit. This term is inclusive of any store or business which sells or offers goods or merchandise, located or operating within the City of Isle of Palms, including those referenced in "Food or Grocery Establishment," and "Food Provider." means any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit.

(3)(2) Carryout bag means a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.

(4) Compostable means all the materials in the product or package, when composted in an industrial or municipal compost operation, will break down, or otherwise become part of, usable compost (e.g. soil-conditioning material, mulch) in a safe and timely manner. Compostable food service ware must meet ASTM-Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic. Compostable products are considered compostable under this section only if a Business Establishment or Food or Grocery Establishment using the products is composting them with an industrial or municipal compost operation.

(5) Disposable Food Service Ware is interchangeable with "to go" packaging and "food packaging material" and includes, but is not limited to: all containers, clamshells, bowls, plates, trays, cartons, cups, plastic drink lids, straws, stirrers, to-go condiments and other items designed for one-time use associated with prepared foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by Food Providers.

(6) Food or Grocery Establishment means all sales outlets, stores, shops, vehicles or other places of business located within the Town-City which operate to sell or convey foods, or beverages, which foods or beverages are predominantly contained, wrapped or held in or on packaging. Food establishment shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured and sold or offered for sale, including, but not limited to, any fixed or mobile restaurant, drive-in, convenience store, coffee shop, cafeteria, short-

order cafe, delicatessen, luncheonette, grill, sandwich shop, soda fountain, hotel, motel, movie house, theatre, bed and breakfast inn, tavern, bar, cocktail lounge, nightclub, roadside stand, take-out prepared food place, industrial feeding establishment, catering kitchen, mobile food preparation unit, commissary, event, grocery store, public food market, produce stand, food stand, or similar place in or at which food or drink is prepared for sale, or for service, on the premises or elsewhere, and any other establishment or operation where food is processed, prepared, stored, served, sold, or provided for the public and any organization, group or individual which provides food as part of its service.

(7) *Food Provider* means any vendor, business, organization, entity, group or individual, including food establishments, as defined herein, located in the City that offers food or beverage to the public.

(8) *Person* means an individual, business, event promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.

(9) *Polystyrene/Plastic Foam* means blown expanded and extruded polystyrene (sometimes called Styrofoam™) or other plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded foam plastic). Polystyrene and other plastic foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons, coolers, ice chests, shipping boxes, and packing peanuts. The term "polystyrene also includes clear or solid polystyrene which is known as "oriented polystyrene."

(10) *Prepared Food* means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the City. Prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.

(11) *Polystyrene/plastic foam products* means any item such as coolers, ice chests, cups, bowls, plates, clamshells, shipping boxes, containers, or any other merchandise containing polystyrene/plastic foam that is not wholly encapsulated or encased by a more durable material.

—(12) *Recyclable* means any material that is accepted by the Charleston County recycling program, including, but not limited to paper, glass, aluminum, cardboard and plastic bottles, jars and tubs. This also means any approved alternative products which are accepted by the County recycling centers.

(13)

~~(3)~~ *Reusable carryout bag* means a carryout bag that is specifically designed and



manufactured for multiple reuse, and meets the following criteria:

- (a) displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled;
- (b) has a handle, except that handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than 8 inches; and
- (c) is constructed out of any of the following materials:
  - (i) Cloth, other washable fabric, or other durable materials whether woven or non-woven;
  - (ii) Recyclable plastic, with a minimum thickness of 2.25 mils; or
  - (iii) Recyclable paper.

(14) *Single-use plastic carryout bag* means a carryout bag that is not a reusable carryout bag.

#### **Sec. 3-4-3. Single Use Plastic Carryout Bags.**

- a) No Business Establishment or Food or Grocery Establishment may provide Single-Use Plastic Carryout Bags at any City facility, City-sponsored event, or any event held on City property.
- a)b) No Business Establishment or Food or Grocery Establishment within the City limits may provide single use plastic bags implements to its customers at point of sale.
- c) Nothing in this Chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag.

