



City Council

6:00 p.m., Tuesday, June 28, 2022
Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

Public Comment:

All citizens who wish to speak during the meeting must email their first and last name, address, and topic to Nicole DeNeane at nicoled@iop.net no later than **3:00 p.m. the business day before the meeting**. 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** – All comments will have a time limit of three (3) minutes.
Jay Leigh, Chairman of the IOP Water and Sewer Commission
- 3. Consent Agenda**
 - a. Approval of Previous Meetings' Minutes:
Budget Public Hearing – 5:45 p.m., May 24, 2022
Regular Meeting – 6:00 p.m., May 24, 2022
Special Meeting – 5:00 p.m., June 2, 2022
Special Meeting – 3:30 p.m., June 21, 2022
 - b. Consideration of purchase of Polaris GEM [FY23 Budget, Police Department, State ATAX - \$18,000]
 - c. Consideration of replacement of three (3) patrol vehicles state contract pricing [FY23 Budget, Police Department, Capital Projects, Muni ATAX, State ATAX - \$135,000]
 - d. Consideration of purchase One (1) F-250 replacement (re-budgeted from FY22) - \$70,000 [FY23 Budget, Fire Department, Capital Projects - \$70,000]
 - e. Consideration of approval of revised proposal from ATM for design, engineering and permitting of public dock replacement and "T" dock improvements to include Task 1, Task 2, Task 3.1 and Task 4.1 [FY23 Budget, Isle of Palms Marina - \$57,500 for public dock engineering & \$400,000 for "T" dock improvements]
 - f. Consideration of proposal from Thomas & Hutton in the amount of \$17,900 for additional design, engineering and permitting for the 41st Avenue outfall project to extend piping of ditch along 41st [FY23 Budget, Public Works, Capital Projects, Drainage - \$350,000]
- 4. Reports from Standing Committees**
 - a. **Ways and Means Committee**



- i. Recommendation from the ATAX Committee to award a grant to the IOP Chamber of Commerce in the amount of \$10,000 to fund a social media account to attract visitors to the island
 - ii. Consideration of proposed FY23 budget from the Charleston Visitors Bureau for the City's 30% state ATAX funds for tourism promotion and advertisement
 - b. **Public Safety Committee**
 - c. **Public Works Committee**
 - d. **Recreation Committee**
 - e. **Personnel Committee**
Consideration of appointment of Rebecca Kovalich and Gloria Clarke to the Accommodation Tax Advisory Committee
 - f. **Real Property Committee**
- 5. Reports from City Officers, Boards and Commissions**
- a. **Board of Zoning Appeals** – minutes attached
 - b. **Planning Commission** – minutes attached
Update on recommendations for regulating short-term rentals
 - c. **Accommodations Tax Advisory Committee** – minutes attached
 - d. **Environmental Advisory Committee** – 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** – None
Ordinance 2022-03 – An ordinance to extend the temporary suspension of enforcement of the plastic ban for businesses impacted by supply chain issues.
- 9. Introduction of New Bills, Resolutions and Proclamations**
- a. **Ordinance 2022-04** – An ordinance authorizing the amendment and assignment of Marina Joint Ventures, Inc. to Morgan Creek Marina, LLC
 - b. **Ordinance 2022-05** – An ordinance authorizing the amendment and assignment of Marina Outpost, LLC., Inc. to Morgan Creek Marina, LLC
 - c. **Ordinance 2022-06** – An ordinance to present a referendum question to the citizens of the Isle of Palms at the next general election on the question of whether the electors approve reducing the size of City Council from a Mayor and 8 Council Members to a Mayor and 6 Council Members.
- 10. Miscellaneous Business**
- a. Next meeting: 6:00 p.m., Tuesday, July 26, 2022.
 - b. Discussion and consideration of recommendation from the City Attorney to retain co-counsel for the purpose of reviewing the constitutionality of S-40 and the re-stripping of the IOP Connector



11. Executive Session

- a. Executive Session pursuant to S.C. Code §30-4-70(a)(2) for the discussion of negotiations incident to proposed contractual arrangements related to the marina.
- b. Executive Session pursuant to S.C. Code §30-4-70(a)(2) to receive legal advice on the appointment of co-counsel for the purpose of reviewing the constitutionality of S-40 and the re-stripping of the IOP Connector.
- c. Executive Session pursuant to S.C. Code §30-4-70(a)(1) for discussion of personnel matters from the Employee Grievance Committee.

Council may take action on matters discussed in Executive Session upon returning from Executive Session.

12. Adjournment



PUBLIC HEARING
5:45pm, Tuesday, May 24, 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 Anderson, Bogosian, Hahn, Miars, Pierce, Popson, Streetman, Ward, and Mayor Pounds

Staff Present: Administrator Fragoso, Director Kerr, City Attorney Halversen, various department heads

2. Ordinance 2022-01 – 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, 2022 AND ENDING JUNE 30, 2023

Administrator Fragoso said of the budget: “The Ways and Means Committee about a month ago considered and approved and recommended the approval of this budget and ratification by City Council tonight. Very important, the proposed budget does not include a property tax increase. The City’s general fund revenues are budgeted at \$12.9M which represents approximately a 9% increase from FY22. The General Fund expenditures are approximately \$13.7M, a 7% increase from the last budget.

“Total personnel costs represent 69% of total general fund expenditures, which is an increase of 5% from FY22. This is mainly due to the wage adjustments that were implemented by the City earlier this year city-wide to personnel and also supports the addition of a part-time livability enforcement position in FY23. Transfers in from tourism funds to the General Funds equate to approximately \$1.25M to support two additional personnel from what these funds supported last year.

“In total, the tourism funds are supporting the following operational expenditures: four police officers, one sergeant, six firefighters, all beach services officers, 50% of public works temp labor, a part-time attendant for the public restrooms, which we have seasonally, fuel, and overtime expenses for public safety personnel during the season. Tourism fund revenues are conservatively projected to be at \$7.5M or approximately 90% of current year-to-date actuals.

“There are no new debt issues included in the budget, and the recreation bond will be paid off in June of 2023.

“I’ll go through some key budget initiatives by department...For the general government, the budget includes a provision of 2.5% for wage adjustment city-wide, the construction of a public park and greenspace at the Isle of Palms Marina adjacent to the public dock. We continue the sponsorship of resident-only eco tour outings from the public dock at the Marina. We continue our tuition reimbursement program that is available for all full-time employees. We currently have three employees participating in this program. One is pursuing a master's degree. Another one is pursuing a doctorate, and one an associate's degree.

