



CITY COUNCIL MEETING
6:00pm, Tuesday, July 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, City Attorney Halverson, various department heads

2. Citizens' Comments

Mayor Carroll presented the Signal 30 Award to Howard Hogue "Beach Santa" for his tireless efforts in cleaning up the beaches on the Isle of Palms.

Mr. Gary Nestler, 17 22nd Avenue, said that being a public servant "demands a higher level of standards, reasonableness, and an abundance of professional decorum." He said, "My urge is that you get back to business and put your personal agendas aside. Otherwise, people are going to end up dying especially when it comes to public safety and public service. My end statement is I always value public safety. Above all, I would encourage each one of you as I look each one of you in the eye, do not put your personal agendas in front of our citizens because you will lose. The citizens will win."

Mr. Rick Estee of Mt. Pleasant shared the story of his vehicle being booted in the Marina parking lot recently despite the fact he had paid for a full day's parking. In attempting to have the boot removed, Mr. Estee was told by teenage employees that "this happens all the time" and it sounds like a "scam." He asked City Council to look into the matter.

3. Consent Agenda

Mayor Carroll said that Item E on the Consent Agenda regarding the delay of payment of base rent for the Marina restaurant will be discussed under the Ways & Means Committee report.

Council Member Ward asked to have the minutes of June 22, 2021 meeting removed from the Consent Agenda as there was an error.

MOTION: Council Member Streetman made a motion to approve the minutes of the Public Hearings of May 25 and June 22, and Items B, C, and D on the Consent Agenda. Council Member Moye seconded the motion. The motion passed unanimously.

A. Approval of Previous Meetings' Minutes

- i. Public Hearing Ordinance 2021-05 FY 22 Budget – May 25, 2021
- ii. Public Hearing Ordinance 2021-07 Flood Ordinance – June 22, 2021

B. Consideration of recommendation from ATAX Committee of an application by the Carolina Surf Coast Club, Inc. for funding in the amount of \$1,000 to sponsor real-time camera image of IOP beach and surf conditions [FY22 Budget, State ATAX, General Government, Programs & Sponsorships - \$85,000, pg. 31, ln. 20]

C. Consideration of recommendation from the Real Property Committee to approve change order to ATM contract for additional construction administration services for the marina dock rehabilitation project in the amount of \$40,000 [FY22, Marina Fund, Contingency Fun \$355,405]

D. Consideration of proposal from Thomas & Hutton in the amount of \$102,200 for bidding and construction oversight of the Phase III Drainage Outfall Project (30th & 36th avenues) [FY22 Budget, Public Works Department, Capital Projects, Phase III Drainage - \$2,462,000, pg. 21, ln 54]

Council Member Ward said the vote regarding Builder's Risk on page 2 of the June 22, 2021 minutes should not have him as voting Aye. He voted Nay on that motion. Council Member Moyer's name should be added to those who voted Aye on that motion.

MOTION: Council Member Ward made a motion to approve the minutes as amended, and Council Member Moyer seconded the motion. The motion passed unanimously.

4. Reports from Standing Committees

A. Ways and Means Committee

Daniel Brock of CARTA spoke highly of the Beach Reach Shuttle program implemented on the Isle of Palms this year. He said there have been 317 riders to date. Upon completion of the program after Labor Day, CARTA will come back to all the partners to evaluate the future of the program. He reported a lot of on-the-ground marketing has been done by the CARTA team to hotels in the area as well as social media marketing. Council Member Smith suggested reaching out to the CVB about promoting the program.

Mayor Carroll asked about the van pool program, and Mr. Brock said that there were no viable candidates for its use when they first researched the project.

Mr. Brock asked the Council for their approval of CARTA's FY22 budget provided in the meeting packet.

MOTION: Council Member Ward made a motion to approve CARTA's FY22 budget. Council Member Pounds seconded the motion. The motion passed unanimously.

Council Member Pounds reviewed some financial highlights through June 30, 2021. Revenues are currently just under \$20M and expenses around \$18.3M. The anticipated \$1.9M surplus is from savings from the Public Safety Building Rehabilitation project and deferred expenses. The

City currently has \$25.6M in cash reserves, which includes \$5.3M in unspent bond proceeds and \$7.3M in restricted funds. He said the City had a “really, really good year.”

Council Member Smith clarified an earlier statement by Mr. Nestler in Citizen’s Comments that the City had \$1.9M in the bank, noting that the \$1.9M referred to the City’s anticipated surplus at the end of FY21.

i. **Consideration of recommendation from the Ways and Means Committee to delay payment of base rent for 2021 (\$40,000) and be paid no later than 12 months from the restaurant’s opening date [FY22 Budget, Marina Fund, Marina Restaurant Lease Income, \$91,667]**

MOTION: Mayor Carroll made a motion to approve and Council Member Moye seconded the motion.

