



CITY COUNCIL MEETING
6:00pm, Tuesday, April 27, 2021
1207 Palm Boulevard, Isle of Palms, SC and
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

2. Citizens' Comments

Isaac Cramer, Executive Director for the Charleston County Board of Elections, spoke to City Council about the differences between majority and plurality voting outcomes. He said that most municipalities use the plurality method in their elections. He recommended the change to plurality. Council Member Moye asked about the rank choice option with regards to tabulating votes. Mr. Cramer said that rank choice is an option for military and Americans voting from overseas but not for local voting. The option to have rank choice would need to be changed from the State Legislature.

3. Consent Agenda

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

A. Approval of Previous Meetings' Minutes

- i. Regular Meeting – March 23, 2021
- ii. Special Meeting – April 6, 2021
- iii. Special Meeting – April 16, 2021

B. Approval of FY22 CTC "C" funding requests for the Waterway Boulevard Multi-use Path Elevation Project and the Phase III Drainage Forest Trail Outfall Improvement Project

C. Approval of replacement of 2003 Mack Flatbed in the amount of \$97,260 [FY21 Budget, Public Works, Capital Projects Fund, \$40,000; Hospitality Tax Fund, \$40,000, and State Accommodations Fund, \$40,000]

D. Approval of replacement of tables and chairs from the Public Safety Building's Training Room/Emergency Operations Center in the amount of \$21,816 [PSB Rehabilitation Project, Contingency, \$692,947]

E. Approval of application for funding for the MUSC Hollings Cancer Center's LOWVELO bike ride event in the amount of \$10,000 [FY22 Budget, State Accommodations Tax Fund, General Government, Programs/Sponsorships, \$25,000]

F. Approval of an amount not to exceed \$15,000 to engage a traffic engineer to review the recent modifications to the IOP Connector and represent the City in discussions with SCDOT and other stakeholders regarding potential solutions to address traffic congestion [\$15,000 included in the FY22 proposed budget]

4. Reports from Standing Committees

A. Ways and Means Committee

Council Member Pounds briefly reviewed the minutes of the April 20, 2021 meeting and the financial statements through March 31, 2021. Revenues are just under \$16M against the budget of \$18M. The City is forecasted to end FY21 at \$20.4M. Expenses are just over \$14M against a budget of over \$24M. Several large expenditures, including the purchase of new fire truck and Phase 3 Drainage, are being moved to FY22. Cash on hand at the end of FY21 is expected to be \$26M, with \$6M of that being unspent bond proceeds for Phase 3 Drainage and \$8M restricted for tourism and beach preservation.

Consideration of recommendation from the Public Works Committee to approve change order to the Thomas & Hutton contract in the amount of \$43,300 for additional permitting efforts for the Phase 3 Drainage Project

MOTION: Council Member Pounds made a motion to approve the change order to the Thomas & Hutton contract in the amount of \$43,300. Council Member Bell seconded the motion. The motion passed unanimously.

Council Member Smith asked about the possibility of making the CARTA Beach Shuttle free to encourage its use. Council Member Bell said it would be put on the Public Safety Committee agenda.

Council Member Ward asked for changes to the ordinance regarding payment of business licenses. Consideration of such changes is on the agenda to discuss later in the meeting.

B. Public Safety Committee

Council Member Pounds reviewed the minutes of the April 8, 2021 meeting.

Council Member Streetman encouraged people to take advantage of "Coffee with a Cop" and commended Chief Cornett for this effort. Council Member Moye congratulated the Police Department for being recognized by the State for its work with DUIs.

C. Public Works Committee

Council Member Ward reviewed the minutes of the April 12, 2021 meeting.

Administrator Fragoso said the RFP for the Master Drainage Plan is out and is due in mid-May. She also shared details of a meeting being held on Wednesday, April 28: “Mayor Carroll reached out to his counterparts, the other mayors around, our neighboring communities, and also reached out to the COG to facilitate a meeting with mayors, administrators, police chief of not only Mt. Pleasant, Sullivan’s Island, but also folks from Charleston County EMS, and of course, Secretary Hall from DOT will be in attendance. The goal is to discuss the beach traffic issues and challenges that not only affect the outcomes that are affecting other beach communities with the goal of developing some type of strategy of all of us working together to meet these new challenges that are really being pushed as a result of population growth in our tri-county region.”