“The budget includes funds for the development of a sea level rise adaptation plan and ongoing monitoring of the entire shoreline. We included provisions for a contractor grant writer, media specialist, lobbyists, and engineering traffic review assistants throughout the year. The budget includes a provision for the annual employee appreciation event and the return of the holiday party for employees, Council, and those who volunteer on the City's boards and commissions.

“The FY23 budget designates the Charleston Visitor's Bureau as the City's current direct marketing organization that is responsible for the management of the 30% of State ATAX funds that have to be used for tourism promotion and advertisement. However, the budget indicates that the City Council may designate another direct marketing organization as long as they meet State law requirements.

“For the police department, we've included funds to replace three patrol vehicles, one low-speed vehicle, the purchase of a license plate reader for parking enforcement, the replacement of traffic counters at the IOP Connector and Breach Inlet, the purchase of de-escalation and use of force training program for the police department for additional training, the provision of an additional livability and code enforcement officer. We've increased funds to support additional county deputies to assist with traffic management during the season, and it continues the implementation of a text-to-park option on front beach parking.

“For the fire department, we've included funds to replace three pickup trucks, an all-terrain vehicle for beach patrol, and the replacement of a personal watercraft for water rescue. It calls for the refurbishment of both gyms at the Public Safety Building and Fire Station 2, the purchase of a second set of bunker gear for all fire department personnel, purchase of a rescue drone, the installation of an exhaust system at the Public Safety Building and Fire Station 2, and the provision for the development of a Fire Department strategic plan.

“For Public Works, we've included funds to complete the construction of the drainage outfall project at 30th and 36th avenues, the reconstruction and elevation of the Waterway Boulevard multi-use path, the underground utility line conversion at 21st Avenue, the completion of the comprehensive Drainage Master Plan by Davis & Floyd, and a provision for targeted drainage projects that are going to be the result of this master plan. We continue the ongoing ditch maintenance contract, and the budget also includes a provision to address issues at the front beach municipal parking lot related to the compactor.

“Lastly, the Recreation Department, we've included funds to reconstruct the outdoor basketball courts and the construction of two pickleball courts. The budget also supports seven community events including the front beach and holiday fests.”

Administrator Fragoso and Mayor Pounds thanked the staff for all the work hard work done putting together the FY23 budget.

3. Adjournment

Council Member Ward made a motion to adjourn and Council Member Popson seconded the motion. The meeting was adjourned at 5:52pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



CITY COUNCIL MEETING
6:00pm, Tuesday, May 24, 2022
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, Miars, Ward, Anderson, Bogosian, Hahn, and Mayor Pounds

Staff Present: Administrator Fragoso, City Attorney Halversen, various department heads

2. Citizen's Comments

Ashley Kellahan, Field Service Manager for MASC, gave a presentation on FOIA and elements of effective meetings.

Patsy Hindman, 7 Barnacle Row, said she believes the proposed cap on short-term rentals favors those people who already have licenses to run such a business. She believes it is biased toward non-resident property owners. She also expressed concern about the changes to the committee structure and reducing the size of City Council. She believes her comments fall on deaf ears. She expressed displeasure in a comment made by Council Member Anderson that she said suggested there were not enough people on the island to serve in government.

Kelly Thorvalson, South Carolina Aquarium, said she has spoken to business owners who have had no issues finding environmentally friendly to go packaging. She asked City Council to ask local businesses to get environmentally friendly to go packaging even if it costs more. She believes customers are okay with the extra cost being passed along to them.

3. Consent Agenda

Approval of Previous Meeting's Minutes: Regular Meeting – 6:00pm, April 26, 2022

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

MOTION: Council Member Ward made a motion to suspend the rules of order so that Personnel Committee's recommendations for appointments to the Accommodations Tax Advisory Committee and the Planning Commission could be discussed first. Mayor Pounds seconded the motion. The motion passed unanimously.

4. **Personnel Committee Recommendations**

MOTION: Council Member Bogosian made a motion to appoint Chrissy Lorenz to the open hospitality seat, Barb Bergwerf to the open cultural seat, and Chas Akers to the open at-large seat on the ATAX Committee, and Jeffrey Rubin to the opening on the Planning Commission. Council Member Ward seconded the motion. The motion passed unanimously.

5. **Reports from Standing Committees**

A. **Ways and Means Committee**

Mayor Pounds reviewed the minutes of May 17, 2022 meeting. He said all general fund revenues predict the City will end the fiscal year with significantly higher revenues than expected. General Fund operating expenses are about 6% ahead of last year but still within budget targets. Total tourism revenues are about \$2M ahead of this time last year. The City has \$31M in cash deposits of which \$3.8M is unspent bond proceeds, \$1M unspent Federal American Rescue Act money, and \$12M restricted for beach preservation.

B. **Public Safety Committee**

Council Member Anderson reviewed the minutes of the May 5, 2022 meeting.

MOTION: Council Member Anderson made a motion to approve the mutual aid agreement with the National Park Service. Council Member Streetman seconded the motion. The motion passed unanimously.

C. **Public Works Committee**

Council Member Ward reviewed the minutes of the May 4, 2022 meeting.

D. **Recreation Committee**

Council Member Popson said there was no Recreation Committee meeting in May. He anticipates the next meeting on Monday, June 6, 2022 at 12:30pm.

E. **Personnel Committee**

Council Member Bogosian reviewed the minutes of the May 3, 2022 regular meeting.

MOTION: Council Member Bogosian made a motion to award the Spirit of the Island award to Jim Thompson. Council Member Streetman seconded the motion. The motion passed unanimously.

The award will be presented to Mr. Thompson at the Exchange Club on Thursday.

Council Member Bogosian asked Council members for their opinions on including a referendum question regarding reducing the size of City Council on the ballot in November. Should the Council wish to move forward with the referendum question, the Personnel Committee will work

on the draft ordinance at their June meeting and bring it to City Council for First Reading at the June meeting.

Council Member Anderson would like Council to finish the workshop test period before deciding to move forward with a reduction in Council.

Council Member Pierce believes the best outcome is to let the voters decide on the size of Council. He said this election will likely be well attended and therefore receive the most input from voters. He believes referendum should be binding.

Council Member Miars also believes it is an issue the voters should decide. She sees no downside to the referendum.

Council Member Streetman said he would like the referendum to be binding. He believes there is plenty of time for the voters to educate themselves on the matter before the November election.

