



## **City Council**

6:00 p.m., Tuesday, February 23, 2021  
Council Chambers  
1207 Palm Boulevard, Isle of Palms, South  
Carolina

### **Virtual Meeting Due to COVID-19 Pandemic:**

The public may join the virtual meeting by clicking  
here:

<https://www.youtube.com/user/cityofisleofpalms>

### **Public Comment:**

All citizens who wish to speak during the meeting must email their first and last name, address and topic to [rhanna@iop.net](mailto:rhanna@iop.net) no later than **3:00 p.m. the business day before the meeting**. Citizens who sign up to speak will receive an email with instructions to join the meeting via Zoom. All verbal comments will have a time limit of three (3) minutes. Speakers must turn on their video and make sure that their actual name shows up as their Zoom identifier, and mute themselves after their comments.

Citizens may also provide public comment here:

<https://www.iop.net/public-comment-form>

## **Agenda**

1. **Introduction of meeting** and acknowledgement that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.
  - a. Invocation
  - b. Pledge of Allegiance
  - c. Roll Call
2. **Citizens' Comments**
3. **Consent Agenda**
  - a. Approval of Previous Meetings' Minutes
    - i. Regular Meeting – January 26, 2021
    - ii. Special Meeting – February 2, 2021
    - iii. Special Meeting – February 10, 2021
    - iv. Special Meeting – February 17, 2021

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

##### **a. Ways and Means Committee**

- i. Consideration of a change order in the amount of \$228,505.69 to Salmon's Dredging for the construction of the marina fuel hut, re-engineered fuel hut support flotation and other modifications to fuel dock required for marina dock rehabilitation project to be offset by \$36,400 paid by the Marina Manager
- ii. Consideration of an amount not to exceed \$10,000 for the development of engineered plans for building permit approvals for the marina fuel hut

##### **b. Public Safety Committee**

Consideration of City Sponsored Event status for Lowvelo 2021 bike ride

##### **c. Public Works Committee**

##### **d. Recreation Committee**

##### **e. Personnel Committee**

##### **f. Real Property Committee**

Presentation and consideration of design for Isle of Palms Marina Restaurant

#### **5. Reports from City Officers, Boards and Commissions**

- a. **Accommodations Tax Advisory Committee** – minutes attached
- 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**

Consideration of Ordinance 2020-16 An ordinance to allow for commercial surfing instruction on the beach

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

- a. Consideration of Emergency Ordinance 2021-02 an Ordinance to amend and extend the City's COVID-19 response protocols
- b. Consideration of Ordinance 2021-03 an Ordinance Amending Title 4, Public Utilities, Chapter 4, Commissioners of Public Works.

## **10. Miscellaneous Business**

- a. Discussion of restriping and changes to the IOP Connector by SCDOT
- b. Discussion of the City's Managed Beach Parking Plan and consideration of options.
- c. Discussion of status of eviction proceedings with holdover tenant at IOP Marina
- d. Next meeting date:  
Regular Meeting: 6:00 p. m., Tuesday, March 23, 2021

## **11. Executive Session**

- a. Executive session pursuant to Section 30-4-70 (a) (2) to receive legal update regarding the eviction proceedings against Tidal Wave Watersports. Upon returning to open session, Council may take action on matters discussed in Executive Session.
- b. Executive Session pursuant to Section 30-4-70 (a) (2) to receive legal advice on negotiations with SCDOT. Council may take action on items discussed in executive session upon returning to open session.

## **12. Adjournment**



**CITY COUNCIL MEETING**  
**6:00pm, Tuesday, January 26, 2021**  
**Virtual Meeting via Zoom call due to COVID-19 Pandemic**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to order**

Present: Council members Popson, Streetman, Moye, Ward, Bell, Pounds, Smith, Buckhannon, and Mayor Carroll

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Attorney Hinchey, various department heads

Also present:

**2. Election of Mayor Pro Tempore**

Council Member Moye nominated Council Member Smith as Mayor Pro Tempore, and Council Member Pounds seconded the motion.

Council Member Ward nominated Council Member Popson as Mayor Pro Tempore, and Council Member Buckhannon seconded the motion.

Council Member Popson nominated Council Member Ward as Mayor Pro Tempore, and Council Member Ward declined the nomination.

A vote for Council Member Smith as Mayor Pro Tempore was taken as follows:

Ayes: Streetman, Bell, Smith, Pounds, Moye

Nays: Buckhannon, Popson, Ward, Carroll.

Council Member Smith was elected as Mayor Pro Tempore of City Council.

**3. Citizens' Comments**

City Clerk DeNeane read citizens' comments into the record. They appear in full alongside this meeting's agenda on the City's website.

**4. Consent Agenda**

**MOTION: Council Member Streetman made a motion to approve the items on the Consent Agenda, and Council Member Moye seconded the motion. The motion passed unanimously.**

**A. Approval of Previous Meetings' Minutes**

- i. Regular Meeting – November 17, 2020
- ii. Public Hearing – December 8, 2020
- iii. Special Meeting – December 8, 2020
- iv. Special Meeting – January 5, 2021

**B. Approval of purchase of two (2) Dodge Durango AWD V6 Pursuit SUVs for the Police Department in the amount of \$30,540 each [FY21 Budget, Capital Projects Fund, Police Capital Outlay - \$41,000 and State Accommodations Tax Fund, Police Capital Outlay \$41,000]**

**C. Approval of proposal from Insight Group to provide construction oversight services during the IOP Marina restaurant renovation in the amount of \$14,740 [FY21 Budget, Marina Fund, Professional Services - \$252,000]**

**5. Reports from Standing Committees**

**A. Ways and Means Committee**

Council Member Pounds briefly reviewed the financial statements through December 31, 2020, showing overall revenues at \$6.2M, over \$6.7M from that time last year. The bulk of the difference comes from the County ATAX pass through the City will not be receiving this year. Expenditures as of 12/31/20 were \$9.5M, over \$6M from this time last year. The bulk of that difference is related to the Public Safety Building rehabilitation project and the refurbishment of the 95' ladder truck.

General Fund revenues are \$3.7M, and General Fund expenditures are at \$5.1M, which is below budget. There was an increase in overtime expenditures, but the City has been awarded a CARES grant to cover those COVID-related costs.

Closing on the bonds for the Marina rehabilitation project occurred in November, and closing on the bonds for the Phase III drainage project occurred in January. Council Member Pounds said the start date for the 30<sup>th</sup> Avenue and Forest Trails outfalls is expected to begin in September, but work on the outfall at 41<sup>st</sup> Avenue will be delayed until September 2022.

Council Member Streetman asked about the overage in legal fees. Administrator Fragoso said she would provide a detailed report to City Council. She further explained, "It was recently asked of us to run a report of the legal expenses associated with the eviction proceedings with the holdover tenant at the marina, Tidal Wave Water Sports from back since 2019 when the City issued a notice that it did not have an intention of renewing the lease, the expenses associated with that issue have exceeded the \$26,000 mark year-to-date since 2019. I can run a report and distribute that to all of Council about all of the other related legal expenses and how much overage we have associated with the marina because what we are running over right now over budget is our legal expenses associated with the marina fund, which currently we budget around \$10,000, and we far exceeded that, and that is since September."

She added, "Part of the reason, too, that the line item for legal expenses at the marina for the marina fund exceed our budget number is associated with the development of the lease document for the marina restaurant."

Council Member Ward noted that legal fees are historically over budget and he is not concerned.

**B. Public Safety Committee**

Council Member Bell reviewed the minutes of the January 7, 2021 meeting. Chief Cornett reported that the signs for the Front Beach loading zone have arrived and he is waiting on a start date from the painting contractor.

Council Member Smith congratulated Chief Cornett on the receipt of the grant that will pay for a new Polaris beach patrol vehicle, trailer, and digital mobile sign. Chief Cornett thanked Sgt. Storen and Lt. Forsythe for their work in preparing the grant.

Mayor Carroll thanked Chief Cornett and Public Safety for their work in a recent drug arrest.

**C. Public Works Committee**

Council Member Ward reviewed the minutes of the January 6, 2021 meeting. Council Member Smith briefly explained the need for the development of a citizen-led Environmental Advisory Committee. Council Member Streetman agreed that there is no shortage of qualified citizens who are willing to participate in such an initiative. He and Council Member Ward would like to see where it might fit in relation to the Strategic Plan.

**D. Recreation Committee**

Council Member Smith reviewed the minutes of the January 4, 2021 meeting. Director Page reported that Doggie Day at the Recreation Center has been cancelled this year as there is no veterinarian to do the vaccines and the City no longer requires that dogs be registered. A drive-in movie at the Municipal Lot will take place of this year's Front Beach Fest.

**E. Personnel Committee**

Council Member Moye reviewed the minutes of the January 5, 2021 meeting.

With regards to the Wage & Compensation Study, Administrator Fragoso reported "Council Member Moye, Ron, and I participated in a kickoff meeting with the Evergreen team, and after that we have since also had another meeting with the department heads and the team from Evergreen who is going to be working with us. We developed a list of our goals and coordinated with the goals that have been stated previously by the Personnel Committee and by Council when this initiative was approved. We talked about the time mostly during that kickoff meeting. They are going to be onsite next week for two and a half days conducting orientations with every department and also conducting some focus groups with different groups of folks depending on their position and rank among all departments. So we are in the process currently of scheduling those meetings with the department heads and with the staff... We will be having a discussion with the Personnel Committee next week about the development of compensation policy, which is a huge component of this process and getting Council to delineate what that is based on the vision and goal for this group."

Council Member Moye reviewed the process involved in hiring the new Fire Chief. In-person interviews will take place this week, and the Personnel Committee anticipates presenting City Council with a recommendation in February.

**F. Real Property Committee**

Council Member Streetman reviewed the minutes of the January 4, 2021 meeting.

Administrator Fragoso gave an update on the Marina rehabilitation project, “There have been some delays associated with the COVID closures and the manufacturers plants that have delayed somewhat the shipment of some of the dock portions. I do not have an updated schedule from the contract just yet. We just know that we are about 3-4 weeks delayed. There are still some strategies that the contractor is evaluating. Once the docks are here we think that there might be an opportunity to move pretty quickly, but the delay really in the shipment is something that obviously with COVID it is not surprising but will definitely shift the construction schedule. Something that has happened since our last meeting is the phasing of the work. The original plan was for the contractor to start with the demolition and the replacement of the docks along with the fuel hut. But in order to be able to make the schedules that will be shifted. So we will be starting in dock C and working our way back. So we are just shifting the order by which we replace those docks. We have been in constant communication with the contractor, the marina manager and also with Kirby and ATM to try to mitigate those challenges.”

She also reported that the Greenbelt Fund approved the new scope of the dual-purpose beach boardwalk at 42<sup>nd</sup> Avenue. She said, “We will proceed with a regular procurement process by getting an RFP and securing the contractor to get the work underway.”

With regards to the Marina restaurant, Director Kerr reported, “They have not yet submitted those plans. They are indicating they are backed up by their architects. I think his workload and specifically mechanical and electrical engineering services are going slow than they anticipated. They are trying to schedule the work though so they could get started on other work. I know that they were meeting internally this week to see if there was some kind of sequencing that they could manager to work out where they would work on non-structural things while they waited on permits.”

Council Member Buckhannon encouraged the Real Property Committee to continue to evaluate the need to improve some of the beach access paths with the remaining Greenbelt Fund monies.

**6. Reports from City Officers, Boards, and Commissions**

**A. Accommodations Tax Advisory Committee – no meeting**

In response to a question from Council Member Streetman, Administrator Fragoso said that this Committee is not required to have a certain number of meetings per year, and that they meet as needed. However, a meeting will be scheduled next month to introduce the new members and get them started on the budget process.

- B. **Board of Zoning Appeals** – minutes attached
- C. **Planning Commission** – minutes attached
- 7. **Reports from Special or Joint Committees** – none
- 8. **Petitions Received, Referred or Disposed of** – none
- 9. **Bills already in Possession of Council**
- A. **Consideration of Ordinance 2020-16 – An ordinance to allow for commercial surfing instruction on the beach**

**MOTION: Council Member Moye made a motion to approve, and Council Member Smiths seconded the motion.**

Council Member Bell said he supports surfing instruction on the beach, but he does not favor the City’s “hands-off position” with regards to registering surfing instruction. He and Council Member Ward would like to see the City mirror Folly Beach’s approach to this issue.

Council Member Smith pointed out that “Folly Beach has a franchise agreement with all these surfing instructors so that is why they are taking on liability. They are also earning income and revenue through their franchise agreement. We discussed that and decided that this was a better way for the City of Isle of Palms to go for a variety of reasons.”

Administrator Fragoso reviewed the history of the processes the Recreation Committee and City Council has gone through to secure surfing instruction on the beach.

Council Member Streetman agreed with the views expressed by Council members Bell and Ward.

Council Member Moye pointed out to Council members this is a pilot program that will sunset after the beach season. He said this is the number one request he hears from citizens and it would be a failure of City Council to not pass it when all other options brought before Council have turned down. The ordinance will require parents to make the decision as to who is qualified to instruct their children in surfing.

Director Kerr pointed out that Building Department staff does not check on the status of licenses and certifications needed by general contractors as that is a State requirement. He said any sort of “stamp of approval” from the City for a business license holder only increases the City’s liability exposure. He also reported that the City will be pivoting to a State-mandated business license renewal process administered by MASC.

Council members discussed the need for legal advice on the matter.

Administrator Fragoso said, “It seems to me that there is consensus, at least from those that have spoken out about the need for some safety regulations or some check behind to ensure that whoever is offering these services is certified in some capacity. The way to do that would not be through amending the ordinance through the business license or code. This would have to be



revisited as a franchise agreement which was not approved or embraced when the City went out for an RFP three times. So I think we need some directions if we have tried the RFP route for a franchise agreement and that did not really yield any results. I do not know that anything different could happen or we could do to change the same results we received 2-3 years ago when we went through the RFP process. So I think that I just want to make sure everybody has clear expectation because we did go through the RFP for franchise agreement, and no recommendation was made for going that route because of a number of other concerns. Then we tried it by providing it through a rec program, and that did not really work either. So we can get more creative and still think outside the box, and see what we can do, but the options are limited, and they all have pros and cons.”

**MOTION: Council Member Buckhannon made a motion to defer the Ordinance to next month to receive legal advice prior to the next meeting. Council Member Moye seconded the motion.**

Attorney Hinchey said that while this particular issue is not listed as an issue for a possible Executive Session, City Council could receive legal advice on it as it is covered under the request for legal advice.

Council Member Moye withdrew his original motion to approve Ordinance 2020-16, and Council Member Smith withdrew her second.

Council Member Buckhannon suggested the legal advice be received at the Committee level.

**VOTE: A vote was taken on the motion to defer Ordinance 2020-16 until the next City Council meeting upon receipt of legal advice. The motion passed unanimously.**

**10. Introduction of New Bills, Resolutions, and Proclamations -- none**

**11. Miscellaneous Business**

A. The next regular City Council Meeting will be held on Tuesday, February 23, 2021 at 6:00pm.

**B. Update on Strategic Planning Process**

The Strategic Plan survey garnered 660 responses, which was a 53% response rate. The response rate for business was lower. The Riley Center is preparing a summary report of the responses which staff will receive next week. Following that, another workshop will be scheduled with City Council to review the survey responses, and “based on that information to adjust or affirm the priorities that had already been set during the first budget workshop. We are planning on having a full presentation of the survey to the community in February at the Council meeting. We will also be scheduling a follow-up meeting with the leadership team for staff so we can start working on the goals and strategies that have been identified by Council and affirmed by the community.”

Council Member Pounds suggested coordinating budget meetings with the Strategic Planning workshops.

**C. Update on consideration of changes to the 30% State Accommodations Tax Revenue required for tourism promotion and advertisement currently managed by the Charleston Visitors Bureau**

Council Member Moyer reported on a recent meeting with representatives of the CVB to discuss their level of engagement and the City's expectation of them. He said he "frankly expressed our dissatisfaction with the level of engagement that we have been receiving," learning that the CVB works more earnestly with private entities "in terms of goal setting formation and providing specific metrics to hitting those goals or not."

He said they are putting together a proposed scope of work with "a bit more rigor behind it in terms of the way that they work with us. My recommendation coming out of that meeting is we continue directing staff to consider and explore alternatives to ways that we can direct those funds." He did not believe the attitude of the CVB to be encouraging. He said that while they do good work, "I think it would be in our best interest to have more control over those funds and how they are used to promote our interests specific to the Isle of Palms." He will invite CVB representatives to make a presentation before Council next month.

Administrator Fragoso agreed it is important to know the goals of the CVB are aligned with the goals of City Council and "what tourism promotion looks like for this community."

**MOTION: Council Member Ward made a motion to suspend the rules of order and add an update on the CARTA Board meeting to the agenda. Council Member Bell seconded the motion. The motion passed unanimously.**

Council Member Ward reported that City Council's rejection of the CARTA budget "shook them." The beach shuttle will resume Memorial Day weekend. He will report more next month.

**12. Executive Session**

Mayor Carroll read the following statement prior to Executive Session: "On April 23, 2019, City Council voted to notify Tidalwave Watersports that the City was not renewing their lease or exercising the City's renewal option. The City timely sent Tidalwave a written notice of the Council's decision, as required by the lease. Despite the notice, Tidalwave has refused to leave the premises after the lease expired on September 30, 2020. Regrettably, the City was left with no other option but to start eviction proceedings.

On October 2, 2020, City Council, voted to commence eviction proceedings with the goal of taking possession of the City's property in order to proceed with the City's public dock and greenspace project. The City's Application for Ejectment was filed in the Magistrate Court.

On November 23, 2020, the Magistrate Court's Judge held a pre-trial hearing where he requested an additional brief from each party before deciding on whether the eviction case should remain under the Magistrate Court's jurisdiction or to grant Tidalwave's request that the case be moved to Charleston County Circuit Court. On January 5, 2021, Judge Lynn agreed with the City's position and ruled that the Magistrate Court was the appropriate venue for the eviction case. The City is waiting for the Judge to rule on several Pre-Trial Motions submitted to the Court including the City's Motion for Summary Judgment. Tidal Wave is actively opposing the eviction

proceeding and has brought numerous claims against the City and its council members which we believe are baseless and will ultimately be dismissed.

By order of the Chief Justice of the South Carolina Supreme Court, all jury trials are suspended until further notice due to the COVID-19 pandemic. Since Tidalwave requested a jury trial, the case before the magistrate will not be conducted until the ban is lifted.

Unfortunately, the City is not able to move forward with the proposed plans for a public dock and greenspace until the Tidalwave case is adjudicated by the Court. The City is of the opinion the defenses and claims advanced by Tidalwave are without merit and will be determined in the City's favor. The City intends to vigorously advance the ejectment action against Tidalwave."

**MOTION: Council Member Bell made a motion to enter into Executive Session pursuant to §30-4-70(a)(2) to receive legal update regarding the eviction proceedings against Tidal Wave Watersports. Council Member Pounds seconded the motion.**

City Council moved into Executive Session at 7:43pm.

City Council returned from Executive Session at approximately 8:52pm.

**MOTION: Council Member Bell made a motion "that this Council affirm by a non-binding vote" "affirmation of the mayor's reading to the public of the City's position prior to going into Executive Session." Council Member Streetman seconded the motion.**

Council member discussed the appropriateness and transparency of the statement and ensuing vote as it was not clearly stated on the agenda prior to publication.

**VOTE: A vote was taken as follows:**

Ayes: Bell, Moye, Streetman, Popson, Smith, Pounds, Carroll

Nays: Buckhannon, Ward

**The motion passed.**

### **13. Adjournment**

Council Member Buckhannon made a motion to adjourn, and Council Member Moye seconded the motion. The meeting was adjourned at 9:00pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



**SPECIAL CITY COUNCIL MEETING**  
**5:00pm, Tuesday, February 2, 2021**  
**Virtual Meeting via Zoom call due to COVID-19 Pandemic**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to order**

Present: Council members Buckhannon, Bell, Smith, Popson, Streetman, and Pounds, and Ward, Mayor Carroll

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, City Attorney Hinchey, various department heads

**2. Purpose**

Mayor Carroll stated the Citizen's Comments for this meeting can be found on the City's website alongside the agenda for this meeting. He said this meeting is due to "exigent circumstances created by the letter from SCDOT the City received yesterday which indicates their intent to revoke the permit previously granted by the department for the managed beach parking plan."

**MOTION: Mayor Carroll made a motion to add to the Executive Session agenda to receive legal advice regarding this action. Council Member Bell seconded the motion. The motion passed unanimously.**

Mayor Carroll said, "The City is in receipt of a letter from SCDOT dated February 1, 2021, in which it states their intention to revoke the full approval of the parking plan implemented by the City in 2016. Secretary Hall indicated that the purpose of the letter was to initiate a dialogue with the City to collaboratively work towards creating more public parking for non-residents."

The development of the City's Managed Beach Parking Plan was a collaborative, extensive effort among City Council, the Isle of Palms community, traffic engineers, City staff, and SCDOT. City Council held public hearings and special meetings to discuss the impacts of beach traffic and develop strategies to reduce hazardous traffic conditions, ensure safe access for police, fire and medical vehicles responding to emergencies and preserve the safety and welfare of pedestrians while protecting and providing parking for beach access.

The City has relied on SCDOT's approval for the implementation of the parking plan since 2016. The development and implementation of this parking plan cost the City approximately \$250,000 of taxpayer dollars. This sum does not include costs associated with the material amount of staff time involved. After the implementation, the City has additionally spent over \$1.6M to manage beach parking in accordance with the plan.

SCDOT's request, as it stated in the letter, includes restoring angled parking along the landside of Palm Boulevard between 22nd and 40th Avenue and restoring public parking along the first block of the avenues that intersect Palm Boulevard.

City Council will receive legal advice about this exigent circumstance, the City's options, and regarding S. BILL 40."