D. Recreation Committee

Council Member Smith reviewed the minutes of the April 12, 2021 meeting.

E. Personnel Committee

Council Member Moyer reported that the Personnel Committee did not meet in April. He will be emailing Council members about the upcoming evaluation for the City Administrator.

F. Real Property Committee

Council Member Streetman reviewed the minutes of the April 5, 2021 meeting.

Administrator Fragoso reported that the restaurant permits are on hand and being evaluated by Director Kerr, who said they will likely issue their construction permits at the end of the week.

Administrator Fragoso said the owners are estimating a four-month time period between receiving a construction permit and completing the outdoor work. Interior work is expected to be complete in 5-6 months.

She also reported that the RFP for the 42nd Avenue beach path is out, and bids are expected next week.

5. Reports from City Officers, Boards, and Commissions

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

6. Reports from Special or Joint Committees – none

7. Petitions Received, Referred or Disposed of – none

8. Bills already in Possession of Council

A. Emergency Ordinance 2021-04 – An ordinance to extend the state of emergency and alter emergency protocols in response to the COVID-19 pandemic

MOTION: Mayor Carroll made a motion to extend the emergency ordinance 60 days, and Council Member Moye seconded the motion.

Administrator Fragoso reviewed the provisions in the ordinance that would be extended by 60 days with Council approval including allowing City Council to meet virtually, authorizing the City Administrator to enact any plans necessary for the continuity in the delivery of government services, authorizing the City Administrator to cancel and revoke any special event permits taking place during the duration of the Emergency Ordinance, requiring residents and non-residents to comply with the Governor’s Social Distancing mandates, requiring individuals to wear face coverings in retail and foodservice establishments, subjecting Short-Term Rentals to the Safety Standards and Guidelines, requiring businesses and restaurants to comply with the Governor’s Emergency Orders and sanitation guidelines, and authorizing restaurants to offer outside dining.

Administrator Fragoso shared the status of face mask mandates in surrounding municipalities. Council members discussed the enforceability and necessity of maintaining the face mask requirement.

MOTION: Council Member Ward made a motion to amend by striking Provision 6 requiring face masks from the Emergency Ordinance and to allow it to expire on May 12. Council Member Pounds seconded the motion. The motion to amend passed unanimously.

Council Member Buckhannon would like to see the Real Property Committee review the ordinance regarding the allowance of outdoor dining services, hoping it could be amended to allow this option after the State of Emergency is lifted.

VOTE: The vote on the motion as amended passed unanimously.

Administrator Fragoso said that a resolution recommending the continued use of face masks will be on the agenda of the May City Council meeting.

9. Introduction of New Bills, Resolutions, and Proclamations

A. Consideration of Ordinance 2021-05 – An Ordinance to Raise Revenue and Adopt a Budget for the City of Isle of Palms, South Carolina for the Fiscal Year Beginning July 1, 2021 and ending June 30, 2022

MOTION: Council Member Pounds made a motion to approve, and Council Member Streetman seconded the motion.

Administrator Fragoso said the Public Hearing regarding the FY22 budget, scheduled for Tuesday, May 25, will be advertised in the *Post & Courier*, *The Island Eye*, and on the City’s website. Staff has also been sharing information about some of the initiatives in the FY22 budget with the public.

Council Member Ward congratulated Council Member Pounds and City staff on a smooth budget process that does not include a tax increase.

VOTE: The motion passed unanimously.

