

City Council
6:00 p.m., Tuesday, February 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 January 22, 2019
3. **CITIZENS' COMMENTS**
4. **REPORTS FROM STANDING COMMITTEES**
 - A. **Ways and Means Committee**
 1. Consideration of merit pool of 2.5% for FY20 Budget
 2. Consideration of wage adjustments in Police Department
 3. Consideration of an award of a contract to Butler Chrysler Dodge Jeep in the amount of \$50,659.00 for two (2) Pick-Up 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]
 4. Consideration of increasing annual NPDES stormwater fee to \$72
 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)
 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 to \$4.60 for each additional \$1,000 of value or fraction thereof
 7. Consideration of standardizing the building permit fees to a \$50 base fee plus \$5 per \$1,000 of project value
 8. Consideration of increasing the Comcast franchise fee from 3% to 5%
 - B. **Public Safety Committee**

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)
 - C. **Public Works Committee**

Approval of an expenditure not to exceed \$25,000 for the materials cost for the replacement of failed cross-line pipes along Ocean Boulevard (IOP NPDES Stormwater fee funds held by Charleston County, balance of \$149,940)
 - D. **Recreation Committee**

Consideration of establishing a franchise agreement and allowing surf lessons and camps on the beach
 - E. **Personnel Committee**

F. Real Property Committee

5. REPORTS FROM CITY OFFICERS, BOARDS AND COMMISSIONS

- A. Accommodations Tax Advisory Committee** – no meeting in February
- B. Board of Zoning Appeals** – minutes attached
- 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

- a. Second Reading of ORDINANCE 2019-01 - AN ORDINANCE TO SELL A PORTION OF CITY-OWNED PROPERTY**
- b. Second Reading of ORDINANCE 2019-02 – AN ORDINANCE AMENDING TITLE 1, GOVERNMENT AND ADMINISTRATION, CHAPTER 4, OFFICERS AND DEPARTMENT, ARTICLE B, CITY ADMINISTRATOR**
- c. Second Reading of Ordinance 2019-03 – AN ORDINANCE AMENDING TITLE 2, PUBLIC SAFETY, CHAPTER 1, POLICE PROTECTION**
- d. 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

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

Next Meeting Date – 6:00 p.m., Tuesday, March 26, 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, January 22, 2019

The regular meeting of City Council was called to order at 6:00 p.m., Tuesday, January 22, 2019 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, and South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Interim Administrator Fragoso, Attorney Copeland and Clerk Copeland; a quorum of Council was present to conduct business.

1. Mayor Carroll called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act. After a brief invocation and the Pledge of Allegiance, Clerk Copeland called the roll.

2. Election of Mayor ProTem

Councilmember Buckhannon nominated Councilmember Rice, and Mayor Carroll seconded. Councilmember Ferencz nominated Councilmember Bell, and Councilmember Smith second. Councilmember Bell nominated Councilmember Ferencz, and Mayor Carroll seconded.

Councilmember Rice was elected Mayor ProTem on a vote of 5 to 4.

3. Reading of the Journal of Previous Meetings

MOTION: Councilmember Rice moved to approve the minutes of the Special Meeting of November 13, 2018, the regular meeting of November 27, 2018 and the Special Meeting of December 4, 2018 as submitted; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

4. Citizens' Comments

Janet Rose, 2501 Cameron Boulevard, stated that she has lived on the island since 1993 and is experiencing flooding at her home and in the street whenever the City receives a heavy rainfall. She believes that the flooding is the direct result of a large house being built next door with a pool. The property owners tore down a JC Long house to construct this large house and they brought in a lot of fill before they started construction. The water now drains away from his property onto the neighboring properties and into the street; she developed a petition that was signed by one hundred (100) people on the street and mailed it to Director Kerr. She stated that, when she spoke with Director Kerr, he told her that the plans included a drainage plan that added a swale to the side of his house; in addition, he told her that he does not have enforcement powers to if the plan is not followed. Ms. Rose informed the Committee that she has been trying to contact SCDOT about hooking her French drains to the manhole at the end of the street. She stated that she did not think it was fair that someone can build up and "cause a tremendous amount of flooding that never existed before without some requirement by the Isle of Palms that they submit a drainage plan to guarantee that there is no flooding of neighboring properties."

Dave Bruner, Forest Trail, stated that he and his wife have been residents since 1992. They are "empty-nesters" and decided several months ago to earn some extra money by renting out a portion of their home to island guests. They went to the Building Department to get the paperwork and to make the necessary modifications to their home to accommodate renters. In reading the fine print as they were getting the rental license to make them legal, they learned that the City

prohibits anyone from renting out only a part of the home. He explained that he and his wife thought that renting only a part of their home while they were in residence would be preferable since they could monitor their guests. He noted that both the City of Charleston and Mount Pleasant allow the resident to remain in the home while renting out a portion of it. He asked that City Council re-think this policy.

Bob Miller, 3 Fairway Village Lane, stated that he was member of the IOP Coyote Control Coalition and that the mission of the Coalition was to raise awareness of the coyotes that inhabit the island. He introduced Jillian Kerber who has a recording that residents need to hear.

Jillian Kerber, 11 Hidden Green Lane, stated that she and her husband live on the fairway of the 5th hole of the Links Course. She described a couple of unnerving experiences she has had with coyotes; the minutes of January 10th Public Safety Committee includes more detailed information than appears here. She reported seeing a group of deer running on the fairway, and the last one (1) was trying to escape a coyote that already had her by the tail. When walking her dogs later in the day, she saw a deer with its stomach ripped open and partially eaten in a neighbor's backyard. The second incident occurred one (1) evening when she was alone; she heard yipping, barking, yelping and howling emanating from the back of her house. She got her cell phone and was able to record a few seconds of what she was hearing inside her home, which she played for Council. She called the Police Department and spoke with Officer King who was very kind, but told her again that the Department could not help her. She spoke with the Department of Natural Resources (DNR) to learn more about what she could do; she was told that she could hire a trapper who would set traps on her property, but that DNR's stance was to let the coyotes live among us. When she spoke with Dave Kynoski of the Wild Dunes Community Association, he told her that they had ceded all control for coyote management to the City. Her last action was to speak with a master trapper who quoted her nine hundred ninety-five dollars (\$995) a week for private trapping. He told her that, unless the traps were set near a den (possibly near the T-box of the 5th hole), private trapping would not be successful, and he recommended using the services for a period of two (2) weeks. The trapper stated that the owner of the business would be happy to attend a Council meeting to provide a different perspective.

Doug Phillip Johnson, 200 Palm Boulevard, wanted to provide his thoughts about item 1 under the Ways and Means Committee report, Consideration of a request from the East Cooper Land Trust to apply for the City's allocation of Greenbelt Funds for the Exchange Club's public kayak dock project. He stated that he and his wife were long-time members of the Exchange Club and his wife was a past president of the group. He stated that he has seen a fundamental shift in the Exchange Club in the past five to seven (5 – 7) years; he noted that he possessed a copy of the original foundation of the Exchange Club through The Beach Company that stated in its corporation "it is to benefit the community and society." A secondary council has been formed, and the money raised from the raffle at the marina did not go to the Exchange Club, but to this secondary organization to build a dock, a float and bulkhead. He remarked that traffic was an issue in that section of Palm Boulevard at 2nd Avenue; he frequently sees cars pulled over for speeding. He also noted the parking issues when the Exchange Club holds one (1) of its events like the oyster roast; he said that he has concerns were about traffic, parking, and the environmental impact. He opined that the one hundred four thousand dollars (\$104,000) of City Green Belt money could be better applied elsewhere on the island.

5. Reports from Standing Committees

A. Ways and Means Committee

From the Ways and Means Committee meeting of January 15, 2019, Councilmember Ward stated that he was elected Chair for a second year. Through December 31, 2018, revenue was at thirty-eight percent (38%) of budget, and expenditures were at thirty-five percent (35%) of budget. The ending fund balance at December 31, 2018 was approximately twenty-two million two hundred thousand dollars (\$22,200,000). With a target of fifty percent (50%), General Fund Revenue was at twenty-nine percent (29%) of budget, and General Fund Expenditures were at forty-two percent (42%) of budget. The cash on-hand for all funds was approximately seventeen million three hundred thousand dollars (\$17,300,000). Although overtime is expected to exceed budget by approximately eighty thousand dollars (\$80,000), General Fund expenditures are expected to be within budget; approximately forty-five thousand dollars (\$45,000) of the overtime is attributed to Hurricane Florence, and the City hopes to be reimbursed by seventy-five percent (75%) by FEMA.

Looking ahead to Item 2, Councilmember Ward asked that, in the future, in addition to noting two point two percent (2.2%), the dollar amount be included as well. He did note that on page 79 of the packet, the annual amount was clearly stated as one hundred thirty-five thousand eight hundred sixty-one dollars (\$135,861), or one point two (1.2%), of General Fund expenditures as budgeted.

1. Consideration of a request from the East Cooper Land Trust to apply for the City's allocation of Greenbelt Funds for the Exchange Club's public kayak dock project

Mayor Carroll stated that the request would not be made at this meeting; Interim Administrator Fragoso reported that they have asked that the request be postponed until a later date.

2. Consideration of FY19 cost of living adjustment of 2.2% for City employees

MOTION: Councilmember Rice moved to honor the 2.2% COLA approved in the FY19 budget; Councilmember Moye seconded.

AMENDMENT: Councilmember Ferencz amended the motion to distribute the FY19 budgeted COLA among employees making less than the "living wage" of \$53,000; Councilmember Bell seconded.

Councilmember Bell sought to clarify this issue because he thought there was a lot of confusion after the Ways and Means Committee meeting. For the record, he asked that, as other cities do, to make public employee salaries and applicable overtime; he opined that having this information would give the residents more understanding of what the discussion is. He stated that Council was receiving a certain degree of criticism for suggesting that Council may increase property taxes, but this COLA will total more than two hundred eight thousand dollars (\$208,000) once fringes, taxes and retirement are added. He said that he values the City's employees and that a level of salary needed to be adjusted, but he was not comfortable with giving the COLA to the twelve (12) employees making more than eighty thousand dollars (\$80,000) a year or the four (4) employees whose combined salary and overtime were over one hundred thousand dollars (\$100,000+). He opined that the police officers making forty-five thousand dollars (\$45,000) or firefighters making thirty-seven thousand dollars (\$37,000) needed and would appreciate the COLA far more than the employee making eighty thousand or one hundred thousand dollars (\$80,000 - \$100,000). He stated that the way of thinking in the City should change to be more responsible to both the employees and residents.

Council Kinghorn stated that one (1) thing he has learned in his three (3) years on Council was that change does not come easy. He stated that Council was considering a property tax increase before looking at measures to drive down costs. Referring to the amount of overtime, he reiterated the fact that the City routinely holds more than one hundred (100) meetings as year; these meetings require staff time in preparation, time to attend the meetings and time to carry out the directions from the meetings. He was convinced that Council could initiate reforms that would reduce the number of meetings and the loss of staff time; he also urged Council to look at new revenue sources before considering a tax increase.

Councilmember Moye agreed with many other Councilmembers that major budget reform was necessary, and meetings have been scheduled for Council to determine what that reform would look like. Noting the large percentage of the budget that is attributed to payroll, he thought that employee wage increases was a key issue. He stated that he would continue to support the FY19 COLA because it was budgeted and employees were told that the COLA would be two point two percent (2.2%). His support was an attempt to avoid an adverse impact to employee morale which could result in the loss of key employees; he agreed that the City must take care of those who are not at "the livable wage" of fifty-three thousand dollars (\$53,000). For FY19, he advocated that the COLA budgeted should be paid to employees across-the-board.

On the other hand, Councilmember Ferencz opined that the Council should do something different now. The budget approval occurred in May of 2017 before Council was given the information regarding the cost of the proposed drainage project in addition to an estimated four million dollars (\$4,000,000) in remediation costs for the Public Safety Building and an unknown amount for dock rehabilitation at the marina. She stated that, if Council had that information in May 2017, it would not have approved the wage increase proposed for FY19, and possibly, a new policy would have been established then. She wanted to stop doing things like the City always has and to do something different now to address "the gap that has been created over the years because of the across the board" payment of the COLA and to take care of those employees who are making below "the livable wage."

Councilmember Rice called for the vote.

VOTE on the AMENDMENT: The amendment FAILED on a vote of 2-7 with Councilmembers Bell and Ferencz casting the supporting votes.

VOTE on the ORIGINAL MOTION: The motion PASSED on a voter of 7 to 2 with Councilmembers Bell and Ferencz casting the dissenting votes.

- 3. Award of a contract to Talbot Tennis/McGrath Industries in the amount of \$29,437 for the resurfacing of the tennis courts** (Pg. 23, ln 62 – Capital Projects, Recreation Department Maintenance - \$62,000

MOTION: Councilmember Smith moved to award a contract to Talbot Tennis/McGrath Industries in the amount of \$29,437 to re-surface the tennis courts; Councilmember Buckhannon seconded.

Councilmember Bell said that the points were made at the Ways and Means Committee meeting about prioritization for residents and making investments that benefit the residents, and that work is underway by the Recreation Committee. He proposed that this award be postponed until

Council has a plan from the Recreation Committee that states how residents' use would be prioritized before spending money for the surrounding communities.

Councilmember Kinghorn reiterated that he would oppose this motion not because it did not have merit but because Items 2 – 6 total approximately four hundred thousand dollars (\$400,000) in expenses “while people on this dais are taking to the public but increasing property tax.” He repeated that the City needed “to look for new sources of revenue, tighten its belt and make prudent decisions.”

Mayor Carroll stated that discussions about tax increases come when taking about the major projects facing the City that will not happen this year, but the investigative work will take place. He noted that, even now, Council has no idea how much the remediation of the Public Safety Building will cost, and the other big project is the drainage Phase 3 project to improve three (3) critical outfalls. If the property tax increase does not come in the FY20 budget, it will come soon.

Councilmember Smith commented that the tennis courts were very popular among the residents. She reported that the original RFB was to replace the tennis courts but the bids submitted far exceeded the budget. This re-surfacing project will improve the courts for a period of five (5) years during what the money could be reserved for the replacement and possible addition of a court.

Councilmember Ward asked if Items 2 – 6 were approved last spring in the FY19 budget, and he was told that they were.

In Councilmember Rice's opinion, maintaining City property was the responsible thing to do; she reported that roots are coming up through the courts now making them unsafe. She repeated that the money was in the budget at sixty-two thousand dollars (\$62,000); re-surfacing the courts saves the City nearly forty thousand dollars (\$40,000).

Councilmember Buckhannon stated again that the courts need to be re-surfaced for safety reasons, and he recalled discussions that City properties have not been maintained as they should have been. He added that the Recreation Committee was looking into programs that would be resident-focused, but off-island participation was needed, for instance, in youth sports, they are needed to have enough participating to form leagues for competitive play.

Interim Administrator Fragoso noted that this project was being funded Municipal and State ATAX funds.

VOTE: The motion PASSED on a vote of 7-2 with Councilmember Ferencz and Kinghorn dissenting.

4. **Award of a contract to ATM in the amount of \$21,000 for consulting services (assessment/development of scope of work, bidding and construction oversight) for the marina bulkhead coating/repainting project (pg. 36, In 56 – Marina Fund, Marina Operations, Maintenance and Service Contracts - \$176,000)**

MOTION: Councilmember Bell moved to award a contract to ATM in the amount of \$21,000 for consulting services for the marina bulkhead coating/repainting project; Councilmember Buckhannon seconded.

Kirby Marshall of ATM explained that the bulkhead at the IOP Marina along the Morgan Creek edge was constructed of steel sheet piles covered with cold tar epoxy; a portion of the bulkhead has corroded over time; rust is visible in the Intra-tidal zone. This contract would be to prepare the plan specifications, administer the bidding process and oversee construction, facilitate the repair and rehabilitation of the bulkhead to extend its useful life.

VOTE: The motion PASSED on a vote of 7 to 2 with Councilmembers Ferenz and Kinghorn dissenting.

5. **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)**

MOTION: Councilmember Buckhannon moved to award a contract to Motorola in the amount of \$247,644.75 for radios as detailed above for the Police Department; Councilmember Buckhannon seconded.

Councilmember Ward informed the Committee that the City has been setting funds aside to be able to pay cash for these radios.

6

Councilmember Moyer stated that Councilmember Kinghorn made a sound recommendation at the Ways and Means Committee meeting to defer action on the radios and cars since Council will be evaluating the fleet of Police vehicles. The suggestion was to budget this and to charge staff with delaying further action until the budget meetings.

Councilmember Bell noted that the Police Department has a lot of cars; every patrol officer has an assigned car. He stated that, for an island seven (7) miles long and half (½) mile wide, three (3) officers are on duty if the sergeant was not at the station at any point in time. The City has twenty-six (26) patrol vehicles. Referring to Councilmember Moyer's comments, Councilmember Bell asked whether the City was going to continue this practice or, possibly, give officers a car allowance so they would have a car they could do whatever they want including to drive to work. A full complement of vehicles would be at the PSB, and the City could reduce its fleet expense. He was clear that this was not a proposal, but such ideas needed to be thought through and analyzed. He stated that, every time the City buys a car, the thirty-eight thousand dollars (\$38,000) is not just the car, but the outfitting of the vehicle as well. He expressed a desire to discuss the size of the fleet, policies going forward, etc. before making a decision on the radios.

Councilmember Kinghorn remarked that about half of the island is a gated community that has gated communities inside which has its own security. He suggested that, in the visitor season when the population quadruples, the City could hire part-time seasonal officers to meet the needs that come with it, saving the City a lot of money.