**3. Executive Session**

**MOTION: Council Member Bell made a motion to into Executive Session in accordance with §30-4-70(a)(2) to receive legal advice on State Bill 40 and the letter from SCDOT regarding the parking plan. Council Member Pounds seconded the motion. The motion passed unanimously.**

The City Council moved into Executive Session at 5:07pm.

The City Council returned from Executive Session at 6:49pm. Mayor Carroll reported that no decisions were made.

**MOTION: Council Member Moya made a motion authorizing the City Administrator and the Mayor to engage with SCDOT as they suggest in their letter to collaboratively develop alternative strategies consistent with recommendations from legal counsel. Council Member Pounds seconded the motion. The motion passed unanimously.**

**4. Adjournment**

Council Member Pounds made a motion to adjourn and Council Member Mye seconded the motion. The meeting was adjourned at 6:50pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



**SPECIAL CITY COUNCIL MEETING**  
**4:00pm, Wednesday, February 10, 2021**  
**Virtual Meeting via Zoom call due to COVID-19 Pandemic**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to order**

Present: Council members Buckhannon, Bell, Smith, Popson, Streetman, and Pounds, and Ward, Mayor Carroll

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, City Attorney Hinchey

Also Present: Christy Hall, Secretary of Transportation, SCDOT

**2. Citizen's Comments**

Blair Hahn, 1000 Palm Boulevard, read from a prepared statement, "The South Carolina Supreme Court supports the Isle of Palm's reasonable position to regulate public parking. The Supreme Court case Owens v Owens makes it absolutely clear the rights, obligations and privileges of all concerned. The Court States: "the use of streets for purpose of parking automobiles is a 'privilege,' and not a 'right,' and the privilege of parking must be accepted with such reasonable burdens as the city may place as conditions to the exercise of such privilege.... and it may enforce a fee to cover the expense of maintaining the regulation and to hasten the departure of parked automobiles." Given the Supreme Court's well-established position on this situation for more than 80 years, I am shocked that DOT Secretary Christy Hall has attempted to "revoke" the department's approval of the Isle of Palms 2015 parking plan. This is a power neither Christy Hall nor the DOT now or has ever had! In fact, Christy Hall agrees with the Supreme Court and SC Code. Her 2015 letter to the Isle of Palms states that the island has the sole authority to regulate on-street parking per SC Code. Ms. Hall's boss, the then Secretary of Transportation, followed up in a second letter that the DOT recognizes that the regulation of on-street parking is a responsibility assigned to local governments per SC Code. By these letters, the DOT has admitted it has **NO** jurisdiction to tell this Council how to regulate parking on island streets. The law in SC is that this Council has full unfettered authority to regulate parking as it sees fit with but one exception; The DOT's jurisdiction in this matter is limited only to its ability to remove parking that threatens the safety of motorist or interferes with free movement of traffic. SCDOT, Senator Grooms and others are misrepresenting the law and the facts concerning the Isle of Palms public parking for their own political purposes. I urge the City Council to exercise its rights as recognized by the SC Supreme Court and SC Legislature to provide safe, clean, secure and fair public parking for all visitors to the Isle of Palms."

Jan Anderson, 44 Seagrass Lane, commended the City Council for banning parking on Palm Boulevard in 2020. She said sewage testing of the island showed a positive effect on COVID numbers by restricting the amount of people on the island. She would like for the parking discussion to consider better ways to allow parking on the island without overburdening the City staff.

Gail Jordan, 3704 Palm Boulevard, said parking and access to the island are separate issues. She is concerned with the volume of cars coming to the island, noting there will be more traffic when the Wild Dunes hotel opens in the spring. She said she would like to see parking along the right of way address. While safety is the number one priority, she said the livability for the residents is also of great concern.

Jim Smiley, 44<sup>th</sup> Avenue, expressed concern about the growth of the Charleston area, particularly Mt. Pleasant and its effect on the Isle of Palms. He feels City Council has done a good job of accommodating visitors while protecting the island. He quoted Secretary Hall as being in support of the City's managed beach parking plan previously.

Sondra Hines, 624 Carolina Boulevard, expressed concern that SCDOT is pulling out of the managed beach parking plan that it originally approved. She noted it is hard to social distance on the beach when the tide is high. She also expressed concern about SCDOT's plan to reduce the size of the emergency lane on the Connector, adding that there are not a lot of bikers and walkers on the bridge.

Stan Harris, 801 Ocean Boulevard, said the revocation of the managed beach parking plan is political. He said, "Our plan was modeled after several Cities in the State whose tourism business is a large part of their revenue, as is ours. Their plans have remained intact. Our plan was collaborated with SCDOT leadership and traffic engineers and paid for by IOP residents. We have the right under the law to regulate roads and streets whether owned by us or not as long as they are within our jurisdiction. Our responsibility as a City adjacent to a public beach is to manage traffic and the accommodation of visitor vehicles and provide for the safety of our residents, guest and visitors. We bear the cost of those provisions as well. We accept that responsibility as evidenced by our plan. Our plan enables safe and orderly beach parking in reasonable proximity to our City owned beach access points. Revoking the plan is in response to political pressure, and without any data which demonstrates the abatement of the risks recognized by the SCDOT in our plan, guarantees harm to us all. My neighbors and I urge you to continue enforcement of our plan including the modifications and move forward with paid parking to help offset our cost for services."

Ted McKnight, Isle of Palms resident, said that the City would like visitors to respect that people live on the island and to keep it safe and clean. He spoke with concern about the volume of traffic on Palm Boulevard. He said State law indicates that parking is a local issue and people need to pay for parking.

Mayor Carroll said the 100+ emails received by City Council regarding this issue can be found on the City's website alongside the agenda for this meeting.

### **3. Purpose**

Mayor Carroll introduced Secretary Christy Hall of SCDOT. He thanked her for recent work done in the right of ways and asked her to give SCDOT's position on the City managed beach parking plan.

Secretary Hall said, "I kind of want to back up just a little bit and talk about kind of a little broader issue for us. The DOT, we are responsible for the fourth largest state highway system in the nation. So what that means is in other states roads are owned, maintained and operated by a county government or city government. And in these other states is, unfortunately here in South Carolina under the purview of South Carolina DOT. So, to that end, the vast majority of the roads there on Isle of Palms are State-owned highways. Not all of them, of course, as you know. There are some private roads inside the Wild Dunes development and of course, the City there has some city-maintained roads as well. The Department of Transportation, we've previously allowed wide discretion with regards to state highways, whether it was road closures for festivals and parades, talking about parking. And that discretion continued into the pandemic that we're dealing with here since last spring, spring 2020. And there were blockades that many local governments erected to restrict traffic on and off, into and out of their communities. There were sidewalks request to use sidewalks and even some travel lanes in existing parking areas, to expand restaurant seating capabilities to kind of help facilitate that outdoor seating arrangement for social distancing and things like that. We were all trying to figure this thing out together, as one of the previous speakers mentioned. There wasn't really a playbook for how to deal with COVID-19, and we're all figuring it out together, including parking restrictions that local governments like Isle of Palms implemented. Again, we're all trying to figure this thing out together.

So the South Carolina DOT, were we excited about the blockades? Did we get pushback from others about the blockades? And we get pushback about allowing local governments to use sidewalks and travel lanes? Did we get pushback about the parking restrictions? Absolutely we did. And I imagine you all did as well. But my rule of thumb that I was using at the time was is what the local governments doing in this in this emergency situation fair and reasonable? Do I feel like they are making fair and reasonable decisions based on what they believe is appropriate to protect their communities? And so, at that particular time, we didn't interfere in dealing with issues in the communities, including Isle of Palms at that time.

But we did act when I felt like it crossed over that fair and reasonable threshold test for us. I would argue that there is no dispute that South Carolina DOT, that we have exclusive authority over the state-owned highway system, and any permits that the Department of Transportation issues to entities whether it's a utility company doing work, a contractor doing work, local government wanting to do different types of activities on state highway right of way. We've tried to partner with a lot of our local government entities with regards to what's going on within the municipal government boundaries. But at the end of the day, at the end of the day, the State DOT has a responsibility beyond that particular item. We have a responsibility to work with local governments, county governments, be cognizant of region and be cognizant of the state interest as well as the national interest. Now, certainly parking, I would argue, is probably not connected



directly to the national interest. But if you think about the system as a whole, we have to be aware of what's happening in our neighboring states as well, as far as the loop of people's goods across the region.

So my point of bringing this up is that we have a great responsibility to look outside of this particular area where events are happening. And as you know, as evidence of this whole issue that we are here talking about today, there's often competing interests on most all issues that we have to deal with, especially parking, especially in this environment. And I think our task is to try to strike the right balance between those competing interests as best as we can within our abilities.

Parking on the state-owned highway right of way is (INAUDIBLE) I mentioned earlier that 90% of the roads on the island are on the state highway system. Public highways are owned and operated by State of South Carolina. Let's talk about those competing interest. I believe because of that ownership issue there on the island as far as who owns the highways, that is again, a complicating factor in this whole situation. I agree with Desiree and the Mayor, and I have heard you say it that there is a tremendous amount of state-owned streets in residential areas on the island. I drove it. I saw it myself. I saw kids playing basketball with basketball goals out in some of those streets far away from the beach. We understand that there are residential areas there on the Isle of Palms. So our highways are not only SC 703-Palm Boulevard. It is almost every single connecting road to that, including those roads where the kids playing basketball in the streets as well. It is another complicating factor we have to work through together.

With regards to the 2015 parking plan, I want to make it clear that we made a mistake. The Department of Transportation made a mistake approving that plan. I was involved in that, as you had mentioned, and many other speakers have mentioned. I noticed you all posted letters on the web page. I recognize that we did send those letters. But looking back now, I can see things differently. I don't believe that we would have approved that plan today. We rely very heavily on local governments and their discretion, not just Isle of Palms, but all the parking plans that were submitted to us. An our review was focused more heavily on whether it blocked the road, the intersection, or whether it interfered with drainage ditch and maintenance operations. Nowhere in our review which is widely considered as the approval authority for the parking plans, nowhere in our review was equity considered. Nowhere did we look at whether it afforded non-residents quality of privilege, whether it created other traffic issues within the immediate area, or whether it was fair and reasonable. None of that was reviewed at that particular time in 2015. (INAUDIBLE) and we recognize as well that the area is growing in population. One of the speakers earlier talked about Mount Pleasant and all the growth that is happening there. We see that as well. We see it on the (INAUDIBLE). This state has always been growing, and it's always going to grow. South Carolina is a beautiful place. A lot of people want to live here. You guys are fortunate to be at the coast. A lot of people want to be at the coast as well. So the growth is not going to stop. I think we all know that. You all know that better than I do. So it always has been an issue and I think it's going to continue to be an issue going forward.

I completely understand the burden the City has been asked to deal with. You are operating in a constrained financial environment. Your speakers talking about visitors needing to help offset

some of those costs. So you're operating in tremendous growth pressures in a constrained financial environment. Simultaneously having that opportunity to live and work in one of the most beautiful places in our state, which I truly believe Isle of Palms is. And I've heard many of you say, and I've seen it, especially in some of your publications, that your main concerns are about public safety, quality of life, for your residents, and the cost on how to handle the influx of visitors that you have to deal with. And I'm sensitive to those issues and understand your concerns.

So here's what I would like to propose going forward for the parking situation on the Isle of Palms. I am going to break it into two categories. So I feel like we've got a short-term issue to deal with, and then a longer term issue that we need to talk through about Palm Boulevard itself, as mentioned by citizens there that made comments. So short term, generally, what our attentions would be would be to amend or revise our approval. Take the approval from a full approval of your 2015 plan down to an amended approval to deal with certain items within it. And in particular, here's what we're trying to get at.

Generally, we would like to see SC 703-Palm Boulevard to have public parking on both sides of it from 22nd Avenue and 40th Avenue to the maximum extent possible, as determined by South Carolina DOT. First block off of Palm Boulevard and the avenues, 22<sup>nd</sup> to 40<sup>th</sup>, including Cameron itself. In other words, that first full block in that same area. We intend to return that to public parking as well, again, based on our review of the situation to ensure that to maximum extent possible to determine where it should be on both sides versus one side in those areas, and we'll do that assessment on the ground. And we certainly welcome the participation of your fire or police or your administrator or whomever would like to do that. We would be glad to do that.

So just to recap, Palm Boulevard public parking on both sides of Palm itself from 22<sup>nd</sup> to 40<sup>th</sup> to the maximum extent possible, and in that first block up, including Cameron itself and then avenues to that section return to public parking. Now I want to talk about actually turning the curve on Palm, that section from 41<sup>st</sup> to 57<sup>th</sup> on Palm. Similarly, we would like to look at that section, returning as much of that public parking in that area along Palm itself, and doing a block-by-block assessment of it on the ground. And then the routes that are on the intersecting roads that are on the ocean side (INAUDIBLE) on the ocean side through there looking at those streets individually, and returning them to public parking to the maximum extent possible.

Similarly, with this approach, just like many of you had mentioned earlier, we do recognize that there are some other mitigating measures that we probably need to look at in coordination with relevant safety features. We'd like to have those conversations with you going forward to determine, and looking at things as I mentioned in my letter, speed limits, crosswalks, if those are of interest or needed. Also, I mentioned speed humps or speed tables, and some of the fire departments don't care for those. I think we would need to talk through that. It makes sense as far as what their routing that they typically use, as well when Palm itself gets overcrowded. So that's sort of the immediate, shorter term effort that I see on parking.

Midterm, we have some research that we need to do on Ocean Boulevard to make a determination on it with regards to public parking as well. I have also committed to the Mayor

and Administrator that we will look at other areas for potential public parking that's on the state-owned right of way, particularly at around the bridge area, the bridge at Breach Inlet to see if there's some parking there that we could make available to the public or to assist the city.

So short term, midterm, now longer term, kind of get back to kind of a long-term vision for what's going on with Palm Boulevard itself. We would like to work with the City to lay out a vision or an ultimate footprint for what we would like to see on Palm Boulevard. parallel parking, angle parking, sidewalks, bike lanes, what does that look like? How can we get that organized and put together from a visioning standpoint? And then I would work with City to look for opportunities for funding in order to try to get that project implemented so that hopefully we can make some shoulder improvements. I know we did some maintenance work out there last couple of days. That's obviously temporary type work. I think we recognize something longer term needs to happen with that as well as how do you deal with the pedestrians and bicyclists.

So short-term issue on Palm restoring the parking as well as the one block north and south as I described. Midterm, looking at Ocean Boulevard on the other side as well as around the bridge. What can we do? And then that long-term vision of working together for Palm to look, what that ultimate footprint needs to be moving forward. So Mr. Mayor, with that, I'm going to turn it back over to you and now we'll be happy to engage in some constructive dialogue with the City.”

### **3. Executive Session**

**MOTION: Council Member Bell made a motion to into Executive Session in accordance with §30-4-70(a)(2) to receive legal advice regarding parking and SB40. Council Member Moya seconded the motion. The motion passed unanimously.**

The City Council moved into Executive Session at 4:51pm.

The City Council returned from Executive Session at 5:45pm. Mayor Carroll reported that no decisions were made.

**MOTION: Council Member Bell made a motion to accept the advice of legal counsel and move forward as discussed. Council Member Pounds seconded the motion. The motion passed unanimously.**

**MOTION: Mayor Carroll made a motion to move into Executive Session in accordance with §30-4-70(a)(1) to discuss employment matters related to the search for the new Chief of Fire. Council Member Streetman seconded the motion. The motion passed unanimously.**

The City Council moved into Executive Session at 5:48pm.

The City Council returned from Executive Session at approximately 6:42pm.

**MOTION: Council Member Moya made a motion to “move forward with the top candidate as discussed.” Council Member Bell seconded the motion. The motion passed unanimously.**

4.     **Adjournment**

The meeting was adjourned at 6:43pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



## **CITY COUNCIL STRATEGIC PLANNING SESSION**

**1:00pm, Wednesday, February 17, 2021**

**The Riley Center for Livable Communities**

**176 Lockwood Boulevard, Charleston, SC**

### **MINUTES**

Present: Council members Popson, Bell, Smith, Streetman, and Pounds, Mayor Carroll

Absent: Council members Ward and Buckhannon

Staff Present: Asst. Administrator Hanna

Council members met with staff of the Riley Center for Livable Communities to continue the Strategic Planning Process. The purpose of the meeting was to review the results of the community survey.

Riley Center staff detailed the response rate, the demographic makeup of the respondents, and under-represented groups. 1,313 surveys were sent out and 663 were returned, which is a 53% response rate.

Quality of services received from multiple City departments received high satisfaction ratings from survey respondents. Upkeep of beach and public spaces also received a high satisfaction rating.

The top three strategic issues – managing pressure from population growth in surrounding metro areas, need for improved infrastructure of drainage, sewer, and power, and financial sustainability – were statistically tied, averaging a score of 4.3/5.

Riley Center staff pointed out that the key priorities noted by City Council were seen as the priorities of the citizens.

Riley Center staff will meet with City staff on March 10 to begin work on goals and strategies to meet those priorities which will be shared with City Council for further discussion.

Survey results will be shared on the City's website, in local publications, on social media, and presented by Riley Center staff at March's City Council meeting.

Respectfully submitted,

Nicole DeNeane  
City Clerk





**Ways & Means Committee Meeting  
6:00pm, Tuesday, February 16, 2021  
Virtual Meeting via Zoom call due to COVID-19 Pandemic  
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to Order**

Present: Council members Pounds, Streetman, Popson, Bell, Buckhannon, Smith, Moye, Ward, and Mayor Carroll

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Treasurer Suggs, various City Department heads

Also Present: Kirby Marshall, ATM

**2. Approval of previous meeting's minutes – November 18, 2020**

Council Member Streetman made a motion to approve the minutes and Council Member Moye seconded the motion. The motion passed unanimously.

**3. Citizen's Comments -- none**

**4. Financial Statements – Treasurer Suggs**

Treasurer Suggs reviewed the financial reports with Committee members. As of 1/31/21, she said there is enough information to predict the City will finish FY21 with approximately \$12.6M in revenues (\$3.5M in bond proceeds). Expenditures will finish the year approximately \$4.6M under budget; the majority of which is drainage expenses deferred to FY22.

Business licenses, rental licenses, and building permits are doing well so far this year.

Council Member Pounds briefly reported on research showing an increase in the number of rental units over the past two years. Further analysis will be provided during an upcoming budget workshop.

Treasurer Suggs said, "Overall, the City looks really favorable compared to the prior year. The two exceptions are hospitality tax being down and the loss of the Accommodations Tax pass through. Current forecast predicts the City will have approximately \$590,000 worth of revenues in excess of expenditures in the General Fund at 6/30/2021."

All accommodations-related tax revenues are showing increases of 6-8% from FY19.

Administrator Fragoso said a few punch list items remain at the Public Safety Building. They are awaiting the letters making up the building name and the installation of the flood-proof door in March before closing out the project worksheet.

Treasurer Suggs reviewed a listing of legal expenses incurred by the City in FY21. Discussion ensued about the amount of time and money being spent to fill and review voluminous FOIA requests. Many of the recent large requests have been in relation to Tidal Wave Water Sports. The largest such request to date has been in excess of 10,000 documents, all of which need to be reviewed by legal counsel before being sent out. The costs involved in that legal review have not yet been billed. Administrator Fragoso stated there is a page on the City's website that explains the FOIA request process.

**5. Old Business –none**

**6. New Business**

**A. Consideration of change order in the amount of \$228,505.69 to Salmon's Dredging for the construction of the marina fuel hut, re-engineered fuel hut support flotation, and other modifications to the fuel dock required for the marina dock rehabilitation project**

Administrator Fragoso and Kirby Marshall of ATM broke down the change order request. A \$100,000 placeholder was put in the Marina Rehabilitation budget for the building of the fuel hut. The City had hoped to find a way to lower the original proposed cost of the hut, which was \$130,000.

The additional costs include longshoreman's insurance which was not included in the original bid. Also not included in the original pricing is "some re-engineering for the support of the floating dock that will be supporting the fuel hut," the recalculated weight of the hut, and "minor items associated with the fuel dispenser's relocation to limit the blastproof construction requirements."

Mr. Marshall reported that Salmon's received three bids for the project, and this is the lowest estimate. He said the largest cost is the longshoreman's insurance, which cannot be covered by Salmon's. Some of the increase can also be attributed to commodity price increases due to COVID as well as higher standards in code requirements.

He shared drawings of what is now being considered for the hut and larger surrounding platform needed to support the hut. He reported that the dock manufacturer "insists that to properly float that portion of the dock system and maintain the freeboard of the adjacent docks they require this larger platform." Despite pushback from the City, the dock manufacturer is holding to the requirement.

Administrator Fragoso indicated the City is paying "like for like" with regards to the fuel hut as required by the lease agreement, and said Brian Berrigan, the Marina Manager, will pay \$36,000 (of the \$228,505.69) in design costs for the fuel hut. The unbudgeted \$92,000 will be covered by the City's contingency in the Marina fund budget. Council Member Pounds noted there will still be \$500,000 remaining in contingency funds.



Council members expressed concern about the increase in the size of the floating dock to support the fuel hut and the large increase in relative costs. Pros and cons of moving the fuel hut to land were discussed. Council Member Bell said he would like to see this returned to the Real Property Committee for further review and recommendation. Mr. Marshall pointed out delaying the decision for that amount of time will prevent the project's completion by July 4.

**MOTION: Council Member Pounds made a motion to approve the request for the change order in the amount of \$228,525.69. Council Member Streetman seconded the motion.**

Administrator Fragoso assured Council members of the due diligence done by herself, staff, and Mr. Marshall on behalf of the City to keep costs as low as possible. She said she shared their frustration over this development. Council Member Moye said he would like "to see a little bit of discovery into working with the Marina operator to consider alternative placement of the fuel hut office and then also a little bit of digging into alternative fuel dock manufacturers" and see if there are other manufacturers of the same materials. Council Member Pounds said he trusts Administrator Fragoso and Mr. Marshall to work to keep the costs down as much as is possible and encouraged Council members to keep the project moving forward.