#### **Sec. 3-4-4. Polystyrene/Plastic Foam Disposable Food Service Ware.**

- a) Food Providers within the City may not provide food in any disposable food service ware that contains polystyrene/plastic foam.
- b) Disposable food service ware that contains polystyrene/plastic foam is prohibited from use in all City facilities.

- c) City Contractors in the performance of City contracts and events promoters may not provide food in disposable food service ware that contains polystyrene/plastic foam.

#### **Sec. 3-4-5: Disposable Food Service Ware.**

- a) All Food or Grocery Establishments and Food Providers within the City utilizing disposable food service ware shall use recyclable or compostable products, subject to the provisions of Sec. 3-4-7.
- b) City Contractors and events promoters utilizing disposable food service ware shall use recyclable or compostable products while performing under a City contract or permit.

#### **Sec. 3-4-6. Prohibited Sales**

- a) No Business Establishment a, or event promoter in the City of Isle of Palms may sell, rent, or otherwise provide any polystyrene/plastic foam product which is not wholly encapsulated or encased within a more durable material, except as exempted in this Ordinance. This specifically includes, but is not limited to cups, plates, bowls, clamshells, and other products intended primarily for food service use.

#### **Sec. 3-4-7. Exemptions for Recyclable or Properly Composted Food Service Ware and Other Polystyrene/Plastic Foam Products.**

- a) Products made from polystyrene/plastic foam which is wholly encapsulated or encased by a more durable material are exempt from the provisions of this chapter. Examples include surfboards, boats, life preservers, and craft supplies which are wholly encapsulated or encased by a more durable material, and durable coolers not principally composed of polystyrene/plastic foam.
- b) Construction products made from polystyrene/plastic foam are exempted from this ordinance if the products are used in compliance with ~~Town-City~~ Code and used in a manner preventing the polystyrene/plastic foam from being released into the environment
- c) Emergency, Hospital, and Medical Supply and Services Procurement: In an emergency situation and for the immediate preservation of the public peace, health or safety, or when a disposable straw is needed by customers due to medical or physical conditions and for whom flexible compostable paper straws are unsuitable, ~~Town-City~~ facilities, food vendors, ~~Town-City~~ franchises, contractors and vendors doing business with the ~~Town-City~~ shall be exempt from the provisions of this Chapter.
- d) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of

multiple bags intended for use as garbage, pet waste, or yard waste; although the ~~Town-City~~ encourages the use of recyclable or compostable products throughout.

e) Bags provided by physicians, dentists, pharmacists or veterinarians to contain prescription drugs or other medical necessities;

f) Bags used by a customer **or an employee** of a business establishment to:

i. Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;

ii. **Contain or wrap raw or frozen foods, any meat product, whether seasoned or other processed, or any seafood product, whether or not prepackaged;**

iii. Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or

iv. Contain unwrapped prepared foods or bakery goods;

g) Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items; and

h) Bags of any type that the customer brings to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store.

i) **Meat trays- plastic lids used to contain foods and liquids, to-go condiments and cutlery (i.e.: forks, spoons, knives) are exempt from the provisions of this Chapter.**

j) Any product purchased, prepared or packaged outside the ~~Town-City~~ of Isle of Palms and sold in or delivered into the ~~Town-City~~ are exempt from the provisions of this Chapter.

k) Any packaging used by Food or Grocery Establishments that **is required in order to comply with South Carolina Department of Health and Environmental Control Retail Food Establishment Regulation 61-25 or similar food safety regulation, or with federal food safety laws or regulations.**

l) **Packaging used by Food or Grocery Establishments that are predominantly made of paper, including wax paper products, paper products that have a clear plastic window and paper products, like paper cups or soup bowls that are lined in plastic, which are used to package ready-to-eat foods.**

City

~~(5) Customer means a person who purchases merchandise from a business establishment.~~

**~~Sec. 3-4-3. Regulations.~~**

~~(1) No person may provide single use carryout bags at any City facility, City sponsored event, or any event held on City property.~~

~~(2) No business establishment within the City limits may provide single-use carryout bags to its customers.~~

~~(3) Business establishments within the City limits are strongly encouraged to provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and promoting the use of reusable carryout bags by customers.~~