Mayor Carroll asked that Councilmember Buckhannon, Chair of the Public Safety Committee, tell Council about the Motorola radios, their life span and the requirements for the radios.

Councilmember Buckhannon stated that the existing radios were “basically obsolete” and have been replaced with a new model with new features. He reported that Motorola was no longer supporting the model radios in the Police Department has, i.e. no longer making replacement parts; when a radio fails, it cannot be repaired. Charleston County Consolidated Dispatch (CCCD) is moving to encryption, a feature the new radios will have; without the newer model, the Police Department will not be able to communicate with the CCCD.

Councilmember Rice added that the City has mutual aid agreements with surrounding communities, but without the new radios, the IOP Police Department will not be able to hear those calls for assistance due to the encryption feature.

Although the order will be placed soon, Councilmember Buckhannon noted that the purchase would likely fall into FY20 since the City would not pay for the radios until they were delivered. He reiterated that the City was purchasing the radios on the Charleston County purchase order along with other local governments to get the discounted price and trade-in opportunity.

Since the Public Safety Committee will be looking at the organizational structure of the Police Department, the Interim Administrator suggested that the prudent action now might be to defer placing the order until those discussions take place. She acknowledged that she did not know how that would impact the Department as radios fail, how it would impact the ability to order at the reduced pricing or when CCCD was planning to implement the encryption feature.

7

When Councilmember Bell asked if the radios could be replaced as they fail rather than a bulk purchase as proposed.

The Interim Administrator replied that she would need to discuss that with Interim Chief Usry since she has been the contact with Charleston County; she stated that if the purchase was deferred, the City could lose the trade-in and the reduced pricing on the Charleston County purchase order.

Councilmember Bell and Buckhannon withdrew the motion and second respectively, and action on the proposed purchase was deferred until the next meeting.

Councilmember Smith opined that it would be counter-productive to what was to be accomplished tonight if the re-purchase value of the existing radios could be lost, and the City has saved for the purchase and has the money to go forward.

**6. Award of a contract to Trident Construction in the amount of \$95,267
For Phase I of the Public Safety Building remediation**

MOTION: Councilmember Bell moved to award a contract to Trident Construction in the amount of \$95,267 for Phase 1 of the remediation of the public Safety Building; Councilmember Ferencz seconded.

Councilmember Ward recalled that the Real Property Committee selected two (2) contractors – Hill Construction and Trident Construction – from the companies that responded to the design/build RFP to respond to the RFP for the initial phase of work on the Public Safety Building (PSB).

Councilmember Ward stated that the vote in the Real Property Committee was two to one (2 to 1) in favor of Trident; he noted that both companies made excellent presentations and that it was clear that both companies would do a good job. He stated that, although both companies have experience with municipalities, Hill has rehabilitated several municipal buildings in the past couple of years.

Councilmember Ferencz said that she had voted for Trident because the City had a good working relationship with them when they constructed Fire Station 2, which was also a design/build project. She commented that they also have experience rehabilitating municipal buildings.

As the third member of the Real Property Committee, Councilmember Bell said that he also voted for Trident because their quote was one hundred thousand dollars (\$100,000) lower than Hill's. In this phase of work, Trident employees will take the original volume of hourly problems found by Hill Construction and go one (1) step further in that they will open the walls in some places to find the sources of the problems.

Councilmember Ward opined that the Committee was comparing "apples to oranges" in that the Hill proposal included more items and their overhead cost percentage was much lower than Trident's. He added that, after speaking with the Interim Administrator, they agreed that when the final invoice arrives the costs will be very close.

8

Interim Administrator Fragoso informed Council that, in their presentation, Trident stated that the overhead percentage was negotiable.

VOTE: The motion PASSED on a vote of 7 to 2 with Councilmembers Kinghorn and Ward casting the dissenting votes

7. Consideration of an increase in fees for the municipal parking lots and Ocean Boulevard on-street parking.

MOTION: Councilmember Moyer moved to discuss increasing the parking fees in the municipal parking lots and on-street parking on Ocean Boulevard; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

Mayor Carroll is an avid fan of College of Charleston basketball and he reported that the parking meters in Charleston are now two dollars (\$2) per hour with a two (2) hour minimum. Since basketball games take more than two (2) hours, he is waiting on his first ticket.

After Councilmember Kinghorn reviewed the history of the City's transition to automatization in the two (2) municipal parking lots, Councilmember Smith expressed her opinion that the City should continue to offer hourly rates in the municipal lots. She supported increased rates to avoid repeating the decline in revenue seen last year; she thought the best option would be to charge

two dollars (\$2) per hour in the lots, two dollars and a half (\$2.50) on the street and twelve dollars (\$12) for a full day in the parking lots. She recalled that Council chose to change to hourly parking last year in an effort to encourage people to visit Front Beach businesses and to encourage people to use the municipal lots rather than go to Palm Boulevard for free parking. The increase in the number of transactions to the kiosks demonstrate that the City was successful in meeting one (1) of its goals, more people choosing to park in the municipal lots.

According to Councilmember Kinghorn, hourly rates increase the amount of time spent by BSOs to enforce the parking regulations which would be much easier with a daily rate only in the lots. In addition, the people who park in the municipal lots were not supporting the Front Beach restaurants or businesses.

To truly enforce hourly parking in the municipal lots would require a BSO to be walking the lots continuously, but this was not where the BSOs were needed; they need to be on Ocean Boulevard, Palm Boulevard and 14th Avenue to keep traffic flowing.

Councilmember Rice thought that use of the municipal lots would be impacted if people cannot park for a couple of hours; people do not want to pay ten or fifteen dollars (\$10 – 15) to park when they would be there only as long as it took to have lunch.

Councilmember Smith referenced the schedule of various scenarios for Council to consider and noted that the hourly rates of two dollars (\$2) per hour in the lots and two and a half dollars (\$2.50) on the street proposed in Option 2 projected an additional four hundred ninety thousand dollars (\$490,000) in revenue. The schedule for Option 2 charging a daily rate of twelve dollars (\$12) per day during the week and fifteen dollars (\$15) on the weekends for the municipal lots and two and a half dollars (\$2.50) per hour on the street estimates an increase in revenue of approximately five hundred twenty thousand dollars (\$520,000). The daily rate surpasses the per hour rate by only thirty thousand dollars (\$30,000); she stated that the increase in revenue should cover the payroll expense for a BSO to be stationed in the parking lots all day.

The recommendation from staff was to charge a daily fee for parking in the lots; she noted that, on weekends, people come to the beach for all day or for several hours during the day, and turnover is very low. With a daily rate, Interim Chief Usry opined that the lots would have to be checked for enforcement a couple of times a day. For enforcement of a daily rate, the BSO only has to confirm that the vehicle has the stub from the kiosk on the dash, no more calculating hours.

Staff recommended that Council adopt Options 1 under the Daily Rate for the lots; the rates proposed are two dollars (\$2) on the street and ten dollars (\$10) per weekday and twelve dollars (\$12) per day on the weekends. She added that people will be allowed to park after 4:00 p.m. at the hourly rate.

MOTION: Councilmember Kinghorn moved to adopt staff's recommendation of Option 1 for daily rates; Councilmember Bell seconded.

Mayor Carroll said that the City was less than the County Park; their rate is twelve dollars (\$12) for weekdays and fifteen dollars (\$15) per day on Saturday and Sunday.

Councilmember Ward stated that he hoped this action was the end of the debate over parking rates in the lots; he said that the residents like clear direction and consistency from Council.

Councilmember Moyer agreed with consistency, but, just as the cost of living increases, the parking fees should increase in a consistent manner.

VOTE: The motion PASSED on a vote of 7 to 2 with Councilmembers Ferenz and Smith casting dissenting votes.

8. Consideration of an award of a contract to Carolina Professional Builders, LLC in the amount of \$129,475 for the repair and renovation of the Public Works Workshop

MOTION: Councilmember Ward moved to award a contract to Carolina Professional Builders LLC in the amount of \$129,475 for the repair and renovation of the Public Works Workshop; Councilmember Rice seconded.

Councilmember Ward asked the Chair of the Public Works Committee to be more concise in the future with the description of the scope of work to be done.

Since the bid opening was on January 17th, this item could not be on the Ways and Means Agenda; some specifics on the scope of work include the replacement of the bay doors, replacement of the roof, and other maintenance issues identified in the Hill report.

VOTE: The motion PASSED UNANIMOUSLY.

B. Public Safety Committee

Councilmember Buckhannon noted that representatives from the Coyote Coalition attended the meeting and related the same message as tonight's comments. At the meeting of January 10th, The Committee received an update on the improvements to the Waterway Boulevard multi-use path; staff is working with Charleston County to get cost estimates for the project.

Consideration of "Lowvelo," a benefit bike ride for cancer research as a City-sponsored event.

The first item under New Business was a recommendation to allow the Lowvelo bike ride for cancer research to be designated as a City-sponsored event and to allow the bikers to traverse the island. The ride is scheduled for November 2, 2019; the bikers would come onto the island via the Breach Inlet Bridge, take 4th Avenue to Ocean Boulevard and exit the island over the IOP Connector.

MOTION: Councilmember Buckhannon moved to designate the Lowvelo bike ride as a City-sponsored event; Mayor Carroll seconded.

The bike ride will be a "rules of the road" ride, i.e. the bikers are to follow all of the traffic signs along the way.

The City's only involvement will be to station a police officer to the light at 14th and Palm Boulevard who will stop traffic briefly and sporadically to allow the bikers to go through without stopping for the light. Interim Chief Usry expressed confidence that this can provide the assistance requested without incurring any overtime for the Police Department.

The event will sponsor rides of twenty-five (25), fifty (50) and one hundred (100) miles.

Councilmember Moyer asked that the Public Safety Committee develop a process or protocol for people wishing to hold an event on the island.

When Councilmember Ferencz asked if this would be added to the list of approved annual events, the Interim Administrator answered that this would be a one-time event.

Councilmember Bell remarked that they will come through the island with or without the consent of the City.

VOTE: The motion PASSED UNANIMOUSLY.

Also in New Business, The Committee discussed the replacement of five (5) patrol vehicles as they reviewed the 10-Year Capital Plan for the Police Department. Interim Administrator Fragosos stated that the Interim Chief has decided that patrol vehicles could last another year, giving them a seven (7) year life cycle – extending the useful life by a year. The Police Department's organizational chart was also discussed, and those discussions will continue through the budget preparation. The Committee also talked about the impact of the COLA on the Fire and Police Departments, and they agreed that a new policy needed to be put in place beginning with the FY20 budget. The Committee discussed the 75-foot and 95-foot ladder trucks in the Fire Department; a new 75-foot truck is being manufactured. Chief Graham researched ways to extend the life of the 95-foot truck and not replace it; a new truck would cost between one million four hundred thousand dollars (\$1,400,000) and one million five hundred thousand dollars (\$1,500,000); the annual price increases have been four to seven percent (4% - 7%). Based on conversations and a site visit, E-1, the manufacturer of fire truck, believes that the truck is in good condition and would be a perfect candidate for their refurbishing process, which would cost approximately six hundred thousand dollars (\$600,000), less than half the cost of a new truck. The truck would be in Florida, at their manufacturing facility for about six (6) months and come back to the City looking new.

The Public Safety Committee will hold its next meeting at 10:00 a.m., Thursday, February 7, 2019 in the City Hall Conference Room.

Councilmember Kinghorn asked that the City Council re-order the Agenda go to the Real Property Committee report to allow those who were interested in the marina repairs would not be required to sit through three (3) more committee reports.

MOTION: Councilmember Ward moved to suspend the rules of order to move Item 7, Real Property Committee at this time; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.

7. Real Property Committee

Consideration of 3 concepts for Phase I of the marina docks repair and replacement and becoming ADA compliant

Councilmember Bell remarked that the Committee had a lively discussion around the three (3) conceptual drawings for the marina dock and repairs, and he reminded Council that they decided to move with the fuel dock repairs. Pending funding, these drawings show what the City can do.

Kirby Marshall of ATM placed large display boards with the three (3) concepts, and Councilmembers had 11x17 photocopies of the proposed layouts. He informed Council that the Real Property Committee was clear that they wanted the repairs and rehabilitation to mirror what is at the marina now but to make them ADA compliant. The concepts are attached to the historical record of the meeting, and they represent phased approaches. Mr. Marshall reported that, from observation and talks with the marina manager, the docks on Morgan Creek were all in bad condition and must be replaced. The consensus was that work should begin at the fuel dock because it looks to be in the worst condition. The slips behind the marina store would be widened to meet industry standards, and the pilings would be replaced meeting industry standards; one (1) of the ADA compliant gangways would also be located behind the store providing access to both the fuel dock and the other docks behind the store. The boat ramp would not be changed, and the Intracoastal docks would be shifted more into the Intracoastal Waterway and the pilings would be removed. ADA gangways would go to the Intracoastal pier and to the Tidal Wave dock. The cost of Concept 1 is seven hundred thirty-five thousand dollars (\$735,000).

Concept 2 is changed to provide more staging dock space at the boat ramp and to alleviate congestion in the boat ramp area by providing a separation between the boat ramp and a small area at the end of the dock going into Morgan Creek. Two (2) ADA gangways would be constructed in this area; one (1) will go to the transient dock, and one (1) would go to what is known as the Morgan Creek dock. Mr. Marshall noted that the transient dock in Concept 2 extended about thirty feet (30 ft.) more into Morgan Creek; he added that, when ATM was working with the City previously, he spoke to OCRM and the Corp of Engineers about extending the transient dock more into Morgan Creek and was told that it would generally not be a problem as long as the City did not get too aggressive. He noted that by increasing the space between the Morgan Creek dock and the transient dock boats would have more maneuverability.

In Concept 3, ATM has moved the transient dock in and reoriented the ADA gangway to be shore parallel as in Concept 2; by doing that the outer dock can be pulled back in foot ring of the marina and facilitate regulatory review. A downside to doing this was that it reduces the space between the two (2) docks to forty-one (41) feet making it more difficult to get boats on and out of that area; the existing distance is fifty-one (51) feet.

When Councilmember Ferencz asked why ATM had moved the dock into Morgan Creek, Mr. Marshall responded that was it gave additional dock space.

Councilmember Bell reiterated that nothing was going to happen at the marina for a while because the City has no money for this project, and he stated that discussions were fluid; he stated that the City might decide to do Phase 2 before Phase 1. He continued that the City owns the repair

of the docks, but it does not own rebuilding or renovating anything. He noted that the City must look at the City asset and the money available to spend for the best return for the residents and the marina.

Councilmember Ward asked where the City was in the process, what was the timeline, and where was the money going to come from?

According to Mr. Marshall, the next step would be to apply for permitting for the entire site; at this time, the permitting process is taking about year. Getting the permit does not mean that the City has to build the docks; the permits are good for five (5) years and can be extended for another five years. He added that changes to the plan submitted can take place but the City would not have to seek another permit; the current permit could be modified.

Commenting that the bond for the purchase of the marina would be paid off in February, Councilmember Ward suggested that the money previously spent on the bond should be set aside every year to pay for these repairs. With three hundred thousand dollars (\$300,000) to be saved each year, the City would amass one and half of a million dollars (\$1,500,000) in five (5) years.

Councilmember Bell reminded Council and the citizens that, under the existing lease the City does not benefit when business increases at the marina; the City gets a percentage of profit, not revenue, over a certain amount.

Councilmember Rice asked that Councilmember Bell refer to the marina tenants in a more positive manner because the citizens do want the businesses at the marina to be successful, and the residents need a safe, functioning marina. She stated that currently the docks were not safe, that the ramp should be made safer, and to do something about the parking lot.

13

Councilmember Moye referred to Concept 3 and asked for an explanation for removing the finger piers.

Mr. Marshall stated that the management of Morgan Creek Grill and of the marina agreed that the configuration of the finger piers was more conducive to smaller, shorter boats than to longer vessels, and that the piers would be more useful as a side tie dock as shown. In the interim, the suggestion has been made to extend the finger piers to their full length.

Mr. Marshall added that another factor in the planning process was the condition of the docks; the Intracoastal docks were in good, useable shape having only been there about fifteen (15) years. The docks along Morgan Creek were beyond their useful life, and major repairs were executed on these docks on a regular basis. He stated that ATM's recommendation was that the Morgan Creek docks and utilities on the docks be replaced as soon as possible.

Interim Administrator Fragoso said that she and the Treasurer were researching ways to get the funding for this project. At this meeting, she was asking Council for direction on which concept they wanted ATM to submit with the permit application.

MOTION: Councilmember Kinghorn moved for Council to support Concept 2 for the marina docks repair and rehabilitation; Councilmember Bell seconded.

Councilmember Moyer asked for the cost of Concept 2, and he was told that the total cost would be two point nine-four million dollars (\$2,940,000).

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

Councilmember Bell continued with the Committee report stating that they agreed to seek the services of a real estate consultant to guide and advise the City through the bidding process for the restaurant lease. The conversation about Charleston County taking over the public restrooms continued, and staff was asked to open a discussion to determine if they have any interest. The Committee also discussed lot coverage as it relates to drainage; Councilmember Ferencz expressed concern that the larger homes being built on the island are covering the lots with more than forty percent (40%) of impervious surfaces. The Committee asked that Director Kerr go to certain addresses to verify that they have only a forty percent (40%) lot coverage and to report to the Committee next month.

As the City seeks new revenue sources, Councilmember Buckhannon thought that opportunities could be found in the Building Department, for instance, a graduated fee structure for building permits based on lot coverage.