**A vote was taken as follows:**

Ayes: Popson, Streetman, Moye, Buckhannon, Smith, Ward, Pounds  
Nays: Bell, Carroll

**The motion passed 7-2.**

**B. Discussion and consideration of approval of an amount not to exceed \$20,000 for the development of engineered plans for building permit approvals for the marina fuel hut**

Administrator Fragoso explained these monies will allow the architect to develop the engineered plans needed to build the fuel hut. The cost also includes the permitting process. She anticipates the cost to come in much lower than \$20,000, likely closer to \$10,000 based on very recently received information.

When asked why this expense is just now coming before Council, Mr. Marshall said it was because the fuel hut was selected as an alternate part of the original bid and was therefore not included in the final project cost estimates. Had the City accepted the fuel hut as part of the project from the start, these costs would not be incurred by the City at this time.

**MOTION: Council Member Buckhannon made a motion to approve the request for an amount not to exceed \$10,000 for the development of engineered plans for building permit approvals for the marina fuel hut. Council Member Popson seconded the motion. A vote was taken as follows:**

Ayes: Popson, Streetman, Buckhannon, Moye, Ward, Smith, Pounds  
Nays: Bell, Carroll

**The motion passed 7-2.**

**C. Discussion and consideration of potential Dominion Energy's Non-Standard Service Fund projects**

Administrator Fragoso reported that the Public Works Committee has been in conversations with Dominion Energy about potential projects that could benefit the City through the use of the Non-Standard Service Fund. She reviewed the projects and estimated costs. Dominion Energy identified these projects as places on the island that could benefit from undergrounding of electrical lines.

Council Member Smith encouraged Committee members to watch the video of February's Public Works Committee meeting for further clarification and understanding of these projects. She added that more conversation is needed to understand the pros and cons of each project.

Council Member Pounds would like to see the issue returned to the Public Works Committee to further refine the projects and come back with a specific recommendation.

**D. Discussion of FY22 expenditure assumptions and 10-year Capitol Plan**

Council Member Pounds reviewed budget expenditure assumptions with Committee members including drainage, the purchase of a firetruck and SCBA equipment. He indicated a placeholder will be needed for the Dominion Energy project.

Committee members discussed the need to address the beach access paths. Funding options for the improvement of the beach access paths could include the City budget, beach preservation funds, County subsidies, and federal grants.

**E. Discussion and consideration of re-instating the 2020 2.5% merit pool**

This issue will be discussed at length at the first budget workshop. Administrator Fragoso added, "We've talked about how our projections show that the City is going to end up in a better position than we originally planned, and I think that obviously our people, maybe I am biased, but our people infrastructure are the most amazing thing that we have with the City, with the City family. Last year, due to COVID concerns, we did not implement the 2.5% merit increase that was budgeted. We did it in an effort to try to avoid having any cutting of hours or furloughing folks, and we did that to protect our team. I want to have a conversation with you all based on again the numbers that we are seeing in terms of our revenues, tourism revenues, and our General Fund revenue coming back better than expected. I think that I would recommend and support either reinstating last year's merit increase that we tossed or increasing the existing budgeted merit increase for FY21."

**7. Miscellaneous Business**

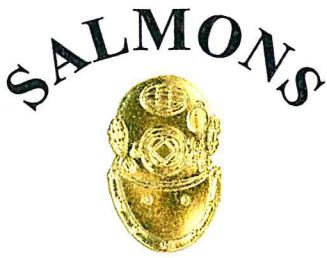
The next meeting of the Ways & Means Committee will be Tuesday, March 16, 2021 at 6pm.

**8. Adjournment**

Council Member Buckhannon made a motion to adjourn and Mayor Carroll seconded the motion. The meeting was adjourned at 8:21pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



**SALMONS DREDGING CORPORATION**  
Marine Contractors Since 1919

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[www.salmonsdredging.com](http://www.salmonsdredging.com)

February 11, 2021

City of Isle of Palms  
Attn: Ms. Desiree Fragoso  
1207 Palm Blvd.  
Isle of Palms, SC 29451

Re: IOP Marina – Fuel Hut Value Engineering (VE) Effort and Fuel Dispenser Relocation

Subject: Change Order Proposal 008

C/O ATM – Mr. Kirby Marshall,

Pursuant to our recent discussion, Salmons offers the following information for the City's review and consideration:

**Item A** – Reference original fuel hut architectural design drawings prepared by Evans & Schmidt Architects dated 11-24-2020, which was the original fuel hut design after the bid.

Reference value engineer (VE) effort to reduce the weight and cost of the original proposed fuel hut design as described in the revised perspective prepared by Evans & Schmidt Architects dated 01-05-2021.

Fee Schedule: This item includes Salmons OH&P, Bonds & Business License  
Salmons VE Effort for Fuel Hut - Revised Bid Alt 13 \$166,403.00

**Item B** – Fuel hut floating dock support re-engineering effort by Structurmarine. This is required to adequately support the size and weight of the redesigned fuel hut on the new floating dock platform. Size of platform increased to 34' x 36' by incorporation of the fuel hut support platform into the main dock and fuel dock.

Fee Schedule:

Structurmarine:	\$45,668.10
Salmons OH&P:	\$ 6,850.22
Bonds	\$ 525.18
Business License:	\$ 253.80
Total	(Add) \$53,297.30

**Item C** – Shift/relocate fuel dispenser nearest the fuel hut so as to limit “blast proof” fuel hut construction requirements. Relocate additional dispensers to better serve the marina operations and add additional length of hose to total 120’ in each dispenser, to facilitate coverage to all vessels.

Fee Schedule:

Petroleum Marine Construction, LLC:	\$3,325.95
Salmons OH&P:	\$ 498.89
Bonds	\$ 38.25
<u>Business License:</u>	<u>\$ 18.80</u>
Total	(Add) \$3,881.89

**Item D** – Provide re-engineering of fuel dock by Structurmarine for changes required with relocation of fuel dispensing equipment. Includes GL layout drawing revision on the fuel dock, revision of preliminary buoyancy calculations & position’s revision for utilities services, anchoring position’s revision, check for revision of compliance of NFPA 70 code, additional materials to extend utility tray under floats to accommodate relocation distance.

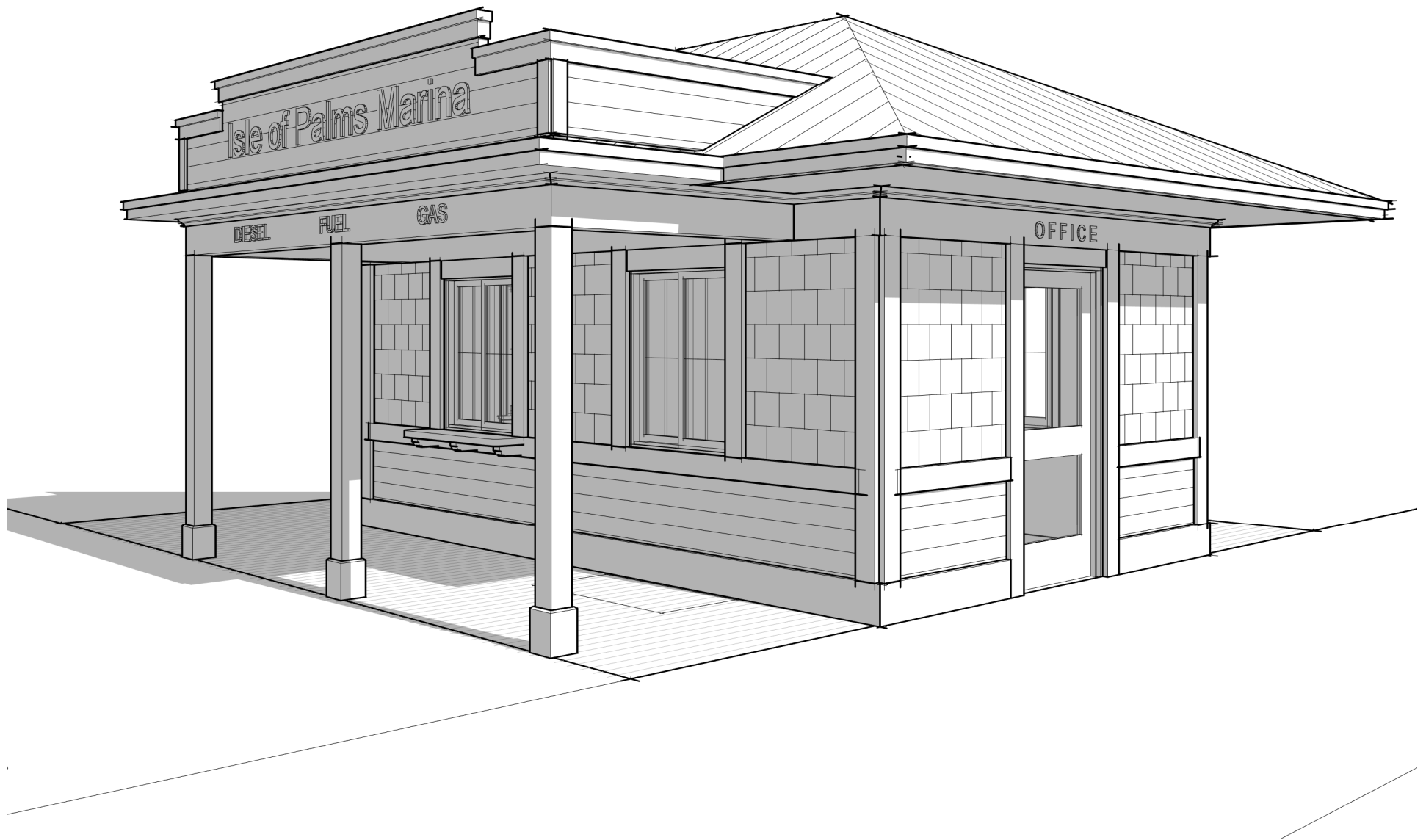
Fee Schedule:

Structurmarine:	\$4,218.69
Salmons OH&P:	\$ 633.80
Bonds	\$ 48.51
<u>Business License:</u>	<u>\$ 23.50</u>
Total	(Add) \$4,923.50

Please let me know if you have any question.

Best regards,  
Salmons Dredging Corporation

  
Jack C. Harrelson  
Business Development/PM





**Public Safety Committee**  
**3:00pm, Thursday, February 4, 2021**  
**Virtual Meeting via Zoom call due to COVID-19 Pandemic**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to order**

Present: Council members Bell, Pounds, and Ward

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Chief Cornett, Chief Hathaway

Also Present: Robert Perry and Nick Boozer of SCDOT, Christopher Reed and Abbi Whitney with Lowvelo

**2. Approval of previous meeting's minutes – January 7, 2021**

Council Ward made a motion to approve, and Council Member Pounds seconded the motion. The minutes passed unanimously.

**3. Citizens' Comments**

Katie Zimmerman, Executive Director for Charleston Moves, spoke in favor of the proposed changes to the IOP Connector allowing for bike and pedestrian walkways.

Jan Anderson, 44 Seagrass Lane, also spoke in favor of the proposed changes to the IOP Connector. She did express concern about room for emergency vehicles and how the lanes could be used during a hurricane evacuation. She would also like to know why the lanes were not extended all the way into Mt. Pleasant.

Richard Hrick, 944 Houston Northcutt Blvd., Mt. Pleasant, supports the changes to the IOP Connector as well. He would like to see a more visual traffic control device use to mark the bike and pedestrian pathways as a means of increasing safety for walkers and bikers.

Mary Claire Morgan, 752 Mildenhall, Mt. Pleasant, spoke eloquently in favor of lower speeds and a bike pathway on the IOP Connector.

Council Member Bell said approximately 150 written comments were received for the Committee and they can be found alongside the agenda for this meeting on the City's website. He said the majority of people who live off island spoke in support of the proposed changes to the bridge while the majority of island residents spoke with concern about size reduction of the center emergency lane.

**MOTION:** Council Member Bell made a motion to reorder the agenda to allow the discussion of the proposed changes to the IOP Connector to happen ahead of discussion of Old Business items. Council Member Ward seconded the motion. The motion passed unanimously.

**4. New Business**

**A. Presentation from SCDOT related to proposed changes to IOP Connector to accommodate pedestrian and bicycle lanes**

Mr. Robert Perry, Director of Traffic Engineering for SCDOT, reviewed the plans for the proposed changes to the striping on the IOP Connector. He said this plan is part of Director Hall's Complete Streets initiative, and he will send that directive to Administrator Fragoso.

Committee members shared residents' concerns with Mr. Perry and Mr. Boozer including the width reduction of the emergency lane, the traffic on the Connector when a storm forces everyone to leave the beach simultaneously, the debris on the Connector, lack of bikers and walkers that use the bridge currently, the need for additional bike infrastructure across the island, and the need for something to further separate bikers and walkers from Connector traffic. It was noted that Isle of Palms has spoken on record numerous times in the past in favor of the emergency lane. Council Member Pounds wondered why there was no community input in the development of the project. Council Member Bell said there is no data to support the need for this change.

Chief Hathaway also expressed concern about the reduced size of the emergency lane. Without it, Public Safety staff may be required to stop the flow of traffic on the bridge to tend to an accident scene for the safety of the personnel.

Mr. Perry said he would like to read the Citizens' Comments that have been submitted about the project. He said use of their on-call contractor could have the project completed by the end of March. Committee members said they would like more conversation with SCDOT before they move forward with this project.

With regards to hurricane evacuations, Mr. Perry said the IOP Connector is not a reversible route, but it can be done with the use of traffic control devices and public safety personnel. Mr. Perry spoke about traffic-related changes being based on hot-spot safety (generally focused on a problem area or spot) and systemic safety (based on a larger area where there is an opportunity for traffic-related incidents). He categorized the changes to the IOP Connector as a systemic change.

Administrator Fragoso asked SCDOT to consider increasing their debris cleanup schedule of the Connector since they anticipate more people using it.

**5. Old Business**

**A. Update of pedestrian crosswalks and intersection safety**

Administrator Fragoso reported there are no updates on this project.



**B. Update on Front Beach Loading zones and parking**

Chief Cornett said the contractor is on the island today to lay down the first cover of paint and will return next week to finalize the project.

**6. New Business**

**B. Consideration of City-sponsored Event status for Lowvelo 2021 Bike Ride**

Christopher Reed and Abbi Whitney reviewed the plans for the 2021 Lowvelo Bike Ride on November 6, 2021. In addition to City sponsorship, they are requesting the use of two blocks of Ocean Boulevard between 14<sup>th</sup> Avenue and JC Long Boulevard as their Start/Stop areas. Chief Cornett said he has already spoken to them about their needs and has no issues with their requests. Law enforcement will be present. Participant parking will take place in the County Park parking lot with any overflow parking the Municipal lot.

**MOTION: Council Member Bell made a motion to approve their request for City sponsorship and forward the Committee's recommendation to the full City Council. Council Member Ward seconded the motion. The motion passed unanimously.**

Administrator Fragoso said the certificate of insurance for the event needs to name the City as an additional insured as part of the requirement for City sponsorship.

**C. Discussion of existing dog leash rules**

Council Member Pounds would like to review the dog leash rules from surrounding communities. Council Member Bell would like to see incident data regarding dogs. He said it will be necessary to identify what they are attempting to achieve should any ordinance changes be suggested.

**D. Discussion of regulations regarding rollout carts left at streetside**

Following a brief discussion, it was determined that more outreach to the rental community is in order to remind them of the regulations regarding rollout carts left at streetside.

**E. Discussion of FY22 10-year Capital Plan for Fire and Police Departments**

Administrator Fragoso reviewed the items in the FY22 Capital Plan for the Fire and Police Departments.

**7. Highlights of Departmental Reports**

**A. Fire Department – Battalion Chief/Training Officer Hathaway**

Chief Hathaway reported 40 calls in January. He also reported on a sailing vessel that ran aground and a moped traffic accident on the Connector. Battalion chiefs attended and enjoyed leadership training recently held at the Riley Center.

**B. Police Department – Chief Cornett**

Chief Cornett said there were 845 calls for service in January, resulting in 13 drug-related incidents and 4 DUIs. Council Member Bell congratulated the Police Department for their work in a recent drug-related arrest.

**8. Miscellaneous Business**

The next meeting of the Public Safety Committee will be on Thursday, March 4, 2021 at 3pm.

**9. Adjournment**

Council Member Pounds made a motion to adjourn, and Council Member Ward seconded the motion. The motion passed unanimously. The meeting was adjourned at 4:43pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



## LOWVELO 2021 - Event Summary

**LOWVELO is seeking permission from the Isle of Palms community to host the LOWVELO ride from IOP on Ocean Blvd. LOWVELO would like to secure two blocks of Ocean Blvd, on the north side of the Blvd., from 14<sup>th</sup> to J C Long Blvd.**

**LOWVELO** is a fundraising bike ride for Hollings Cancer Center, Medical University of South Carolina; scheduled for November 6th, 2021. The event will have several cycling distances for different ability levels; 10 mi (family friendly), 17, 50 and 100 mi rides.

The 17, 50 and 100 mi rides will start at Patriots Point in Mt Pleasant, proceed onto Sullivan's Island, pass through IOP, continue up into the Francis Marion National Forest and back to IOP through Mt Pleasant.

The 10 mi ride will start and finish in IOP from Ocean Blvd. rides will start and finish on Ocean Blvd. The venue will include a food and beverage, amplified sound ( live music / announcer) and hospitality area. In addition, the venue will have event tents, tables, chairs, finish truss, event fencing, porto potties, trash receptacles, spin bikes and a small stage. [\*We have included a venue site map for review.\*](#)

### Expected number of riders by distance: 750 total riders

**10 mi = 250**

**17 mi = 250**

**50 and 100 mi combined = 250**

### **Safety & Security:**

LOWVELO will use a combination of private security, and police from local jurisdictions including , Mt. Pleasant, IOP, Sullivan's Island, County Sheriff and SC Hwy Patrol. Private security or local Police will be hired to secure in and around the venue 24hrs a day during our build, event, and tear down. We will hire police for all road closures and to assist at busy locations even when the ride is on open roads under "rules of the road".

### **Trash & Recycling:**

LOWVELO will rent 2 dumpsters (30yd) one for trash and one for recycling, unless host community has other resources; to be placed at the start/finish venue. These will be delivered the day before the build starts and will be the last items removed. Trash and Recycling containers will be placed around the venue and managed by our "green team" volunteers.

### **Catering/Food/Beverage:**

A local catering vendor will be hired to provide meals at the finish hospitality. All participants will receive free food and drink in our hospitality area as part of their registration.

**Crisis Management:**

During event hours we will staff a command center on site and ask that all agencies we are coordinating with to provide a point of contact (police, fire, etc.). This command center will be used to monitor the riders progress on the route (first rider to last), trouble shoot any issues that arise (missing directional signage, traffic light out), dispatch emergency resources, and monitor weather or other potential threats to the event.

Additional attention and plan will be implemented for COVID-19 protocols, based on local, county, state, Dept of Health and CDC guidelines.

**Route Details:**

Below are the live links to all cycle routes for LOWVELO.

We have attached PDF maps for each route coming through and returning to IOP. We expect the last rider to return to the IOP finish line by 5:00pm.

**Wave Start Times:**

Rides departing from Mt Pleasant/Patriots Point

Wave times:

100 mi @ 7:30am

50 mi @ 7:45am

17 mi @ 8:15am

Ride link: [https://ridewithgps.com/collections/16777?privacy\\_code=zkXOd7tTFKInMX3x](https://ridewithgps.com/collections/16777?privacy_code=zkXOd7tTFKInMX3x)

Rides departing from IOP:

10 mi ride @ 8:30am

Ride link: <https://ridewithgps.com/routes/34845301>

**Traffic Plan-Parking:**

LOWVELO will make every attempt to have all our parking needs covered with all "off street" parking. In addition to requesting parking at local business's around the area.