~~(4) A business establishment within the City limits may provide or sell reusable carryout bags to its customers or any person. Subject to hours of operation and applicable regulations regarding the use of public property, including those pertaining to solicitation and commercial activities on public property, a person may provide or sell reusable carryout bags at any City facility, City sponsored event, or any event held on City property.—~~

~~Sec. 3-4-4.—Exemptions.~~

~~This chapter shall not apply to:—~~

~~(1) Laundry dry cleaning bags, door hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;—~~

~~(2) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities;—~~

~~(3) Bags used by restaurants to take away prepared food;—~~

~~(4) Bags used by a customer inside a business establishment to:—~~

~~(a) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;~~

~~(b) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;~~

~~(c) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or—~~

~~(d) Contain unwrapped prepared foods or bakery goods;~~

~~(5) Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items; and~~

~~(6) Bags of any type that the customer brings to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store.~~

Sec. 3-4-5. – Enforcement and penalties.

(1) The Police Department has primary responsibility for enforcement of this chapter. The designated Livability Officer is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any business establishment during business hours.

(2) If the Livability Officer determines that a violation of this chapter has occurred, he/she will issue a written warning notice to the owner or operator of the business establishment that a violation has occurred and the potential penalties that will apply for future violations.

(3) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall be deemed guilty of a misdemeanor and shall for each violation, upon conviction thereof, be punished as provided in section 1-3-66. The penalty shall not exceed One Hundred (\$100.00) Dollars for a first violation; Two Hundred (\$200.00) Dollars for a second violation within any twelve (12) month period; and Five Hundred (\$500.00) Dollars for each additional violation within any twelve (12) month period. Each day that a violation continues will constitute a separate offense.

(4) In addition to the penalties set forth in this section, repeated violations of this chapter by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the violations occurred. No City business license shall be issued or renewed until all fines outstanding against the applicant for violations of this chapter are paid in full.

(5) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and

permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.

Sec. 3-4-6. – Effective date and waivers.

All of the requirements set forth in this chapter shall take effect ~~January 1, 2020~~January 1, 2016. In the event that compliance with the effective date of this chapter is not feasible for a business establishment because of either unavailability of alternative checkout bags or economic hardship, City Council may grant a waiver of not more than twelve (12) months upon application of the business owner or owner’s representative.”

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent ~~jurisdiction~~jurisdiction; the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019~~5~~.

\_\_\_\_\_  
~~Richard F. Cronin~~Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Ratification: \_\_\_\_\_

## ORDINANCE 2019-04

AN ORDINANCE AMENDING TITLE 3, PUBLIC WORKS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, CHAPTER 4, SINGLE-USE PLASTIC BAGS.

WHEREAS, City Council of the City of Isle of Palms, South Carolina has a duty to protect its natural environment, its economy, and the health of its citizens;

WHEREAS, in an effort to further this goal, the City desires to eliminate the use of plastic straws, plastic stirrers and polystyrene products;

WHEREAS, City Council of the City of Isle of Palms finds that it is in the best interests of the environment, marine life, and residents of the City to reduce the use of plastic straws, plastic stirrers and polystyrene products distributed by business establishments;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Title 3, Public Works, Chapter 4 is hereby amended to state as follows:

### “CHAPTER 4. – ENVIRONMENTALLY ACCEPTABLE PACKAGING AND PRODUCTS

#### **Sec. 3-4-1. – Purpose.**

This chapter is adopted to improve the environment of the City of Isle of Palms by encouraging the use of reusable, recyclable and compostable products and banning the use of single-use plastic bags, polystyrene/plastic foam products, plastic straws and stirrers at the point of sale. Business establishments are encouraged to make reusable, recyclable and compostable products available for sale.