Another issue addressed by the Committee was the need for a City arborist; Director Kerr was asked to compile a list of three (3) or so arborists to recommend to residents when they call to have a tree removed. The arborists on the list will be persons who are reputable and trustworthy; when they recommend that a tree be removed, they will have a legitimate and reliable reason.

14

The next Real Property Committee will be at 9:00 a.m., February 5, 2019 in the Conference Room.

C. Public Works Committee

Reporting on the meeting of January 3rd, Councilmember Rice stated that she was elected Chair and Councilmember Smith was elected Vice Chair with the contingency that she would attend the meetings of the Commissioners for the IOP Water and Sewer Commission. After Director Pitts gave his monthly report for December and January, the discussion moved to the renovations planned for the Public Works Workshop and that the Personnel Committee was working to fill the Assistant Director of Public Works position. The work has been completed on Palm Boulevard for the Phase II Drainage Project as well as 50th Avenue; 51st Avenue will be completed by the end of the week and the project completion date will be the end of February. She reminded the Committee and residents present that the engineering for Phase II began in 2012. Work began yesterday on the removal and replacement of the underground storage tanks at the marina; the work is expected to take seven to eight (7 – 8) weeks. The Committee continues to try to get an example of the trashcans with lids. Director Pitts updated the Committee on several drainage ditches on the island. After Director Pitts marked the worst outfalls on the island and the areas of the worst drainage, Councilmember Kinghorn explained why combining the drainage and island-wide sewer should be addressed together. The Public Works Committee would like to request another joint meeting with the Water and Sewer Commissioners when their Master Plan has been completed. The Committee discussed and recommended the addition of plastic straws, stirrers and Styrofoam products to the single-use plastic bags ordinance. The meeting concluded with a

discussion of the items that have come forward for replacement in FY20 on the 10-Year Capital Plan for the Public Works Department.

The next Public Works Committee will be at 9:00 a.m., Monday, February 11th in the Conference Room.

Councilmember Kinghorn again addressed his deep concern about the need to integrate island-wide sewer with the drainage improvements; he said that he would like to see City Council to enact “the most stringent ordinances with regard to hooking up as soon as possible ...” and that every residence on the island should be on sewer by 2030.

D. Recreation Committee

Councilmember Buckhannon reported that, for the meeting of the Recreation Committee for January 8th, a group of guys primarily island residents want to reserve the gym to play full-court basketball on Saturday mornings, and that Director Page is working with them. Under New Business, the Committee discussed uses of the Recreation Center and access options; Director Page is checking out what other municipalities do to determine if opportunities for revenue generation exist. Councilmember Moyer’s opinion was that “there should not be any part of the Recreation Center that is not being used at any point in time.”

In giving the monthly report, Director Page stated that participation of children between the ages of five and six (5 – 6) has increased by twenty-two percent (22%).

Upcoming events are:

Doggie Day at the Rec	Saturday, February 9 th
The Front Beach Fest	Saturday, March 9 th
The IOP Yard Sale	Saturday, March 30 th

Brenda Rosenthal, a resident of the island expressed her desire to see the Rec Center become more of a Community Center, a spot where program participants could sit and have a cup of coffee or just chat if they so choose.

The Committee recommended the award of a contract to Taylor Tennis for re-surfacing the tennis courts which was approved earlier in the meeting.

Interim Administrator Fragoso reported that she and the City Attorney were making the final changes to the RFP for a franchise agreement for surfing lessons to be taught on the beach and it will be on-the-streets very soon.

This Committee also looked at the FY20 Capital budget for the Rec Department.

The Recreation Committee will hold its next meeting at 5:00 p.m., Monday, February 11th in the Conference Room.

E. Personnel Committee

At the meeting of January 7th, Councilmember Ferencz stated that Jim Raih, 3904 Cameron, stated that he expected the Interim Administrator to receive a good evaluation for Council; he, too, thought she has done a great job. After cautioning the overuse of Executive Sessions, he also complimented the new gym floor. The Committee again discussed *ad hoc* committees, and Councilmember Moyer indicated that he was getting feedback from island residents who want to become more involved in the community. He stated that he did not want to dampen their enthusiasm of these people whose knowledge and expertise could benefit the City; he also does not want to discourage them because of changes needing to be made to the City Code. Since the State Code give the Mayor the authority to organize a task force to research or solve some issue on the island. A decision was made in the fall that some kind of criteria and/or qualifications should be developed for selecting members of boards and commissions, and the Committee would like to have this done before the process begins in the fall. Chair Ferencz stated that she had spoken with Jim Mercer of The Mercer Group the previous afternoon about any progress that has been made relative to the City's search for a City Administrator, Chief of Police and Assistant Director of Public Works. He stated that he has received greater interest in the Administrator and Police Chief positions than normal, but he has received no interest in the Assistant Director's position. Mr. Mercer was asked "to put the Police Chief's position on the fast track, which he agreed;" he said his goal would be to interview candidates by mid-February. He said that he has seventy-one (71) strong resumés for the Chief's position coming from Arizona to New York. At the February Personnel Committee meeting, the homework from Mercer was to generate a list of qualifications and makeup for outside resources to be on the interview committee. Councilmember Ferencz announced that the Interim Administrator had received a 'meets or exceeds expectations' on her evaluation. The Committee agreed that the City Code needed updating, but they would address those issues of particular interest first, for instance, qualifications for board and commissions and then the names and expectations of standing committees of Council.

16

The next meeting will be Monday, February 11th at 5:00 p. m., but in the future, they will meet on the first Tuesday of the month at 8:30 a.m.

The Committee then went into Executive Session to discuss personnel matters.

Councilmember Ferencz announced that the vacancies are 1 police chief, 4 patrol officers, 1 communications specialist, 1 animal control officer, 1 Assistant Director of Public Works for Facilities and Maintenance and 1 city administrator.

November Safety Sweepstakes

Recreation Department – Joshua Key
Fire Department – Shawn Hogan

Police Department – Anna Mitchel
Public Works – Joseph Washington

December Safety Sweepstakes

Building Department – William Seabrook
Fire Department – J.T. Hall

Police Department – James Couche
Public Works – Bernard Gouridine

Councilmember Smith was very interested in the *ad hoc* committees or task force, and she suggested that the City should have a “green” committee that could recommend proactive environmental measures that the City could take. She also stated that the cleanup crew was a grass roots group and not affiliated with the City in any way.

Since the Personnel Committee was considering a review of the City Code, Councilmember Kinghorn suggested that they consider the number of Councilmembers the City has; communities with much larger populations have Councils that have half the number of Councilmembers, four(4), plus the Mayor.

Councilmember Kinghorn also voiced his lack of confidence in the search firm hired by the City; he said that the resignations from the Police Chief and City Administrator were given to Council eight (8) months ago, and Council has not seen any resumes. In his opinion, the City should be advertising for these positions with the municipal association, the COG, ICMA, etc.

Councilmember Ferencz assured him that all of these entities have been sent the information to post the openings on their websites from coast to coast. She repeated that The Mercer Group has received seventy-one (71) strong resumes for the Chief of Police position and almost as many for the City Administrator position.

6. Reports from City Officers, Boards and Commissions

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

17

7. Reports from Special or Joint Committees – none

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

9. Bills Already in Possession of Council – none

10. Introduction of New Bills, Resolutions and Proclamations

- A. First Reading, by title only, of Ordinance 2019-01 – An Ordinance to sell a Portions of City-owned Property**

MOTION: Councilmember Ward moved to waive the reading and to approve Ordinance 2019-01 for First Reading; Mayor Carroll seconded and the motion **PASSED UNANIMOUSLY.**

- B. First Reading, by title only, of Ordinance 2019-02 – An Ordinance Amending Title 1, Government and Administration, Chapter 4, Officers and Departments, Article B, City Administrator**

MOTION: Councilmember Ferencz moved to waive the reading and to approve Ordinance 2012-02 for First Reading; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

C. First Reading, by title only, 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 First Reading; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

D. First Reading, by title only, of Ordinance 2019-04 – An Ordinance Amending Title 2, Public Works, of the City of Isle of Palms Code of Ordinances, Chapter 4, Single-Use Plastic Bags

MOTION: Councilmember Ward moved to waive the reading and to approve Ordinance 2019-04 for First Reading; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

11. Miscellaneous Business

2019 Safety Resolution

MOTION: Councilmember Ward moved to waive the reading and to adopt the 2019 Safety Resolution; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

18

12. Executive Session – not needed

13. Adjournment

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 8:50 p.m.; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

Ways and Means Committee
5:00 p.m., Tuesday, February 19, 2019

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

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 Meetings' Minutes

MOTION: Councilmember Kinghorn moved to approve the minutes of the regular meeting of January 15, 2019 and the Special Meeting of January 31, 2019 as submitted; Councilmember Rice seconded.

Chair Ward referred to the motion of Page 9 of the minutes of January 15, 2019 awarding the PSB Phase I contract to Trident and asked that the vote be corrected to 7 to 2 not 8 to 1.

VOTE: The approval of the corrected minutes and the minutes as submitted for the Special Meeting **PASSED UNANIMOUSLY.**

3. Citizens' Comments

Jim Raih, 3904 Cameron Boulevard, introduced himself as a licensed real estate broker for the State of South Carolina, commented about the votes taken in that Special Meeting of January 31st noting that the votes started out passing unanimously, but later in the meeting the votes were divided. He expressed hope that the later voting was not indicative of a division in Council that could not be resolved; he stated that Council should agree on the facts of a particular issue. Since the increase in the Comcast franchise fee would net the City only seventy-two thousand dollars (\$72,000) in additional revenue, he asked Council not to approve the increase.

4. Financial Statements – Treasurer Suggs

A. Financial Statement

Treasurer Suggs stated that she and the Interim Administrator have worked to expand the summary 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. Revenues are forecasted to end the year approximately five hundred thirteen thousand dollars (\$513,000) over budget, and the bulk of that comes from Business Licenses which was only fifty percent (50%) collected with a due date at the end of April. Building Permits Revenue was also predicted to end the year over budget; since these licenses have no due date, they are indicative of the increase in building activity. Other Revenues are forecasted to end the year under budget by approximately thirty-five thousand dollars (\$35,000) which includes Court revenue; since the Police Department is under-staffed, the number of tickets being written has been reduced. Also, in this category is the Sale of Assets; the FY19 budget contemplated the

sale of the fire truck that is not going to happen in FY19. General Fund expenditures are expected to be under budget by approximately three hundred twenty-eight thousand dollars (\$328,000); much of these savings can be attributed to unfilled positions, including two (2) highly paid positions. The forecasted positive net result for FY19 could be eight hundred forty-one thousand dollars (\$841,000) which is shown on this schedule as being transferred to the Capital Projects Fund. The Committee was reminded that the only source of revenue for the Capital Projects fund was the net positive result from the prior year; having a healthy Capital projects fund will be needed to pay for drainage initiatives on the island.

On a second page, the deposit amount to the LGIP and BB&T are shown; the City keeps the bulk of its cash in the LGIP to earn the highest interest rate available. The schedule of fund balances also has forecasted year-end balances.

The third page illustrated the sources of budgeted revenue and expenditures in colorful pie charts.

Chair Ward asked if the City was restricted by State law or City ordinance from turning the Public Works Department into an enterprise fund like the IOP Marina?

Interim Administrator Fragoso said that she would research an answer for him, and Treasurer Suggs commented that to do so would generate a considerable income.

Chair Ward noted that some large rental houses on the island have eight to ten (8 – 10) trash-cans, and the City should be in a position to charge them for the extra time they require for trash pickup, particularly in the summer months.

Councilmember Smith asked that the cost to the City for a more complicated accounting of this type to be considered.

2

B. Tourism Schedules

Although the tourism schedules have not been revamped, the Treasurer hopes to give them a different appearance for the next meeting; her goal is to display them consolidated into one (1). Through January 2019, the Treasurer reported that all tourism revenues were trending higher than FY18, and, for budgeting purposes, a three percent (3%) increase is forecasted across the board.

C. Projects Schedules

For the Phase II Drainage Project, fees were incurred for construction and professional services through January, but the project was still under budget.

The Interim Administrator stated that the drainage infrastructure was in the ground and restoration work was being completed. A Rural Infrastructure Grant monitoring will begin on Wednesday, February 20th as the work to close out the grant begins.

The underground storage tank project at the Public Works site has been completed and fuel is being dispensed again. The project at the Marina began on January 21st, and, at this time, the tanks have been placed in the ground. When the old tanks were removed, some degree of contamination was observed, therefore soil samples were taken for testing. Although she has not seen the reports, Interim Administrator Fragoso informed the Committee that some degree of contamination was found at the same location as in 2005. Since the age of the old tanks remains

an unknown, when the contamination occurred, but the remediation necessary is not expected to be on a big scale.

On the subject of tourism funds, Councilmember Buckhannon noted that the 2019 Southeastern Wildlife Exposition had brought seventeen million dollars (\$17,000,000) in tourism revenue to the City of Charleston; it was reported to be the largest gross since 1993. He, in turn, believes that it foretells an active tourism season for the island.

4. Old Business – none

5. New Business

A. Consideration of a 2.5% merit pool for FY20 Budget

Interim Administrator Fragoso stated that the FY20 operating budgets that have gone before the committees contained a two point five percent (2.5%) pool for merit-based wage adjustments that would be managed by the department managers. The goal is to develop a structured plan for distributing the pool for employees above the mid-point and those below the mid-point in the salary ranges in an effort to be as consistent as possible between departments. The Interim Administrator referred Council to the spreadsheet in the meeting packet showing the impact of a two point five percent (2.5%) merit on each department.

When Councilmember Smith commented that the elimination of the COLA could have a downside, Treasurer Suggs stated that the purpose of a COLA was to keep one (1) even with increases to the overall cost of living; the purpose of a merit-based adjustment was to reward the employees who go the extra mile and to give them a boost up on the economy. Treasurer Suggs added that she did not think that even one (1) IOP employee would get a zero-merit increase.

3

MOTION: Chair Ward moved to approve the 2.5% merit-based wage adjustment pool for the FY20 budget; Councilmember Buckhannon seconded.

Councilmember Rice said that she could only support this motion if she were assured that the members of the Police Department would receive the recommended pay adjustments.

At this time, Chair Ward and Councilmember Buckhannon withdrew the motion and second respectively.

MOTION: Chair Ward moved to suspend the rules of order and to re-order the Agenda to address Item B at this time; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

B. Considerations to wage adjustments for Police Department

Interim Administrator Fragoso stated that, of the recent departures from the Police Department, several referenced pay as a reason for their resignation; since these resignations, staff has done a limited wage comparison including many municipalities in the region. Once these numbers were gathered, the conclusion was that the IOP patrol officer's starting wage was approximately three thousand dollars (\$3,000) less than the regional average. Staff has generated a multi-pronged approach to alleviating the problem, and it includes:

- To keep the same salary range for non-certified 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 Patrol Officer increase and to maintain parity between positions;
- To adjust current employees to new minimum if not already there;
- To adjust employees with less than 10 years of service by 0.5% for Patrol Officers and 0.25% for all other sworn positions below Captain with more than 10 years of service per year of service to avoid salary compression; and
- To proceed with a more complete analysis of all Police Department positions as soon as possible.

Council was told that the money to cover these increases is in the FY19 budget as a result of the savings in salaries in the Police Department for the officers that have resigned.

Councilmember Kinghorn recalled, from the recent budget meeting, that another way to fund the adjustments would be not to fill all five (5) of the patrol officers who left, but to hire only three (3).

MOTION: Mayor Carroll moved to accept the pay adjustments recommended by staff as detailed above; Councilmember Bell seconded.

Councilmember Bell opined that Council could not solve all of the problems with pay, and he encouraged the Police Department to try to attract and hire seasoned officers to save the City the twenty-five or so thousand dollars (\$25,000) spent in training the inexperienced and untrained person.

4

Councilmember Buckhannon noted that many of the agencies in the area are short-staffed, and, in order to attract people, the City of Charleston, for example, is paying large signing bonuses and North Charleston is paying a one thousand dollar (\$1,000) and one thousand dollars (\$1,000) to officers who bring in a referral. In addition, he opined that police officers should not be asked to do code enforcement; he would rather hire an additional person for the Building Department to do code enforcement.

Councilmember Ferencz stated that the City has many employees who are not making the minimum starting pay being recommended for the Police Department. With a savings of one hundred twenty-eight thousand dollars (\$128,000) in the FY19 budget, she would like to see a review of all of the positions in the City that are making less than the forty-two thousand dollars (\$42,000) threshold for the Police Department. She said that other local governments were calling Rec Department employees with job offers of making more money and having a better opportunity for advancement in a larger department.

Interim Administrator Fragoso stated that the adjustments in the Police Department were the first step of many to ensure that employees are being properly compensated for their work and that the pay for all positions is comparable to other local governments in the area. She opined that the City needed to look at its recruitment policies to determine if there were opportunities for improvement to attract the caliber of employees the City wants; she thought that a new Police Chief would bring new ideas and new opportunities for improvement in many areas, not just the Police Department. In addition to looking at salaries, she was interested in looking at the organizational structure of the departments to see if opportunities could be found for more efficiency in the departments and for the City as a whole.

Councilmember Smith stated that retention was a “hot” topic at the Municipal Association meeting in January; the problem was not a local one but was statewide; one (1) way of addressing the problem was to accelerate the academy process in a couple of ways. She questioned the rationale for setting the minimum at about forty-two thousand dollars (\$42,000) when the only municipalities with a lower starting wage Folly Beach and Sullivan’s Island were. In her opinion, the starting wage should be higher making the City more competitive with North Charleston and the County Sheriff’s Department.