**Event Point of Contact:**

Chris Reed, Technical Director

Mobile: 678-640-9003

Email: [chris.reed@medalistsports.com](mailto:chris.reed@medalistsports.com)

Last Updated - 1.19.2021

**LOWVELO - ISLE OF PALMS**  
**PRODUCTION BUILD SCHEDULE**  
**Saturday, November 6, 2021**

**Thursday, Nov. 4**

9:00 AM	Ocean Blvd Road Closure - between Pavillion and J C Long Blvd	
9:00 AM	Tent Company Arrives - Build 20 x 90, 10 x 20 Hospitality tent, 20 x 200, 20 x 20 Spin Class tents and drop tables and chairs - on Ocean Blvd between Pavillion and J C Long	(Ideal Scenario)

**Friday, Nov. 5**

8:00 AM	Tent Company Arrives finishing touches (side walls, drop tables, chairs)	Production #2
	Build Team 2 Crew Call - F2 Truck arrives from Start venue	Production #2
1:30 PM	Production Crew split into team 1 & 2	Production #2
4:00 PM	Venue Walk through	
5:00 PM	Ocean Blvd Build Complete	Production #2
5:00 PM - 5:30 AM	Overnight security on Ocean Blvd arrives	

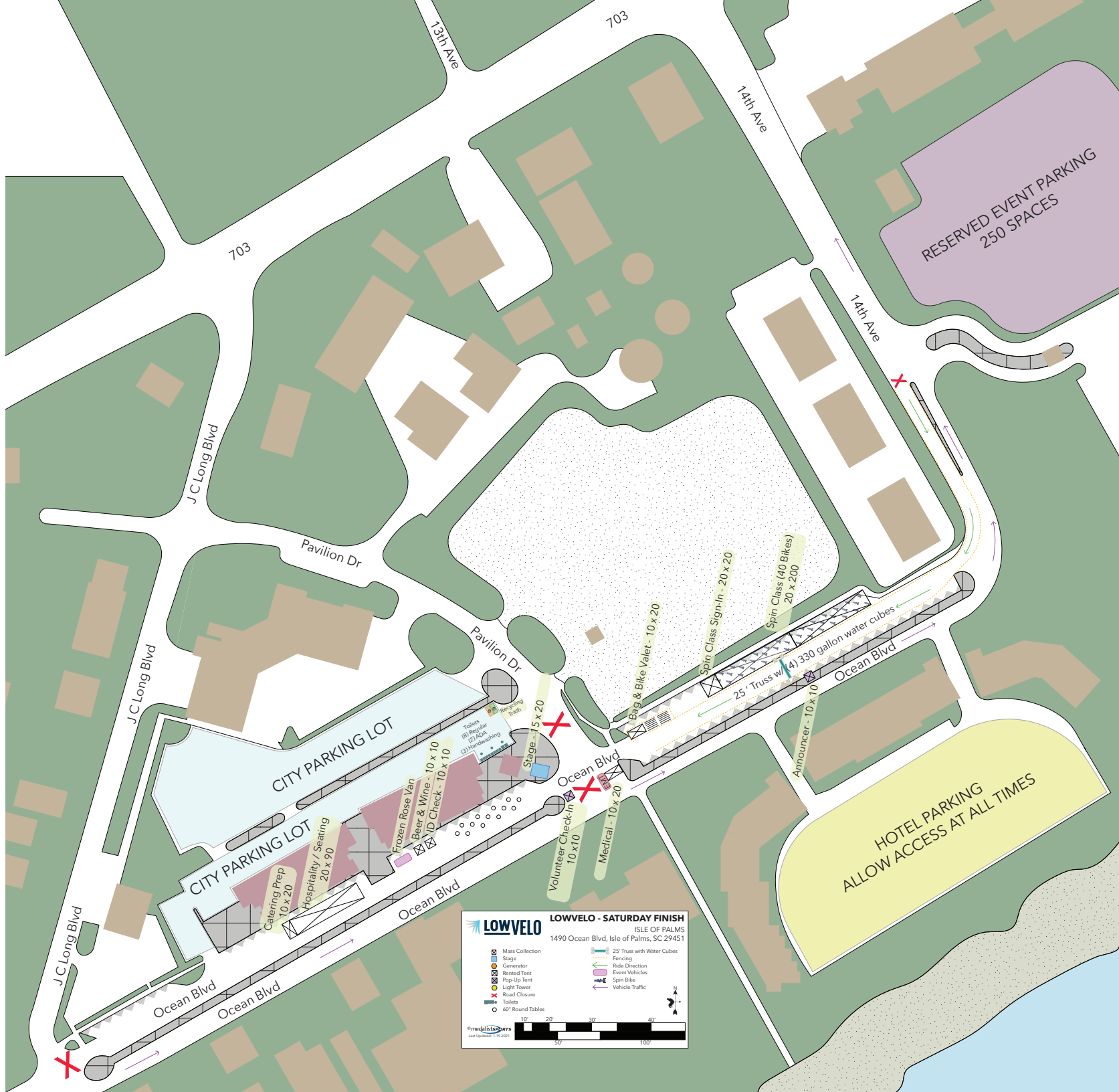
**Saturday, Nov. 6**

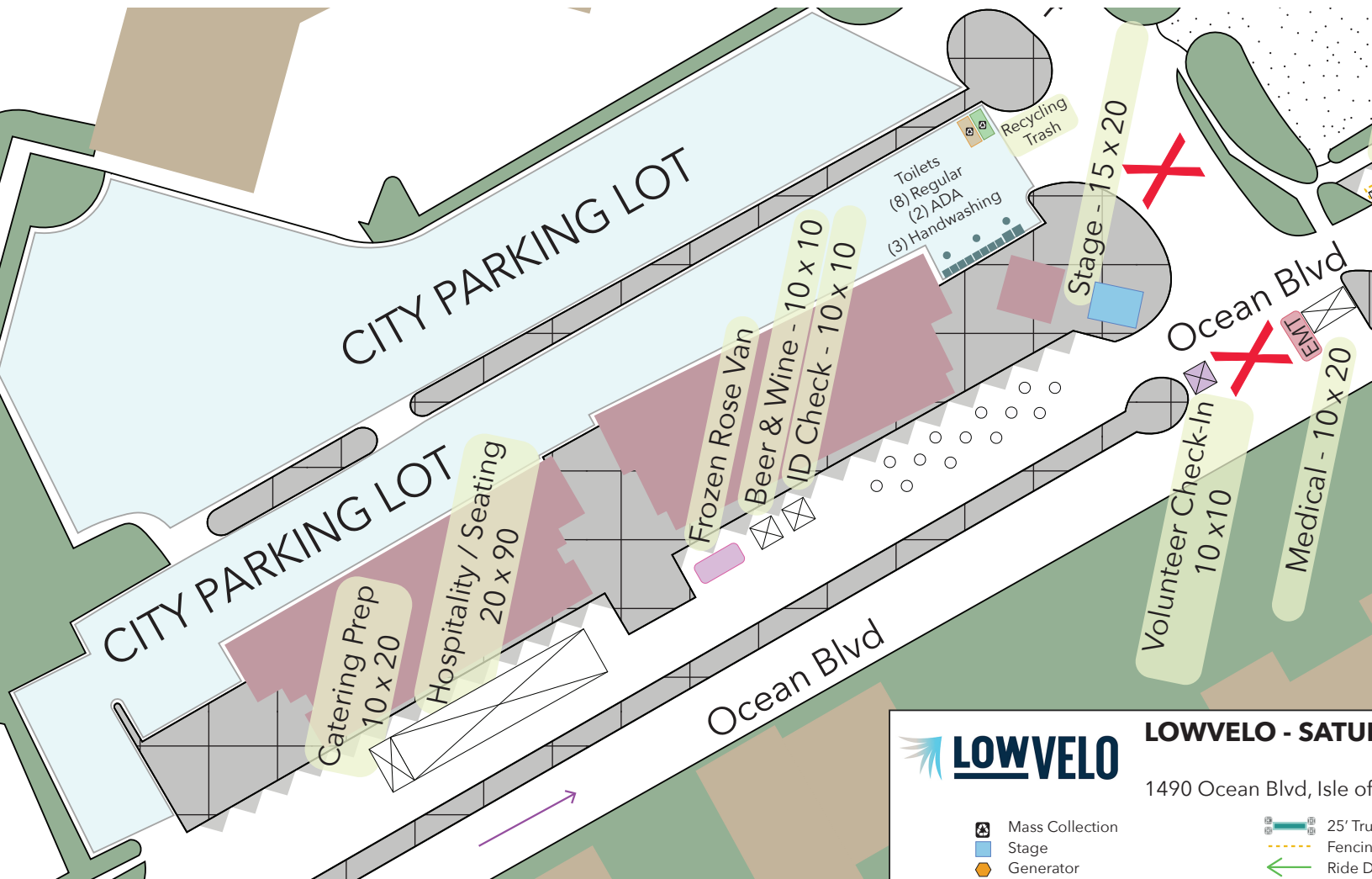
5:30 AM	Production Team #2 Crew Call	Production #2
	Decorate Venue - massage, entertainment, seating, tables	Production #2
6:00 AM	Police on site	Reed
	Volunteers Arrive	MUSC
	Catering Load-In	Emily
7:00 AM	Breakfast Service Set	Emily
	Shuttle Service to Start venue begins - 30 Minute Intervals	Larkin
7:30 AM	Announcements begin	
<b>8:30 AM</b>	<b>10 mi ride starts from IOP</b>	<b>Reed</b>
9:00 AM	Food/Beer Service Begins	Emily
<b>9:30 AM</b>	<b>First Rider Expected - from 10 mi ride</b>	<b>Reed</b>
<b>5:00 PM</b>	<b>Final Rider Arrives - from 100 mi ride</b>	<b>Reed</b>
	End Food/Beverage Service, Music	Emily
	Tent Company arrives to strike tents	Abbi
5:30 PM	Begin Venue Strike	Reed
	Begin Parking Lot Strike	
8:00 PM	Ocean Blvd re-opens , venue clear	

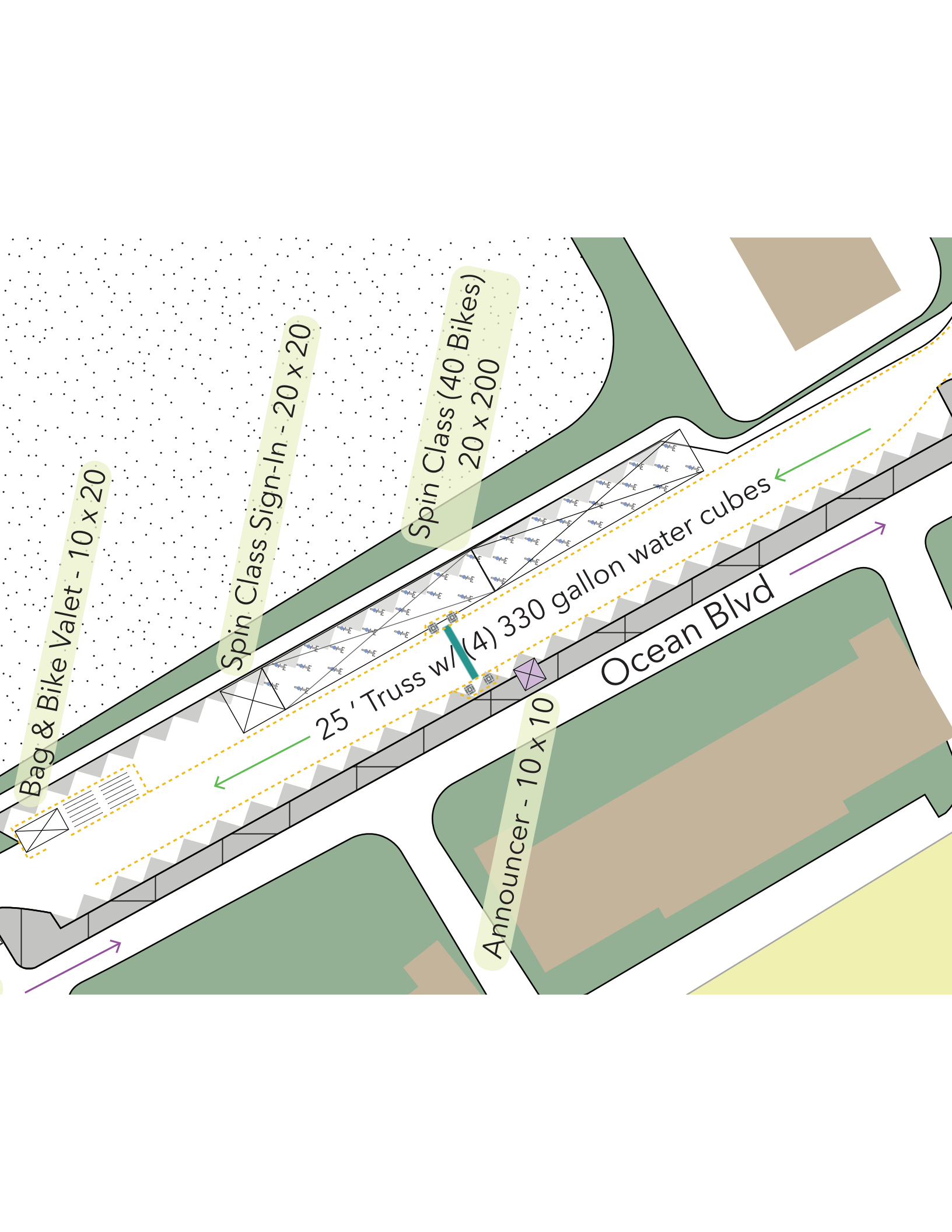
**Monday, Nov. 8**

8:00 AM	Toilets and dumpster removed
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abbi.whitney@medalistsports.com







Bag & Bike Valet - 10 x 20

Spin Class Sign-In - 20 x 20

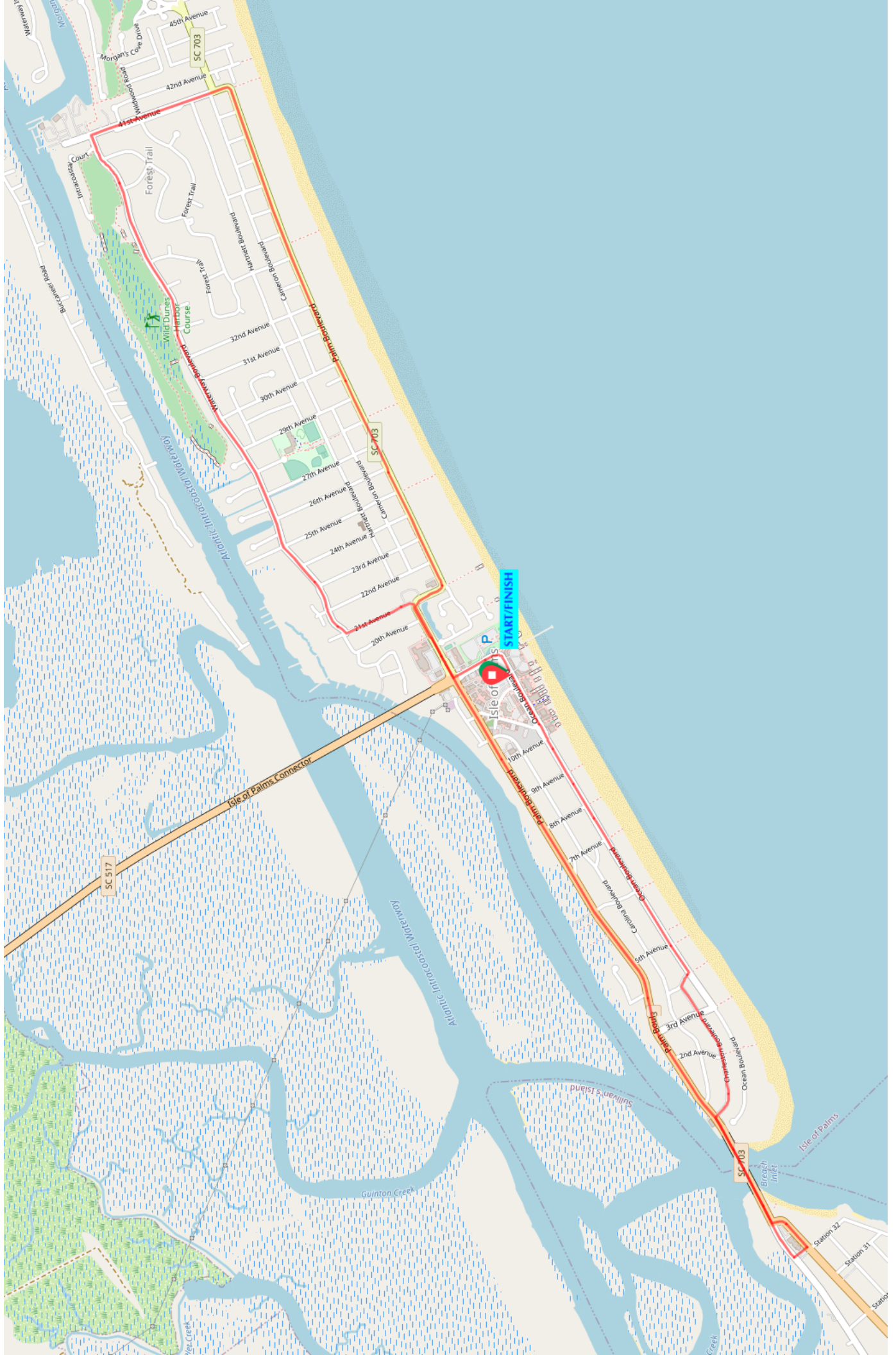
Spin Class (40 Bikes)  
20 x 200

25' Truss w/ (4) 330 gallon water cubes

Ocean Blvd

Announcer - 10 x 10







OSM







**PUBLIC WORKS COMMITTEE**  
**4:30pm, Wednesday, February 3, 2021**  
**Virtual Meeting via Zoom call due to COVID-19 Pandemic**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to order**

Present: Council members Smith, Streetman, Ward

Staff Present: Asst. Administrator Hanna, Director Pitts, Director Kerr

Also Present: Jennifer Hightower, Danny Kassis, Mark Branhan, James Swittenberg, Shane Kimble, Paul Fisher, Bill Turner, and Will Reid from Dominion Energy

**2. Approval of previous meeting's minutes – January 6, 2021**

Council Member Smith made a motion to approve the minutes of the January 6, 2021 meeting, and Council Member Streetman seconded the motion. The motion passed unanimously.

**3. Citizens' Comments -- none**

**4. Department Reports – Director Pitts and Assistant Director Asero**

Director Pitts' brief report occurred near the end of the meeting. He referred Committee members to the dashboard and Asst. Director Asero's report in the meeting packet. He said vehicle maintenance was under budget this month. He reported that Carolina Waste will be picking up trash from Seagrove Condominiums by mid-month. There have been no concerns expressed by residents regarding this change. He said he is not looking at stopping backdoor service to any other such communities as long as he can maintain a high level of service without overtime and additional equipment.

**5. Old Business**

**A. Update on Phase III Drainage Project, small internal projects, and Waterway Boulevard path elevation – presentation by Thomas & Hutton**

Director Kerr said Gulfstream will begin work at the intersection of 41<sup>st</sup> Avenue on February 15. He also shared they are waiting on a cost estimate from Thomas & Hutton for the elevation project at Waterway Boulevard. He will share the idea for lighting considerations along the path with Thomas & Hutton.

Thomas & Hutton has submitted permit requests for the Forest Trail and 30<sup>th</sup> Avenue outfalls. Director Kerr reported, "They are still working with their environmental consultant on the

mediation for the 41<sup>st</sup> Avenue project, so that one is a little bit behind in terms of submitting those requests to OCRM.”

**B. Update on Memorandum of Understanding (MOU) between the City and Dominion Energy ahead of next tree-trimming cycle**

Asst. Administrator Hanna said the MOU with Dominion Energy is actively being worked on but has not yet taken final shape.

**C. Discussion of Dominion Energy’s Non-Standard Service Fund and list of eligible projects**

Asst. Administrator Hanna listed the projects under consideration using the City’s Non-Standard Service Fund: undergrounding some overhead lines at the Marina, along 41<sup>st</sup>, 21<sup>st</sup>, and 14<sup>th</sup> avenues and Oak Harbor Boulevard between 11<sup>th</sup> and 13<sup>th</sup> avenues.

**6. New Business**

**A. Presentation by Dominion Energy regarding utility undergrounding, maintenance trimming, and public communications**

Committee members and Dominion Energy representatives talked about the needs for public education and active public relations/marketing ahead of the next tree-trimming cycle due in 2024. Dominion Energy representatives stressed the importance of citizens attending their tree trimming workshops. They will also put together some educational materials on “Right tree, right place.” Council Member Ward said he would like for Dominion Energy to give a tree-trimming presentation to City Council at least a year ahead of the next trimming.

Dominion Energy representatives said they are looking to the City for guidance on what the City wants and expects in an MOU.

Committee members and Dominion Energy representatives then talked about the eligible projects using the City’s Non-Standard Service Fund. There is approximately \$637,665 in the fund now, which represents monies from the City and Dominion Energy. The City will need to match the remaining 50% of the project cost upon completion. These are “use it or lose it” funds that drop off every 6<sup>th</sup> year. Mr. Kimble indicated that easement acquisition is the biggest wild card and the lengthiest part of any of these projects.

Committee members would like to present Projects 3 & 4 (21<sup>st</sup> Avenue Crossings Conversion and 14<sup>th</sup> Avenue Overhead to Underground Conversion) to the Ways & Means Committee for consideration on February 16. These projects could be done with the least amount of disruption during the beach season. Council Member Ward would like feedback on the prioritization of the projects from staff and the Committee members. Someone from Dominion Energy may need to be at the Ways & Means Committee to answer questions about the projects.

**B. Discussion of adjustment of the multi-use path and driveway crosswalk in front of 1400 Palm Boulevard**

Council Member Ward indicated that more preliminary work needs to be done on this before it can be discussed in Committee.

**C. Discussion of Public Works 10-year Capital Plan**

Asst. Administrator Hanna reviewed the items in the FY22 Capital Plan for Public Works regarding fleet replacement, facilities maintenance, and drainage.

**8. Miscellaneous Business**

The next meeting of the Public Works Committee will be Wednesday, March 3, 2021 at 4:30pm.

**8. Adjournment**

Council Member Streetman made a motion to adjourn, and Council Member Smth seconded the motion. The meeting was adjourned at 5:45pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



**Recreation Committee Meeting  
8:00am, Monday, February 2, 2021  
Virtual Meeting via Zoom call due to COVID-19 Pandemic  
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to order**

Present: Council members Buckhannon, Pounds, and Smith

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Director Page, Director Kerr, Chief Cornett, City Attorney Hinchey

**2. Approval of the previous meeting's minutes – January 4, 2021**

**MOTION: Council Member Buckhannon made a motion to approve and Council Member Pounds seconded the motion. The motion passed unanimously.**

**3. Citizens' Comments – none**

**4. Departmental Reports – Director Page**

Director Page said registration for Spring adult sports as well as youth baseball has begun. Youth basketball ended the season well without any problems. Fitness classes remain popular as they are available in person and via Zoom. Staff is working on developing special interest classes and the potential to offer classes via Live Streaming.

Twenty-five socially distanced Keenagers participated in last month's gathering. The Front Beach Fest will be replaced by a drive-in movie (Sonic The Hedgehog) in the municipal parking lot on March 7. The Yard Sale will take place on April 17 with a reduced number of vendors. There will be no Easter Egg Hunt this year, but the Recreation and Public Safety Departments will be offering front yard visits by the Easter Bunny. Staff is also working on pairing Music in the Park with a movie on the recreation field to allow for social distancing.

**5. Old Business**

**MOTION: Council Member Pounds made a motion to reorder the agenda such that the discussion of Ordinance 2020-16 would be the first item discussed under Old Business. Council Member Buckhannon seconded the motion. The motion passed unanimously.**

**A. Discussion and consideration of proposed changes to Ordinance 2020-16 to allow surfing instruction on the beach under limited conditions**

Committee members discussed the need for City Council review of surfing instructors prior to allowing them to teach on the beach. Council Member Smith noted that the City of Folly Beach approves all their instructors at one meeting. Council Member Pounds noted this requirement could be changed after the first year of the program.