B. Consideration of Ordinance 2021-06 – An Ordinance Amending Title 7, Licensing and Regulation, Chapter 1, Business Licenses, Article A, General Provisions, Sections 7-1-3, 7-1-4, and 7-22-22, Classification and Rates, SIC 6513; NAICS 53111-Lessors of Residential Housing Units-Less than Ninety (90) Days

Director Kerr explained this ordinance is in response to the State’s recent passing of the Business License Standardization Bill. He said, “This one is really a stop-gap measure to deal with the timing of the rental licenses on a staggered term from what the State law requires, and this is going to try to align the State law with our current code. Because of that timing, this is calling for basically a six-month rental license, and because it is only for six months, we have included in it basically a pro-rated fee at half of the rate of the existing fee.”

He does not expect this change to have a negative effect on the budget, but in fact may be slightly positive for the budget. He is prepared to explain this to the public as needed.

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

C. Consideration of Ordinance 2021-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Article 8, Flood Damage Prevention, Sections 5-4-152 through 5-4-171, of the City of Isle of Palms Code of Ordinance, to Chapter 4, Zoning, Article 2, District Regulations

Director Kerr said this is housekeeping amendment that “deals specifically with what is called in the community a Free Board Requirement. Basically, FEMA establishes a requirement elevation and then communities will establish some amount over that that is required to be elevated.” He added, “This is basically adopting what is already adopted in the building code in our actual local code to provide clarity and really to continue to get that CRS credit rating.”

Council Member Popson asked how this requirement relates to housing outside of the flood zone, and Director Kerr said, “If it is out of the flood zone, there is no requirement to elevate it.” Director Kerr further noted that “this Council very wisely established an island-wide minimum at 14’ regardless of what the flood maps say. So almost in every situation that requirement is this requirement anyway. So it has a more meaningful impact on existing houses that are subject to the 50% rule. But really for a new construction project, the 14’ requirement is always going to be higher than the flood requirement plus one.”

Director Kerr said the information regarding this is on the City’s website, but it is better explained on a case-by-case basis to the homeowner or builder.

MOTION: Council Member Moye made a motion to approve, and Council Member Bell seconded the motion. The motion passed unanimously.

D. Consideration of Safety Resolution 2021

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

10. Miscellaneous Business

A. Discussion of the City's Position Regarding South Carolina State Bill S40

Council Member Bell spoke strongly against S40, stating that it inhibits the City's right to "home rule." He said the City should strongly defend its rights as a City. He would like to see this further discussed by the Public Safety Committee. Council Member Pounds agreed that a fact-based conversation about the bill is needed. Mayor Carroll said S40 appears to only be targeting 4 communities in the state.

B. Discussion and consideration of changing majority voting to plurality in the municipal election

MOTION: Council Member Pounds made a motion to approve, and Council Member Buckhannon seconded the motion.

Council members discussed the vote tabulation options available. Council Member Moye would like to how the City might qualify to be a pilot program for rank choice vote tabulation. Council members agreed more information and discussion is needed, but also expressed concern about where the effort for change was coming from. Adding this topic to the November ballot as a non-binding advisory opinion was suggested.

Administrator Fragoso clarified that the referendum action taken by City Council earlier in the year was to develop a referendum question regarding the size of City Council, which still needs two readings before it can be added to the ballot.

Council Member Pounds and Council Member Buckhannon withdrew their motion to approve.

C. The next regular meeting of the City Council will be Tuesday, May 25, 2021 at 6pm.

11. Executive Session

MOTION: Council Member Bell made a motion to go into Executive Session in accordance with §30-4-70(a)(2) to receive a legal update and advice regarding the eviction proceedings against Tidal Wave Water Sports. Council Member Moye seconded the motion. The motion passed unanimously.

City Council entered into Executive Session at 7:26pm.

City Council returned from Executive Session at approximately 7:51pm.

MOTION: Council Member Bell made a motion to strongly reject the offer of settlement put before the Council by opposing attorney, Representative Goldstein, and continue to pursue legal claims as recommended by the City's attorney. Council Member Streetman seconded the motion.

13. Adjournment

Council Member Pounds made a motion to adjourn, and Council Member Smith seconded the motion. The meeting was adjourned at 7:53pm.

Respectfully submitted,

Nicole DeNeane
City Clerk