Treasurer Suggs responded that the number was a fact-based, average starting pay for the area and reminded Council that they would decide what the number should be.

Councilmember Bell thought the number was fair, but, if it was not the right amount, it could be adjusted in the next budget cycle.

Councilmember Buckhannon asked that staff calculate the impact of adding a code enforcement position to the Building Department, relieving the Police Department of that responsibility, and possibly reducing the number of officers in the Police Department by one (1).

VOTE: The motion PASSED UNANIMOUSLY.

A. Consideration of a merit pool of 2.5% for FY20 budget

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

When Councilmember Kinghorn said Council should acknowledge that the Isle of Palms cannot compete with the larger municipalities.

5

VOTE: The motion PASSED UNANIMOUSLY.

C. Consideration of an award of a contract to Butler Chrysler Dodge Jeep in the amount of \$50,659.00 for two (2) Dodge Pick-Up 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: Councilmember Kinghorn moved to award a contract to Butler Chrysler Dodge Jeep in the amount of \$50,659.00 for 2 Dodge pickup trucks as detailed above; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

D. Consideration of increasing the NPDES stormwater annual fee to \$72

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

Councilmember Buckhannon noted that some discussion took place related to bringing the NPDES stormwater billing and collection in-house so that the City could change the billing process to one (1) where the amount billed was reflective of the square footage of impervious surface of the property.

The Interim Administrator reported that Director Kerr spoke with Charleston County NPDES and was reminded that the billing for commercial properties was based on the square footage of impervious surface. They also said that the cost to the City to implement such a program for residential property would be approximately three hundred sixty-six thousand dollars (\$366,000); the database would be based on GIS measuring and maps to be followed by experts going to the properties and measuring the impervious surface to compare to the GIS measuring and maps.

Councilmember Rice stated that the increased fee will be the same as Sullivan's Island and Charleston County.

VOTE: The motion PASSED UNANIMOUSLY.

E. 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

MOTION: Councilmember Rice moved to approve the change order in the amount of \$12,920.20 from Jones & Franks for hose reels for the underground storage tanks project at the IOP Marina; Councilmember Buckhannon seconded.

Interim Administrator Fragoso stated that the change order received unanimous approval in the Real Property Committee and that the reason for the changer order was that the hose reels were omitted from the bid specifications. The project Contingency Fund has sufficient funds to pay for this change order.

VOTE: The motion PASSED UNANIMOUSLY.

6

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

MOTION: Councilmember Bell moved to approve the increase in the residential rental license fee as detailed above; Councilmember Buckhannon seconded.

AMENDMENT #1: Mayor Carroll moved to amend the motion to reduce the incremental fee to \$4.00; Chair Ward seconded.

Councilmember Rice thought the increase in the base rate was high for those who rent infrequently.

Chair Ward asked the Treasurer for the impact of the amendment on the budget.

The Interim Administrator responded that the fees from the original motion would generate an estimated four hundred eighty thousand dollars (\$480,000) in additional revenue.

Councilmember Bell indicated that he was comfortable with doubling the base and incremental fees because he said that every place on the island rents for at least two hundred dollars (\$200) per night, and the rates increase consistently. He said that the City "was really good at spending" and "needed to be really good at raising revenue."

The Mayor opined that raising both the base rate and the incremental rate was “a bit steep,” and Councilmember Rice described it as “a little heavy-handed.”

Treasurer Suggs stated that the increase could stay at approximately four hundred eighty thousand dollars (\$480,000) if the incremental rate were to go to five dollars (\$5) and raise the base rate to two hundred or two hundred fifty dollars (\$200 - \$250).

Councilmember Kinghorn reminded Council that, at the recent budget meeting, they had one hundred percent (100%) supported doubling the rates.

VOTE on Amendment #1: The amendment FAILED on a vote of 2 to 6 with Councilmember Rice and Mayor Carroll voting in favor of it.

Amendment #2: Councilmember Rice moved to amend the motion to keep the base rate at \$175 and to increase the incremental rate to \$5; Mayor Carroll seconded.

VOTE on Amendment #2: The amendment FAILED on a vote of 3 to 5 with Councilmember Rice, Mayor Carroll and Chair Ward voting in favor of the amendment.

VOTE on Original Motion: The motion PASSED on a vote on 7 to 1 with Councilmember Rice casting the dissenting vote.

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

7

Chair Ward noted that property owners making small improvements to their houses will not see a significant change.

MOTION: Councilmember Bell moved to standardize the building permit fees to a \$50 base and \$5 per \$1,000 of project value; Councilmember Ferencz seconded.

The Treasurer stated that the proposed change would generate about one hundred thousand dollars (\$100,000) of additional revenue.

Councilmember Buckhannon would like to see the building permit fees also tied to the amount of impervious surface the project will have.

Mayor Carroll noted that the Planning Commission was going to look at lot coverage again, including pervious materials. He stated that he would like for the City of Isle of Palms to become the leader in resilience.

VOTE: The motion PASSED UNANIMOUSLY.

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

MOTION: Councilmember Buckhannon moved to increase the Comcast franchise fee to 5%; Councilmember Bell seconded.

Councilmember Rice reminded Council that the increased Comcast franchise fee was going to be paid by the residents, and Chair Ward referred to it as “a backdoor tax.”

VOTE: The motion PASSED on a voter of 5 to 3 with Councilmember Rice, Chair Ward and Mayor Carroll casting the dissenting votes.

I. Discussion of next step for FY20 budget

Interim Administrator Fragoso stated that the changes approved at this meeting will be incorporated into the budget document as it is compiled into a full version of the budget. At the Committee meetings where the operating budget were reviewed, she recalled that there were some line items staff was continuing to research; therefore, she would like to have another budget workshop. The date she had first suggested was not convenient to several members, so the Interim Administrator would look at the March calendar and suggest alternate dates.

Councilmember Kinghorn asked for the other revenue items discussed at the January 31st budget workshop, such as the IOP Water and Sewer Commission franchise fee, be on the Agenda as well as anything new staff might have in the meantime.

6. Miscellaneous Business

Next Meeting Date: 5:00 p.m., Tuesday, March 19, 2019 in Council Chambers

7. Executive Session – not needed

8. Adjournment

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 6:25 p.m.; Chair Ward seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

Public Safety Committee
11:00 a.m., Thursday, February 7, 2019

The regular meeting of the Public Safety Committee was called to order at 11:00 a.m., Thursday, February 11, 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 Administrator Fragoso, Fire Chief Graham, Interim Police Chief Usry and City Clerk Copeland; a quorum of Committee members were present.

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 January 10, 2019 as submitted; Chair Buckhannon seconded and the motion **PASSED UNANIMOUSLY**.

3. **Citizens' Comments** – none

4. **Old Business**

A. **Discussion of implementing pay-to-park system on Palm Boulevard**

Interim Administrator Fragoso and Interim Chief Usry met with SCDOT representatives in December to get their feedback on the City implementing a pay-to-park system on Palm Boulevard. City Council first discussed this topic in 2014, and it was not supported then because residents, as well as visitors, would have been required to pay-to-park in the designated pay to park areas. The discussion has been revived as a source of potential additional revenue. The Interim Administrator suggested that the first step should be a feasibility study to determine what the improved surface could be, the cost of the right-of-way improvements required by SCDOT, the removal of right-of-way impediments, on-going maintenance costs, etc.

Councilmember Bell saw the goals of a pay-to-park system on Palm Boulevard as generating revenue and getting a handle on the amount of traffic and public safety issues on Palm Boulevard. If the real goal was to reduce the number of cars parking on Palm because of the burden on public safety and public works, traffic and quality of life, eliminating parking on the landside of Palm should remain a consideration. For Councilmember Bell the focus should be on fewer people parking on Palm, less drain on all City services and the residential quality of life; he was not convinced that the City had to spend a lot of money to accomplish them.

Councilmember Ward said that he was not interested in taking the discussion any further if residents were going to be required to pay-to-park.

Chair Buckhannon acknowledged that the City would have to make a sizable capital investment if it were to implement a pay-to-park system, and he questioned how long the City would have to wait to see a return on the investment. A grid-like product the Committee wanted to see to determine if it could be used on Palm would stabilize the right-of-way, delineate the individual parking spaces and the four-foot (4 ft.) line and was advertised as being low maintenance.

Interim Administrator Fragoso recalled that, when she asked SCDOT's engineer for his opinion on eliminating parking on the landside of Palm, he responded that it would create more traffic congestion and drive cars into the neighborhoods.

Councilmember Bell asked if the City could choose certain areas along Palm to be pay-to-park, some to be no parking and some to be one (1) side only parking, and the Interim Administrator thought the City was free to do what it wanted to do.

Interim Chief Usry suggested implementing pay-to-park in phases to keep the upfront costs lower.

Rather than paying for a feasibility study on the whole island, Interim Administrator Fragoso suggested reviewing the feasibility on (1) block to get a "ballpark" idea on the potential implementations costs in order to make better decisions going forward.

Interim Chief Usry mentioned a parking app called "FlowBird" that works in conjunction with Parkeon, the kiosk provider, the cost to the City would be zero but it could generate revenue for the City. Additionally, it ties in with the enforcement side of parking.

The Interim Administrator said that she would reach out to Stantec to find out what they would charge to do a micro-feasibility study of issues related to a pay-to-park system on Palm Boulevard.

Councilmember Ward reiterated that he did not think it was right to penalize people because they live on Palm Boulevard.

B. Update on public transit initiative

Interim Administrator Fragoso stated that she had a conference call scheduled with the Council of Governments' staff on Friday, February 8th for an update on their initiative, and Councilmember Ward's CARTA meeting will be on Monday, February 11th. They will provide an update at the City Council meeting at the end of the month. **C. Consideration of FY19 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)

Interim Chief Usry reported that the pricing will be valid until June 30, 2020, and the timeline for all of the agencies in Charleston County to begin encryption is twelve to eighteen (12 – 18) months, and that countdown has already started. Referencing the radios the Police Department currently uses, the Interim Chief informed the Committee that they have been in use for twelve or thirteen (12 – 13) years, and, when one (1) breaks, it is discarded and replaced because parts are not available for repairs. The price quoted is twelve thousand three hundred fifty-five dollars (\$12,355) under budget. She reiterated that, if the City does not have the radios with encryption when the switch over occurs, the Police Department will be unable to communicate with the Dispatch Center or the agencies with whom it has mutual aid agreements.

D. Discussion of coyote management

Captain Swain reported that trapping began last week with one (1) trap placed behind 3001 Waterway, three (3) traps at Waterway and Forest Trail, three (3) at Waterway and Timber Lane

and three (3) traps near Back Bay near the 15th tee box. The traps were placed in locations where recent sightings have occurred; the traps caught two (2) coyotes in the first three (3) days and six (6) raccoons. Consideration is being given to installing cameras on Dune Ridge Lane and the vacant lot at 13th Avenue. Captain Swain has learned that, when traps are placed in a new area, they tend to be productive initially, but that they quickly become stale and need to be relocated. He told the Committee that February was the State's trapping month.

Interim Chief Usry stated that she and Captain Swain have discussed Ms. Kimber's phone conversation with the Communications Specialists insuring that they give the residents the correct information and that the call get directed as requested.

The Interim Chief also confirmed that Captain Swain is maintaining contact with the Coyote Coalition.

E. Consideration of beach handicap accessibility

In her research, Interim Chief Usry found that not many beach communities were allowing motorized handicap equipment on the beaches in spite of a State statute that allows them. In order for a motorized mode of handicap transportation to be on the beach, the golf cart must be registered with the State, the driver must have a handicap permit and the City would issue a handicap permit listing all of the pertinent data and establish rules like Sullivan's Island has. These rules would only allow use during daylight hours, stay within fifty (50) feet of beach access used, not to drive up and down the beach, not to linger on emergency beach access paths, and any other violations of the South Carolina golf cart law.

Councilmember Bell opined that the City was going to expand the number of parking spaces if it was going to allow motorized modes of transportation on the beach for handicapped individuals.

Interim Administrator Fragoso asked for an additional month to prepare a proposal for City Council.

6. New Business

A. Status of engaging a law enforcement consultant to conduct an independent assessment of management operations

The Interim Administrator said that she has several calls lined up and that she will continue to talk with people in the industry to get recommendations for someone who could be hired in the next few weeks. She also reported holding a meeting with the members of the Police Department where this initiative was announced and well received.

Interim Chief Usry added that, in the meeting, she announced her retirement due to her father's ill health and to assist her mother; it will be effective May 15th.

B. Consideration of providing transport to hospital for medical calls

Chair Buckhannon repeated his support for the City to have a quick response vehicle (QRV) and took it one (1) step further to the City having a vehicle for transporting people from the island to the hospital.

Chief Graham reported talking with members of the Hanahan Fire Department; they indicated that their biggest pro was that they felt they have increased their level of care. She reviewed the things she learned as follows:

1. Start with “basic life support” level of care, i.e. 2 EMTs on board;
2. Flat charge for transport, plus mileage, \$75 no transport fee;
3. Approximately \$250,000 to fully outfit one diesel ambulance;
4. Approximately \$30,000 for backup ambulance;
5. Approximately \$28,000 for a cardiac monitor; and
6. An ongoing cost for supplies.

The City’s current report-writing software is compatible with several of the billing software programs available, but the City would need to contract with a billing company that would charge between five and eight percent (5% - 8%) and ensure compliance with Medicare billing guidelines. The billing could vary between urban, rural and super-rural addresses; billing has a forty or fifty percent (40 – 50%) success rate.

If Council were to pursue offering this service, the service must be available seven (7) days a week and twenty-four (24) hours per day, and the department would add two (2) persons who would rotate with the balance of the crew to maintain their skill levels.

The City should determine if it has issues with Charleston County transport before making a decision and what type of calls does the Department see most frequently that require the services of an ambulance.

C. Discussion of FY20 Operating Budgets for Fire and Police Departments

4

Copies of the documents reviewed are attached to the historical record of the meeting.

For each department a two and a half percent (2.5%) pool has been established for employee wage increases for the FY20 budgets; it will be discussed by the Personnel Committee at its February meeting. Health insurance premiums are projected with an eight percent (8%) increase. Few changes have been made in the FY20 budget from the FY19 budget; decreases are derived from actual expenditures. This version of the budget does not contemplate an increase to vehicle fuel and oil; the expenditure can be adjusted as the process moves forward. Vehicle Maintenance has been increased to fifty thousand dollars (\$50,000) to support extending the useful life of patrol vehicles to seven (7) years.

Chair Ward reported that he and the Interim Administrator have discussed the annual July 4th fireworks display and how expensive it is for the City primarily in wages and overtime. The Interim Administrator and the Treasurer will generate a schedule of costs associated with the fireworks display.

Chair Buckhannon stated that he would support cancelling the display, particularly since the City is not fully staffed at this time; he noted that, in spite of being fully staffed last year, the Police Department called in several Charleston County units to help with traffic.

Chief Graham recalled that the City is locked in to the same cost for the display as the last two (2) years, but this will be the last year.

The budget for the BSOs assumes the same staffing levels as the summer of 2018. A server damaged in the last storm event will be replaced by the funds in the Non-capital Tools and Equipment line of the Capital Projects budget for the Police Department. The budget figure in Maintenance and Service Contracts is the first money budgeted for the building's ongoing maintenance and is roughly one-half ($\frac{1}{2}$) of one percent (1%) of the insured value of the Public Safety Building (PSB); the other half is budgeted for the Fire Department. The line also includes twenty-five percent (25%) of the estimated cost of repairs to the PSB.

Contracted Services in the Municipal Accommodations Taxes includes the services of off-duty Charleston County officers to assist with traffic on Saturdays and Sundays in the season and their increased hourly rate. The Capital Outlay line includes twelve and one half percent (12.5%) of the total cost to rehabilitate the PSB.

Professional Services and Capital Outlay in the Hospitality Fund have been decreased based on actual expenditures.

Chair Buckhannon reminded Interim Administrator Fragoso that he would prefer that the City invest in "real-time" traffic counters from Hospitality Funds.

A second twelve and a half percent (12.5%) of the total estimated rehabilitation of the PSB in budgeted in Capital Outlay in State Accommodations Taxes along with the replacement of the Front Beach surveillance cameras and two (2) patrol vehicles rebudgeted from FY19.

The Interim Administrator reported that the State and Federal Narcotics Fund Accounts are being closed.

Of the sixty-one percent (61%) increase in Police Department expenditures, the biggest piece is the repairs to the Public Safety Building.

Councilmember Bell recommended that an explanatory line be added to the schedule stating that the increase in Police Department expenditures is heavily impacted by the repairs to the Public Safety Building.

The expenditures in the Fire Department also include the two and a half percent (2.5%) pool for employee wage increases, and overtime is fourteen percent (14%) of wages; six percent (6%) of the overtime is scheduled overtime, the overtime that falls to each firefighter as they work twenty-four (24) hours on and forty-eight (48) hours off throughout the year.

Councilmember Bell reiterated his request to separate "scheduled" overtime from discretionary overtime to avoid confusion by the public who do not know how the Fire Department operates.

In the Capital Projects Fund is the debt service and interest for the new 75-foot ladder truck, fifty percent (50%) of the cost to refurbish the 95-foot ladder truck and twenty-five percent (25%) of the total cost to rehabilitate the PSB. In the Rents and Leases line is the cost to rent the construction/office trailer for twelve (12) months.

Chair Buckhannon asked why the Fire Department staff was not moved to Fire Station 2 rather than renting the trailer.

According to the Interim Administrator, re-locating to Station 2 was considered, but was not a viable option due to the limited parking and to the small office space available there.