Administrator Fragoso asked Committee members to consider restricting the time of day in which lessons could occur to the morning hours since the afternoons are more populated with beachgoers. Council Member Buckhannon noted the success of a surf lesson depends on tidal and weather conditions. Chief Cornett said enforcement of specific start and stop times for lessons would be easier to enforce than lesson time limits. Director Kerr said that enforceability would always be a weakness since the intent is to keep the surfing instruction as invisible as possible.

**MOTION: Council Member Smith made a motion to go into Executive Session pursuant to §30-4-70(a)(2) to receive legal advice. Council Member Buckhannon seconded the motion. The motion passed unanimously.**

The Recreation Committee entered Executive Session at 8:27am.

The Recreation Committee returned from Executive Session at approximately 9:03am. Council Member Smith said that no decisions were made. She said she would like the ordinance to state the City Council has the right to restrict the number of surf instructor providers on the beach. She instructed staff to come up with a proper and efficient means to administer the guidelines in the ordinance.

**MOTION: Council Member Pounds made a motion to approve the ordinance as presented and to include the changes as discussed in Executive Session. Council Member Buckhannon seconded the motion. The motion passed unanimously.**

**B. Discussion of outlook for classes and activities in the Spring** – covered in the departmental report

**C. Discussion of adjustments and impact related to COVID-19 on recreation programming**

Director Page said she has reached out to Delta Pharmacy on the island to let them know the Recreation Center could serve as a vaccination location if needed.

**6. New Business**

**A. Discussion of potential partnership opportunities for recreation activities such as kayaking and paddle boarding**

Council Member Smith would like to explore more opportunities for the City to encourage kayaking and paddle boarding. She suggested reaching out to the Exchange Club about the possible use of their dock.



**B. Discussion of implementation of Coastal Environmental Science education class**

Director Page has spoken to DNR, the Audubon Society, and the Clemson Extension about environmental education classes. However, COVID has stunted the travel and instruction offered by these institutions. Council Member Smith suggested reaching out to the SC Aquarium and Coastal Expeditions to see if they would be interested in offering such instruction for adults.

**C. Discussion of FY22 10-year Capital Plan for the Recreation Department**

Administrator Fragoso reviewed the items that appear in 10-year Capital Plan in FY22 for the Recreation Department.

**7. Miscellaneous Business**

The next meeting of the Recreation Committee will be on Monday, March 1, 2021 at 8am.

**8. Adjournment**

Council Member Buckhannon made a motion to adjourn, and Council Member Pounds seconded the motion. The meeting was adjourned at 9:32am.

Respectfully submitted,

Nicole DeNeane  
City Clerk



**Personnel Committee**  
**9:00am, Tuesday, February 2, 2021**  
**Virtual Meeting via Zoom call due to COVID-19 Pandemic**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to Order**

Present: Council Members Bell, Buckhannon, and Moye

Staff Present: Administrator Fragoso, Asst. Administrator Hanna

**2. Approval of previous meeting's minutes – January 5, 2021**

**MOTION: Council Member Bell made a motion to approve the minutes of the January 5, 2021 meeting. Council Member Buckhannon seconded the motion. The motion passed unanimously.**

**3. Citizens' Comments – none**

**4. Old Business**

**A. Update on Wage and Compensation Analysis project and discussion of development of a compensation policy**

Administrator Fragoso said Evergreen will be on site this week providing orientations and conducting focus groups and interviews with City employees. She said the City will need to develop a compensation policy "that would be the governing structure that would define specific situations, how those will be handled, and would give department heads guidance when positions are advertised, when we make offers or give promotions. The goal of the compensation policy is to provide clear communication and expectations not only to potential employees but current employees, and therefore, support the growth of the City as an organization and talent retention."

Committee members discussed various aspects of such a policy including aligning compensation strategy with retention goals, salary policy around tenured employees, being cognizant of the distance employees may drive to work for the City, salary ranges, performance-based reviews, and up-to-date evaluation tools to conduct such reviews.

Committee members felt it important to understand what other similar sized municipalities are doing in this regard. Council Member Buckhannon noted that the tax base for the Isle of Palms is limited by size. Council Member Moye expressed his desire for proper evaluation tools, and Administrator Fragoso said that Evergreen is reviewing the City's evaluation component.

**B. Update on Fire Chief hiring process**

Administrator Fragoso reported that the Personnel and Public Safety committee will meet Thursday to deliberate on the four candidates interviewed last week and discuss the next steps in the process. A Special Meeting of City Council may be necessary to move the process forward depending on the outcome of Thursday's meeting.

**5. New Business**

**A. Discussion and consideration of increasing current merit increase for FY21**

Administrator Fragoso requested last year's 2.5% merit pool that was suspended due to the unknown effects of COVID on the City's budget be added to this year's merit pool and be retroactive to January 1, 2021.

**MOTION: Council Member Buckhannon made a motion to forward this request to the Ways & Means Committee. Council Member Bell seconded the motion.**

Council Member Bell said he would like to see a plan when this comes to Ways & Means. Administrator Fragoso said, "It would be based on results and scores from the performance evaluations."

**B. Discussion of FY22 10-year Capital Plan for General Government**

Administrator Fragoso reviewed the items proposed in the 10-year Capital Plan for FY22 in General Government. Committee members all agreed that the amount earmarked for upgrading the A/V equipment in Council Chambers needs to be increased to provide maximum and clear access to Council members during City Council meetings. Consideration of a closed-captioned component was also requested.

**6. Miscellaneous Business**

The next meeting of the Personnel Committee will be Wednesday, March 3, 2021 at 9am.

**7. Adjournment**

Council Member Buckhannon made a motion to adjourn, and Council Member Bell seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:58am.

Respectfully submitted,

Nicole DeNeane  
City Clerk



## **REAL PROPERTY COMMITTEE**

**1:30pm, Monday, February 1, 2021**

**Virtual Meeting via Zoom call due to COVID-19 Pandemic**

**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

### **MINUTES**

**1. Call to order**

Present: Council members Moye, Popson, and Streetman

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Director Kerr

**2. Approval of previous meeting's minutes –January 4, 2021**

**MOTION: Council Member Moye made a motion to approve the minutes of the January 4, 2021 meeting and Council Member Popson seconded the motion.**

Council Member Streetman asked that the minutes reflect that Council Member Popson was elected Vice Chair of the Real Property Committee.

**VOTE: The amended minutes passed unanimously.**

**4. Citizens' Comments -- none**

Council Member Streetman encouraged citizen participation in committee meetings through email, the comment forum, and signing up to speak at Zoom meetings.

**5. Marina Tenant Comments**

Mr. Jon Bushnell and Mr. Dave Lorenz gave an update on the construction of the new restaurant at the Marina. They received approval from BOZA on January 5 to make changes to allow for exterior seating. Following that approval, the architect began working on the interior design. They have re-engaged the structural engineer to find a way to secure the tent structure on the second floor to the foundation. Their next step is to submit the architectural and structural plan to the City. Following the City's approval, they hope to begin work in March. They still plan to open the outdoor area in late spring/early summer. They will know more when the subcontractors are hired and can provide work timeframes.

Administrator Fragoso said the City is in constant communication with Mr. Bushnell and Mr. Lorenz and is "treating it very diligently." Mr. Bushnell and Mr. Lorenz will provide elevations of the restaurant for City Council's review.

**6. Old business**

**A. Update on marina rehabilitation project**

Administrator Fragoso reported, “The bulkhead recoating continues to proceed very well. The areas east of the boat ramp have been completed, and they look pretty good. The contractor is now shifting to the area behind the restaurant. Preliminary utility work on the upland portion of the site has started. This includes work adjacent to the Marina store and along the west side of the boat ramp. Salmon’s Dredging has received many of the new power pedestals and the electrical equipment for the new dock system, and they are storing that in their warehouse, not on site. ATM and the City has worked diligently with the restaurant folks to finalize the location of the new transformer that...is being moved to the outside of the actual outdoor seating site.”

The restaurant is working with ATM to integrate the fire hydrant adjacent to the new transformer. ATM has received the manufacturer shop drawings of the floating dock and they are being reviewed.

She said it may be necessary to increase the \$100,000 placeholder put in the budget for the fuel hut. She added, “The phasing of the project has shifted slightly due to the delays with finalizing the fuel hut configuration. Before they were going to start with the fuel hut and the fuel dock, and that is being shift for that component being the last. We do not think that will have major implications or impacts.”

The work to remove the watersports dock from the intracoastal waterway setback line is now complete. “As part of the review and evaluation that was done by the contractor, there are some deficiencies that have been exposed in the structural integrity of that existing gangway and the interior floating docks. This was not caused by the relocation itself.” Administrator Fragoso and Kirby Marshall of ATM will be onsite to discuss what may need to be done.

She said the contractor is attempting to mitigate the delays in order to finish before the start of the summer beach season. Anticipated completion is May provided there are no other delays. Council Member Popson noted that all construction work has delays at this point in time.

**B. Update on proposed ADA-compliant dual-purpose beach boardwalk at 42<sup>nd</sup> Avenue**

Administrator Fragoso said the revised scope of the project was approved by the Greenbelt Fund without the City having to resubmit the application. Staff will prepare the RFP to secure the purchase of the materials and have the boardwalk installed. Director Kerr added that requests to OCRM to extend similar beach paths and walkovers towards hard sand have not been successful in the past, but he would reach out again.

Council Member Moye asked about the unused Greenbelt Funds for improving beach access paths. Administrator Fragoso said the funds allocated to the City are not lost if unused by a certain time. She intends to submit an application for the Marina greenspace project. However, more research is needed into the installation of elevated footbridges at beach access paths before an application can be submitted. She expressed concerns about ongoing maintenance and coordination with DHEC.

**C. Update on Front Beach patio area improvements**

Administrator Fragoso reported that much progress has been made on this project. They are finalizing the landscape design and getting prices for the picnic tables. Before and after pictures of this project will be shared upon completion.

**D. Discussion of conceptual designs of the proposed public dock and greenspace at the IOP Marina**

Administrator Fragoso shared an updated conceptual design of the proposed public dock and greenspace at the Marina. Changes include the removal of the entryway component, adding picnic tables under sail shades, and increased golf cart parking. The next step is to secure proposals for an engineered design so that project costs can be estimated. Monies from the City's Tree Fund could be used for the beautification project. The citizen feedback considered in these design changes will be shared with Committee members.

She stated that no construction on the greenspace or dock can begin until the eviction process is adjudicated. Staff will continue to work on the project while waiting on the outcome of the case.

Committee members discussed citizen-involvement possibilities in the project such as selling memorial bricks and bench dedications. Committee members again thanked Kelly Messier for her work on the conceptual design.

**6. New Business**

**A. Discussion and consideration of Noise Agreement with Marina Restaurant**

Administrator Fragoso said the proposed noise agreement included in the meeting packet was sent to Mr. Bushnell and Mr. Lorenz. She does not expect there will be any changes as it is the same one entered into by the City and Morgan Creek Grill.

Council Member Popson said that Mr. Bushnell already has plans in place to mitigate outdoor noise. The Committee said they would like to wait and see what the plans are before making a recommendation to City Council regarding the noise agreement.

**B. Discussion of FY22 10-year Capital Plan for IOP Marina and Front Beach**

Administrator Fragoso reviewed the capital items proposed for the FY22 budget in the areas of Front Beach Management and Beach Maintenance & Monitoring.

**7. Miscellaneous Business**

The next meeting of the Real Property Committee will be held on Monday, March 1, 2021 at 1:30pm.

**8. Adjournment**

Council Member Moye made a motion to adjourn and Council Member Popson seconded the motion. The meeting was adjourned at 2:45pm.

Respectfully submitted,

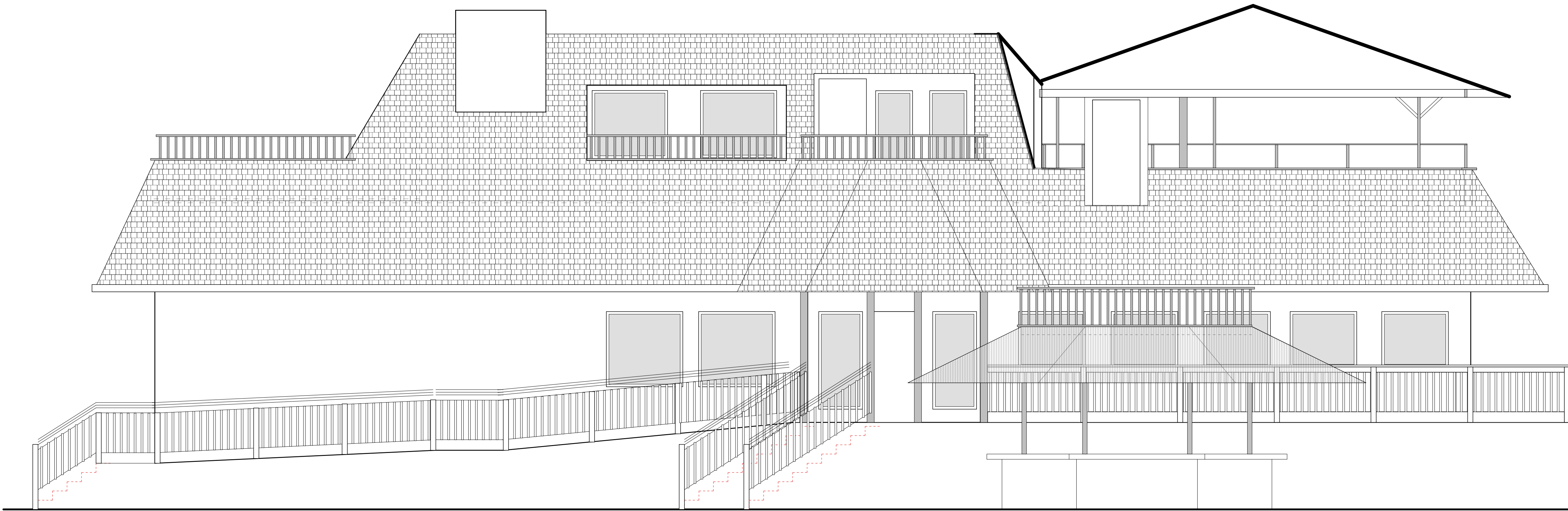
Nicole DeNeane  
City Clerk

MORGAN  
CREEK GRILL

80 41ST Avenue  
Isle of Palms, SC

REVISIONS:

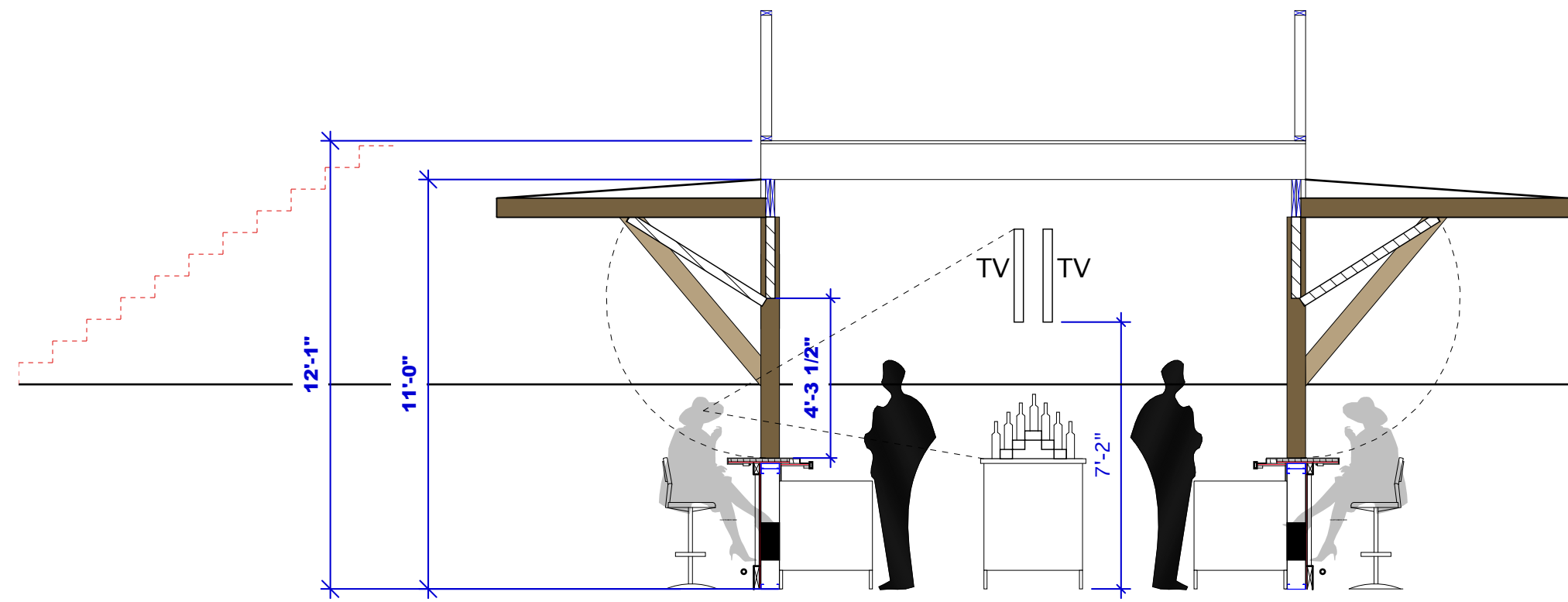
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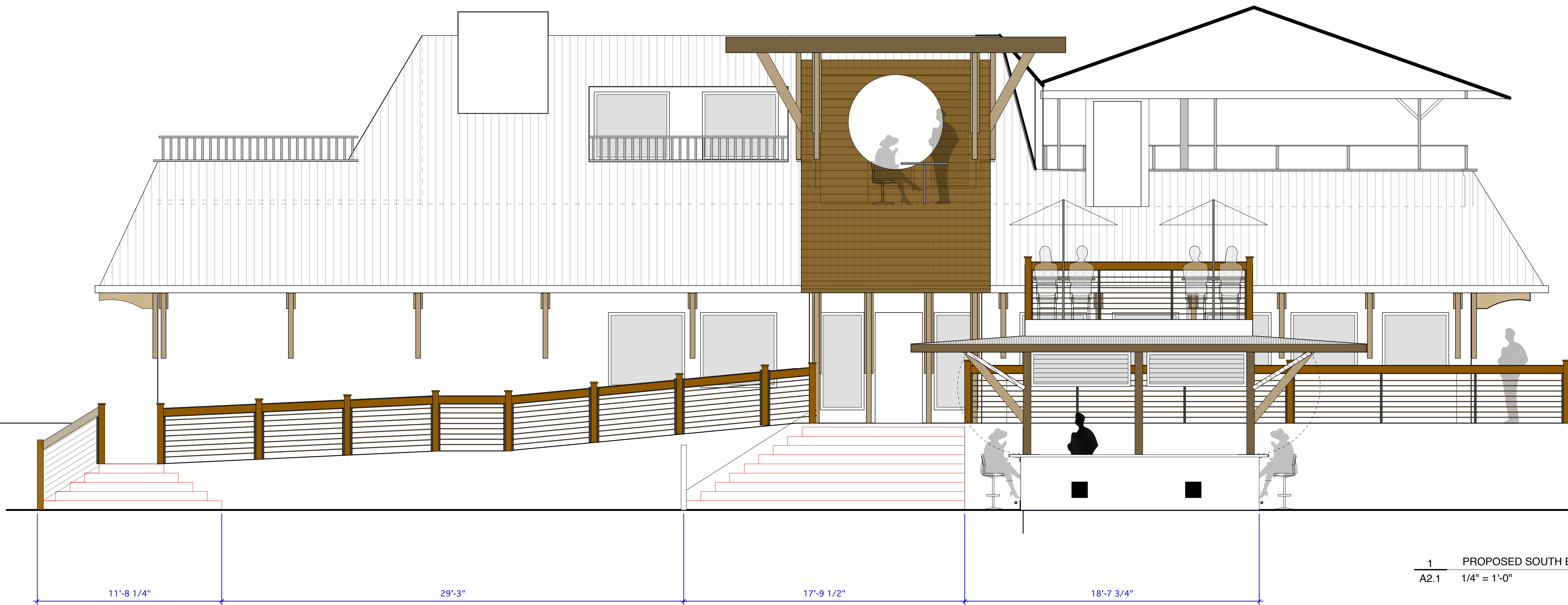
2 EXISTING SOUTH ELEVATION  
A2.1 1/4" = 1'-0"

9 risers @ 6.854167"  
= 61.6875"

24 risers total  
@ 6.854167"



WORKING SKETCH SECTION



1 PROPOSED SOUTH ELEVATION  
A2.1 1/4" = 1'-0"

GRAND STAIR AT THIS INTERSECTION

EXISTING RAMP TO REMAIN  
NEW DECORATIVE BRACKETS  
AROUND FULL EXISTING MANSARD ROOF

GRAND STAIR FLANKED BY PLANTERS  
WITH NEW EXTERIOR AREA ON FLOOR2

NEW EXTERIOR BAR

SOUTH  
ELEVATION

stumphouse  
ARCHITECTURE + DESIGN  
P. O. Box 20486  
Charleston, SC 29413

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Scale: 1/4" = 1'-0"

Date: 14 FEB 2021

Job No. Drawing No.