#### **Sec. 3-4-2. – Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *ASTM Standard* means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for compostable plastics, as those standards may be amended

- (2) *Business establishment* means any commercial enterprise that provides the products described herein to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit. This term is inclusive of any store or business which sells or offers goods or merchandise, located or operating within the City of Isle of Palms, including those referenced in "Food or Grocery Establishment," and "Food Provider."
- (3) *Carryout bag* means a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.
- (4) *Compostable* means all the materials in the product or package, when composted in an industrial or municipal compost operation, will break down, or otherwise become part of, usable compost (e.g. soil-conditioning material, mulch) in a safe and timely manner. Compostable food service ware must meet ASTM-Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic. Compostable products are considered compostable under this section only if a Business Establishment or Food or Grocery Establishment using the products is composting them with an industrial or municipal compost operation.
- (5) *Disposable Food Service Ware* is interchangeable with "to go" packaging and "food packaging material" and includes, but is not limited to: all containers, clamshells, bowls, plates, trays, cartons, cups, straws, stirrers, and other items designed for one-time use associated with prepared foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by Food Providers.
- (6) *Food or Grocery Establishment* means all sales outlets, stores, shops, vehicles or other places of business located within the City which operate to sell or convey foods, or beverages, which foods or beverages are predominantly contained, wrapped or held in or on packaging. Food establishment shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured and sold or offered for sale, including, but not limited to, any fixed or mobile restaurant, drive-in, convenience store, coffee shop, cafeteria, short-order cafe, delicatessen, luncheonette, grill, sandwich shop, soda



fountain, hotel, motel, movie house, theatre, bed and breakfast inn, tavern, bar, cocktail lounge, nightclub, roadside stand, take-out prepared food place, industrial feeding establishment, catering kitchen, mobile food preparation unit, commissary, event, grocery store, public food market, produce stand, food stand, or similar place in or at which food or drink is prepared for sale, or for service, on the premises or elsewhere, and any other establishment or operation where food is processed, prepared, stored, served, sold, or provided for the public and any organization, group or individual which provides food as part of its service.

- (7) *Food Provider* means any vendor, business, organization, entity, group or individual, including food establishments, as defined herein, located in the City that offers food or beverage to the public.
- (8) *Person* means an individual, business, event promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.
- (9) *Polystyrene/Plastic Foam* means blown expanded and extruded polystyrene (sometimes called Styrofoam™) or other plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded foam plastic). Polystyrene and other plastic foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons, coolers, ice chests, shipping boxes, and packing peanuts. The term "polystyrene also includes clear or solid polystyrene which is known as "oriented polystyrene."
- (10) *Prepared Food* means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the City. Prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.
- (11) *Polystyrene/plastic foam products* means any item such as coolers, ice chests, cups, bowls, plates, clamshells, shipping boxes, containers, or any other merchandise containing polystyrene/plastic foam that is not wholly encapsulated or encased by a more durable material.
- (12) *Recyclable* means any material that is accepted by the Charleston County recycling program, including, but not limited to paper, glass, aluminum, cardboard and plastic bottles, jars and tubs. This also means any approved alternative products which are accepted by the County recycling centers.

(13) *Reusable carryout bag* means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:

(a) displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled;

(b) has a handle, except that handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than 8 inches; and

(c) is constructed out of any of the following materials:

(i) Cloth, other washable fabric, or other durable materials whether woven or non-woven;

(ii) Recyclable plastic, with a minimum thickness of 2.25 mils; or

(iii) Recyclable paper.

(14) *Single-use plastic carryout bag* means a carryout bag that is not a reusable carryout bag.

#### **Sec. 3-4-3. Single Use Plastic Carryout Bags.**

- a) No Business Establishment or Food or Grocery Establishment may provide Single-Use Plastic Carryout Bags at any City facility, City-sponsored event, or any event held on City property.
- b) No Business Establishment or Food or Grocery Establishment within the City limits may provide single use plastic bags implements to its customers at point of sale.
- c) Nothing in this Chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag.

#### **Sec. 3-4-4. Polystyrene/Plastic Foam Disposable Food Service Ware.**

- a) Food Providers within the City may not provide food in any disposable food service ware that contains polystyrene/plastic foam.
- b) Disposable food service ware that contains polystyrene/plastic foam is prohibited from use in all City facilities.

- c) City Contractors in the performance of City contracts and events promoters may not provide food in disposable food service ware that contains polystyrene/plastic foam.