Council Member Popson said he has heard nothing from any voters about changing the size of City Council. He asked what problem is being solved by reducing the size of Council. He also wanted to know why Council is doing this, why is it happening now, and where the idea originated.

Mayor Pounds responded by saying that 98% of the municipalities in the state have 7 or fewer City Council members. He said he was the one who started the conversation in the interest of making the City work more efficiently. He believes there is no downside to putting it on the ballot and letting the voters decide.

Council Member Ward also said he has heard nothing from the public about the issue. He believes matters like this should come via petition from the public. He said it does not matter what everyone else is doing and he will not support the matter.

Council Member Hahn said it will be important to get information to the voters so they can make an informed decision.

Council Member Bogosian said the Personnel Committee will put something together for them to discuss at the June Council meeting.

F. Real Property Committee

Council Member Streetman reviewed the minutes of the May 9, 2022 meeting.

Administrator Fragoso reviewed the elements of the current noise ordinance and gave a brief history of what has brought the issue of the noise agreement with Marker 116, LLC before the Council for consideration. Marker 116 offered a change to the noise control agreement that would increase the complaint threshold to no less than 3 different residents before they would be required to make a change to sound levels. She said a noise control agreement needs to be in place before the restaurant can use loud speakers and amplified music. She noted that this agreement is in addition to the existing noise ordinance requiring music stopping at 10pm Sunday through Thursday and at 11pm Friday and Saturday. The agreement would allow them to “operate loudspeakers and amplify music which currently is not allowed.”

Administrator Fragoso shared that the noise control agreement between the City and Morgan Creek Grill went a long way towards reducing the noise complaints after it was put into place. Council Member Bogosian said that he saw no reason to change the agreement since it worked well in the past. Council Member Miars said Council needs to do something so the restaurant can have amplified music, but noise control needs to be dealt with islandwide.

Administrator Fragoso clarified, “Council can consider approving the original agreement not including the redline that is proposed by the tenants and that would put them in the same position Morgan Creek Grill was for the last three years they operated where there seemed to be issues that seemed to be mitigated. Then you can wait until the Public Safety Committee and Council make some decisions on the noise ordinance in general, and then whatever changes would apply to the noise control agreement would have to be considered, but if there is no action today, then they are not able to have any loudspeakers or amplified music outdoors because they do not have a noise control agreement in place.

MOTION: Council Member Miars made a motion to stay with the original noise control agreement. Council Member Ward seconded the motion. A vote was taken as follows:

Ayes: Miars, Pierce, Popson, Anderson, Bogosian, Ward, Streetman, Pounds

Nays: Hahn

The motion passed 8-1.

6. Reports from City Officers, Boards, and Commissions

A. **Board of Zoning Appeals** – minutes attached

B. **Planning Commission** – minutes attached

Director Kerr updated the Council on the work being done by the Planning Commission regarding short-term rentals on the island. He said the Planning Commission will be able to make its final recommendations following their June 8 meeting. They would like to hold a special joint meeting between Council and Planning Commission to discuss the recommendations.

He said he believed the Commissioners would likely recommend a program similar to that passed by Kiawah Island that establishes a maximum number of short-term rentals in areas that currently have a low number of rentals. He said, “So this program would exempt areas that have a fairly high number of rentals along Ocean Boulevard, Palm Boulevard, condominium complexes, Palmetto Boulevard and Wild Dunes and commercial districts would be exempt, but all other areas would have a new maximum number of short-term rentals established in there which we are calling a cap. Their thought so far is to establish that maximum number or cap at 10% above our current most recent year of that number of rentals.”

Regarding the transfer of business licenses upon the sale of a property, Director Kerr said the Planning Commission believes that not transferring the business license could damage the potential for the plan to survive and “at the end of the day, the migration of rentals is really what causes grief for neighbors. It’s when a new rental comes into their neighborhood that seems to be

what generates the concern, and I think their thought was that if you have a long-range running rental and that property continues to be a rental in the long run, it is less disruptive than that property going off the rental program and a new property that could be in these back neighborhoods coming in the program.”

Short-term rental license holders will be required to show proof of rental income to maintain the license.

Council Member Pierce suggested the Commissioners find out why Kiawah Island decided to not let the business licenses transfer upon the sale of a property. Council Member Hahn suggested Commissioners talk with an attorney about the transfer issue as it could be an equal protection concern.

Director Kerr shared that when Kiawah Island implemented their plan there was not a run on short-term rental licenses.

C. **Accommodations Tax Advisory Committee** – no meeting in May

D. **Environmental Advisory Committee** – no meeting in May

7. **Reports from Special or Joint Committees**

A. **Accommodations Taskforce** – minutes attached

Council Member Streetman reported that the Accommodations Task Force has completed the task assigned to them by City Council. At the June Council meeting, he will formally present their recommendations which include requiring more accountability from the CVB, City support of the new IOP Chamber of Commerce, and City advocacy of changes to the percentage or uses of the 30% ATAX funds.

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

9. **Bills Already in Possession of Council**

A. **Ordinance 2022-01** – 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, 2022 and ending June 30, 2023.

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

B. **Ordinance 2022-02** – an ordinance to temporarily suspend all regular meeting of standing committees and replace with workshop meetings from July 1, 2022 until December 31, 2022

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

Mayor Pounds said that 80% of state municipalities use the workshop structure. Council Member Bogosian noted that there will be modifications throughout the process to allow for the smaller

work of the Committees like interviewing people for boards and commissions. Council members Anderson, Streetman, and Miars spoke in favor of the workshop structure.

VOTE: A vote was taken as follows:

Ayes: Pierce, Miars, Streetman, Anderson, Bogosian, Hahn, Pounds

Nays: Ward, Popson

The motion passed 7-2.

10. Introduction of New Bills, Resolutions, and Proclamations

A. Ordinance 2022-03 – an ordinance to extend the temporary suspension of enforcement of the plastic ban for businesses impacted by supply chain issues

Mayor Pounds gave a brief timeline review of the suspension of the ordinance. He said he has heard from the business community that they are still experiencing supply chain issues with regards to packaging. He said the current ordinance has a provision that allows for a business to ask City Council for an exception.

Administrator Fragoso said that one of the restaurants suggested that if City Council does not extend the suspension that they allow for a grace period to utilize existing inventory.

MOTION: Council Member Ward made a motion to extend the temporary suspension of the enforcement of the plastics ban to December 31, 2022. Council Member Popson seconded the motion.

Council Member Miars said that when the extension was given the businesses knew of the sunset date of May 17, 2022. She did not agree this is a hardship. Mayor Pounds said that the supply chain issue is still very real and he would like to see a “happy medium” before the end of the year.