A2.1

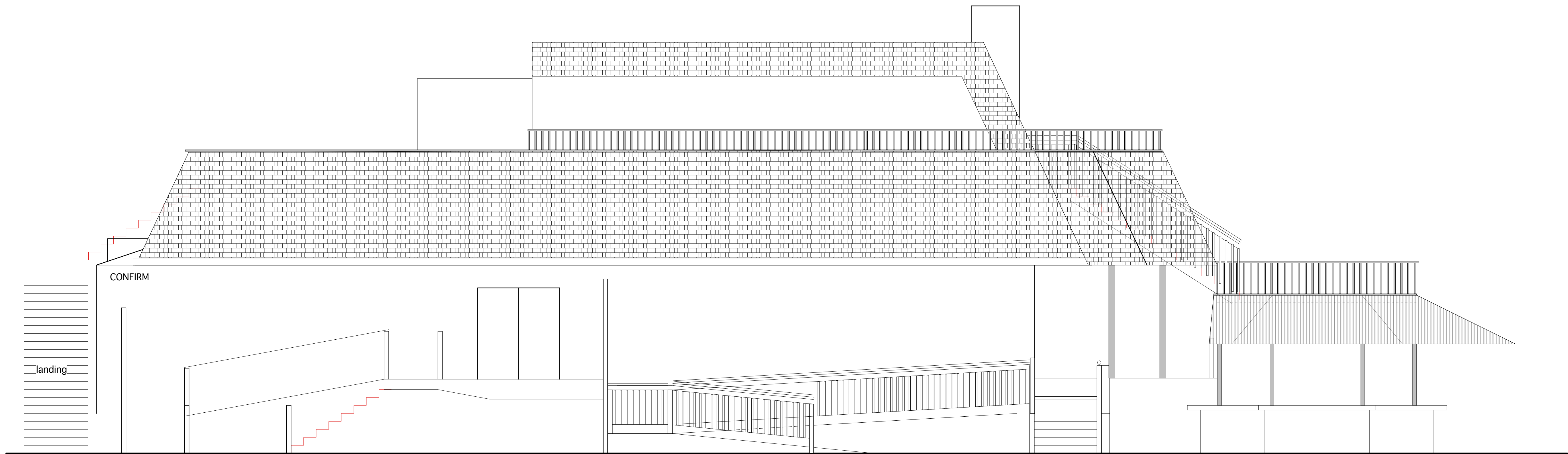


MORGAN  
CREEK GRILL

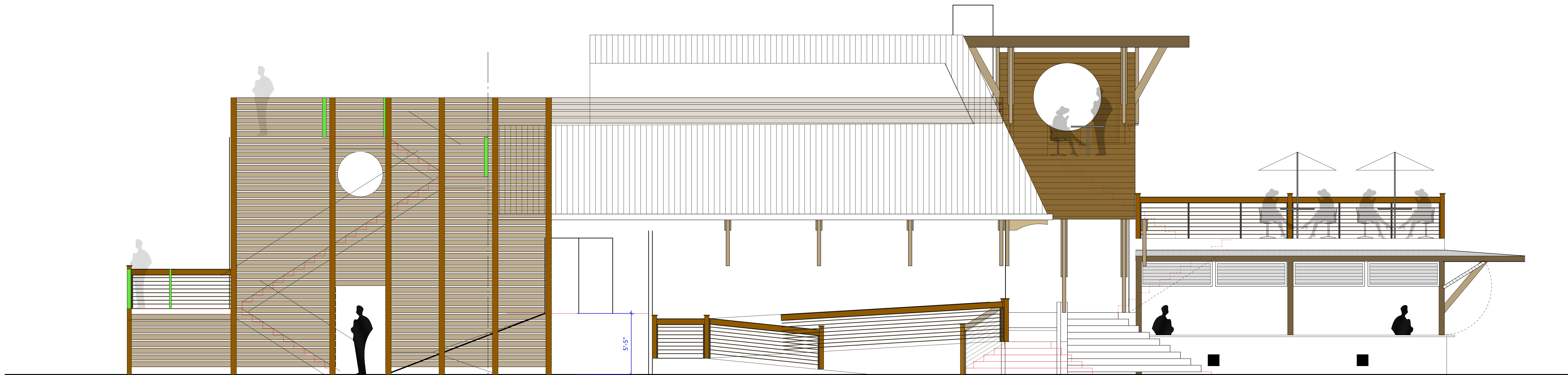
80 41ST Avenue  
Isle of Palms, SC

REVISIONS:

NOTES:



1 EXISTING WEST ELEVATION  
A2.2 1/4" = 1'-0"



1 PROPOSED WEST ELEVATION  
A2.2 1/4" = 1'-0"

37'-6 7/32"

8'-7 1/16"

5'-5"

confirm ability to have grand stair here. think there is utility on the left here

NEW 2 STORY VERTICAL EGRESS/ACCESS COMPLETELY OUTSIDE EXISTING ENVELOPE WITH NEW SCREEN WALL

EXISTING LOADING DOCK

WEST ELEVATION

stumphouse  
ARCHITECTURE + DESIGN  
P. O. Box 20486  
Charleston, SC 29413

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Scale: 1/4" = 1'-0"

Date: 14 FEB 2021

Job No. Drawing No.

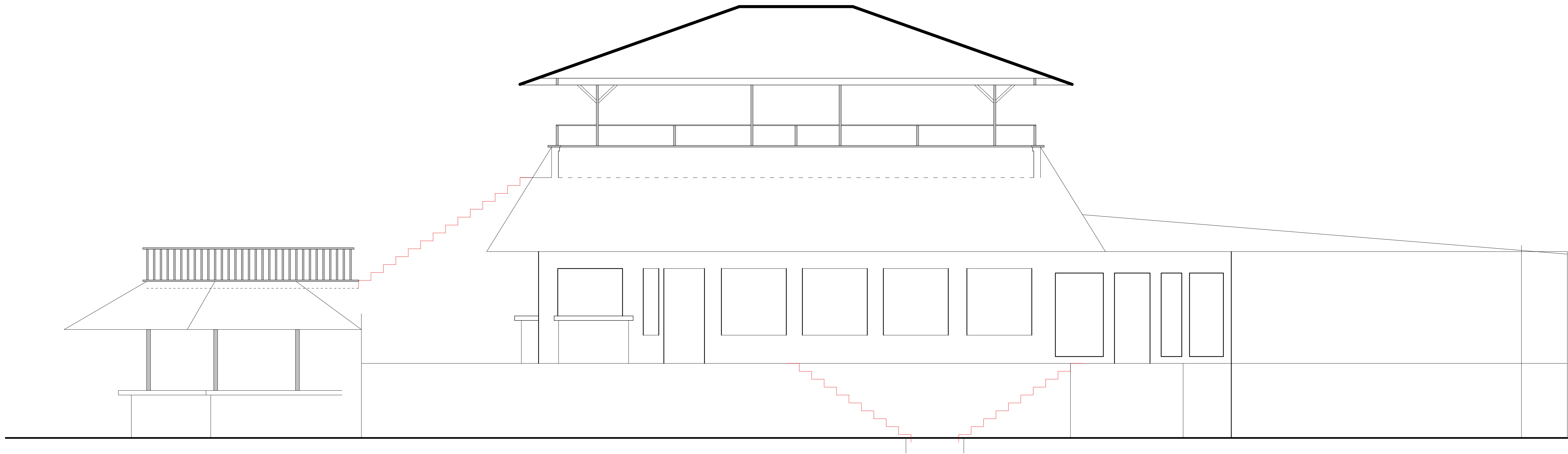
A2.2

MORGAN CREEK GRILL

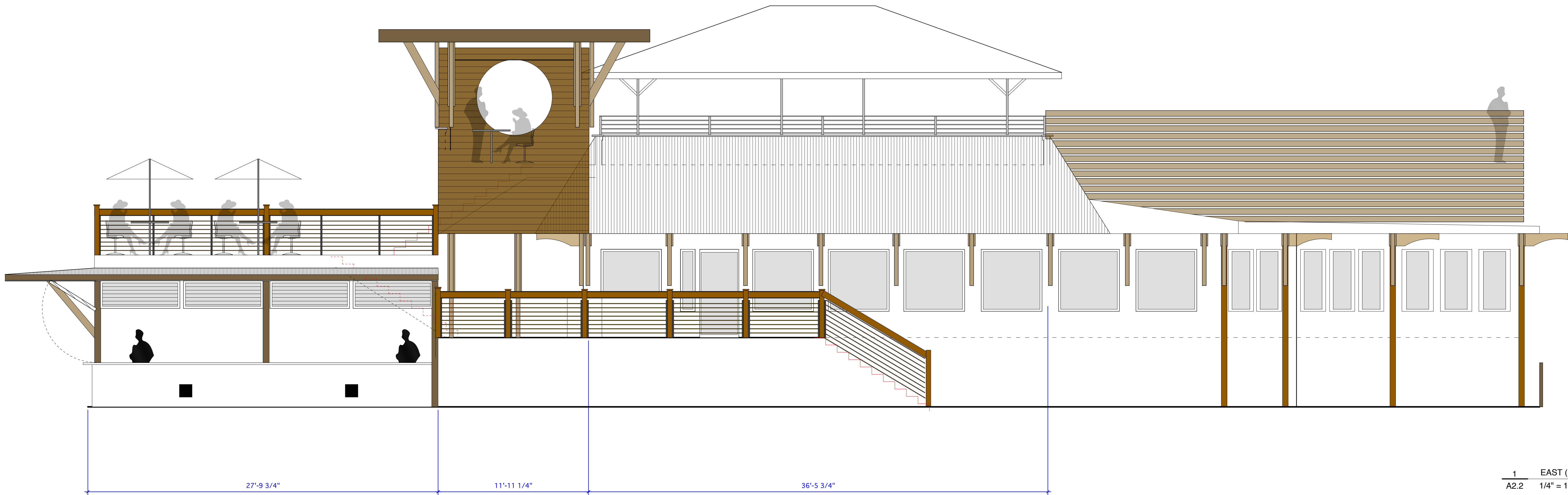
80 41ST Avenue  
Isle of Palms, SC

REVISIONS:

NOTES:



1 EAST (MORGAN CREEK) ELEVATION  
A2.2 1/4" = 1'-0"



1 EAST (MORGAN CREEK) ELEVATION  
A2.2 1/4" = 1'-0"

NEW EXT. BAR WITH ROOFTOP DINING AND COMPLIANT  
EGRESS/ACCESS FROM FLOOR2

NEW ENTRY "TOER" ELEMENT

REWORK EXISTING DOOR  
& WINDOWS?

EAST  
ELEVATIONS

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Date: 14 FEB 2021

Job No. Drawing No.

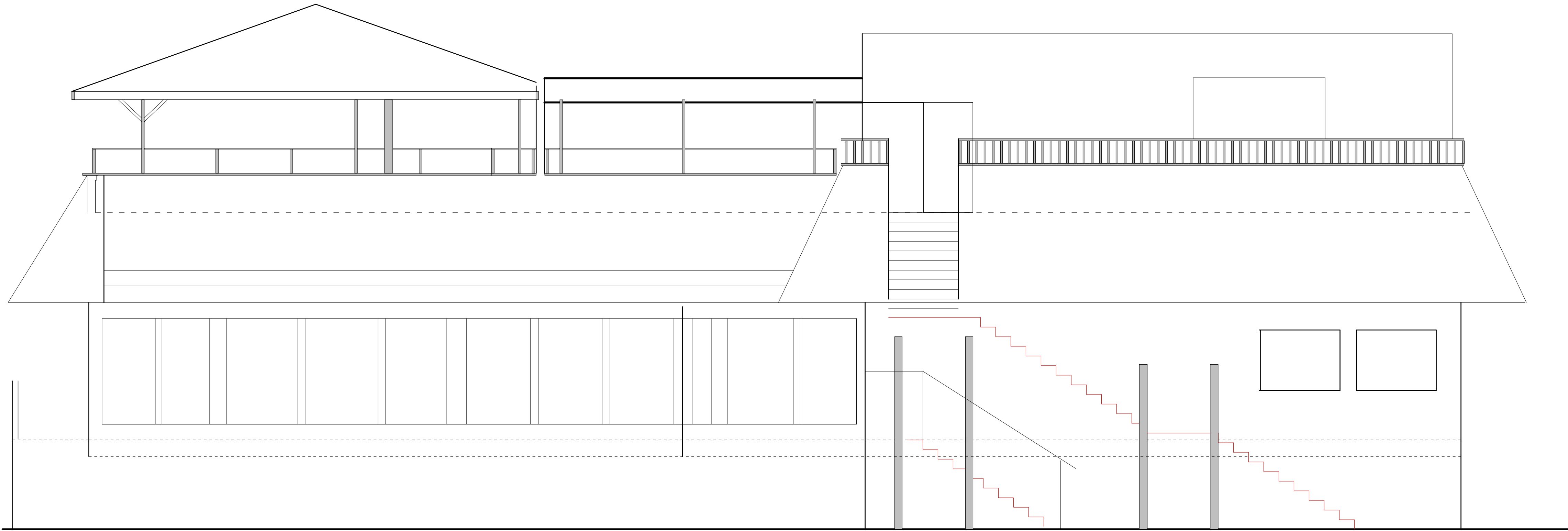
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MORGAN CREEK GRILL

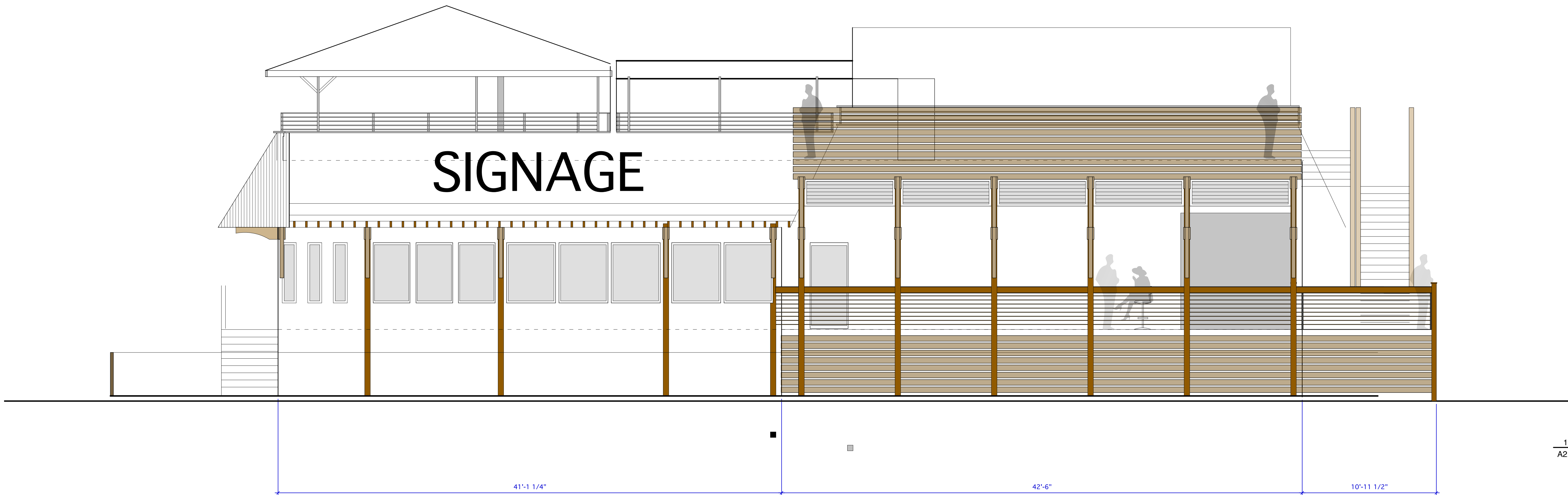
80 41ST Avenue  
Isle of Palms, SC

REVISIONS:

NOTES:



1 EXISTING NORTH (ICW) ELEVATION  
A2.2 1/4" = 1'-0"



1 EXISTING NORTH (ICW) ELEVATION  
A2.2 1/4" = 1'-0"

FLOOR1 DINING ROOM TO BE LOWERED.  
EXISTING WINDOWS AND ROOF AND COLUMNS TO REMAIN AS IS

NEW WORK AREA ON 2 FLOORS  
FLOOR1 - NEW EXTERIOR COVERED DECK WITH COOLER ON SLAB AND EXT. BAR/DINING  
FLOOR2 - NEW OPEN AIR DECK

NEW EGRESS/ACCESS STAIR  
FULLY OUTSIDE EXISTING BUILDING ENVELOPE

NORTH ELEVATIONS

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ARCHITECTURE + DESIGN  
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Charleston, SC 29413

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Scale: 1/4" = 1'-0"

Date: 14 FEB 2021

Job No. Drawing No.

A2.4

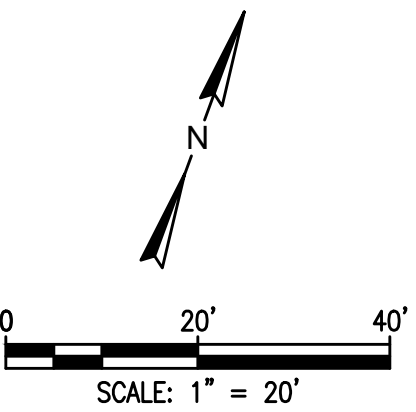


**CONCEPT DESIGN NOTES**

1. PLAN IS NOT FOR CONSTRUCTION.
2. ALL DIMENSIONS TO BE CONSIDERED APPROXIMATE AND TO BE VERIFIED BY A SURVEYOR.
3. LAYOUT TO BE VERIFIED AND REVIEWED BY LOCAL PLANNING OFFICE FOR COMPLIANCE TO ZONING CODE.

**CONCEPT DESIGN NOTES**

1. PLAN IS NOT FOR CONSTRUCTION.
2. ALL DIMENSIONS TO BE CONSIDERED APPROXIMATE AND TO BE VERIFIED BY A SURVEYOR.
3. LAYOUT TO BE VERIFIED AND REVIEWED BY LOCAL PLANNING OFFICE FOR COMPLIANCE TO ZONING CODE.

[illegible]

**CLINE**  
ENGINEERING  
PROFESSIONAL DESIGN CONSULTING

ISLE OF PALMS MARINA

---

# CONCEPT SITE PLAN

---

50 41ST AVENUE  
ISLE OF PALMS, SOUTH CAROLINA

---

PROJECT MANAGER	MDC
DRAWN BY	AJ / JR
PROJECT DATE	FEBRUARY 2021
JOB NUMBER	21006
SHEET NUMBER	

C-1



REVISIONS:

NOTES:

WALL LEGEND

- EXISTING WALL  
(TO REMAIN)
- EXISTING COLUMN  
(TO REMAIN)
- NEW WALL/COLUMN
- NEW 5.5" BAR DIE WALL  
(40" HIGH TOP PLATE)

MAIN FLOOR PLAN

stumhouse  
ARCHITECTURE + DESIGN  
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Charleston, SC 29413

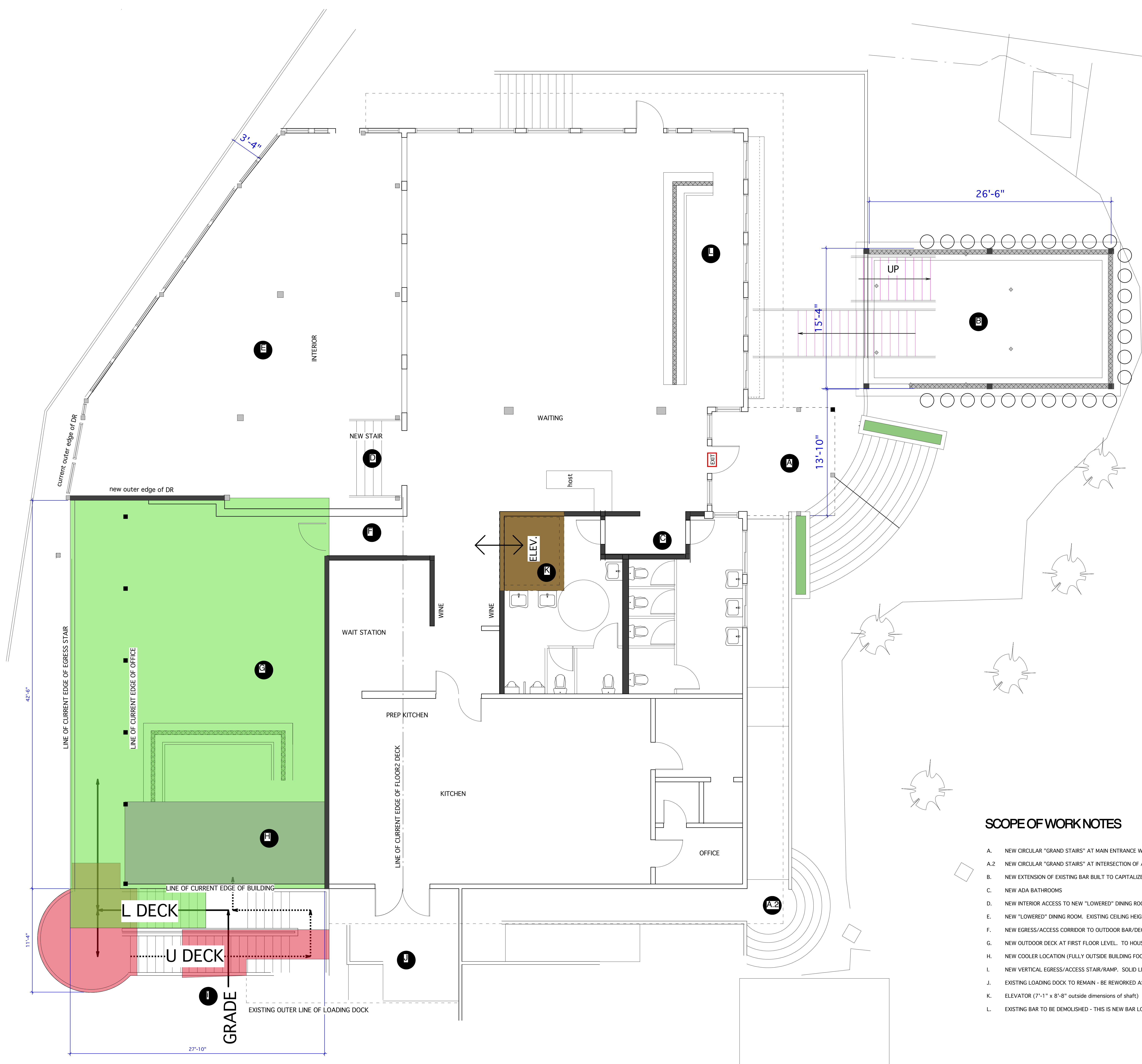
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Scale: 1/4" = 1'-0"

Date: 14 FEB 2021

Drawing No.