Council Member Ward expressed concern about allowing a delay in these payments. He would have preferred they begin to make payments as scheduled and then negotiate the terms of the lease. Mayor Carroll noted the extensive renovations that have been made to the restaurant at a much higher cost than originally anticipated. Several Council members noted this motion is to delay the payment not to forgive it.

VOTE: A vote was taken as follows:

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

Nays: Ward, Buckhannon

The motion passed 7-2.

Council Member Pounds reviewed the minutes of the July 20, 2021 meeting.

B. Public Safety Committee

Council Member Bell reviewed the minutes of the July 1, 2021 meeting. Chief Cornett updated Council members on the search for an Animal Control Officer. Numerous applications were received, and four remaining candidates are being interviewed this week.

MOTION: Council Member Bell made a motion to have SCDOT install a stop sign at the intersection of 41st Avenue and Wildwood Road/Forest Trail for a trial period of 90 days. Mayor Carroll seconded the motion.

Council members engaged in a lengthy discussion about the need for and effects of a stop sign in the area. Staff suggests that a stop sign not be put in the area until after the construction work is completed in that area after Labor Day. Council members expressed concern that effective data would not be collected if the 90-day time period is not done within the season.

Chief Cornett said he has spoken to SCDOT about a stop sign in this area. He said their staff expressed concern about having a three-way stop and a four-way stop so close together, stating it could cause other traffic issues.

MOTION: Council Member Ward made a motion to amend the original motion to include a “trial period of up to 90 days.” Council Member Bell seconded the motion.

Council Member Bell said the effort will have been a success if “you reduce the overall percentage of people speeding on that road.” Chief Cornett reported that the new traffic unit has been in the area gathering data to determine the best places to patrol. Council Member Smith suggested waiting to see the effectiveness of the new traffic unit’s work in the area. Council Member Bell said more needs to be done with regards to enforcement to slow people down in a heavy pedestrian area.

Administrator Fragoso noted that a similar request for a stop sign in the area several years ago was denied by SCDOT.

VOTE: A vote was taken on the motion to amend as follows:

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

The motion passed 7-2.

Council Member Bell said he would prefer the stop sign be installed immediately until construction begins in the area. Mayor Carroll believes the summer months would be the best time to gather data. Staff will speak to SCDOT engineers for their advice.

VOTE: A vote was taken on the motion as amended as follows:

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

The motion passed 7-2.

Public Safety will deploy the new traffic unit to study and identify spots across the island needing speed enforcement. Council members briefly discussed the island-wide speed limit and the possibility of lowering it from 30 to 25mph.

Chief Cornett reported that he compiled a list of dog-related ordinances from area municipalities, and he said, “My recommendation would be not to increase the fine. Instead to look at some of our neighboring communities who have specific ordinances that address dangerous or vicious dogs and to mimic an ordinance like that” to “include a state statute or mimic or develop an ordinance that would address the concern that we’re really trying to address which are dogs that are presumed to be dangerous or vicious.” He noted that the Animal Control Officer is not a sworn position and is therefore limited to writing City ordinance tickets.

C. Public Works Committee

While there was no meeting of the Public Works Committee in July, Council Member Ward noted the challenges the Public Works department is having keeping up with debris pickup. Administrator Fragoso said there have been staffing issues lately due to sick leave. The Public Works department has been working Saturdays to keep up and appreciates everyone’s patience.

She added that it would be helpful if residents understood the limits of miscellaneous debris they can place at the curb for pickup.

Council Member Ward said the yard contractor's ordinance will be on a future committee meeting agenda.

D. Recreation Committee

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

E. Personnel Committee

Council Member Moye reviewed the minutes of the July 16, 2021 meeting. Council Member Smith expressed concern about selecting membership to the Environmental Advisory Committee via lottery. She said it is important to have a balance of knowledge and expertise on that committee.

F. Real Property Committee

Council Member Streetman reviewed the minutes of the July 12, 2021 meeting. Administrator Fragoso said that options for insuring the marina will be discussed at next week's regular Committee meeting. She also clarified that due to the numerous delays faced by the restaurant renovation, the opening will likely be in early 2022.

Council Member Streetman shared that he and Administrator Fragoso have met and will soon meet again with all the marina tenants about ideas on how to effectively use the shared parking.