**Sec. 3-4-5: Disposable Food Service Ware.**

- a) All Food or Grocery Establishments and Food Providers within the City utilizing disposable food service ware shall use recyclable or compostable products, subject to the provisions of Sec. 3-4-7.
- b) City Contractors and events promoters utilizing disposable food service ware shall use recyclable or compostable products while performing under a City contract or permit.

**Sec. 3-4-6. Prohibited Sales.**

- a) No Business Establishment a, or event promoter in the City of Isle of Palms may sell, rent, or otherwise provide any polystyrene/plastic foam product which is not wholly encapsulated or encased within a more durable material, except as exempted in this Ordinance. This specifically includes, but is not limited to cups, plates, bowls, clamshells, and other products intended primarily for food service use.

**Sec. 3-4-7. Exemptions for Recyclable or Properly Composted Food Service Ware and Other Polystyrene/Plastic Foam Products.**

- a) Products made from polystyrene/plastic foam which is wholly encapsulated or encased by a more durable material are exempt from the provisions of this chapter. Examples include surfboards, boats, life preservers, and craft supplies which are wholly encapsulated or encased by a more durable material, and durable coolers not principally composed of polystyrene/plastic foam.
- b) Construction products made from polystyrene/plastic foam are exempted from this ordinance if the products are used in compliance with City Code and used in a manner preventing the polystyrene/plastic foam from being released into the environment
- c) Emergency, Hospital, and Medical Supply and Services Procurement: In an emergency situation and for the immediate preservation of the public peace, health or safety, or when a disposable straw is needed by customers due to medical or physical conditions and for whom flexible compostable paper straws are unsuitable, City facilities, food vendors, City franchises, contractors and vendors doing business with the City shall be exempt from the provisions of this Chapter.
- d) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste; although the

City encourages the use of recyclable or compostable products throughout.

- e) Bags provided by physicians, dentists, pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- f) Bags used by a customer or an employee of a business establishment to:
  - i. Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
  - ii. Contain or wrap raw or frozen foods, any meat product, whether seasoned or other processed, or any seafood product, whether or not prepackaged;
  - iii. Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or
  - iv. Contain unwrapped prepared foods or bakery goods;
- g) Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items; and
- h) Bags of any type that the customer brings to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store.
- i) Meat trays, plastic lids used to contain foods and liquids, to-go condiments and cutlery (i.e.: forks, spoons, knives) are exempt from the provisions of this Chapter.
- j) Any product purchased, prepared or packaged outside the City of Isle of Palms and sold in or delivered into the City are exempt from the provisions of this Chapter.
- k) Any packaging used by Food or Grocery Establishments that is required in order to comply with South Carolina Department of Health and Environmental Control Retail Food Establishment Regulation 61-25 or similar food safety regulation, or with federal food safety laws or regulations.
- l) Packaging used by Food or Grocery Establishments that are predominantly made of paper, including wax paper products, paper products that have a clear plastic window and paper products, like paper cups or soup bowls that are lined in plastic, which are used to package ready-to-eat foods.

**Sec. 3-4-5. – Enforcement and penalties.**

(1) The Police Department has primary responsibility for enforcement of this chapter. The designated Livability Officer is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating

violations, issuing fines and entering the premises of any business establishment during business hours.

(2) If the Livability Officer determines that a violation of this chapter has occurred, he/she will issue a written warning notice to the owner or operator of the business establishment that a violation has occurred and the potential penalties that will apply for future violations.

(3) Any business establishment that violates or fails to comply with any of the provisions of this chapter after a written warning notice has been issued for that violation shall be deemed guilty of a misdemeanor and shall for each violation, upon conviction thereof, be punished as provided in section 1-3-66. The penalty shall not exceed One Hundred (\$100.00) Dollars for a first violation; Two Hundred (\$200.00) Dollars for a second violation within any twelve (12) month period; and Five Hundred (\$500.00) Dollars for each additional violation within any twelve (12) month period. Each day that a violation continues will constitute a separate offense.

(4) In addition to the penalties set forth in this section, repeated violations of this chapter by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the violations occurred. No City business license shall be issued or renewed until all fines outstanding against the applicant for violations of this chapter are paid in full.

(5) Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.

#### **Sec. 3-4-6. – Effective date and waivers.**

All of the requirements set forth in this chapter shall take effect January 1, 2020. In the event that compliance with the effective date of this chapter is not feasible for a business establishment because of either unavailability of alternative checkout bags or economic hardship, City Council may grant a waiver of not more than twelve (12) months upon application of the business owner or owner's representative."

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction; the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

ORDINANCE 2019-05

AN ORDINANCE AMENDING TITLE 7, CHAPTER 1, BUSINESS LICENSES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES REGARDING THE INCREASE OF SHORT TERM RENTAL LICENSE FEES.

WHEREAS, the City of Isle of Palms Council desires to update certain provisions of Title 7, Chapter 1, entitled Business Licenses, specifically section 7-1-22 (b) to increase the short-term rental license fees; and

WHEREAS, the Isle of Palms Council is empowered with the authority to make substantive amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so; and

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 7, CHAPTER 1, BUSINESS LICENSE, SPECIFICALLY SECTION 7-1-22 (b) SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION 1. Sec. 7-1-22 (b). – Class 8 Rates, shall be amended to read as follows:

“SIC 6513; NAICS 53111-Lessors of Residential Housing Units-Less than Ninety (90) Days (Non-resident rates do not apply).

Minimum on first \$2,000.....	\$350.00 PLUS
Per \$1,000, or fraction, over \$2,000.....	\$4.60

SECTION 2. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_



**ORDINANCE 2018-06**

**AN ORDINANCE AMENDING TITLE 3, PUBLIC WORKS, CHAPTER 3, STORMWATER REGULATIONS, ARTICLE A STORMWATER MANAGEMENT UTILITY.**

WHEREAS, the City of Isle of Palms Council desires to update certain provisions of Title 3, Chapter 3, Article A, entitled Stormwater Management Utility, specifically section 3-3-21 (B) to increase the base rate of the Stormwater Management Utility Fee from \$48.00 annually to \$72.00 annually; and

WHEREAS, the Isle of Palms Council is empowered with the authority to make substantive amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so; and

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 3, PUBLIC WORKS, C CHAPTER 3, STORMWATER REGULATIONS, ARTICLE A STORMWATER MANAGEMENT UTILITY SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION 1. That Section 3, is hereby amended by deleting in its entirety and replacing it to state as follows:

Sec. 3-3-21. – Stormwater Management Utility Fee; Classification of Property.

(B) *Base rate.* The base rate shall be seventy-two dollars (\$72.00) annually. In no case shall a utility customer be billed a fee for less than one-half (1/2) the base rate.

(Ord. No. 2007-15, § 2(3-3-21), 8-28-2007; Ord. No. 2016-06, § 2, 6-28-2016)

SECTION 2. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF  
PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

**ORDINANCE 2019-07**

**AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS.**

WHEREAS, the Isle of Palms Council is empowered with the authority to make substantive amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so;

WHEREAS, the City of Isle of Palms, like most municipalities in the Lowcountry, have experienced significant increases in flooding associated with tidal and stormwater influences;

WHEREAS, the City of Isle of Palms has endeavored to study and repair its current infrastructure in an attempt to address these issues, and anticipate its drainage project to take approximately ten (10) years to successfully complete;

WHEREAS, the City of Isle of Palms believes it is necessary to slow any future subdivisions of property for development while this drainage project is underway in an effort to protect flood-prone and vulnerable areas of the island;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 4, Zoning of the Isle of Palms Code of Ordinances, specifically Section 5-4-32 (5) (SR-1 single-family residential district).

WHEREAS, the Isle of Palms Council now desires to amend Chapter 4, Zoning of the Isle of Palms Code of Ordinances, specifically Section 5-4-33 (5) (SR-2 single-family residential district).

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS SHALL BE AMENDED TO READ AS FOLLOWS:

Section 5-4-32 (5) (SR-1 single-family residential district)

a. Lot area: ~~seventeen thousand five hundred (17,500)~~ thirty-five thousand (35,000) square feet of contiguous highland.