A1.1



SCOPE OF WORK NOTES

- A. NEW CIRCULAR "GRAND STAIRS" AT MAIN ENTRANCE WITH PLANTERS FLANKING AND NEW FLOOR2 ABOVE.
- A.2 NEW CIRCULAR "GRAND STAIRS" AT INTERSECTION OF ADA RAMP/PARKING LOT
- B. NEW EXTENSION OF EXISTING BAR BUILT TO CAPITALIZE ON THE EXISTING FOOTPRINT (WHOSE ELECTRICAL IS GRANDFATHERED)
- C. NEW ADA BATHROOMS
- D. NEW INTERIOR ACCESS TO NEW "LOWERED" DINING ROOM.
- E. NEW "LOWERED" DINING ROOM. EXISTING CEILING HEIGHT AND WALLS TO REMAIN. NEW WINDOWS OVERLOOKING AREA "G"
- F. NEW EGRESS/ACCESS CORRIDOR TO OUTDOOR BAR/DECK
- G. NEW OUTDOOR DECK AT FIRST FLOOR LEVEL. TO HOUSE COOLER, NEW OUTDOOR BAR AND DINING. ROOFED BY 2ND FLOOR EXTERIOR AREA.
- H. NEW COOLER LOCATION (FULLY OUTSIDE BUILDING FOOTPRINT)
- I. NEW VERTICAL EGRESS/ACCESS STAIR/RAMP. SOLID LINES ARE PATH TO FLOOR1. DASHED LINES ARE PATH TO FLOOR2.
- J. EXISTING LOADING DOCK TO REMAIN - BE REWORKED AS NEEDED.
- K. ELEVATOR (7'-1" x 8'-8" outside dimensions of shaft)
- L. EXISTING BAR TO BE DEMOLISHED - THIS IS NEW BAR LOCATION

Project: IOP Marina Restaurant  
Location: Isle of Palms, SC  
Date: February 18, 2021

BUILDING COSTS		
Trade	Low	High
Demolition	\$ 40,000.00	\$ 60,000.00
Concrete Footings and pit base	\$ 7,500.00	\$ 10,000.00
Elevator Pit and Shaft	\$ 25,000.00	\$ 30,000.00
Wood Framing and Decking	\$ 160,000.00	\$ 220,000.00
Finished Carpentry - Millwork and Casework	\$ 60,000.00	\$ 80,000.00
Roofing	\$ 70,000.00	\$ 90,000.00
Siding and Railing	\$ 20,000.00	\$ 40,000.00
Doors, Frames, Hardware	\$ 30,000.00	\$ 40,000.00
Spray Foam	\$ 20,000.00	\$ 30,000.00
Drywall	\$ 35,000.00	\$ 45,000.00
Flooring	\$ 40,000.00	\$ 50,000.00
Ceramic tile	\$ 25,000.00	\$ 30,000.00
Paint	\$ 30,000.00	\$ 40,000.00
Toilet Partitions and Accessories	\$ 20,000.00	\$ 25,000.00
Elevator	\$ 75,000.00	\$ 85,000.00
Plumbing	\$ 75,000.00	\$ 90,000.00
Fire Protection	\$ 20,000.00	\$ 30,000.00
Equipment	\$ 350,000.00	\$ 400,000.00
Electrical	\$ 125,000.00	\$ 150,000.00
Hardscape	\$ 100,000.00	\$ 150,000.00
Landscaping	\$ 40,000.00	\$ 50,000.00
Sitework and Parking Lot	\$ 125,000.00	\$ 150,000.00
<b>BUILDING SUBTOTAL</b>	<b>\$ 1,492,500.00</b>	<b>\$ 1,895,000.00</b>
CONTRACTOR COSTS		
Item	Cost	
GCs, Taxes, Insurance, Permit, License, OHP	\$ 210,000.00	\$ 230,000.00
<b>PROJECT SUBTOTAL</b>	<b>\$ 1,702,500.00</b>	<b>\$ 2,125,000.00</b>
MISCELLANEOUS		
Item	Cost	
Professionals (Civil, Structural, Architect, Design, MEP)	\$ 150,000.00	\$ 190,000.00
Audio Visual	\$ 80,000.00	\$ 100,000.00
Contingency	\$ 149,250.00	\$ 189,500.00
<b>SUBTOTAL</b>	<b>\$ 379,250.00</b>	<b>\$ 479,500.00</b>
GRAND TOTAL		
<b>PROJECT GRAND TOTAL</b>	<b>\$ 2,231,000.00</b>	<b>\$ 2,604,500.00</b>

MORGAN CREEK GRILL

80 41ST Avenue  
Isle of Palms, SC

REVISIONS:

NOTES:

WALL LEGEND

- EXISTING WALL  
(TO REMAIN)
- EXISTING COLUMN  
(TO REMAIN)
- NEW WALL/COLUMN
- NEW 5.5' BAR DIE WALL  
(40" HIGH TOP PLATE)

UPPER FLOOR PLAN

stumhouse  
ARCHITECTURE + DESIGN  
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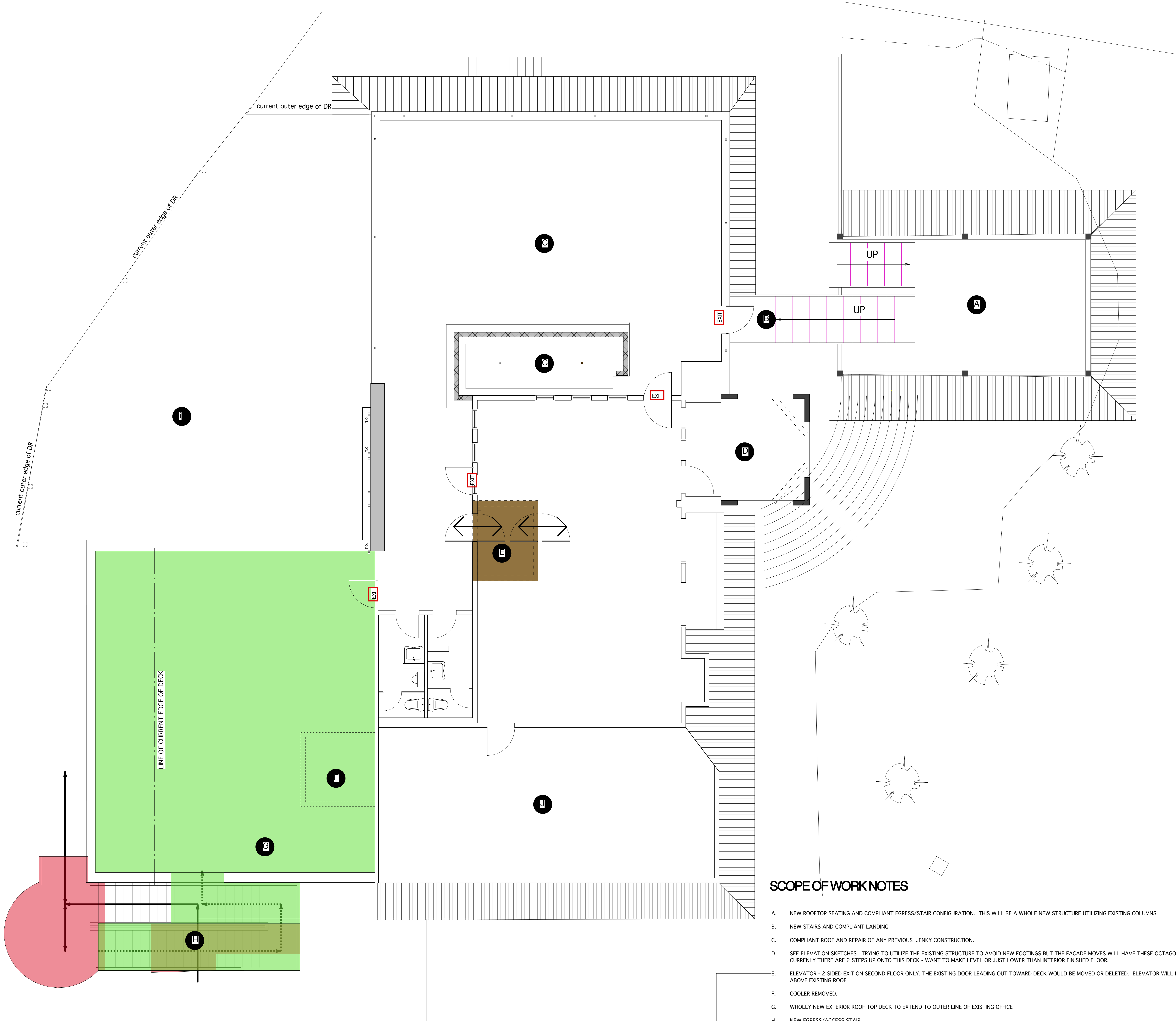
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Date: 14 FEB 2021

Drawing No.

A1.2



SCOPE OF WORK NOTES

- A. NEW ROOFTOP SEATING AND COMPLIANT EGRESS/STAIR CONFIGURATION. THIS WILL BE A WHOLE NEW STRUCTURE UTILIZING EXISTING COLUMNS
- B. NEW STAIRS AND COMPLIANT LANDING
- C. COMPLIANT ROOF AND REPAIR OF ANY PREVIOUS JENKY CONSTRUCTION.
- D. SEE ELEVATION SKETCHES. TRYING TO UTILIZE THE EXISTING STRUCTURE TO AVOID NEW FOOTINGS BUT THE FACADE MOVES WILL HAVE THESE OCTAGONAL THINGS GONE CURRENTLY THERE ARE 2 STEPS UP ONTO THIS DECK - WANT TO MAKE LEVEL OR JUST LOWER THAN INTERIOR FINISHED FLOOR.
- E. ELEVATOR - 2 SIDED EXIT ON SECOND FLOOR ONLY. THE EXISTING DOOR LEADING OUT TOWARD DECK WOULD BE MOVED OR DELETED. ELEVATOR WILL PENETRATE AND EXTEND ABOVE EXISTING ROOF
- F. COOLER REMOVED.
- G. WHOLLY NEW EXTERIOR ROOF TOP DECK TO EXTEND TO OUTER LINE OF EXISTING OFFICE
- H. NEW EGRESS/ACCESS STAIR
- I. EXISTING ROOF TO REMAIN (PATCH AS NECESSARY).
- J. NEW HANDRAILS AROUND PERIMTER OF EXISTING OPEN AIR MECHANICAL DECK



**ACCOMMODATIONS TAX ADVISORY COMMITTEE**  
**9:00am, Thursday, February 11, 2021**  
**Virtual Meeting via Zoom call due to COVID-19 Pandemic**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to order**

**Present:** Rusty Williamson, Julise Spell, Doug Truslow, Ray Burns

**Absent:** David Nelson, Malcolm Burgiss

**Staff Present:** Asst. Administrator Hanna, Treasurer Suggs

**2. Election of Chair and Vice Chair**

Mr. Williamson nominated Mr. Burgiss as Chair of the ATAX Committee. There being no second the motion failed.

**MOTION: Mr. Williamson made a motion to defer the election of the Chair and Vice Chair to the next meeting. Mr. Truslow seconded the motion. The motion passed unanimously.**

**3. Approval of the previous meeting's minutes – June 16, 2020**

Mr. Williams made a motion to approve the minutes of the June 16, 2020 meeting, and Ms. Spell seconded the motion. A vote was taken as follows:

Ayes: Williamson, Spell

Abstain: Truslow, Burns

The motion failed. The approval of the June 16, 2020 minutes will be placed on the next meeting agenda.

**3. Financial Statements – Treasurer Suggs**

Treasurer Suggs stated the total ATAX fund balance is just over \$2M as of 1/31/2021. She reviewed revenues received from the State. She then reviewed the FY21 expenditures including public restroom operations, beach barrels and Front Beach trash pickup service, City website maintenance, debt service on the Marina bond, Recreation Department playground equipment, various sponsorships like the IOP Connector Walk/Run, and the quarterly payments to the CVB representing 30% of ATAX funds (as required by law).



Committee member discussed the source of ATAX funds as being generated by people spending the night on the island. Among other efforts, the funds are used to create a better and safer place for visitors and residents. Treasurer Suggs is forecasting the ATAX revenues to be \$2M this year and to be back at pre-COVID levels or better next year.

4. **Old Business -- none**

5. **New Business**

A. **Discussion and consideration of new Accommodations Tax Advisory Board grant application and informational documentation for applicants**

Asst. Administrator Hanna thanked Mr. Truslow for his work in updating the grant applications so that it more clearly lays out the process. He briefly reviewed the changes made to the forms.

**MOTION: Mr. Williamson made a motion to approve the forms as presented. Mr. Burns seconded the motion. The motion passed unanimously.**

Asst. Administrator Hanna said the forms will be uploaded to the City's website.

B. **Discussion of FY22 Budget**

Treasurer Suggs said the FY22 ATAX budget is expected to support similar efforts as those highlighted in the FY21 budget. Some projected FY22 expenses include two new police vehicles, debt service on the new ladder truck, 25% of the cost of the new fire truck, SCBA apparatus replacement, a Z-track power mower, City events, and the operation of the Front Beach public restrooms.

She explained to the Committee members this is the preliminary version of the budget and they will review another draft allowing them to offer changes and additions before making their recommendation to the City Council for final approval.

Asst. Administrator Hanna explained the process, "We are just presenting it [the budget] for it to be heard and understood and for you to collect your thoughts, and then come back. Eventually we will ask for a recommendation."

Treasurer Suggs added, "We are asking for at that point is for the Committee to say we agree with this. There is nothing that looks totally out of line, and we would recommend that Council approve this. Ultimately, Council has the final decision over the budget... We do want to present it to you that way you will have the opportunity to have your say and vote on a recommendation." She further noted that Committee approval is an important part of the report that goes to the TERC.

6. **Miscellaneous Business**

The next meeting of the ATAX Committee will Friday, March 19, 2021 at 9am.

**7. Adjournment**

Mr. Truslow made a motion to adjourn, and Mr. Burns seconded the motion. The meeting was adjourned at 10:00am.

Respectfully submitted,

Nicole DeNeane  
City Clerk



**BOARD OF ZONING APPEALS**  
**4:30pm, Tuesday, February 3, 2021**  
**Virtual Meeting via Zoom call due to COVID-19 Pandemic**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to order**

Present: Glenn Thornburg, Elizabeth Campsen, Arnold Karig, Brian Abel, and Douglas Kerr, Director of Planning

Absent: Carolyn Holscher

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

Mr. Thornburg made a motion to approve the minutes of the January 5, 2021 meeting as presented, and Mr. Abel seconded the motion.

Mr. Karig asked for the correct spelling of his name in the minutes. Ms. Campsen noted the motion to approve for Item B under New Business was missing.

The amended minutes were approved unanimously.

**3. Swearing in of applicants - none**

**4. Home Occupations**

**A. 625 Carolina Boulevard**

Director Kerr said the applicant, Stephanie Pascarella, is requesting a special exception to run a e-commerce site from her home. There will be no employees and no traffic. Sales will be filled in Chattanooga, TN. The home will be used for office work only.

**MOTION: Mr. Karig made a motion to approve the request, and Mr. Thornburg seconded the motion. The motion passed unanimously.**

**5. Review of Prior Orders for 624 Palm Boulevard and #80-41<sup>st</sup> Avenue**

Director Kerr asked Board members if they had any further input or changes to the orders for 624 Palm Boulevard or #80-41<sup>st</sup> Avenue. Board members discussed the language regarding the greenspace at 624 Palm Boulevard. Director Kerr and Chair Campsen will come up with agreed upon language before signing the order.

Director Kerr said he has heard no concerns from the restaurant owners on the order as presented. He said the City and restaurant owners are working through the Noise Agreement now. It will be sent to Board members upon completion.

**6. Miscellaneous Business**

Director Kerr reported that the Water & Sewer Commission would be coming back before the Board soon requesting permission for an exception from the height requirement for the new waste water treatment plant. Their request is identical to the one approved by the Board 5-6 years ago. This approval is part of the process of decommissioning the old waste water treatment plant.

Director Kerr will invite City Attorney Hinchey to next month's meeting for the annual legal review.

**7. Adjournment**

Mr. Karig made a motion to adjourn, and Mr. Thornburg seconded the motion. The meeting was adjourned at approximately 4:49pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



**Planning Commission Meeting**  
**4:30pm, Wednesday, February 10, 2021**  
**Virtual Meeting via Zoom call due to COVID-19 Pandemic**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**1. Call to Order**

Present: Scott Pierce, Ron Denton, Steven Corney, David Cohen, Sandy Stone, Lisa Safford, and Douglas Kerr, Director of Planning

Absent: Marty Brown

**2. Approval of minutes**

Mr. Pierce made a motion to approve the minutes of the December 9 regular meeting, and Ms. Safford seconded the motion. The motion passed unanimously.

**3. New Business**

**Review of upcoming of RFP for drainage Master Plan**

Director Kerr gave an overview of the scope and intent of island drainage projects past, present, and future. He said the area of the island from 30<sup>th</sup> Avenue to Breach Inlet has not yet been addressed regarding drainage improvements, and this is the area the RFP will focus on. The City would like to see a conceptual plan that addresses drainage issues on that part of the island, including analyzing what is in the ground, the problem areas, what is undersized, and what is functioning and what is not. They also want an island-wide maintenance and capital improvement plan for drainage concerns.

Commissioners reviewed and discussed the scope of work and the objectives in the RFP. Director Kerr said the design of the long-term plan should be to a level that would have kept flood waters associated with Hurricane Joaquin from damaging homes. Commissioners discussed whether or not the RFP should include subsection E, "Price Quote for Each Scope of Work." Commissioners determined that the RFP is acceptable as presented after "wordsmithing and legal review."

**4. Old Business**

**Review of Economic and Cultural Resources Elements of Comprehensive Plan**

Commissioners continued their discussion of strategies and measures of success surrounding the economic goals of maintaining a sound tax base; and determining the impact of tourists on the island's revenue and cost structure. Census data is anticipated shortly and will update the

housing unit information in this section. Commissioners discussed changes to the section narrative, including distinguishing between the economic impact of day visitors versus overnight guests.

Regarding the Cultural Resources Element of the plan, Director Kerr will ask Director Page to update the events hosted within City limits. Commissioners decided to leave the key issue of promoting awareness of the history of the island in the Comprehensive Plan but eliminate all associated goals and strategies.

**5. Miscellaneous Business**

The next meeting of the Planning Commission will be Wednesday, March 10, 2021 at 4:30pm.

**6. Adjournment**

Mr. Pierce made a motion to adjourn and Mr. Cohen seconded the motion. The meeting was adjourned at approximately 6:45pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk

ORDINANCE 2020-16

AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATION, CHAPTER 3, BEACH AND MARINE RECREATION ACTIVITIES.

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

WHEREAS, The Isle of Palms Council believes it is necessary to limit commercial activity on the beach to preserve the quality of life for citizens and to preserve the environment and for the benefit of public safety for its residents and visitors;

WHEREAS, The Isle of Palms Council believes it is also beneficial to the community to provide access to safe, quality surfing instruction during the beach season;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 3, to allow for commercial surfing instruction within limits during the 2021 beach season.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 7, LICENSING AND REGULATION, CHAPTER 3, BEACH AND MARINE RECREATION ACTIVITIES, SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 7-3-20. - Commercial activities restricted.

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

Any commercial photographer or videographer who seeks to take photographs and/or shoot film or video in a professional capacity, must submit an application for a permit no later than fourteen (14) days prior to the shoot and satisfy the requirements to obtain such permit. The City may limit production of these activities at any time it believes it may create disruption on the beach or pose a health/safety risk to the public.

However, a commercial photographer who is not soliciting on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge, will not be required to obtain a permit to implement a prior contract to take still photographs on the beach for a fee. The use of the beach to take still photographs for a fee shall be limited to no more than one (1) hour on the beach per day for this activity.

A ~~ny~~ e-commercial surf instructor may provide surf lessons on the beach to a maximum of four students until October 1, 2021 by obtaining permission from City Council and a business license. with a valid City business license may provide surf lessons upon receipt of permission from City Council without a permit, until October 1, 2021. Permission from City Council will only be considered, under the following conditions:

—Area where surf lessons are allowed Each instructor seeking a business license will appear before City Council at a regularly scheduled public meeting to request permission to be a Commercial Surf Instructor.

(a) Areas of surf instruction shall be dictated by the current boundary restrictions stated in the City Ordinances; Ordinances.

(b) At least one instructor attending each lesson must be lifeguard, CPR, and first aid certified, with current certifications on file with the city. There must be a first aid kit on site.

(c) Each commercial-surf instructor provider must carry liability insurance of at least \$1,000,000 that names the City of Isle of Palms as an additional insured.

(d) Surf instructions shall be limited to groups of four (4) or fewer students and at least one instructor or less;

(e) Surf instruction shall not exceed more than two (2) hours per day per instructor and one session per day per provider per business license; nor two (2) hours per day per student.

(f) Surf instruction providers may not advertise on the beach. Each instructor must have their own business license;

(g) All signs, merchandise or other articles that violate Article 7-SIGNS of the City's ordinances are prohibited; and

(h) Surf instruction providers may not solicit Solicitation for-for students on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge parking lot is prohibited;.

(g)-(i) Failure to adhere to these standards will result in automatic revocation of permission to conduct surfing instruction on the beach by City Council

(i) City Council shall have the authority to limit the number of permissions issued for commercial surfing instruction on the beach.