5. Reports from City Officers, Boards, and Commissions

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

In an effort to quell rumors about short-term rentals, Director Kerr shared the current work of the Planning Commission. He said, "What the Planning Commission has done so far, which is really not anything other than identify the points of data that they would like for the staff to pull together for them. They have had two working sessions, one just today about it, and there is a lot of information out there in terms of data that is available. We have County Assessor's data. We have the City's business license data. We have a lot of historical housing data. We have MLS sales data. So there is a lot of stuff out there, but it is literally different data sets. So we are working on putting that together for them so they can just identify trends. They are very much into looking at not only what has happened historically, but if we can see trends emerging that might indicate there is a change afoot." He said it is too early in the information gathering process for them to have come to any sort of consensus about short-term rentals. After the data is compiled, they will meet with City Council in a joint session to discuss their findings so that Council can "give guidance on if some of those indicators are problematic to you as a Council."

Council Member Bell clarified that City Council will not be rescinding existing short-term rental licenses. A joint meeting between City Council and the Planning Commission could be scheduled for the first week in September.

6. **Reports from Special or Joint Committees – none**

7. **Petitions Received, Referred or Disposed of – none**

8. **Bills already in Possession of Council**

A. **Ordinance 2021-08 – An Ordinance Amending Title 7, Licensing and Regulation, Chapter 1, Business Licenses, Article A, General Provisions, Section 7-1-3, 7-1-4, and Section 7-22-22, Classification and Rates, SIC 6513; NAICS 53111-Lessors of Residential Housing Units – Less than Ninety (90) Days**

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

B. **Ordinance 2021-10 – An ordinance to authorize the temporary use of new or additional space for outdoor dining services**

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

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

A. **Ordinance 2021-11 – An ordinance to alter the hiring process for department heads**

MOTION: Council Member Bell made a motion to approve, and Council Member Moye seconded the motion. A vote was taken as follows:

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

Nays: Ward, Popson

The motion passed 7-2.

10. **Miscellaneous Business**

A. **Update on eviction proceedings against holdover tenant, Tidal Wave Watersports**

City Attorney Brent Halverson reported that the July 7 jury trial against Tidal Wave Watersports ended in a mistrial. He said the matter will be rescheduled “unless the court finds that there is a legal issue which would preclude further jury trial and that matter is under advisement with the Magistrate’s Court.”

Council Member Bell: I am going to do the unpopular and comment. I sat through almost 10 hours in the courtroom, and I have asked, I have had numerous people ask me what happened in that courtroom. How do we have a hung jury? And I don’t mean any aspersions on Council Member Ward, but he testified for the defense, and I think the public deserves to know that there were points of testimony that were not accurate, and I think everyone up here –

Mayor Carroll: I really don't think we need to be going into –

Council Member Bell: I am not going to be cut off on this because I sat there through it, and I had been told in that testimony, that the Chair of Real Property did not allow any movement on leases, and none of us in this Council have the authority within a committee to block another committee member from having an agenda, and secondly the other point that was brought up during that, Jimmy, if I may, the other point that was brought up was that this Council voted to have a workshop with Tidal Wave to negotiate a new lease. And I think it is important that the public understand neither of those things happened. Beyond that, I don't have any comment on this, and we are not asking for legal advice, but this is in the spirit of transparency. The public deserves to know what happened.”

B. Discussion regarding engaging a consultant to represent the City in Columbia

Council Member Ward read from a prepared statement arguing the need for the City to have a representative/lobbyist representing their issues in Columbia. He believes too many outside forces and organizations are “influencing lawmakers to institute policies that are not in our best interest.” He added, “I believe we should seek competent professionals to look out for our interests in Columbia which can bring about real benefits and control back to us, the elected representatives of the citizens and property owners of the Isle of Palms.”

C. The next meeting of the City Council will be Tuesday, August 24, 2021 at 6pm.

11. Executive Session

MOTION: Council Member Bell made a motion to move to Executive Session in accordance with §30-4-70(a)(2) to receive legal advice and legal update regarding the eviction proceedings against Tidal Wave Watersports and the Freedom of Information Act lawsuit brought by Joshua Hooser. Council Member Streetman seconded the motion. The motion passed unanimously.

City Council entered into Executive Session at 8:15pm.

City Council returned from Executive Session at 9:08pm. Mayor Carroll reported that no decisions were made.

12. Adjournment

Council Member Buckhannon made a motion to adjourn, and Council Member Moye seconded the motion. The meeting was adjourned at 9:09pm.

Respectfully submitted,

Nicole DeNeane
City Clerk