Section 5-4-33 (5) (SR-2 single-family residential district) (5) *Minimum lot requirements:*

a. Lot area: ~~Eight-Sixteen~~ thousand (816,000) square feet of contiguous highland.

SECTION 2. Should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

**RESOLUTION NO. R.2019-01**

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )  
 )  
TOWN OF MOUNT PLEASANT )

WHEREAS, City of Isle of Palms Council has the authority by S.C. Code Section 5-7-260(4) to enter into franchise agreements with various utility companies;

WHEREAS, the City of Isle of Palms Council exercised its lawful discretion and entered into a franchise agreement with Comcast by ordinance 2010-03, which was ratified on February 8, 2010;

WHEREAS, Council, by ordinance, agreed to a franchise fee rate of three (3%) percent of gross revenue;

WHEREAS, the City of Isle of Palms Council has the ability from time-to-time to examine their fees to ensure they are appropriate and reasonable;

WHEREAS, the City of Isle of Palms Council desires to increase the franchise fee from 3% to 5%, and have notified Comcast and the South Carolina Secretary of State;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Councilmembers of the City of Isle of Palms, in Council assembled, that the franchise fee shall be increased from three (3%) percent to five (5%) percent.

**THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.**

**SIGNED, SEALED AND DELIVERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

Jimmy Carroll, Mayor

(Seal)

Attest:

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Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

RESOLUTION NO. R.2019-02

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )  
TOWN OF MOUNT PLEASANT )

**A RESOLUTION TO INCREASE  
BUILDING PERMIT FEES**

WHEREAS, City of Isle of Palms Council has the authority and to adopt a schedule of permit fees for residents, contractors and property owners and did so by Resolution in 1992;

WHEREAS, the City of Isle of Palms Council has the ability from time-to-time to examine their fees to ensure they are appropriate and reasonable;

WHEREAS, the City of Isle of Palms Council desires to increase the building permit fees to accurately reflect the current economic landscape of its municipality;

WHEREAS, the current schedule requiring a \$10.00 building permit fee, shall be amended to reflect a \$50.00 base building permit fee, plus \$5.00 per \$1,000 of project value.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Councilmembers of the City of Isle of Palms, in Council assembled, that the Permit Schedule of Fees shall be amended and reflect the above change. The remaining Schedule of Fees shall remain unchanged.

**THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ITS ADOPTION.**

**SIGNED, SEALED AND DELIVERED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Ratification: \_\_\_\_\_



## **Sarcoidosis Awareness Month**

**WHEREAS:** Sarcoidosis is a potentially debilitating and deadly multi-organ, inflammatory disease, estimated to affect 200,000 people in the United States with no known cause, cure or reliable treatment to slow or halt the progression of chronic cases.

**WHEREAS:** The signing and symptoms of sarcoidosis vary widely depending on the person and organs affected and can include debilitating fatigue; shortness of breath; difficulties with balance and coordination; irregular heartbeat; visual problems, including blindness; pain affecting joints and muscles; weakness or numbness of limb(s); skin rash and discolorations; mood disorders such as depression and anxiety; organ failure and sleep difficulties.

**WHEREAS:** Sarcoidosis can affect people of any age, race or gender, but is most common among adults between the ages of 20 and 40 and 3.8 fold higher in African Americans than in whites.

**WHEREAS:** Sarcoidosis is a diagnosis of exclusion as there is no objective test or biomarker; numerous tests and ongoing clinical observations and/or management lends to high economic burden of this disease, including great costs to the patients and family members.

**WHEREAS:** Volunteers, researchers, caregivers and medical professionals are working to improve the quality of life and prognosis of persons living with sarcoidosis and their families and more research is needed to find more effective treatments and improve care for those living with the disease today.

**NOW,** therefore I Jimmy Carroll do hereby proclaim April as Sarcoidosis Awareness Month. In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of Isle of Palms to be affixed.

Done at 1207 Palm Boulevard in City Hall this 26<sup>th</sup> day of March in the Year of Our Lord two thousand nineteen.

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Jimmy Carroll, Mayor of the City of Isle of Palms