Additionally, a commercial surf instructor who is not soliciting on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge, will not be required allowed to obtain a permit to implement a prior contract to instruct a group of not more than four people. The use of the beach shall be limited to no more than two (2) hours per day for each surf instructor. No signs, merchandise or other articles shall be displayed as dictated by Article 7.- SIGNS. This paragraph will stand until September 30, 2020. Effective On October 1, 2020, no commercial surf instruction will no longer be allowed on the beach.

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(Code 1994, § 7-3-20; Ord. No. 1988-20, 9-14-1988; Ord. No. 2002-14, § 1, 10-22-2002; Ord. No. 2010-12, § 1, 9-28-2010; Ord. No. 2019-12, § 1, 7-23-2019)

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

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

SECTION 4. That this Ordinance take effect on January 1, 2020.



PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF  
PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

\_\_\_\_\_

Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_

Nicole DeNeane, City Clerk

First Reading:

Second Reading:

Ratification:

## ORDINANCE 2020-16

AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATION, CHAPTER 3, BEACH AND MARINE RECREATION ACTIVITIES.

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

WHEREAS, The Isle of Palms Council believes it is necessary to limit commercial activity on the beach to preserve the quality of life for citizens and to preserve the environment and for the benefit of public safety for its residents and visitors;

WHEREAS, The Isle of Palms Council believes it is also beneficial to the community to provide access to safe, quality surfing instruction during the beach season;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 3, to allow for commercial surfing instruction within limits during the 2021 beach season.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 7, LICENSING AND REGULATION, CHAPTER 3, BEACH AND MARINE RECREATION ACTIVITIES, SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 7-3-20. - Commercial activities restricted.

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

Any commercial photographer or videographer who seeks to take photographs and/or shoot film or video in a professional capacity, must submit an application for a permit no later than fourteen (14) days prior to the shoot and satisfy the requirements to obtain such permit. The City may limit production of these activities at any time it believes it may create disruption on the beach or pose a health/safety risk to the public.

However, a commercial photographer who is not soliciting on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge, will not be required to obtain a permit to implement a prior contract to take still photographs on the beach for a fee. The use of the beach to take still photographs for a fee shall be limited to no more than one (1) hour on the beach per day for this activity.

A commercial surf instructor may provide surf lessons on the beach to a maximum of four students until October 1, 2021 by obtaining permission from City Council and a business license. Permission from City Council will only be considered under the following conditions:

- (a) Area where surf lessons are allowed shall be dictated by the current boundary restrictions stated in the City Ordinances.
- (b) At least one instructor attending each lesson must be lifeguard, CPR, and first aid certified, with current certifications on file with the city. There must be a first aid kit on site.
- (c) Each surf instructor provider must carry liability insurance of at least \$1,000,000 that names the City of Isle of Palms as an additional insured.
- (d) Surf instructions shall be limited to groups of four (4) or fewer students and at least one instructor.

- (e) Surf instruction shall not exceed two (2) hours per day per instructor; nor two (2) hours per day per student.
- (f) Surf instruction providers may not advertise on the beach. All signs, merchandise or other articles that violate Article 7-SIGNS of the City's ordinances are prohibited.
- (g) Surf instruction providers may not solicit for students on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge parking lot.
- (h) Failure to adhere to these standards will result in automatic revocation of permission to conduct surfing instruction on the beach by City Council.
- (i) City Council shall have the authority to limit the number of permissions issued for commercial surfing instruction on the beach

(Code 1994, § 7-3-20; Ord. No. 1988-20, 9-14-1988; Ord. No. 2002-14, § 1, 10-22-2002; Ord. No. 2010-12, § 1, 9-28-2010; Ord. No. 2019-12, § 1, 7-23-2019)

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

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

SECTION 4. That this Ordinance take effect on January 1, 2020.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

\_\_\_\_\_

Jimmy Carroll, Mayor

(Seal)

Attest:

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Nicole DeNeane, City Clerk

First Reading:

Second Reading:

Ratification:

EMERGENCY ORDINANCE 2021-02~~1~~<sup>+</sup>

**WHEREAS**, the 2019 Novel Coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person;

**WHEREAS**, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020;

**WHEREAS**, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and,

**WHEREAS**, the Centers for Disease Control and Prevention (the “CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States;

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act;

**WHEREAS**, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020;

**WHEREAS**, also on March 13, 2020, the Governor of the State of South Carolina (the “State”) issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State;

**WHEREAS**, on March 16, 2020, the Mayor of Isle of Palms issued a Proclamation declaring a State of Emergency for the City of Isle of Palms;

**WHEREAS**, no vaccine or drug is currently available to cure or combat COVID-19; and,

**WHEREAS**, the City has determined that it is imperative to reduce social transmission in all areas of the City, including the beach;

**WHEREAS**, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28), 2020-23 (April 12), 2020-29 (April 27), 2020-35 (May 12), 2020-38 (May 27), and 2020-40 (June 11); 2020-48 (July 26); 2020-56 (August 25); 2020-62 (September 24); 2020-67 (October 24); 2020-72 (November 23); 2020-75 (December 8); 2020-77 (December 23); 2021-03 (January 7); 2021-07 (January 22); 2021-08 (February 6)

**WHEREAS**, the City of Isle of Palms Council adopted Emergency Ordinance 2020-10 on June 26, 2020 requiring the use of face coverings in certain circumstances on the Island effective July 1, 2020 and was subsequently extended by Emergency Ordinance 2020-13 and by Emergency Ordinance 2020-14 and by Emergency Ordinance 2021-01;

**WHEREAS**, the State is experiencing a significant number of identified new COVID-19 cases, and as of February 17, 2021, the South Carolina Department of Health and Environmental Control (“DHEC”) is reporting that there have been 429,494 confirmed COVID-19 cases and 7,248 confirmed COVID-19 deaths in the State;

~~WHEREAS, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28), 2020-23 (April 12), 2020-29 (April 27), 2020-35 (May 12), 2020-38 (May 27), and 2020-40 (June 11); 2020-48 (July 26); 2020-56 (August 25); 2020-62 (September 24); 2020-67 (October 24);~~

~~WHEREAS, the City of Isle of Palms Council adopted Emergency Ordinance 2020-10 on June 26, 2020 requiring the use of face coverings in certain circumstances on the Island effective July 1, 2020 and was subsequently extended by Emergency Ordinance 2020-13;~~

~~WHEREAS, the State is experiencing a dramatic increase in the number of identified new COVID-19 cases, and as of November 6, 2020, the South Carolina Department of Health and Environmental Control ("DHEC") is reporting that there have been 182,872 confirmed COVID-19 cases and 4,005 confirmed COVID-19 deaths in the State;~~

**WHEREAS**, if COVID-19 cases continue to increase in the State and in the City of Isle of Palms, the demand for medical, pharmaceutical, personal, and general cleaning supplies may overwhelm sources of supply; the private and public sector work force may be negatively impacted by absenteeism; and the demand for medical facilities may exceed locally available resources;

**WHEREAS**, health authorities, including the CDC, the Surgeon General of the United States, and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

**WHEREAS**, S.C. Code § 5-7-250(d) provides that "[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances ... by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;"

**WHEREAS**, Sections 5-7-30 (the "Home Rule Statute") and 5-7-250 of the South Carolina Code of Laws, as well as the Governor's Orders, all empower Council to enact emergency ordinances affecting life, health, or safety; and

**WHEREAS**, in light of the foregoing, the City of Isle of Palms deems it proper and necessary during this state of emergency to allow City Council and any appointed Board or Commission to meet by telephone or other means of electronic communication provided compliance with the provisions of the South Carolina Freedom of Information Act; and,

**WHEREAS**, this Ordinance has been approved by at least two-thirds of the Councilmembers present at the meeting in which it was considered;

**NOW, THEREFORE**, be it ordained by the City of Isle of Palms Council as follows:

1. Council and the Mayor formally declare a State of Emergency due to a resurgence in known cases of COVID-19 within the City and surrounding areas.
2. The City of Isle of Palms temporarily suspends the normal operating procedures of City Council meetings and hereby allows for the Mayor and Councilmembers to remotely participate in voting and operational procedures by telephone or other means of electronic communication provided that the provisions of the South Carolina Freedom of Information Act are complied with.

3. The City Administrator is authorized to develop and enact any additional plans in order to ensure continuity in the delivery of government services in light of the COVID-19 outbreak.
4. The City Administrator is authorized to cancel and revoke any special events permits issued prior to the date of this ordinance for events taking place through the duration of this Emergency Ordinance ~~March 5, 2021.~~
5. All residents and non-residents shall comply with Social Distancing mandates of the Governor's Executive Order.
6. Emergency Ordinance 2020-10, an ordinance requiring individuals to wear face coverings in retail and foodservice establishments is extended and shall remain in place through the duration of this Emergency Ordinance.
7. All Short-Term Rentals on the island will be subject to the Safety Standards and Guidelines provided by the City's taskforce. The requirements of these Safety Standards shall expire Upon the expiration of the State of Emergency.
8. During the duration of this emergency order, businesses, including but not limited to event spaces, restaurants and bars, shall not allow live entertainment, including but not limited to bands, DJ's, karaoke, bingo, trivia, contests, or other crowd drawing activity after 11:00pm. This is recognized as a temporary alteration of the City's existing noise ordinance, Section 9-2-5.
9. Restaurants and businesses must comply with Governor McMaster's Emergency Orders and must comply with and adhere to applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials, as well as relevant industry guidance.
10. Restaurants are authorized to offer outside dining on site in addition to take out orders, as long as they are following the guidelines developed by the South Carolina Restaurant & Lodging Association.

**Section 2. Penalties.** Any violation of any rule or regulation issued and set forth herein shall be punishable as provided in Title 9, Chapter 2, Section 3: Disorderly Conduct of the Code of Ordinances of the City of Isle of Palms, including Section 7-1-15 allowing for suspension or revocation of business license and as a violation of S.C. Code Section 16-7-10 (Illegal acts during state of emergency, or c) any other penalties provided by State law, including penalties granted pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State. In addition, any violation of any rule or regulation issued and set forth herein as it relates to parking shall be punishable pursuant to Title 8, Chapter 2: Stopping, Standing and Parking of Vehicles.

**Section 3. Suspension of Contrary Local Provisions.** During the Emergency Term (as defined in Section 12 below), any ordinance, resolution, policy, or bylaw of the City of Isle of Palms that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

**Section 4. Expiration of Ordinance; Extension of Emergency Term.** As provided by S.C. Code § 5-7-250(d), this Ordinance shall expire automatically as of the sixty-first day following the date of enactment (the "Emergency Term"). Notwithstanding the foregoing, however, Council may extend the Emergency Term by emergency ordinance for one or more additional terms, each of no more than sixty days, ~~provided that the total duration of the Emergency Term shall not exceed six months without enacting an ordinance in the ordinary course.~~

**Section 5. Severability.** Should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

*Final Reading*

**Section 6. Effective Date and Time.** This emergency Ordinance shall take effect upon the signing of this Emergency Ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 23<sup>rd</sup>  
~~5<sup>TH</sup>~~ DAY OF ~~FEBRUARY~~~~JANUARY~~, 2021.

Formatted: Superscript

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Jimmy Carroll, Mayor



EMERGENCY ORDINANCE 2021-02

**WHEREAS**, the 2019 Novel Coronavirus (“COVID-19”) is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new strain of coronavirus previously unidentified in humans and which can spread from person to person;

**WHEREAS**, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020;

**WHEREAS**, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and,

**WHEREAS**, the Centers for Disease Control and Prevention (the “CDC”) has warned of the high public health threat posed by COVID-19 globally and in the United States;

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency in the United States for COVID-19 under Section 391 of the Public Health Service Act;

**WHEREAS**, on March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency, which began on March 1, 2020;

**WHEREAS**, also on March 13, 2020, the Governor of the State of South Carolina (the “State”) issued Executive Order 2020-08, declaring a State of Emergency based on a determination that the COVID-19 poses an actual or imminent public health emergency for the State;

**WHEREAS**, on March 16, 2020, the Mayor of Isle of Palms issued a Proclamation declaring a State of Emergency for the City of Isle of Palms;

**WHEREAS**, no vaccine or drug is currently widely available to cure or combat COVID-19; and,

**WHEREAS**, the City has determined that it is imperative to reduce social transmission in all areas of the City, including the beach;

**WHEREAS**, the Governor of the State has subsequently declared a continued State of Emergency in Executive Orders 2020-15 (March 28), 2020-23 (April 12), 2020-29 (April 27), 2020-35 (May 12), 2020-38 (May 27), and 2020-40 (June 11); 2020-48 (July 26); 2020-56 (August 25); 2020-62 (September 24); 2020-67 (October 24); 2020-72 (November 23); 2020-75 (December 8); 2020-77 (December 23); 2021-03 (January 7); 2021-07 (January 22); 2021-08 (February 6)

**WHEREAS**, the City of Isle of Palms Council adopted Emergency Ordinance 2020-10 on June 26, 2020 requiring the use of face coverings in certain circumstances on the Island effective July 1, 2020 and was subsequently extended by Emergency Ordinance 2020-13 and by Emergency Ordinance 2020-14 and by Emergency Ordinance 2021-01;

**WHEREAS**, the State is experiencing a significant number of identified new COVID-19 cases, and as of February 17, 2021, the South Carolina Department of Health and Environmental Control (“DHEC”) is reporting that there have been 429,494 confirmed COVID-19 cases and 7,248 confirmed COVID-19 deaths in the State;

**WHEREAS**, if COVID-19 cases continue to increase in the State and in the City of Isle of Palms, the demand for medical, pharmaceutical, personal, and general cleaning supplies may overwhelm sources of supply; the private and public sector work force may be negatively impacted by absenteeism; and the demand for medical facilities may exceed locally available resources;

**WHEREAS**, health authorities, including the CDC, the Surgeon General of the United States, and DHEC have recommended the use of face coverings as a means of preventing the spread of COVID-19; and

**WHEREAS**, S.C. Code § 5-7-250(d) provides that “[t]o meet public emergencies affecting life, health, safety or the property of the people, council may adopt emergency ordinances ... by the affirmative vote of at least two-thirds of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication requirements, or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment;”

**WHEREAS**, Sections 5-7-30 (the “Home Rule Statute”) and 5-7-250 of the South Carolina Code of Laws, as well as the Governor’s Orders, all empower Council to enact emergency ordinances affecting life, health, or safety; and

**WHEREAS**, in light of the foregoing, the City of Isle of Palms deems it proper and necessary during this state of emergency to allow City Council and any appointed Board or Commission to meet by telephone or other means of electronic communication provided compliance with the provisions of the South Carolina Freedom of Information Act; and,

**WHEREAS**, this Ordinance has been approved by at least two-thirds of the Councilmembers present at the meeting in which it was considered;

**NOW, THEREFORE**, be it ordained by the City of Isle of Palms Council as follows:

1. Council and the Mayor formally declare a State of Emergency due to a resurgence in known cases of COVID-19 within the City and surrounding areas.
2. The City of Isle of Palms temporarily suspends the normal operating procedures of City Council meetings and hereby allows for the Mayor and Councilmembers to remotely participate in voting and operational procedures by telephone or other means of electronic communication provided that the provisions of the South Carolina Freedom of Information Act are complied with.
3. The City Administrator is authorized to develop and enact any additional plans in order to ensure continuity in the delivery of government services in light of the COVID-19 outbreak.
4. The City Administrator is authorized to cancel and revoke any special events permits issued prior to the date of this ordinance for events taking place through the duration of this Emergency Ordinance.
5. All residents and non-residents shall comply with Social Distancing mandates of the Governor’s Executive Order.
6. Emergency Ordinance 2020-10, an ordinance requiring individuals to wear face coverings in retail and foodservice establishments is extended and shall remain in place through the duration of this Emergency Ordinance.
7. All Short-Term Rentals on the island will be subject to the Safety Standards and Guidelines provided by the City's taskforce. The requirements of these Safety Standards shall expire Upon the expiration of the State of Emergency.

8. During the duration of this emergency order, businesses, including but not limited to event spaces, restaurants and bars, shall not allow live entertainment, including but not limited to bands, DJ's, karaoke, bingo, trivia, contests, or other crowd drawing activity after 11:00pm. This is recognized as a temporary alteration of the City's existing noise ordinance, Section 9-2-5.
9. Restaurants and businesses must comply with Governor McMaster's Emergency Orders and must comply with and adhere to applicable sanitation guidelines promulgated by the CDC, DHEC, or any other state or federal public health officials, as well as relevant industry guidance.
10. Restaurants are authorized to offer outside dining on site in addition to take out orders as long as they are following the guidelines developed by the South Carolina Restaurant & Lodging Association.

**Section 2. Penalties.** Any violation of any rule or regulation issued and set forth herein shall be punishable as provided in Title 9, Chapter 2, Section 3: Disorderly Conduct of the Code of Ordinances of the City of Isle of Palms, including Section 7-1-15 allowing for suspension or revocation of business license and as a violation of S.C. Code Section 16-7-10 (Illegal acts during state of emergency, or c) any other penalties provided by State law, including penalties granted pursuant to Executive Orders issued by the South Carolina Governor. In addition, the Governor has authorized cities to seek an injunction, mandamus, or other appropriate legal action in the courts of the State. In addition, any violation of any rule or regulation issued and set forth herein as it relates to parking shall be punishable pursuant to Title 8, Chapter 2: Stopping, Standing and Parking of Vehicles.

**Section 3. Suspension of Contrary Local Provisions.** During the Emergency Term (as defined in Section 12 below), any ordinance, resolution, policy, or bylaw of the City of Isle of Palms that conflicts with the provisions hereof shall be and is hereby suspended and superseded.

**Section 4. Expiration of Ordinance; Extension of Emergency Term.** As provided by S.C. Code § 5-7-250(d), this Ordinance shall expire automatically as of the sixty-first day following the date of enactment (the "Emergency Term"). Notwithstanding the foregoing, however, Council may extend the Emergency Term by emergency ordinance for one or more additional terms, each of no more than sixty days.

**Section 5. Severability.** Should any provision, section, paragraph, sentence, or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

**Section 6. Effective Date and Time.** This emergency Ordinance shall take effect upon the signing of this Emergency Ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 23<sup>rd</sup> DAY OF FEBRUARY, 2021.

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Jimmy Carroll, Mayor

ORDINANCE 2021-03

AN ORDINANCE AMENDING TITLE 4, PUBLIC UTILITIES, CHAPTER 4, COMMISSIONERS OF PUBLIC WORKS.

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

WHEREAS, The Isle of Palms Water and Sewer Commission desires to change the method of election for its Commissioners;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 4, to amend the method of election for Isle of Palms Water and Sewer Commissioners.

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 TITLE 4, PUBLIC UTILITIES, CHAPTER 4, COMMISSIONERS OF PUBLIC WORKS, SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 4-4-5. - Nonpartisan elections; procedure.

- (a) All regular and special elections for the offices of Commissioner of Public Works shall be nonpartisan general elections pursuant to State law.
- (b) Statements of candidacy for the offices of Commissioners of Public Works shall be filed with the Charleston County Board of Elections and Voter Registration, together with a one hundred dollar (\$100.00) filing fee not later than sixty (60) days prior to the election. The Charleston County Board of Elections and Voter Registration shall verify the information in the statements and shall place the name of the candidate on the ballot.~~Nomination petitions for the offices of Commissioners of Public Works shall be filed with the appropriate election commission at least seventy-five (75) days prior to the date for the election and shall bear the signatures of not less than five percent (5%) of the qualified electors of the City. The City Clerk shall certify the nominees to the appropriate elections commission thirty (30) days prior to the election.~~
- (c) A second election shall be conducted two (2) weeks after the first election between one (1) more than the number of candidates necessary to fill offices for which no candidates received a majority of the votes cast and the second election shall be between the candidates receiving the largest number of votes in the first election. The candidates receiving the highest number of votes case in the second election in number equal to the number of offices to be filled shall be declared elected.
- (d) No political party affiliation shall be placed on any ballot for any candidate.

(Code 1994, § 4-4-5; Ord. No. 1992-2, 2-25-1992)

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

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

SECTION 4. That this Ordinance take effect on February 23, 2021.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF  
PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

\_\_\_\_\_

Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_

Nicole DeNeane, City Clerk

First Reading:

Second Reading:

Ratification:

ORDINANCE 2021-03

AN ORDINANCE AMENDING TITLE 4, PUBLIC UTILITIES, CHAPTER 4, COMMISSIONERS OF PUBLIC WORKS.

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

WHEREAS, The Isle of Palms Water and Sewer Commission desires to change the method of election for its Commissioners;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 4, to amend the method of election for Isle of Palms Water and Sewer Commissioners.

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 TITLE 4, PUBLIC UTILITIES, CHAPTER 4, COMMISSIONERS OF PUBLIC WORKS, SHALL BE AMENDED TO READ AS FOLLOWS:

Sec. 4-4-5. - Nonpartisan elections; procedure.

- (a) All regular and special elections for the offices of Commissioner of Public Works shall be nonpartisan general elections pursuant to State law.
- (b) Statements of candidacy for the offices of Commissioners of Public Works shall be filed with the Charleston County Board of Elections and Voter Registration, together with a one hundred dollar (\$100.00) filing fee not later than sixty (60) days prior to the election. The Charleston County Board of Elections and Voter Registration shall verify the information in the statements and shall place the name of the candidate on the ballot.
- (c) A second election shall be conducted two (2) weeks after the first election between one (1) more than the number of candidates necessary to fill offices for which no candidates received a majority of the votes cast and the second election shall be between the candidates receiving the largest number of votes in the first election. The candidates receiving the highest number of votes case in the second election in number equal to the number of offices to be filled shall be declared elected.
- (d) No political party affiliation shall be placed on any ballot for any candidate.

(Code 1994, § 4-4-5; Ord. No. 1992-2, 2-25-1992)

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

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

SECTION 4. That this Ordinance take effect on February 23, 2021.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF  
PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

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

(Seal)

Attest:

\_\_\_\_\_  
Nicole DeNeane, City Clerk

First Reading:

Second Reading:

Ratification:

