



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, 44th 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, 22nd to 40th, 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 22nd to 40th 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 41st to 57th 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 Moye 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 Moye 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