The Capital Outlay line in the Municipal ATAX fund includes twenty-five percent (25%) of the cost to refurbish the 95-foot ladder truck, the replacement of one (1) Ford F-150 pickup truck and twelve and a half percent (12.5%) of the total cost to rehabilitate the Public Safety Building.

7. Departmental Reports

The reports can be found in their entirety on the City's website.

Relative to the white chalk line, Interim Chief Usry informed the Committee that the Department will begin with a double white line on the non-ocean side of Palm.

8. Miscellaneous Business

Next Meeting Date: 9:00 a.m., Tuesday, March 5th in the City Hall Conference Room

9. Executive Session – not needed

10. Adjournment

MOTION: Councilmember Bell moved to adjourn the meeting at 11:30 a.m.; Chair Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

Public Works Committee
9:00 a.m., Monday, February 11, 2019

The regular meeting of the Public Works Committee was held at 9:00 a.m., Monday, February 11, 2019 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Kinghorn and 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 January 3, 2019 as submitted; Chair Smith seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Jim Raih, 3904 Cameron Boulevard, praised Director Pitts for the job he does managing the temporary help in his department; he suggested that the role of temporary workers could be expanded in the Public Works Department. He also suggested hiring an entry-level person who could learn and move up the ladder to become a CDL driver. He expressed his support for a trash campaign with a tag line like, "If you bring it, take it home;" if the saying were to become fact, the City would not need to have trash cans or trash removal on the beach or be looking for cans with lids for the beach. He commented that the beach sweeps were doing part of the Schupp contract for him. On item D under Old Business, he was in favor of allowing residents to solve problems in their neighborhoods.

4. Monthly Reports for January 2019

Director Pitts stated that household garbage was comparable to the volume in 2018, but debris was higher. Eadie's started another annual cycle of cleaning the island's ditches. The Director reported that the drop inlet at 29th and Palm was lowered and vacuumed on the ocean side; he also noted that the ponding at the beach access path 31A causes the closure of Palm. The drainage issue on 22nd Avenue was checked by SCDOT and vacuumed. Based on the meeting between SCDOT and Directors Kerr and Pitts, they agreed to meet once a quarter to discuss problem areas on the island; from the initial meeting, SCDOT has nine (9) projects which they will address with multiple crews the third week of March. In the month of January, the shoulders of Palm Boulevard were stabilized with ROC, and the municipal parking lot was top dressed with the same product. Although the Public Works trucks incurred some rather substantial repairs, the Director expects to end the year within budget.

5. Old Business

A. Update on Phase II Drainage project

The Interim Administrator reported that work on 52nd Avenue has been completed, i.e. the infrastructure is in place and the landscaper follows to return the properties to their original

condition. All of the infrastructure is expected to be in the ground by the end of February, but the landscaping and repairs may take longer; therefore, the project should be completed the May, leaving plenty of spare time.

B. Update on trashcans with lids on the beach

Director Pitts reported that he has located the trashcans with lids in Myrtle Beach, but they are not using them; they use the same can IOP does. They recommended to Director Pitts that he use the lidded trashcans with a hole cut into the top for recycling.

C. Update on ditches and drainage issues

• Marginal Road & 41st Avenue

According to Director Pitts, SCDOT has been told that the problem is a flap, and they will schedule the repair.

Charleston County has been held up in stabilizing the sides of the Burke ditch at 32 – 32nd Avenue; Frank Pandullo said he will coordinate the work with the property owner.

D. Consideration of a proposal from resident to install a flap gate on Tabby Lane

Interim Administrator Fragoso told the residents present that in order for a flap gate to be installed the City would need a survey and an engineer's drawings and design; the estimate for the work from Civil Site Environmental is ten thousand dollars (\$10,000).

Jameson Howard of 7 Tabby Lane explained that the two (2) drain boxes drain onto 25th Avenue and that he and his neighbors were willing to pay to have the work done to eliminate the back flow of tidal waters that seem to constantly be on the road. He expressed the opinion that ten thousand dollars (\$10,000) was too high to do the surveying and engineering and that he was frustrated that the City was generating a problem in getting the work done.

Thea Interim Administrator stated that the ten thousand dollars (\$10,000) was a not to exceed amount. She added that Director Kerr has contacted Thomas and Hutton for their recommendation, and they have sent a different proposal. She explained that the City must have a statement from a certified engineer that the work to be done will not impact the surrounding areas and the City's overall drainage system.

Mr. Howard reiterated that they were not changing anything only trying to top the back flow.

Interim Administrator Fragoso said that if the City and the Committee were willing to share in the costs, the funds could come from the drainage contingency line item.

Director Pitts said that this was a small isolated system, and he questioned that there would be enough head pressure to open the flap, plus the fact that they are easily broken. Mr. Howard was told that the City would share the proposal from Thomas and Hutton.

MOTION: Chair Rice moved to re-order the Agenda to discuss Item A under New Business; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

Frank Pandullo, Deputy Director of Public Works for Charleston County, said that he believes that the cost of the work should be reimbursable by FEMA. The project is to remove and replace the failed cross-line pipes along Ocean Boulevard and it is estimated to cost one hundred thousand dollars (\$100,000) and take approximately forty-five (45) days. In the meantime, Charleston County will appeal the FEMA decision. Either way, the Isle of Palms will only be responsible for materials that are estimated at twenty-five thousand dollars (\$25,000). The project will begin on March 15th with a competitive bid.

Chair Rice said that she wanted to hear FEMA's decision on the appeal before anything happens.

The failed cross-lines are located at the following addresses on Ocean Boulevard: 108, 112, 120, 202, 212, and 308. Mr. Pandullo assured the Committee that the work would not be done over the summer months and that they would keep one (1) lane open at all times.

Interim Administrator Fragoso stated that, if the FEMA decision was negative, the City would still be responsible for the materials and that Charleston County and the State would be responsible for the balance.

5. Old Business

E. Consideration of Ordinance 2019-04 – An ordinance amending Title 3, Public Works, Chapter 4, Single Use Plastic Bags

The Interim Administrator reminded the Committee that this amendment adds plastic straws, plastic stirrers and polystyrene to the ban on single-use plastic bags, but omits cutlery, plastic cup lids and condiments packaging. The ordinance was approved for First Reading at the January Council meeting.

3

When Councilmember Smith asked why these items were excluded, Chair Rice responded that she hoped to encourage people to bring their own containers and to encourage businesses to have the large pump bottles for some condiments.

Interim Administrator Fragoso told the Committee that she was trying to coordinate a meeting with the Front Beach business owners to discuss the public transit initiative and would add the expansion of the plastics ban to the agenda. She recommended that the expansion would go into effect January 1, 2020, giving the businesses time to transition.

Councilmember Smith noted that the plastics ban had not picked up any momentum on the state level.

6. New Business

B. Consideration of an award of a contract to Butler Chrysler Dodge Jeep in the amount of \$50,659.00 for two (2) Pick-Up 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]

Director Pitts told the Committee that his truck was still at Jones Ford from its being stolen. He also stated that the Dodge truck was on state contract.

MOTION: Chair Rice moved to purchase the 2 Dodge trucks ass described above at state contract pricing; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

C. Discussion of revenue generating opportunities

1. Consideration of implementation of a 3% franchise fee on IOP Water and Sewer

Interim Administrator Fragoso recalled that this was discussed at the Special Ways and Means Committee meeting on January 31, 2019 and repeated that the City has constitutional approval to charge franchise fees. The fee would appear on the water and sewer bills; the fee would be billed and collected by the Water and Sewer Commission.

Councilmember Smith asked if the franchise fee would be only on the water portion of a bill; she opined that residents who have sewer would be paying twice.

The Interim Administrator was informed by Kristen Champagne that the sewer expansion plan was included in the Master Plan.

Chair Rice said that she would like to see the expansion plan before deciding on a franchise fee; she added that, if the City were to impose a franchise fee that was billed and collected by the Water and Sewer Commission, those collections could be the City's contribution to the expansion project. The Chair noted that Wild Dunes was the Water and Sewer Commission's biggest customer.

2. Consideration of increasing the NPDES stormwater fee

4

This revenue generator was also discussed at the January 31st meeting, and the consensus was to increase the fee to seventy-two dollars (\$72) per year.

Councilmember Smith said that she did not like applying the fee to every household and business on the island; someone with a small J.C. Long house did not create a stormwater footprint as large as a three (3) story rental property. She thought that the stormwater fee should be based on the square footage of impervious surface as it was for business properties.

The Interim Administrator informed the Committee that staff reached out to the NPDES Stormwater Management Program staff to inquire about whether or not the stormwater fee could be based on impervious surfaces rather than an across the board. The NPDES program manager said that it could be done, but it would take a tremendous amount of work to determine how much of each lot is covered with impervious surfacing. The County did this for commercial properties and for us to do it for residential properties should follow the same process.

The City would need to build a database and a series of maps that show the coverage of every lot based on aerial photographs and GIS measuring. Then take these maps and field verified the surfaces and correct if it was a gravel drive but got counted as concrete. This process is estimated to cost the City approximately \$366,000.

MOTION: Councilmember Smith moved to recommend to the Ways and Means Committee to increase the residential stormwater fee to \$72 per year for FY20; Chair Rice seconded and the motion PASSED UNANIMOUSLY.

D. Discussion of FY20 Operating Budget for the Public Works Committee

Interim Administrator Fragoso stated that each department budget has a two and one half percent (2.5%) provision for employee wage increases, and health insurance expenditures are projected with an eight percent (8%) increase.

Eight thousand dollars (\$8,000) of State Accommodations Taxes are being saved by retro-fitting the roof of the Public Works Building. Since the roof must be replaced, Councilmember Smith asked if staff had considered a solar roof. Included in the Capital Projects fund for FY20 is the final engineering, design and permitting for Phase II drainage at two hundred thousand dollars (\$200,000).

City-wide landscaping is budgeted with a base price of seventy thousand dollars (\$70,000) and additional funds for improved landscaping and irrigation on City-owned properties.

Contracted Services in the Hospitality Fund covers the street sweeping contract and the commercial dumpster service.

This first version of the Public Works Operating Expenses totals two million one hundred thirty thousand dollars (\$2,130,000).

8. Miscellaneous Business

5

Next Meeting Date: 9:00 a.m., Thursday, March 7, 2019 in the Conference Room

9. Executive Session – not needed

10. Adjournment

MOTION: Councilmember Smith moved to adjourn the meeting at 10:57 a.m.; Chair Rice seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

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

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

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. Election of Chair and Vice Chair

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

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

3. Citizens' Comments

Jamie Zazella, 104 Forest Trail, attended this meeting because a discussion of the fee structure for classes and programs offered at the Rec Center was to be discussed. She stated that residents and non-residents got an amazing value in the classes and programs offered at the Rec compared to the actual charges. She opined that, if any financial shortfall occurred, it should be made up by non-resident charges for Rec programs and classes.

Marshall Depass, 28 – 26th Avenue, approached the Committee representing Carolina Salt Surfing and noted that they are interested in providing individual surf lessons, but not a surf camp. He reminded the Committee that Kyle Busey has been a part of the franchise program at Folly Beach, which he described as “too saturated” because the Town offered too many franchises. Mr. Busey thought the franchise proposition was good if properly regulated. Mr. DePass stated that Wild Dunes was repeatedly asking them to offer surfing lessons which they could advertise as another amenity offered by the resort. At this point, Carolina Salt Surfing was only asking to be approved to offer surfing lessons on the beach in Wild Dunes in the vicinity of the Boardwalk; they were not interested in offering surfing camps on the IOP beach.

MOTION: Chair Smith moved to discuss the item under old Business related to franchise agreements for surf camps at this time; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

5. Old Business

Status of the beachfront franchise agreements for surf camps

Interim Administrator Fragoso stated that the draft RFP has been crafted, and it attempts to identify qualified vendors who could meet the City's needs, whether for surf camp or another activity that might seek a Front Beach franchise. She reported that she spoke with the Administrator for the Town of Folly Beach and that the IOP RFP mimics the one issued by Folly

Beach that has four (4) active franchise agreements. As in other RFPs, the RFP contains certain requirements that must be met in order to qualify for a franchise agreement, such as meeting the liability insurance limits and naming the City as an “also insured,” having workers compensation insurance, being certified in CPR, lifeguard and life-saving, having one (1) instructor for every five (5) students, etc. The Interim Administrator noted that to offer and approve any franchise agreements would open the beach up to more commercial activity which would be diametrically in opposition to the existing City Code that prohibits commercial activity on the beach, except for a professional photographer for one (1) hour; this is a decision that Council must make. In addition, she noted that a franchise agreement would be another contract that the City staff would track and manage; the agreements would be for one (1) year giving the City the opportunity to make revisions, if needed, before negotiating a renewal. The RFP does not designate an area of the beach where they would be allowed to operate; that would be negotiated after the proposals were received and evaluated. The RFP includes that no advertising or solicitation would be allowed on the beach or on the access path and that all financial transactions must be made off-site. Those responding to the RFP would be required to submit a work plan and a business plan.

Indicating that he was willing to think out-of-the-box, Councilmember Buckhannon opined that, since this would be a new venture for the City, it should be limited to fewer than four (4) franchises. He felt that the City was also being pushed by Wild Dunes, and he questioned that the RFP could restrict the classes and/or camps to the Wild Dunes area of the beach.

Mr. Busey said that he prefers to give private lessons and to offer a camp with no more than fifteen (15) kids possibly through the Rec Department giving the City more control. He thought that the Wild Dunes’ operation would be smaller.

The Interim Administrator commented that the City could not issue an RFP that appears to favor one (1) vendor and that the City needs to move forward ensuring fairness and transparency.

2

Although the surfing camps were offered as a small revenue stream in a budget meeting, she thought it should be promoted only as a way to bring surfing to the Isle of Palms. Vice Chair Smith suggested that two (2) camps, not four (4), should be offered initially and that they could be held outside of Wild Dunes for IOP kids.

Mr. Depass stated that Wild Dunes was involved to the extent that they would handle the financial end their operation and that, yes, they would be catering to their guests, but the lessons would not be limited to Wild Dunes’ residents or visitors. And, he reiterated that Mr. Busey was interested in offering private lessons.

In Interim Administrator Fragoso’s opinion, the next step would be for this Committee to make a recommendation to City Council to get their support for this activity on the beach before issuing the RFP.

4. Departmental Report – Director Page

Having reduced the information in the monthly report a couple of years ago at the request of a Committee member, Director Page stated that she has re-introduced some information because of the questions she was being asked.

Adult athletics are now registering for play to begin in March. One hundred sixty-five (165) youths, making up nineteen (19) teams, are participating in the basketball program that will end in

February. One hundred twenty (120) youths have registered for the youth baseball program, and seventy-five of them live on the Isle of Palms or Sullivan's Island.

The Director reiterated that IOP youths always get preference, but, in athletics, off-island youths are needed to insure enough kids register to form the number of teams need for league play. No Isle of Palms' or Sullivan's Island youths are left on a waiting list, unless they register after the teams have been formed. She also noted that fees for non-resident youths were increased in January with basketball registration.

As Director Page moved to programs and classes, she explained that some of the classes might appear to have very low participation that may be the maximum number that the instructor would take. The numbers for the dog obedience classes remained strong, but the Director was confident that not all were island residents. She was pleased to report that the "Spanish: Travel and Leisure" classes filled up quickly.

Upcoming Special Events are Doggie Day at the Rec on Saturday, February 9th, the Front Beach Fest on Saturday, March 9th, the annual Yard Sale on Saturday, March 30th and the always-popular Easter Egg Hunt on Saturday, April 20th. As in the past, residents can get rabies vaccinations for their dogs and City dog licenses at Doggie Day. The bands who played for the Holiday Street Festival have been invited back to play for the Holiday Beach Festival due to the rain for the December event, and the arts and crafts vendors who were invited to the Holiday Street Festival were given the first right of refusal for the Front Beach Festival.

6. New

A. Consideration of a handicap swing

3

Director Page reported that the Rec Department has one (1) swing set that can be used with a handicap swing and the purchase is in the works.

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

The Director stated that she had distributed the schedules just before the meeting started. She believed that the use of the fields would be the most popular choice because of the needs of travel teams that are not affiliated with a school and, therefore, have no fields on which to practice. She added that the City must be careful to provide time for the fields "to rest." She said that she has matched the fees Mount Pleasant charges for its field rentals because the Department would be overwhelmed with requests if it were to charge less.

Since Chair Moyer was absent and since he asked for this information, Councilmember Buckhannon suggested that the discussion be postponed until the March meeting. He also cited the fact that, if space at the Rec Center was rented to one (1) group, it would have no basis for denying rental to any other group. Under the current practice of denying use of the building or grounds by any group, the Department has avoided any circumstance where it could be accused of favoritism or discrimination. Director Page said that, if Council decided to rent space in the building, it would need supervision and an investment to make it more secure.

When the Director gets requests to rent out space in the Rec Center, she typically directs the group to the Exchange Club or the local churches. On the other hand, she frequently gets requests for use of the Rec Center's fields, which she denies.

C. Discussion of policy changes to encourage residents to use the Rec Center

The consensus of the Committee was to delay this discussion until the Chair was present.

D. Discussion of number of residents and non-residents who participate in Rec programs and athletics

Director Page noted that the numbers for January were in the report.

E. Discussion of a community garden at the Recreation Center

Interim Administrator Fragoso recalled that a resident attended the January meeting advocating for a community garden; she told the Committee that she reached out to the Charleston Park Conservancy, a group that establishes gardens in the Charleston area, in hopes of garnering their support. She wants to gather more information after selecting a space for a community garden at the Rec Center, as suggested, or another spot on the island.

Director Page suggested that this might be a good project for an *ad hoc* committee. She added that a community garden was addressed in 2010, but the conclusion was that there was no space on the Rec property for one (1), and no one came forward to be the primary caregiver, to keep it watered or to keep it weeded, etc.

The Interim Administrator opined that the Committee needed to determine if the community would commit to support such a project, because no City employees had time to dedicate to a community garden.

4

Vice Chair Smith offered two (2) thoughts:

- 1) Talk with Ms. Rosenthal, who brought up the idea of a community garden last month, to learn if she had discussed this with other members of the community who might be interested in pursuing it; or
- 2) Touch base with the IOP Garden Club to see if they might be interested in spearheading the project (Vice Chair Smith was informed that the island no longer has a garden club).

F. Discussion of fee structure for classes and programs

Councilmember Buckhannon said that he had asked that this be on the agenda because Council kept bringing it up. He recalled that the Committee has gone through the fees structure and made changes to sports and athletic programs and doubled the fees for non-resident participants.

The Vice Chair also remembered that Ms. Rosenthal had mentioned the cost of classes and programs offered at the Rec Center.

Director Page responded that Ms. Rosenthal was comparing the IOP Rec Center fees to those of the Mount Pleasant Senior Center and pointed out that the Mount Pleasant instructors were paid a flat rate for teaching their classes. Mount Pleasant Senior can pay their annual enrollment fee and the classes are made available for five dollars (\$5); they also provide the coffee and pastries with employees dedicated to that function. The IOP Rec Center cannot be compared to the Mount Pleasant Senior Center; they are worlds apart in funding and how that allows them to operate. Although the unwritten policy is for participants to pay before taking a class, Director Page reported that often someone will come up to the desk stating that they attended only eight (8)

classes in the month and will pay for those eight (8) classes then. Being a small Rec Center serving a small community, things like that can be allowed to happen – the IOP Rec Center caters to its patrons.

G. Discussion of FY20 Recreation Department operating budget

The FY20 budget presented is attached to the historical record of the budget.

All of the departmental FY20 budgets contemplate a two and a half percent (2.5%) merit pool and could be refined as the process continued; overtime has been reduced as a percent of wages. Interim Administrator Fragoso pointed out that the “Rents and leases” expense has been reduced by twelve hundred dollars (\$1,200) with the removal of the pay phone; the “Adult Sports” line has been reduced by one thousand dollars (\$1,000) based on actual expenditures. Earlier in the year, the City chose to go to a higher deductible on its property and liability insurance, but, at this point, the analysis has not been completed, so the FY20 budget reflects the same as the FY19 budget until that work has been completed.

In the Capital Projects budget, “Non-capital tools and equipment” has been reduced by thirteen thousand dollars (\$13,000) because no replacement of cardio equipment is planned for FY20.

The only item in the Municipal Accommodations Taxes fund is the installation of WiFi for the building and the grounds at eighty-six hundred dollars (\$8,600).

A replacement golf cart for six thousand dollars (\$6,000) should be the expenditure for FY20 in the Hospitality Tax Fund; the Special Activities funded through Hospitality Tax funds are the Holiday Street Festival, the Front Beach Fest, and the Sand Sculpting Contest.

5

The ten thousand dollars (\$10,000) in the FY20 State Accommodations Tax Capital Outlay is the replacement of a piece of playground equipment or an outside scoreboard, only if a failure occurs. State ATAX contains funds for the Connector Run, the Easter Egg Hunt and the spring music event.

The fifteen thousand dollars (\$15,000) from the Rec Building Fund will go toward the Connector Run.

7. Miscellaneous Business – none

Next Meeting Date: 5:00 p.m., Monday, March 4, 2019 in the Conference Room

8. Adjournment

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 5:15 p.m.; Vice Chair Smith seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

PERSONNEL COMMITTEE

5:00 p.m., Monday, February 11, 2019

The regular meeting of the Personnel Committee was held at 5:00 p.m., Monday, February 11, 2019 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Ferencz, Moye and Rice, Interim Administrator Fragoso and Clerk Copeland; a quorum of the Committee was present to conduct business.

1. Interim Administrator Fragoso 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

Councilmember Moye nominated Councilmember Ferencz as Chair; Councilmember Ferencz declined the nomination based on a lack of support from the Committee over the previous year.

Councilmember Ferencz nominated Councilmember Rice as Chair; she also declined citing her chairmanship of the Public Works Committee.

Councilmember Moye became Chair with the full support of the Committee members.

Councilmember Rice nominated Councilmember Ferencz for Vice Chair, and Chair Moye seconded. Councilmember Ferencz was elected Vice Chair on a vote of two to one (2 to 1) with Councilmember Ferencz casting the dissenting vote.

3. Approval of Previous Month's Minutes

MOTION: Councilmember Rice moved to approve the minutes of the regular meeting of January 7, 2019 as submitted; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

4. Citizens' Comments

Jim Raih, 3904 Cameron Boulevard, commented on how well Director Pitts manages the temporary labor in the Public Works Department. As he had in the Public Works Committee meeting, Mr. Raih suggested that the Department would be well served by hiring an entry-level person who has an interest in growth and training him to eventually become a CDL driver. He expressed his sadness in Interim Chief Usry's pending retirement, but said that he always supported people who put family first. On Item E under New Business, Mr. Raih asked why it was important to hire a Director of Human Resources and why do so now. He agreed that the City needed a Human Resources person, but he did not think now was the time. As the City continues its search for a new City Administrator, Mr. Raih thought the right candidate should have an M.B.A. with a property management background. He also thought that the delay in filling the Animal Control Officer position was not the right thing to do; in his opinion, this was an important position that should be filled as soon as possible.

5. Old Business

A. Update on *ad hoc* committees for standing committees

Interim Administrator Fragoso stated that she did not have an update because she has had to put the *ad hoc* committees on hold because more pressing issues were filling her working hours.

B. Update on the hiring process for the City Administrator, Chief of Police and Assistant Public Works Director

Councilmember Ferencz stated that in her most recent conversation with Jim Mercer of The Mercer Group, he had told her that he has received hundreds of resumes for the openings, but would “fast-track” those he has received for Chief of Police.

Human Resources Officer DeGroot said that she had talked with Mr. Mercer after last month’s meeting when he said the background checks would take a week to ten (10) days and that he would start on them immediately.

When Councilmember Ferencz asked if Mr. Mercer could complete the checks by the end of February, Interim Administrator Fragoso indicated that the deadline for submitting resumes was February 8th. With concerns over Interim Chief Usry’s imminent retirement, the need to “fast-track” the Chief of Police was more urgent and that Jim Mercer should do background checks on the top five to ten (5 – 10).

Councilmember Ferencz said that Jim Mercer stressed the need for confidentiality for the candidates.

Chair Moyer said that he would like the Committee to interview two to five (2 – 5) candidates, and Councilmember Rice said that she would like to interview Chief of Police candidates in March and City Administrator candidates in April.

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C. Discussion of proposed 2.5% merit-based salary adjustment pool for FY20 budget

The Interim Administrator stated that the departmental operating budgets include a pool of two and a half percent (2.5%) for wage increases that will be managed by the department managers. The distribution of the pool by the department manager will be a merit-based program, and the COLA would disappear.

Chair Moyer said that he wanted to see more penetration into the wage ranges and for the wage increase favor of the lower earning employees.

Councilmember Rice said that she did not want the higher paid employees to feel they were being punished or less appreciated for what they do. She cautioned that the message to employees should be carefully worded to present the right tone. When Chair Moyer commented that the City was losing employees who were on the lower end of the wage ranges, Councilmember Rice noted that the City was losing employees on the high end as well.

The Interim Administrator reported that she and the Treasurer were currently reviewing the wage ranges as well as the ranges from other local governments.

Chair Moyer told the Interim Administrator that many tech companies have wage data for comparisons if she believed she needed the information. As the Chair, he stated that he was reluctant to set a specific percentage; if he assigned a portion to a COLA, employees would expect

it to be paid in their first paycheck of 2020, but the staff recommendation for FY20 is a merit-based policy.

The Interim Administrator thought that the proposal was a good alternative to the current policy. Following up on the discussions related to the mid-point in the wage ranges, she asked at what point in the range would an employee no longer be eligible for the full merit and/or COLA percentage. She believed that the department managers knew their employees the best and they could use the additional funds for lower paid employees to incentivize them.

When Councilmember Ferencz noted again that she has seen the livable wage for Charleston quoted as fifty thousand dollars (\$50,000) in several web sites, Chair Moyer stated that the City has some jobs with competitive wages less than fifty thousand dollars (\$50,000). He also noted that he thought the department managers should not have the final word on distribution of the department's wage adjustment pool.

Interim Chief Usry stated that she has already completed the merit pool distributions and that, with overtime, a new hire could earn more than an existing employee.

Director Page pointed out that some employees were below the mid-point because their work did not warrant a good evaluation therefore limited wage increase, and she was reluctant to give an evaluation wage increase to an employee based on his position in the wage range for his position and not his work performance.

Chair Moyer opined that department managers should want all of their employees to be at the mid-point of their pay range if not top performers in the department. He stated that it was hard to know if two point five percent (2.5%) was sufficient without more specifics on how it would be distributed. In addition, he would like to see the wages and salary ranges on the City's website as many other communities do. In conclusion, he asked to get feedback from department managers on a policy for working toward more consistency in evaluations.

6. New Business

A. Discussion of boards and commissions criteria and selection process

Interim Administrator Frago stated that the work was not yet complete, and the Chair reminded her that the information was needed soon. He wanted the Committee to have the time to discuss the recommendations and make decisions without being pressured by the hiring process to which it was committed; he also thought that it should be kept rather simple in the beginning.

B. Consideration of comprehensive Strategic Planning process for 2019

The Interim Administrator suggested that developing a strategic plan for the City could be a project that would put an *ad hoc* committee to good use; she thought the City might well have some residents who were familiar with strategic planning who would be interested in serving their community. She thought having a strategic plan in place as work begins on the FY21 budget would be helpful.

Councilmember Ferencz recommended that Chair Moyer contact the City of Rock Hill because they have had a strategic plan in place for years.

C. Discussion of Police, Fire and Public Works Departments compensation analysis and consideration of proposed changes to current Police Department wages

Human Resources Officer DeGroot reported that she had gathered some comparables from the surrounding area for the Committee to review; they show that the average starting wage for a patrol officer in the area is approximately forty-two thousand three hundred dollars (\$42,300). At the Isle of Palms, the starting wage is approximately thirty-nine thousand three hundred dollars (\$39,300) – a difference of three thousand dollars (\$3,000) annually. The communities identified have similar working conditions and benefits, but some offer additional compensation for having an associate or bachelor's degree and others offer an increase or a flat amount upon graduation from the Police Academy.

Staff's recommendations included the following;

- Keep current patrol officer wage range for Non-certified Officers;
- Add a new pay range for Certified Officers starting at \$42,000, a 7% increase;
- Increase pay range for sworn police positions below Captain to match patrol officer increase of 7% to maintain parity between positions;
- Adjust current employees to new minimum if not already there;
- Adjust employees with less than 10 years of service by 1% for patrol officers or 0.5% for all sworn positions below captain per year of service to avoid salary compression;
- Proceed with a more complete analysis of all Police Department positions as soon as possible; and
- Adjust Livability Officer, Victims Advocate and Detectives to the same wage as the Patrol Officers

4

To make these wage adjustments will cost the City twenty-five thousand six hundred fifty-five dollars (\$25,655) in FY19. The funds to cover these increases will come from the one hundred twenty-eight thousand two hundred dollars (\$128,200) in savings resulting from the recent terminations.

The findings from other local municipalities on their Fire and Police Departments and CDL drivers illustrate that the disparity in the Police Department was the most critical.

When asked how these new wages would compare to other City departments, Chair Moye said that he was aware that all of the departments' wages need to be looked at, but now the time was to address an urgent situation in the Police Department.

Councilmember Rice stated that one (1) local agency was offering a one thousand dollar (\$1,000) recruiting bonus.

D. Discussion of FY20 operating budget for Mayor and Council, General Government and the Building Department

In the FY20 Mayor and Council budget, the expense for Meetings and Seminars has been increased by three thousand dollars (\$3,000) to cover the cost of security at Council meetings.

As discussed already, the wages for General Government and the Building Department have been increased by two point five percent (2.5%) and health insurance costs have been increased

by eight percent (8%). In total, the FY20 General Government operating budget has been reduced by two percent (2%).

Included in the Capital Projects Fund for General Government are the Building Maintenance Contingency funds equal to one-half (½) of one percent (1%) of the building's insured value and the first year of timeclock software and rental, as well as other items.

The amount budgeted for storm preparation and cleanup in the Disaster Recovery Fund has been doubled to ten thousand dollars (\$10,000); Interim Administrator Fragoso remarked that the storms have become a regular event and, assuming the damages to the beach are from a named storm, FEMA would reimburse seventy-five percent (75%) of the costs.

The Building Department has requested a computer program used by Charleston County referred to as STR; this program will search the web for short-term rental properties. The listing can be compared to the City's records and, when it identifies one (1) that is not in the City's database, the code enforcement officer can confirm and bill the property owner against the rental income.

E. Consideration of establishing a Director of Human Resources position and potential budget impact

Councilmember Ferencz said that this was a request that the Mayor has been asking her to make for a period of months; she noted the need for elevating this position and that it would be a promotion from within the current ranks. She noted that this would not mean an additional member of staff and expressed interest in how the change in salary might impact the budget.

Councilmember Rice indicated that she had no appetite to make such a move at this time and that the Committee should focus on what is already "on its plate;" she stated that the addition of a position usually came as a recommendation from the City Administrator. In addition, she asked if Human Resources was to be a one (1) person department and pointed out that Ms. DeGroot has only been with the City for less than twenty-four (24) months.

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Interim Administrator Fragoso noted that this would be a new position for the City and a job description which has not been written or approved. She stated that the request for a new position typically comes as a result of an organizational assessment and restructuring that has not taken place.

Councilmember Ferencz reiterated that this was a request coming from Mayor Carroll; he believes that as a Director, the Human Resources Officer would have a "seat at the table" and be involved in policy making.

The Interim Administrator commented that the Human Resources Officer has been deeply involved in policy making and making recommendation related to human resources issues.

According to Councilmember Ferencz, the Mayor thought that, as a Director, the Human Resources Officer would "automatically be a part of the managerial table."

Chair Moya suggested a discussion on this issue would be more appropriate at a meeting between Interim Administrator Fragoso, Mayor Carroll and himself.

6. Miscellaneous Business

Next Meeting Date: 8:30 a.m., Tuesday, March 5, 2019 in the Conference Room

7. Executive Session – not needed

8. Adjournment

**MOTION: Councilmember Rice moved to adjourn the meeting at 7:40 p.m.;
Chair Moye seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland
City Clerk

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

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

1. Interim Administrator Fragoso 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

Councilmember Ward nominated Councilmember Bell for Chair, and Councilmember Ferencz seconded. With no other nominations, Councilmember Bell was unanimously elected Chair.

Chair Bell nominated Councilmember Ferencz as Vice Chair, and Councilmember Ward seconded. With no other nominations, Councilmember Ferencz was unanimously elected Vice Chair.

3. Approval of Previous Meeting's Minutes

MOTION: Councilmember Ward moved to approve the minutes of the regular meeting of January 8, 2019 as submitted; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

4. Citizens' Comments

Jamie Zazella, 104 Forest Trail, referred to a letter she has sent to City Council members opposing the proposed subdivision planned for the lots across from her home due to the flooding that already occurs on the street now. She read the letter into the minutes of the meeting; a copy is attached to the historical record of the meeting along with photographs of the debris that accumulates on her property from these lots and a copy of the drainage exhibit the developer presented to the City.

Henry Hagerty, 106 Forest Trail, also spoke about the proposed subdivision on Forest Trail, specifically about a "very odd post the realtor did on this development." He distributed photographs of his back yard because his property and the properties to be developed are all on the same flood plain. He said that the flooding seen has happened once a month since the fall, and he is going to develop a drainage plan that directs the water into his ditch to submit to the Building Department. Once approved, he will bring in a backhoe to dig the ditch to a depth of twelve inches (12 in.) as directed. He noted that, when drainage plans were done, nothing was said about water table studies; he told the Committee that his front yard was "a mud pit twenty-four (24) hours a day – it does not dry out because the water table has come up." He stated that the entirety of Forest Trail is below the level of the road. In his opinion the problems were that the flooding on Forest Trail has always been an issue and (1) one that everybody knows about; the addition of these residences will only make matters worse. He stated that the flooding was a

public safety issue, not just a problem. He anticipated a minimum of four thousand square feet of impervious surfaces going into this single development, and water will have no place to go.

5. Comments from marina tenants – none

6. Old Business

A. Update on RFI for municipal parking lot alternate uses

Interim Administrator Fragoso said that she had no update for the Committee at this time.

B. Discussion of Marina restaurant lease bid process/timeline

Referring to the timeline she developed, Interim Administrator Fragoso noted that the City is in the period assigned for the building assessment with a date late in March for its presentation to City Council.

1. Status of building assessment

The Interim Administrator reported that the building assessment was underway and that she has a meeting with Hill Construction tomorrow to get on update on their progress.

2. Status of engaging the services of commercial real estate consultant to guide and advise the City throughout the bidding process

In addition, she is working on the RFP for the real estate consultant to advise the City throughout this process; her goal is to have the RFP issued by Friday, February 15th. The City is giving respondents fifteen (15) days to submit their proposals and another fifteen (15) days for staff to evaluate them and make a recommendation to this Committee at its April meeting. Assuming a contract award at the April City Council meeting, the consultant would begin drafting the bid documents; the City will allow the consultant forty-five (45) days to complete the document and to advertise it the first week of July. The bids would be due the middle of August, and the submissions would be evaluated through the end of September.

Chair Bell set his goal to reduce the timeline as much as possible whenever possible.

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

The Interim Administrator reported that the old tanks have been removed, and the new tanks were in the ground. Ground samples were sent for analysis because signs of petroleum contamination were present, and the need for remediation will only be known when the results of the analyses of the soil samples are received.

A change order has been received from Jones and Frank in the amount of twelve thousand nine hundred twenty dollars twenty cents (\$12,920.20) for hose reels that were overlooked by the City and the Engineer in the addendum to the RFP. The Interim Administrator commented that the contingency fund for the project had money in it to cover this cost.

MOTION: Councilmember Ward moved to approve the change order for the hose reels in the amount of \$12,920.20; Chair Bell seconded and the motion PASSED UNANIMOUSLY.

D. Update on marina docks rehabilitation project

Since City Council approved the project to move forward with Concept 2, and ATM has started to prepare the permit applications and to schedule the pre-application meeting with DHEC and the Corps of Engineers to get as preliminary “nod” for the project. The conceptual drawings they will see will be changed and refined as the construction process nears based on funding availability.

E. Status of list of certified arborists

The intention of this list is to compile a list of certified arborists in which the City can place its trust to have true and accurate decisions on the condition of a tree. The City will recommend persons on this short list for residents to deal with when they want to remove a tree.

According to the Interim Administrator, Attorney Copeland was sent the portion of the January minutes where this request was made to determine if any Code issues need to be changed.

7. New Business

A. Discussion of proposed revenue generating opportunities

1. Increase to residential rental license fees

From the budget workshop on revenues held last week, these are recommendations on which Council reach a positive consensus. The current residential rental license is a combination of a base fee of one hundred seventy-five dollars (\$175) and an incremental rate of two dollars thirty cents (\$2.30) for each thousand dollars or portion thereof in revenue in excess of two thousand dollars. The recommendation out of the meeting was to double each rate, i.e. base rate of three hundred fifty dollars (\$350) and the incremental rate of four dollars sixty cents (\$4.60) for every thousand dollars or portion thereof in excess of two thousand dollars in revenue. This action would be expected to generate an additional four hundred eighty thousand dollars (\$480,000) in revenue from short-term rental licenses.

A rental is considered to be a short-term when the property is rented for any period less than ninety (90) days.

Chair Bell stated that one (1) thing the City has overlooked is the penalty for not getting a rental license; he believed the concept that penalties drive compliance.

Director Kerr said that the penalties imposed by the City of Isle of Palms were set by state law.

Councilmember Ward confirmed that the rental license increase would go into effect for the FY20 budget year.

According to the Interim Administrator, this change would be required to be done by ordinance.

MOTION: Chair Bell moved to increase residential rental license fees by doubling the base rate to \$350 and doubling the incremental fee to \$4.60/\$1,000 in excess of \$2,000 in revenue; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

2. Standardization of building permit fees

Staff was recommending that the building permit fees be standardized at a base rate of fifty dollars (\$50) plus five dollars (\$5) per one thousand dollars (\$1,000) of value.

MOTION: Chair Bell moved to approve the increase in building permit fees as stated above; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

B. Consideration of incorporating the end of 41st Avenue to the marina property

Chair Bell explained that this stretch of land was 41st Avenue from Waterway to its terminus; if Council were to approve this action, the land could be abandoned as a road and added to the marina property. It could be appended to the restaurant for use as additional parking, but it would not become part of any marina lease.

The first step would be for the City to get a quitclaim deed from The Beach Company for the land under the road and would then follow state regulations for abandoning the road. Interim Administrator Fragoso described it as a long and arduous process that would cost the City seventeen to eighteen thousand dollars (\$17,000 - \$18,000).

Chair Bell suggested not doing any further work until the real estate consultant could tell the Committee what the incremental value of that property could be to the marina restaurant lease.

Councilmember Ward said that he did not see the value in doing and asked what the plus side was.

Chair Bell answered that the marina has very limited parking under the existing lease terms for the marina restaurant building, but an option would be that the City could combine parking along 41st and the other properties the City owns along the waterfront to expand the commercial opportunities with Morgan Creek Grill.

Councilmember Ferencz said that she would not want to see staff spend any more time on this issue now.

Interim Administrator Fragoso noted that this idea was first introduced to the Committee by the marina operator because he would very much like to have an entry gate installed to better manage the property; to accomplish this the City would need to have some kind of agreement with him to supervise the property. It would allow the City the opportunity to make changes to the current lease when negotiating the addition.

C. Discussion of FY20 budgets for the Front Beach area, Beach Monitoring and Maintenance and the IOP Marina

On the updated schedules, the transfers-in have been separated out of revenue and shown on the second page.

All of the marina leases include a two percent (2%) annual CPI adjustment and no additional rent to be as conservative as was reasonable and with no change in the rent structure. The Interim Administrator reminded the Committee that the City's leases with Tidal Wave and Morgan Creek Grill expire in October 2020.

Each section of expenditures has a Maintenance and Service Contracts line; in future versions of the FY20 budget, the amount in that line will be a consolidation of the five (5) lines shown on this first version. Included in the consolidated number will be fifty-one thousand dollars (\$51,000) that is a provision for maintenance of City-owned property not covered in any of the leases.

Based on discussions with ATM regarding the length of time permitting is expected to take, no construction is expected on the marina dock rehabilitation in FY20; the City anticipates only incurring engineering and soft costs in the next fiscal year.

Interim Administrator Fragoso stated that ending section of the FY20 marina budget shows that the marina fund could pay for the first phase of the marina dock rehabilitation, the fuel dock, without transfers-in from tourism funds or incurring debt.

Chair Bell noted that the remaining two plus million dollars (\$2,000,000+) needed for the docks rehabilitation currently has no funding source, and that the City's lease income from the marina will only increase by the annual CPI. He opined that Council must decide what the value was "to the community of putting significant money in or taking on more debt for the marina relative to what we [the residents] get out of the marina." The intention of Council is to set aside the three hundred thousand dollars (\$300,000) previously used to pay off the marina debt to put back into the marina.

5

The Interim Administrator reminded the Committee that tourism funds were transferred into the marina fund to service that debt.

In addition, this first draft does not include any capital improvements for the marina restaurant building or any increases to marina rents.

The Beach Preservation Fee Fund is shown with a three percent (3%) increase, the trend seen in recent years. The item in the line for Capital Outlay is the funding for an additional beach walkover or the remediation of an existing walkover. Rather than adding a beach walkover, a policy of previous councils, the Interim Administrator advocated for maintaining the existing beach walkovers; if an access path were to be identified in the future for a dune walkover, the project could be budgeted for at that time or an application could be made for Greenbelt Funds.

Councilmember Ferencz supported a study to determine how many beach accesses would be needed in the future, where they should be located and how many should be ADA accessible.

Councilmember Ferencz stated that the residential parking plan was year-round, but other parking was seasonal; she asked if staff had looked into all parking being year-round and the associated costs.

Interim Administrator Fragoso commented that Front Beach businesses struggle in the off-season and enforcing the kiosks year-round could be more harmful to them.

D. Discussion of maximum number of vehicles located at a short-term rental property

Chair Bell questioned the sensibility of making every effort to reduce parking on the City's streets while not acting to minimize the number of vehicles parked at the large rental properties. He opined that a twelve (12) bedroom house did not have sufficient parking for twelve (12) vehicles and the overflow was into areas designated for beach parking.

Director Kerr stated that only two (2) options were available to renters, either require all vehicles to be parked on-site or to limit the number of cars to be on-site and with overflow parking in the right-of-way. The current ordinance allows one (1) vehicle per approved bedroom or one (1) vehicle per two and a half (2½) people of the maximum overnight occupancy; new homes are limited to twelve (12) bedrooms.

Councilmember Bell commented that he has seen as many as twenty (20) cars at one (1) residence; therefore, he thought the subject needed more debate.

8. Miscellaneous Business

The Interim Administrator reported that all tenants were current with rent payments.

Next Meeting Date: 9:00 a.m., Wednesday, March 6, 2019 in the Conference Room

9. Executive Session – not necessary

10. Adjournment

MOTION: Councilmember Ferencz moved to adjourn the meeting at 10:38 a.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

Board of Zoning Appeals
Minutes
February 5, 2019

I. Call to order

The regular meeting of the Board of Zoning Appeals was called to order on February 5, 2019 at 5:30 p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Members present were Elizabeth Campsen, Carolyn Holscher, Glenn Thornburg and Pete Doherty and Secretary Douglas Kerr was present. Arnold Karig was absent.

Mr. Kerr acknowledged that the meeting had been advertised in compliance with State law and the properties had been posted.

II. Nomination and election of Chairman and Vice Chairman

Mr. Doherty understood that Mr. Karig might not want to continue as the Chairman, but he would like him to participate in the process of choosing a new Chairman and asked if it would be okay to delay the election until Mr. Karig was in attendance.

The group agreed to delay and asked that Mr. Thornburg chair the meeting(s) until an election took place.

III. Approval of minutes

Mr. Doherty moved to approve the minutes of the regular meeting of December 4, 2018, and Ms. Holscher seconded. The motion passed unanimously.

IV. Special Exceptions

Mr. Thornburg explained that the Board acted as a quasi-judicial body and all comments made were treated in the same manner as court testimony; therefore, any person(s) who would like to speak to the Board should be sworn in. He then swore in all members of the audience that would be speaking.

13 Morgan's Cove Court

Mr. Kerr explained that the request was to establish a residential roofing and exteriors contracting business in the home at 13 Morgan's Cove Court. He explained that the home would be used for office work only, no business-related traffic would be coming to the house and no exterior evidence of a business would be visible.

When Ms. Holscher asked if any vehicle signs would be visible at the house, the applicant Chance Nyman answered that he did have a sign on his truck, but it would always be parked under the house and not visible.

Ms. Campsen moved to approve the request and Ms. Holscher seconded the motion. The motion passed unanimously.

1130 Ocean Boulevard

Mr. Kerr stated that the next request was for a Special Exception to allow the outdoor sales of food and drink on a ground level patio/deck at a future restaurant at 1130 Ocean Boulevard. He commented that the prior restaurant used the area in a similar fashion with 81 outdoor seats, but the area would be modified during the construction of the new restaurant, which necessitated the request to the Board of Zoning Appeals.

He stated that the property was located in the GC2 zoning district and Section 5-4-38(5)(a) of the City's zoning code specifies the conditions under which the Board can approve the sale of food or beverage in the district (see complete section below). He read Section 5-4-38(5)(a):

Outdoor sale of food or beverage, in whole or in part, in the GC-2 district more than two hundred feet (200') seaward of the right-of-way of Ocean Boulevard is strictly prohibited. Outdoor sale of food or beverage, in whole or in part, in the GC-2 district within two hundred feet (200') seaward of the right-of-way of Ocean Boulevard is permitted only by special exception pursuant to section 5-4-5. Outdoor sale of food or beverage, in whole or in part, in the GC-3 district is permitted only by special exception pursuant to section 5-4-5. Outdoor sale or rental of other tangible personal property, in whole or in part, in the GC-2 and GC-3 districts is strictly prohibited. All activity associated with outdoor sale of food or beverage in the GC-2 and GC-3 districts must occur within the footprint of a permitted permanent structure. Any use of a mobile or temporary unit, including, but not limited to, food trucks, vehicles, trailers, and carts, is prohibited, except as provided in section(5)(c) and 5-4-38(5)(d).

He explained that the proposed area was approximately 2,800 square feet (40'x70') with a rear boundary limit approximately 170 feet seaward of the right-of-way of Ocean Boulevard, and it was located on the ground floor. He stated that the applicant was confident that the standards for the Special Exception would be satisfied because the area has been used in a similar manner for many years without incident, and the seating capacity of the new area would be no more than it was in the previously.

Ms. Holscher noted that the prior restaurant had 81 seats and asked if this request was for more seating or less. The applicant Frank Moses explained that they would have fewer with 75 seats.

Mr. Doherty asked if they intended to have live music outside, and Mr. Moses answered that it was not currently their plan, but they might want to in the future. He assured the Board that they would never have anything like Coconut Joe's or the Windjammer.

Mr. Doherty asked what would happen in the rear area labeled as recreation area. Mr. Moses indicated that this area would be yard games like cornhole, bocce or horseshoes.

Ms. Campsen asked if the applicant could live with a condition of no amplified music; to which Mr. Moses answered that they would like to have a stereo with music, which would be technically amplified, but never a full electric band.

Ms. Holscher asked if the illumination would comply with the City's turtle lighting ordinance. Mr. Moses answered that he understood they were required to do this.

Although Mr. Moses was requesting 75 seats, Ms. Campsen suggested that one of the conditions be a limit on the outdoor seating equal to the previous number of 81, and the group agreed.

Ms. Campsen moved to approve the request with the conditions that the outdoor seating not exceed 81 and that the outdoor live music be limited to acoustic acts only with minimal amplification. Mr. Doherty seconded the motion and the motion passed unanimously.

V. Miscellaneous business

Mr. Doherty asked if the Board would be receiving the legal briefing that they have received in the past; Mr. Kerr said that he would look into it and report back.

VI. Adjournment

With no other business, the meeting was adjourned at 6:10 PM.

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

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

PUBLIC COMMENTS

Jim Raih, 3904 Cameron Boulevard, explained that he was concerned that the subdivision request on the agenda might set a precedent for other lots on the island as there were more properties in the Forest Trail subdivision that could do a similar subdivision. He said there are probably six other instances where lots could be subdivided and yield more lots than currently exist. He explained that the island has sewer and drainage problems, and, although this request may meet all of the requirements, it should open the eyes to the City that this could be the beginning of a trend.

Jamie Zazella, 104 Forest Trail, stated that she lives across from the development being planned and was very familiar with the drainage and flooding issues in this area. She reported that her property often receives the debris and bulk trash that floats over from all of the properties on the cul-de-sac.

She understood that a project was underway to address the issue, but she asked how the City could approve a new subdivision and increase the square footage of impervious materials in a known flood area. In her opinion, the flooding must be studied, addressed, and the fix proven effective first so the neighbors could be assured that five new houses could exist on these lots while keeping the properties and cul-de-sac dry.

She understood that the lots were large enough to comply with the standards, but she stated that Sections 5-5-7a, b1, d1, c3, and d3 in the City Code relate to drainage. She suggested that the City should enact a moratorium, impact fees, re-examine the zoning code, increase the lot size requirement, require a bond, notify neighbors of subdivisions, require flood studies, and revisit the tree ordinance.

Henry Hagerty, 106 Forest Trail, understood that the request might comply with all the standards, but the City should not be in a hurry to grant approval. He asked that the Planning Commission slow down to consider the drainage impact that the project will have on the area. He stated that this request has generated a lot of community concern and incendiary comments on social media that he thought were unnecessary.

He suggested that it would be a good idea for the Commission to take a deep breath and ensure that all of the community concerns are addressed.

Dave Blaszcak, 130 Sparrow, said that he lives directly behind this proposed development and across the drainage canal. He reported that, during storm events, the water overwhelms the system and deposits debris all the way up to Sparrow Drive. He expressed concern that adding more houses to the area was going to make the problem worse. He encouraged an independent flood study on the problem.

Scott Kagel, 20 - 19th Avenue, understood that people disagreed on many of the finer points of many issues, but he knew that everyone agreed that the community was going to have more flooding in the future and that this project was not going to help the situation. He stated that, every time it rains, people in the community are asking that the government fix the problem. He was not asking that the City fix the problem, because he did not think they could, but he did think the Commission could keep from making the problem worse by adding new houses.

Laura Judson, 3304 Cameron Boulevard, stated that she was not directly impacted by this particular request, but she would ask that the City identify natural watershed areas and make these natural drainage areas. She suggested that the City consider using some greenspace funding to acquire these low areas not only to act as drainage retention, but also to provide greenspace for the island. She said that, with a price tag of \$23M to address the problem, there was no reason to make it worse.

Dave Melsopp, 105 Forest Trail, stated that he would be selling one of the properties if the developer agrees to buy it. He reported that currently his yard was currently the retention pond for the entire community, and, if it kept him from being able to sell his property, he would be in a bad situation. He asked if the City would consider improving the situation for the residents in the area if this request is not allowed.

Ellen Bonner, the agent representing the sellers of the properties, wanted to clarify that her Facebook post did not call anybody ignorant, as was previously stated, and that, in her post, she explained that the new houses would be anywhere from 2,800 to 3,400 square feet. She said she would love to move to the island, but she could not currently afford it. She stated that the engineer and the purchaser of the lots wants the development to be a good addition to the neighborhood and not a problem. She asked that the City work together for smart building and allow the experts to share the ways this development could improve the flooding problem for the neighborhood.

She said that the roadway was a bowl and that the drainage ditch was not maintained or addressed in anyway. She would like everyone to work together, allow long-term residents to sell their homes and fix the flooding problem at the same time.

Elliott Summey, Isle of Palms property owner and Chairman of Charleston County Council, reported that several years ago the City chose not to increase the stormwater fee that is collected by the County to address these types of issues, but they may be considering it now. He thought that, if requested, the County would probably be willing to do a drainage study in this area and assist where possible.

Michael Bailey, 248 Forest Trail, explained that he lived about four houses away and agreed with the comments about drainage, but he was more concerned about the precedent this request would set for Forest Trail. He explained that Council has just changed the 50% rule to try to stem the tide of old houses being torn down and this request would fly against the spirit of that change. He noted that this was an established subdivision and the neighbors were not looking for changes.

Tom Widlowski, 107 Forest Trail, stated that he was one of the owners of the lots and, between the three owners, they have lived there for a collective 100 years and given of themselves to the community. He said that the neighbors were making them feel like criminals, which was disheartening. He understood and agreed that the area has flooding issues, but, as longtime residents and property owners working within the legal framework and ordinances established by the City, they have made this request and believe that it is fully compliant with all development regulations. He stated that they did not have a problem with the large canal in the back coming into their yards, but they have an issue with the small ditch between 105 and 107 backing up with stormwater and filling the cul-de-sac with salt water, because it was down in a bowl. He stated that he has made multiple attempts to fix the problem, but has not been successful. He commented that the proposal would replace three older homes with five new houses that would be elevated on pilings to be more storm resistant and compliant with all flood regulations.

He opined that, if there were zero houses or five houses, it would not influence the tidal flooding because it was caused by high tide and the water infiltrating the neighborhood. He saw no reason to study this for six months as the problem was obvious.

Ms. Bonner reported that the developer and his engineer have been actively studying the drainage problem, and she would encourage the neighbors to listen to the

proposal and what is being considered. She explained that the current lot coverage by the existing houses was considerable and she thought the new houses would cover less than what is currently covered.

APPROVAL OF MINUTES

With no more public comments offered, Vincent DiGangi moved to approve the January 9, 2019 minutes as submitted and Mr. Pounds 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. Preliminary approval was an optional step in the subdivision process that would give the owner(s) assurance that if outstanding issues were satisfied, the property could be subdivided. Preliminary approval would not give the owner the right to individually sell the properties or to begin construction on the properties.

Mr. Kerr explained that the properties were currently configured as three lots totaling 2.08 acres and the applicant was proposing to subdivide the property into five lots, with the lots measuring 17,522 square feet, 19,454 square feet, 18,650 square feet, 17,508 square feet and 17,643 square feet.

Mr. Kerr stated that the property was located in the SR1 zoning district, which requires lots be at least 17,500 square feet in area, be at least 70 feet wide at the building line, be at least 110 feet deep, and have at least 60 feet of frontage on the street or 30 feet on a cul-de-sac. He explained that he had distributed a copy of the zoning ordinance requirements for lots in the SR1 zoning district and the information required for review of the preliminary plat.

Mr. Kerr explained that, prior to being granted final approval, the owner would have to provide

- proof of a legal means of handling wastewater, which is proposed to be through the public sewer system;
- final approval on water line extensions to each lot;
- stormwater plan approval through the City's NPDES program, which is administered through Charleston County Public Works; and
- the removal of the existing homes to comply with the setback requirements.

He stated that the property has multiple Historic Trees, which would have to be preserved in accordance with the City's tree preservation ordinance. He stated that the City's staff has reviewed the plat and believes that the request complies with the requirements of the ordinances and, therefore, recommends the plat be approved with the condition that all points listed above are satisfied and a note be placed on the plat indicating that all trees will be preserved in accordance with the City's tree preservation ordinance.

He stated that, considering the stormwater concerns that have been raised by the neighbors, the Planning Commission might want to request that the applicant initiate the stormwater plan process and to provide the information required for this submittal with Charleston County prior to granting preliminary approval. He noted that this would be required prior to final approval anyway, but he thought it would be beneficial to the applicant to have this information on the front end in case any issues arise.

He added that, if the Planning Commission wanted to delay action, they would need to remain cognizant of the 60-day clock in the ordinance required for review, and the clock started on January 23rd.

Mr. Denton commented that the stormwater management plan would show the water shedding from these lots into a system that was underperforming. He stated that he had heartburn with prohibiting development of lots because of drainage problems, because they were not unique to this lot. He said that the appropriate fix to an issue would generally be an amendment to the zoning code. He opined that the Commission needs more information about how this development will impact the stormwater system, but he thought the solution to this drainage issue was probably bigger than this development.

Ms. Safford asked if the Commission had the authority to require a developer to improve the system outside of their property.

Mr. Ferencz thought the Commission did not have all the information that they needed, because the drainage plan that was submitted just showed arrows towards ditches but gave no assurance that the lots would actually drain and not make the problem worse.

The applicant Rick Banning of Seacoast Builders addressed the Commission and stated that he saw the request as an effort to improve a situation where there were dilapidated houses. He stated that he had done considerable investigation to ensure that the request was compliant with all the standards enacted by the City. He said that the homes that would be built would target full time residents, and he felt that the request would add considerable value to the community. He believes that the development

would yield an additional \$25,000 annually to the City in the form of a tax revenue over what was currently generated. He stated that the drainage problem was completely unrelated to the runoff from the homes and was completely attributable to the high tides coming back through the pipes. He stated that the current lot coverage was more than 13,200 square feet, but the footprints being proposed would total about 11,250 square feet. Additionally, he stated that each building permit application would include a stormwater plan and assurance from a designer that the lot coverage would not adversely impact neighboring properties. He stated that his intention was to improve the cul-de-sac when the time came to build.

Mr. Ferencz stated that he believed Mr. Banning and agreed with him, but he needed an actual plan developed and submitted that would show proof. Mr. Banning explained that he understood this, but he submitted what was requested of him.

Mickey Seabrook explained that he was the engineer for the request and they have worked very hard to comply with the standards adopted by the City. He explained that the proposed houses would be elevated and opportunities would exist to capture the runoff from the buildings. He added that the condition of the drainage system downstream of these properties was a problem that was bigger than these owners or this developer could reasonably be asked to address.

Mr. Ferencz asked if he would provide a drainage plan showing the proposed houses and lot elevations.

Mr. Kerr stated that the applicant would have to go through an NPDES permitting process prior to final approval and asked if there would be an issue with handling this hurdle prior to preliminary approval instead of final approval. Mr. Seabrook answered that this process would take much longer than the 60-day timeframe, and Mr. Kerr responded that the Commission would deal with the 60-day window.

Ms. Safford did not feel that they needed to be fully permitted, but they needed the design done and reviewed.

Mr. Kerr indicated that it would be beneficial to move the ditch that was in the middle of the lot, but Mr. Banning answered that they preferred to leave it in the middle of the lot, as it was the lowest point. Mr. Kerr asked if the developer would consider elevating the road, knowing that the road was at an elevation of four feet and that the code limited the fill that could be brought in to one foot above the road. Mr. Banning responded that this was not something he was prepared to fund.

Mr. Ferencz asked that the applicant provide the Planning Commission the same package that would be submitted for NPDES permitting showing where the water was to go, and Mr. Seabrook said that he would.

Mr. Kerr believed the Commission needed engineered assurance that the changes being proposed would not exacerbate an already bad situation, and the applicant indicated that he understood.

The Planning Commission discussed the need to stay within the 60-day window and agreed that they could review the request again at their March meeting to be inside the window. If the requested information is available sooner, they could have a special meeting.

Mr. Mills moved to defer action until the requested information was provided. Mr. DiGangi seconded the motion and the motion passed unanimously.

DISCUSS REQUIRING PAVING TO BE PERVIOUS

Mr. Ferencz understood that the Commission had discussed this issue several times, but he continued to get calls and requests for the Commission to consider requiring that all paving be pervious.

Mr. Denton remarked that, if builders were required to install pervious paving without changing the allowable lot coverage, owners would opt to build houses with larger footprints or larger pools to cover the same amount of area. He has been working with clients in this area for many years and knew the thought process that goes into the design. This change would not have an impact unless the amount of lot coverage allowed was reduced.

Mr. Ferencz stated that maybe the Commission should recommend a reduction in lot coverage.

Mr. Kerr recalled that part of the Planning Commission's recommendations to address septic issues was the recommendation to reduce the lot coverage and house size allowed when a house was tied to a septic system. He stated that the Commission could consider breathing life back into these recommendations.

The Commission discussed other methods to incentivize pervious surfacing on new projects. Mr. Denton stated that the additional cost to install pervious pavers was about \$3 above the cost to install impervious concrete. Ms. Safford explained that you had to

be careful with what you require, because you could end up with a lot of gravel, which can be unsightly but cheaper.

Mr. Mills stated that he was not convinced that pervious materials did not become clogged over time and perform exactly like concrete.

The Commission requested that Mr. Kerr forward the previous recommendation for consideration at their next meeting.

DISCUSS CHANGING SCOPE OF OUTFALL PROJECT TO INCLUDE ADDITIONAL OUTFALLS

Mr. Kerr noted that, at the last meeting, he was tasked with identifying the problematic outfalls between 31st Avenue and 19th Avenue and determining a rough cost per outfall if more outfalls were added to the Thomas and Hutton study. When he talked with Thomas and Hutton, they felt the Commission would be safe to divide the total cost by the number of outfalls to come up with a rough cost per outfall of \$100,000. He said that this would be a conservative approach and that, in reality, the cost should be less depending on which outfalls were identified.

Mr. Kerr pointed to maps he had created with the Public Works Department that identified all of the known issues with the outfalls between 31st and 19th Avenue.

In summary, the Public Works Department did not see any of the outfalls that elevated themselves to being as problematic as the three outfalls that are currently being studied.

The Commission generally agreed that there was not a need to expand Thomas and Hutton's scope of work at this point.

UPDATE ON DRAINAGE RFP

Mr. Kerr explained that Thomas and Hutton was actively surveying the outfalls, so work has started and boots are on the ground.

UPDATE ON MOU WITH WATER AND SEWER COMMISSION

Mr. Kerr reported that he had attended a meeting with the Isle of Palms Water and Sewer Commission staff where Thomas and Hutton presented the final draft of their masterplan. He indicated that the next step would be a workshop between the City and the Water and Sewer Commission to review the plan; he said that this meeting would be scheduled soon.

Planning Commission minutes
February 13, 2019
Page 9

ADJOURNMENT

With there being no further business, the meeting was adjourned at 6:50 p.m.

Respectfully submitted,
Richard Ferencz, Chairman

ORDINANCE 2019-01

AN ORDINANCE TO SELL A PORTION OF CITY-OWNED PROPERTY.

WHEREAS, the City acquired a 0.48 acre, 20,729 square foot Right-of-Way known as Pavilion Road ("Pavilion Road") by Quitclaim Deed executed by South Carolina Department of Transportation on September 28, 2018 and Beach Company dated September 20, 2018, which are attached hereto as Exhibit A;

WHEREAS, a structure located on TMS # 568-11-00-174 encroaches on Pavilion Road as shown on a survey dated October 2, 2018 and attached hereto as Exhibit B;

WHEREAS, owner of said structure desires to purchase the city-owned land upon which the structure sits in order to clear title;

WHEREAS, an appraisal Thomas Hartnett, Jr., obtained by the property owner sets an appropriate and reasonable value of said portion at \$10,725.00;

WHEREAS, the City deems it appropriate and reasonable to sell said portion for \$10,725.00 in order to assist property owner in his efforts to clear title to TMS #568-11-00-174;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the Municipality of Isle of Palms, in Council assembled, that City of Isle of Palms shall convey 858 (+/-) square feet of Pavilion Road as depicted in Exhibit B, effective immediately upon the following:

- (1) a payment of Eleven Thousand Nine Hundred Twenty-Five (\$11,925.00) and no/100, which includes the payment of \$10,725.00 and a reimbursement to the City of \$1,200 for the Hartnett appraisal; and
- (2) a public hearing and two readings of Council.

Council authorizes its Interim Town Administrator to execute any and all documents to satisfy this directive.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

ORDINANCE 2019-02

AN ORDINANCE AMENDING TITLE 1, GOVERNMENT AND ADMINISTRATION, CHAPTER 4, OFFICERS AND DEPARTMENTS, ARTICLE B, CITY ADMINISTRATOR.

WHEREAS, the City of Isle of Palms is in the process of seeking and retaining a new City Administrator;

WHEREAS, in the process of preparing the Request for Proposals, Council determined an updated list of job duties for this position was necessary;

THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL FULLY ASSEMBLED THAT TITLE 1, GOVERNMENT AND ADMINISTRATION, CHAPTER 4, OFFICERS AND DEPARTMENTS, ARTICLE B, CITY ADMINISTRATOR, SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION 1. That Chapter 4, Article B, is hereby amended by deleting in its entirety and replacing it to state as follows:

ARTICLE B. CITY ADMINISTRATOR

Sec. 1-4-11. - Office established; duties.

- (a) The City Administrator shall be appointed by a majority of Council and shall be responsible for the proper administration of the policies and affairs of the City.
- (b) The term of employment of the Administrator shall be at the pleasure of the City Council and shall be entitled to such compensation for his or her services as determined by Council.
- (c) The City Administrator shall relate to and communicate with the Mayor and City Council as a whole, any problems, situations, and conditions concerning any City department or activity that, in the opinion of the City Administrator, is of significance.
- (d) The Administrator shall recommend organization changes and directs the formulation of internal plans, policies and programs.
- (e) The Administrator shall be the chief administrative officer and head of the general government branch of the municipal government and as such, shall direct, supervise, and coordinate administrative activities and operations. The Administrator shall supervise all City department heads and coordinate activities of all City departments.
- (f) The Administrator shall prepare and submit a proposed annual operating budget to City Council and shall be responsible for its administration after adoption. The Administrator shall prepare an annually updated, ten-year capital program and budget.
- (g) The Administrator shall serve as the Purchasing Agent for the City.
- (h) The Administrator shall perform duties in accordance with the provisions of the City's employee handbook. The Administrator shall further manage employees pursuant to the City's employee handbook, which shall not be construed to constitute a contract of employment for any employee.

- (i) The Administrator shall assume such other responsibilities and duties as assigned by the Mayor and City Council.

SECTION 5. 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 6. 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 7. 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:_____

Second Reading:_____

Ratification:_____

ORDINANCE 2019-03

AN ORDINANCE AMENDING TITLE 2, PUBLIC SAFETY, CHAPTER 1, POLICE PROTECTION.

WHEREAS, the City of Isle of Palms is in the process of seeking and retaining a new Police Chief;

WHEREAS, in the process of preparing the Request for Proposals, Council determined an updated description of the role and job duties for this position was necessary;

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 2, PUBLIC SAFETY, CHAPTER 1, POLICE PROTECTION SHALL BE AMENDED TO READ AS FOLLOWS:

SECTION 1. That Section 2, is hereby amended by deleting in its entirety and replacing it to state as follows:

Sec. 2-1-1. - Control of Police Department.

The management, direction and control of the Police Department of the City shall be vested in Council and such authority as delegated to the City Administrator.

(Code 1970, § 17-2; Code 1994, § 2-1-1; Ord. No. 1992-14, 12-22-1992)

Sec. 2-1-2. - Chief of Police.

The City Council shall appoint the Chief of Police, who shall serve at the pleasure of City Council. The Chief of Police shall be entitled to receive such compensation as may be provided by City Council.

Sec. 2-1-3. – Powers and Duties.

- (a) The Chief of Police shall be the commanding officer of the Police Department. The Chief of Police shall be the principal law enforcement officer and shall enforce within the municipality all provisions of state law, this code, and other ordinances not the primary concern of some other officer to enforce, and he or she shall cooperate with and assist other officers in the enforcement of statutes and ordinances for which they are primarily responsible.
- (b) It shall be the duty of the Chief of Police to see that all departmental rules, regulations, and orders are promptly and faithfully respected and obeyed, and whenever any violation thereof is reported to the Chief or comes under the Chief's personal observation, he or she shall promptly investigate the matter and report it to the City Administrator and Public Safety Committee of City Council.

- (c) The Chief of Police is authorized to summarily terminate and suspend from duty any member of the Police Department for cause. The Chief of Police shall perform such other duties as may be required by City Council or the City Administrator.

Sec. 2-1-4. – Chain of Command; Ranks and Grades

- (a) All personnel of the Police Department shall be subject to the supervision and control of the Chief of Police. In the event of the absence or incapacity of the Chief of Police, the Police Department chain of command shall be followed.
- (b) Members of the Police Department subordinate to the Chief of Police shall be appointed, promoted, and demoted in rank or grade by the Chief of Police.

(Code 1994, § 2-1-2; Ord. No. 1995-4, 6-27-1995)

SECTION 5. 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 6. 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 7. 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: _____

Second Reading: _____

Ratification: _____

ORDINANCE 2015-

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 BAGSENVIRONMENTALLY 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

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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 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-

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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

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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.

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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 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 facilities, food vendors, Town franchises, contractors and vendors doing business with the Town 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 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; 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 of Mount Pleasant and sold in or delivered into the Town 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.~~

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- ~~(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. ^[1]_{SEP}~~

~~Sec. 3-4-4. — Exemptions.~~

~~This chapter shall not apply to: ^[1]_{SEP}~~

- ~~(1) ^[1]_{SEP} Laundry dry cleaning bags, door hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste; ^[1]_{SEP}~~
- ~~(2) ^[1]_{SEP} Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities; ^[1]_{SEP}~~
- ~~(3) ^[1]_{SEP} Bags used by restaurants to take away prepared food; ^[1]_{SEP}~~
- ~~(4) ^[1]_{SEP} Bags used by a customer inside a business establishment to: ^[1]_{SEP}~~
 - ~~(a) ^[1]_{SEP} Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;~~
 - ~~(b) ^[1]_{SEP} Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;~~
 - ~~(c) ^[1]_{SEP} Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or ^[1]_{SEP}~~
 - ~~(d) ^[1]_{SEP} Contain unwrapped prepared foods or bakery goods;~~

~~(5) ¹¹ 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, 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, 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 _____, 201~~9~~⁵.

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

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: _____
Second Reading: _____
Ratification: _____