MOTION: Mayor Pounds made a motion to amend the date to September 30, 2022. Council Member Streetman seconded the motion.

MOTION: Council Member Anderson made a motion to keep the original sunset date of May 17, 2022 and to begin enforcement of the plastic ban on September 1, 2022. Council Member Pierce seconded the motion.

Council members expressed concern about codifying non-enforcement of a law.

Council Member Anderson withdrew her motion, and Council Member Pierce withdrew his second.

Mayor Pounds withdrew his motion, and Council Member Streetman withdrew his second.

Council Member Ward said he disagreed with the sentiment that businesses should have known this temporary suspension was coming to an end.

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

Ayes: Popson, Streetman, Ward

Nays: Pierce, Miars, Anderson, Bogosian, Hahn, Pounds

The motion failed 3-6.

MOTION: Council Member Anderson made a motion to hold to the date of May 17, 2022 as the end of the temporary suspension, but allow for a grace period until September 1, 2022. Council Member Hahn seconded the motion.

Council Member Miars said that would be confusing to the public. She said Council is asking the police “to turn their heads.” Council Member Pierce suggested crafting a motion to that allows business owners to use up their current inventory. Administrator Fragoso said that would be harder to enforce since it would not be known if they are using current or new inventory.

Council Member Anderson withdrew her motion, and Council Member Hahn withdrew his second.

MOTION: Council Member Anderson made a motion to suspend the ordinance until September 1, 2022. Mayor Pounds seconded the motion.

Administrator Fragoso clarified that the exception only applies to “those products that businesses can provide at point of sale. It still prohibits the use of these products on the beach.” The distribution of single-use plastic bags is also still prohibited.

VOTE: A vote was taken as follows:

Ayes: Popson, Streetman, Anderson, Bogosian, Hahn, Pounds

Nays: Pierce, Miars, Ward

The motion passed 6-3.

11. Miscellaneous Business

A. Next meeting – Regular Meeting, 6:00pm, Tuesday, May 24, 2022

12. Executive Session

MOTION: Council Member Ward made a motion in accordance with §30-4-70 (a)(2) for the discussion incident to proposed contractual arrangements related to the marina. Council Member Streetman seconded the motion. The motion passed unanimously.

City Council moved into Executive Session at 8:10pm.

City Council returned from Executive Session at 9:36pm. Mayor Pounds said no decisions were made. He said legal counsel should continue negotiations based on the discussions held in Executive Session.

13. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting was adjourned at 9:36pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



SPECIAL CITY COUNCIL MEETING

5:00pm, Thursday, June 2, 2022

1207 Palm Boulevard, Isle of Palms, SC

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

MINUTES

1. Call to order

Present: Council members Miars, Popson, Streetman, Hahn, Bogosian, Pierce (via Zoom) Ward and Mayor Pounds

Absent: Council Member Anderson

Staff Present: Administrator Fragoso, City Attorney Brent Halversen, Attorney Brian Kitts, Director Kerr, Treasurer Suggs

2. Purpose – discussion and consideration of request from Marina Joint Ventures, Inc. and Marina Outpost, LLC to assign lease hold interests to Morgan Creek Marina, LLC

- a. **First Reading of Ordinance 2022-04 – an ordinance authorizing the amendment and assignment of Marina Outpost, LLC to Morgan Creek Marina, LLC**
- b. **First Reading of Ordinance 2022-05 – an ordinance authorizing the amendment and assignment of Marina Joint Ventures, Inc. to Morgan Creek Marina, LLC**

Mayor Pounds reviewed the timeline of events from April 26 to now regarding the request to reassign the lease hold interests at the Marina. Mr. Mike Schuler of Morgan Creek Marina, LLC gave a presentation that detailed the other marinas his company owns, his background, and his vision for the IOP Marina. He said the benefit of owning several local marinas is access to resources.

Specific to the Isle of Palm Marina, he said that he does not intend to change things that are working and he fully intends to maintain all operations and staff. He also intends to give IOP residents better and priority access to the water and to upgrade the retail offerings and operations. He said he is not turning the ship store into a bar. There will be self-imposed limitations for alcohol consumption on the premises.

3. Citizens' Comments

Christine Donovan, 31 26th Avenue said she is not speaking for or against the change at the marina. She would like more time for resident interaction and input with the idea. She would like

to see the parking plan. She would like for the beer and wine plan to be reviewed by City Council if it doesn't work out.

3. Executive Session

MOTION: Mayor Pounds made a motion to move into Executive Session in accordance with §30-4-70(a)(2) to receive legal advice and discuss proposed contractual arrangements. Council Member Popson seconded the motion.

Council Member Miars said she would like to discuss some of the issues around the lease reassignment outside of Executive Session.

Mayor Pounds rescinded his motion to move into Executive Session and Council Member Popson rescinded his second.

Council Member Miars said that changes to the lease over the years favors the tenant and not the City. She said, "We have increased the amount of the threshold for paying more rent. We have taken away the tenant's responsibility to maintain the facilities, the docks. We have extended the lease by up to 2045. We have built brand-new docks to the tune of \$5M. We have decreased the percentage when it gets to that threshold that is now over \$1M, \$1.75M if you take both leases combined. We have decreased those percentages that the City will get. We have made it so that it is very, very difficult for the City to receive more than the base lease amount, and we have had this contentious issue with shared parking, which the City has not stood up for the residents and enforced the shared parking area. So now we are looking to give this new lease holder even more – the right to have consumption of alcohol on the premises."

She noted there is a current ordinance that prohibits the consumption of alcohol on City-owned property unless the lease specifically allows for it. She said the new lease should not include that allowance. She believes allowing alcohol consumption in the new lease will create a bar-like atmosphere. She said no one will be responsible for the amount of alcohol served and to whom it is served as there will be no bartenders or servers.

She said the lease says the marina is to be a family-friendly environment. She said many parents have told her that they like their children being able to go down to the marina. She said allowing alcohol there will "make it different." She also wondered how alcohol restrictions would be imposed since the enforcement particulars of the lease are not under the purview of the IOP Police Department.

Council Member Bogosian said he believed Mr. Schuler and his company could be great operators of the marina, but he would like to work out more details before he would support First Reading.

Council Member Hahn said the City has to deal with the lease as it exists. He said, "We have an obligation to look at this request for an assignment in good faith and grant the assignment in good faith. The current lease allows for onsite sale of beer and wine. It is silent as to consumption. Pattern and practice at that marina for the last 30 years has been people drink on

the deck back there...So I do not personally understand the issue of this is getting ready to explode when it has already been going on for 25+ years and I have not seen an explosion.”

He believes the more positive aspects of the lease assignment is the getting free parking for the residents in what is currently the shared parking lot. He said increased efficiencies at the Marina will alleviate traffic on Palm Boulevard. He said there is time for resident feedback and interaction between First and Second Readings.

Council Member Streetman said he has been impressed with what he has heard from Mr. Schuler so far. He is happy that the shared parking lot will now be free parking for the residents. He believes City Council should pass First Reading and allow for resident feedback and interaction with Mr. Schuler before Second Reading.

Council Member Pierce supported Council Member Miars’ views. He believes the residents need more time to review the plans and City Council needs more time to complete its due diligence.

Council Member Miars added that she would be happy to assign the lease as it is written, but she is not happy with allowing consumption at the marina. Council Member Pierce said he believed Mr. Schuler is getting more than the City and he would like time to pause and do more homework before assigning the lease.

MOTION: Council Member Streetman made a motion to move into Executive Session in accordance with §30-4-70(a)(2) to receive legal advice and discuss proposed contractual arrangements. Council Member Popson seconded the motion.

Council Member Ward expressed reluctance to have First Reading and feels the Council needs more time to complete its due diligence. He would like there to be a public meeting at the Recreation Center where Mr. Schuler would give a presentation about his plans and then have First Reading.

VOTE: A vote was taken as follows:

Ayes: Bogosian, Hahn, Miars, Popson, Streetman, Pierce, Pounds
Nays: Ward

The motion passed 8-1.

City Council moved into Executive Session at 5:46pm.

City Council returned from Executive Session at 7:55pm. Mayor Pounds said no decisions were made. He said, “We have instructed our legal counsel to continue negotiations and create another redline based on discussions. There are a few outstanding items that we are wanting to have nailed down before we move to a First Reading, which hopefully will happen in the next 7-10 days, would be our desire to flip a redline and get comments back pretty quickly. So from a public standpoint, we are not voting. We are not doing a First Reading tonight but hopefully in the first part of next week.”

4. **Adjournment**

Council Member Ward made a motion to adjourn and Council Member Streetman seconded the motion. The meeting was adjourned at 7:55pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



SPECIAL JOINT CITY COUNCIL & PLANNING COMMISSION MEETING
3:30pm, Tuesday, June 21, 2022
1207 Palm Boulevard, Isle of Palms, SC
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Council members Bogosian, Hahn, Anderson, Ward, Streetman, Pierce, Miars, and Mayor Pounds; Planning Commission members Ron Denton, Sue Nagelski, Marty Brown, Steve Corner, David Cohen, Sandy Stone, Jeffrey Rubin

Absent: Council Member Popson

Staff Present: Administrator Fragoso, Director Kerr, various department heads

2. Citizen's Comments

Buford Witt, JC Long Boulevard, said he would like to rent out a home he intends to build in the near future and would not like to be limited as to the number of people he can have stay there.

Cal McCombs, 17th Avenue, said he does not understand what problem needs to be fixed in this situation. He said taxes from rental properties are a great source of income for the island and he does not want to see that stopped.

Ed Valle, Carolina Boulevard, would like to see more resident participation in solutions to this issue. He said the plan seems complicated. He believes homes will lose value as a result of this plan. He believes there is an opportunity for a small group of residents to build on this plan and make it better.

Mark Mitchell, Carolina Boulevard, said that the 1/3, 1/3, 1/3 split of homes across the island has not changed in decades. He believes having the ability to rent out one's home adds value to it. He is not sure this is the best plan.

Gina Foster of Dunes Properties came to speak on behalf of her clients who have purchased property on 28th Avenue. Her clients intend to rent out their property. She would like any plans to be equitable to all.

3. Purpose – Presentation and discussion of recommendations developed by the Planning Commission for the regulation of short-term rentals.

Director Kerr gave a detailed presentation about the history of regulating short-term rentals on the island, the recent work of the Planning Commission, and their recommendations to City Council for future consideration.

He said that City Council tasked the Planning Commission one year ago to look at a moratorium or cap on short-term rentals. He shared the information collected by the Commissioners to help the analysis of the state of short-term rentals across the island. Licensing trends over the past 20 years show the number of short-term rentals to be fairly consistent. Trends also show that the number of rentals is going down in some areas and up in others, specifically away from the beach and more towards the back of the island into the neighborhoods. The number of newly built homes specifically meant for renting has declined over time.

The Planning Commission is recommending the island be zoned to better understand the impact of rentals in those areas. Zone 2 shows a significant increase in the number of rentals in recent years. Director Kerr agreed that the 1/3, 1/3, 1/3 mix of home ownership still holds true but that there is a lot of movement within each zone.

Director Kerr said the issues or concerns the City may want to address are the increase in STR in rental areas that have historically had low numbers of rentals, the migration of STR to areas that have historically had low numbers of rentals, and the impacts to livability of full-time residents.

Recommendations from the Planning Commission include: establishing a cap of rental licenses for each zone at 10% higher than the number of 2020 licenses; exempting areas with more than 25% of the properties already in the STR market from the cap; establishing a waitlist when a zone meets a cap; giving property owners holding a STR license preference to renew their annual license; allowing the transfer of STR license when a property is sold; limiting occupancy of newly constructed or licensed homes in capped areas to 8; capping occupancy under certain circumstances; and annually reviewing STR regulations to note trends in uncapped areas.

Mr. Corney reiterated his concern that capping only certain areas leaves a large number of properties in the uncapped zone to secure STR licenses. He believes a cap across the island would allow the market to dictate where rentals would be.

Mr. Denton noted that previous complaints surrounding short-term rentals were noise related, and with the ordinances now in place, those complaints have subsided. More recently, the complaints center around livability concerns. He said it is hard to tell the difference between bad renters and bad managers.

Chief Cornett shared statistical data that indicated he has received very few noise complaints regarding short-term rentals. No tickets or warnings have been written for occupancy violations. He affirmed the Planning Commission's recent recommendation that a property manager respond on site to a complaint. He believes building better relationships with the property managers is the key to success in the future.

Council Member Streetman expressed concern about unintended consequences from these recommendations. Without any caps and noting that the licensing trend is flat, Mr. Stone pointed out that the City's ATAX revenue still increased significantly. He believes the market will take care of where rentals are but believes a cap is necessary in the zones to keep migration into the neighborhoods at a minimum.

Commissioners affirmed the need for an annual review of short-term rentals to note trends and effects of any regulatory changes.

Mayor Pounds thanked the Planning Commission for their work on this issue. He said the Council will hear from a College of Charleston professor at their July workshop to share what he has seen regarding short-term rentals around the country.

4. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Streetman seconded the motion. The motion passed unanimously.

Respectfully submitted,

Nicole DeNeane
City Clerk

City of Isle of Palms, SC

Summary of Recommendations from the Planning Commission

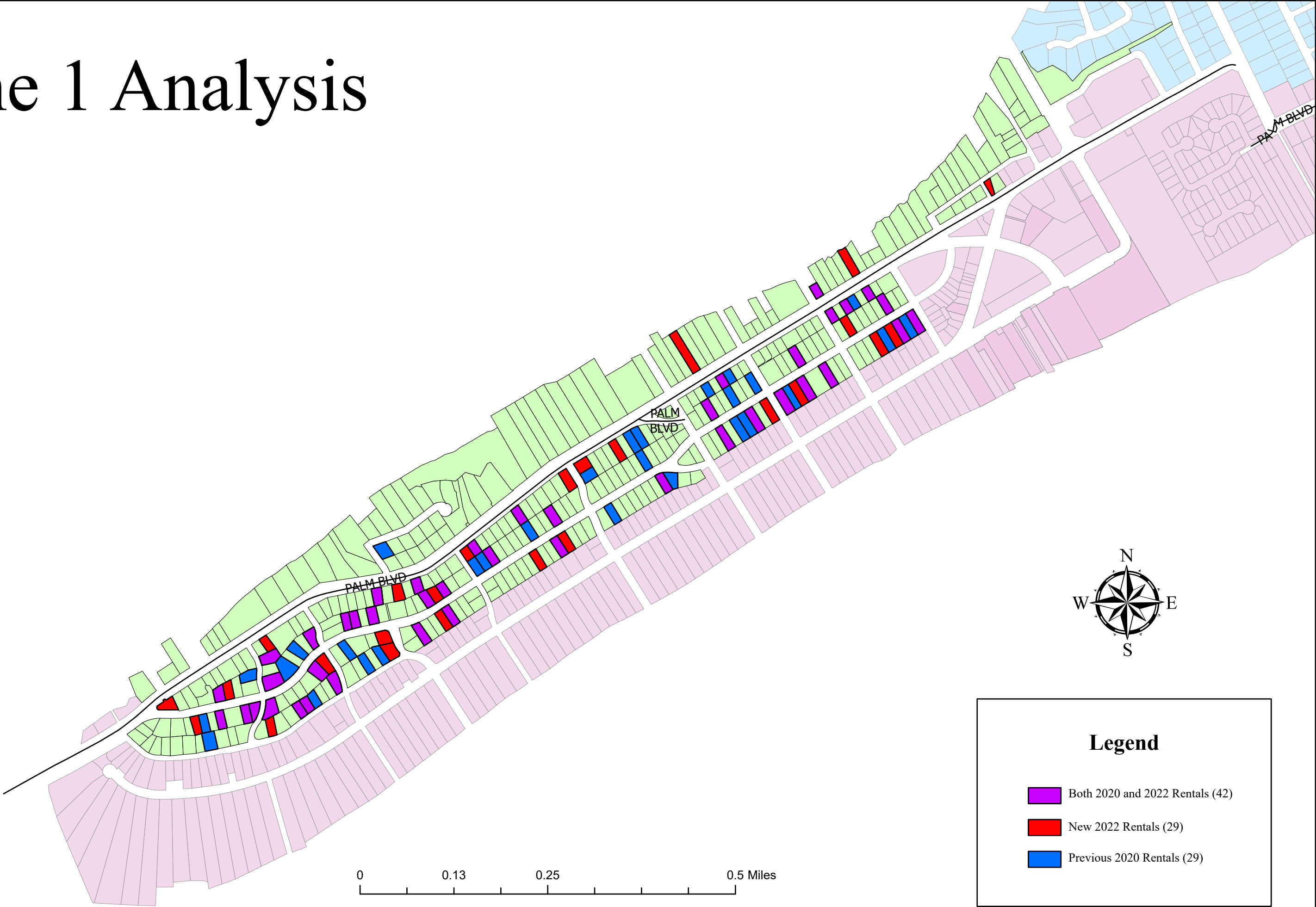
Short Term Rental Regulations

The Planning Commission developed the following set of recommendations to City Council with the goal of regulating the increase of short-term rentals in areas of the island that have historically had low numbers of rentals, address the migration of short-term rentals to areas that have historically had low number of rentals and mitigate impacts to livability of full-time residents.

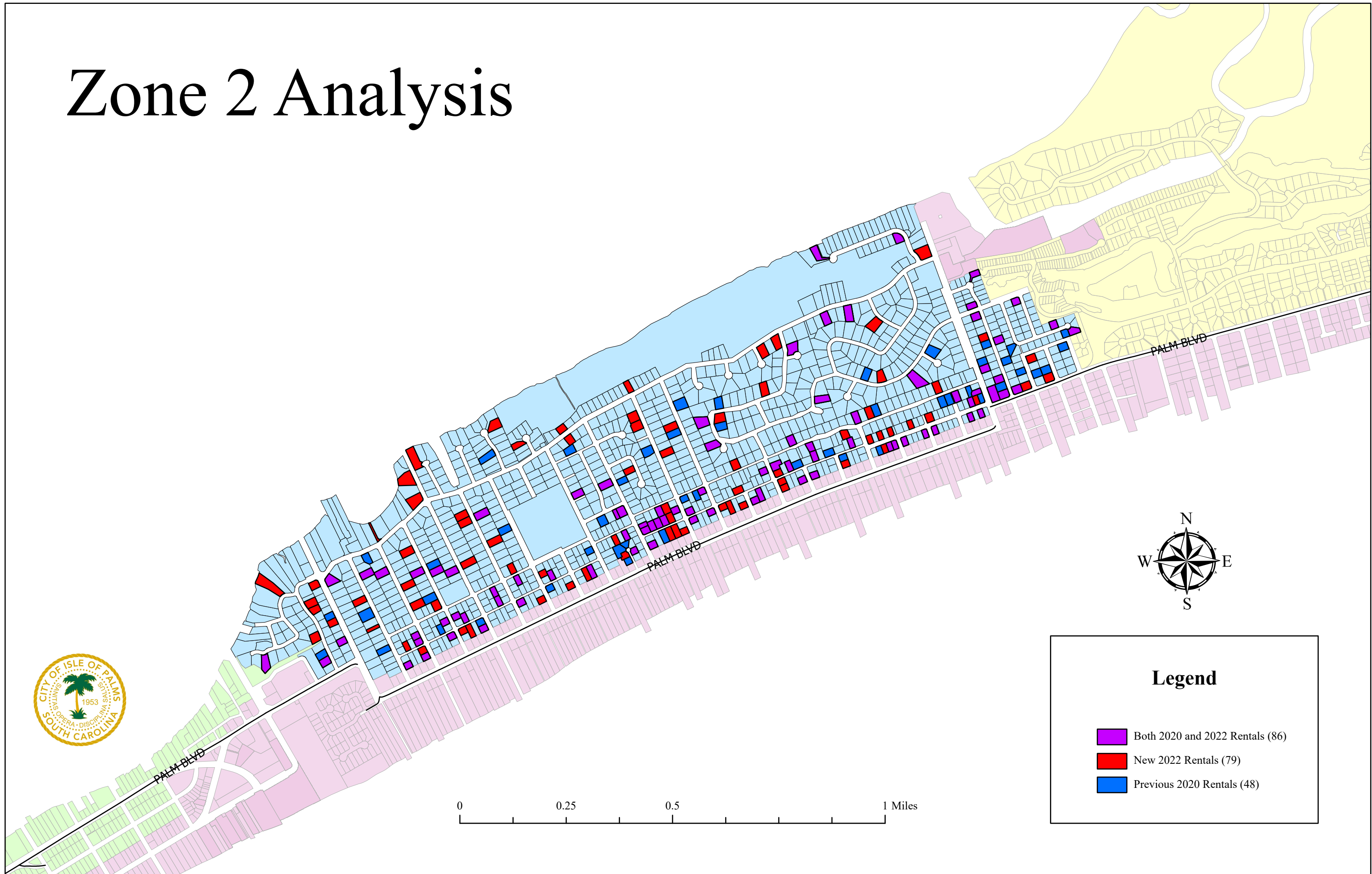
The Planning Commission presented these recommendations to City Council at a special joint meeting held on Tuesday, June 21, 2022.

- Establish a cap of rental licenses for each of the proposed three (3) zones at 10% higher than the total number of 2020 licenses. Map of the three (3) zones attached.
- When a zone meets its cap, a waiting list would be established and licenses would be issued on a one-out, one-in basis
- Areas with more than 25% of the properties already in the short-term rental market would be exempt from the cap. The areas that would not have a cap on short-term rentals include Ocean Boulevard, Palm Boulevard between 21st and 41st Avenue, ocean side of Palm Boulevard between 41st and 57th Avenues, Palmetto Boulevard, all commercial properties, and all multifamily properties (condominiums).
- Property owners that have a short-term rental license would not lose their short-term rental license
- Properties that secure a short-term rental license, but are not actively advertised and/or rented, would not be allowed to renew
- Short-term rental licenses would be transferable when properties are sold
- When a rental property converts to non-rental for one year or more, the occupancy limit reverts to 12 in uncapped areas and 8 in capped areas
- Limit occupancy of newly constructed or licensed homes in capped areas to 8
- Review the short-term rental regulations annually- particularly trends in un-capped areas

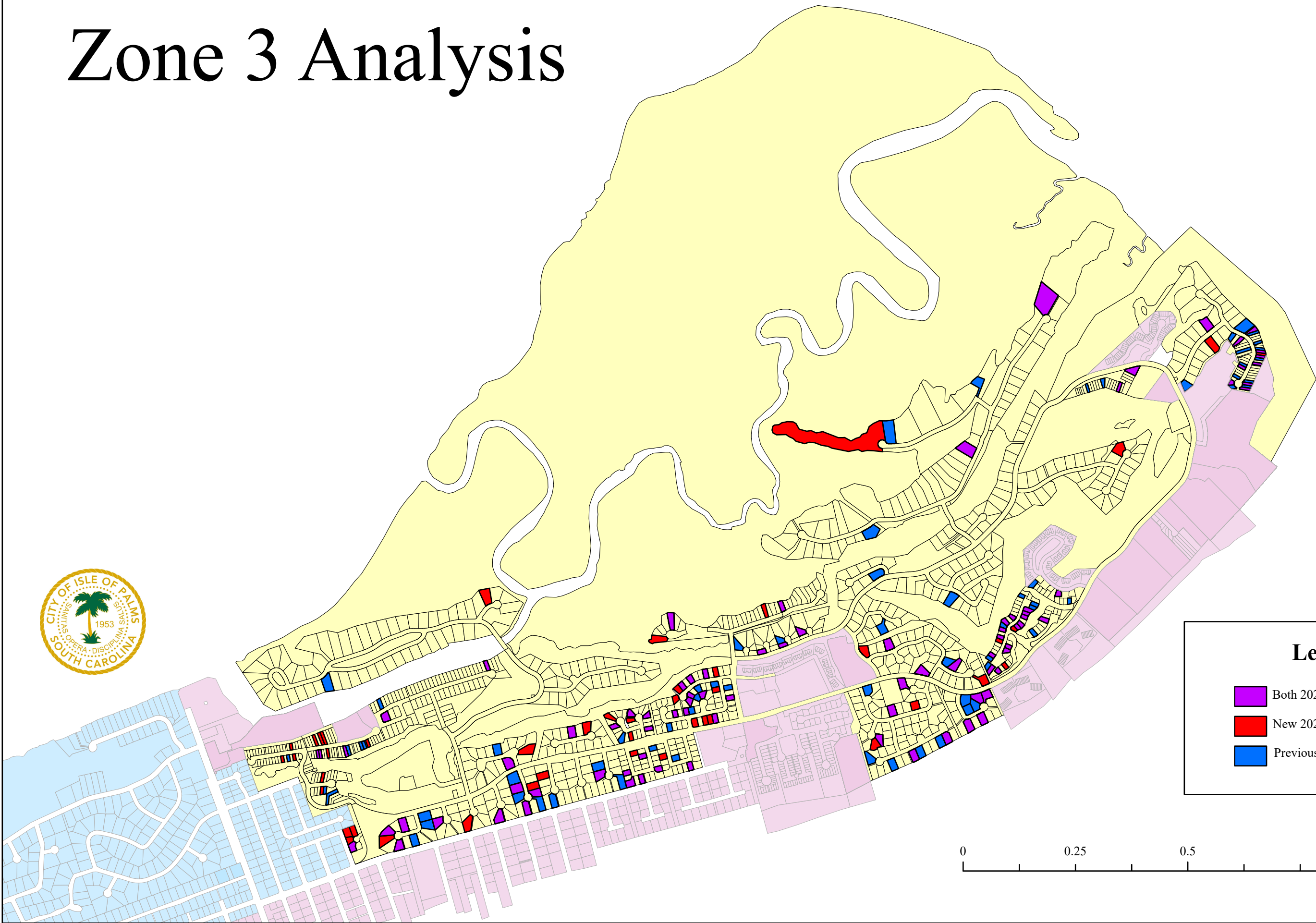
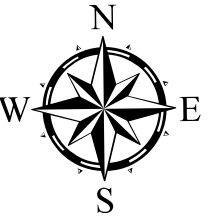
Zone 1 Analysis






Zone 2 Analysis



Zone 3 Analysis

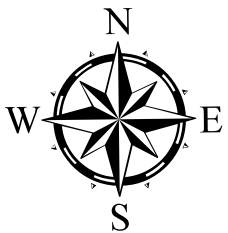
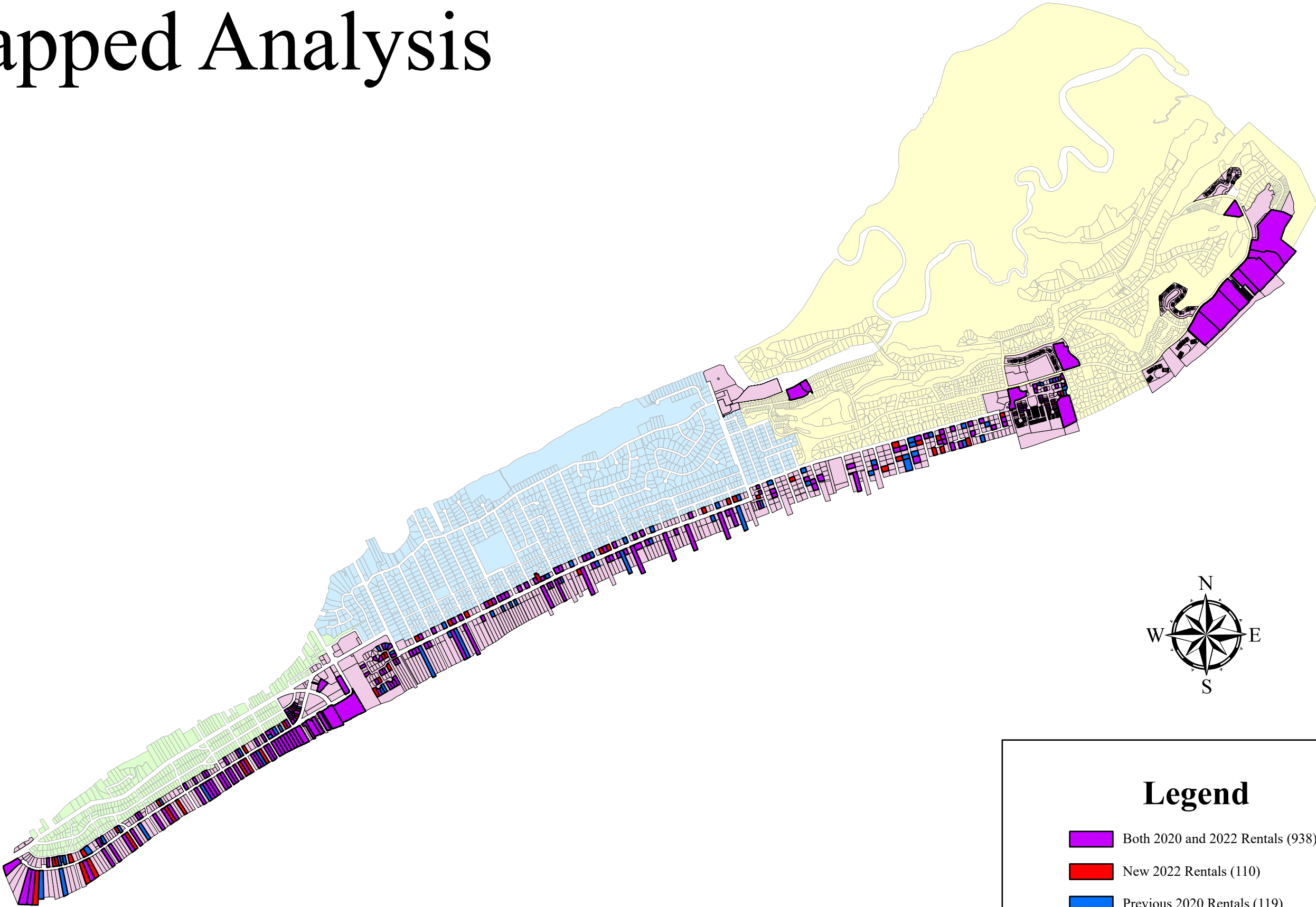


Legend




-  Both 2020 and 2022 Rentals (84)
-  New 2022 Rentals (47)
-  Previous 2020 Rentals (68)

0 0.25 0.5 1 Miles

Uncapped Analysis



Legend

-  Both 2020 and 2022 Rentals (938)
-  New 2022 Rentals (110)
-  Previous 2020 Rentals (119)

0 0.5 1 2 Miles



IOP Planning Commission Short Term Livability Project
Draft Summary of Initial Property Records and Rental Licenses For All IOP Parcels
DRAFT FOR DISCUSSION ONLY - as of March 27, 2022

| Full Analysis of Zones (2020 & 2022) | | | | | |
|--------------------------------------|-------------------------------|-------------------------------|--|---|--------------------------------|
| | Total STR Licenses 2020 | Total STR Licenses 2022 | Homes that had STR License in Both 2020 and 2022 | Homes that had STR License in 2022, but fell off in 2022 | New STR Licenses in 2022 |
| Zone 1 | 71 | 71 | 42 | 29 | 29 |
| Zone 2 | 134 | 165 | 86 | 48 | 79 |
| Zone 3 | 152 | 131 | 84 | 68 | 47 |
| Uncapped | 1057 | 1048 | 938 | 119 | 110 |
| TOTAL | 1414 | 1415 | 1150 | 264 | 265 |

IOP Planning Commission Short Term Livability Project
Draft Summary of Initial Property Records and Rental Licenses For All IOP Parcels
DRAFT FOR DISCUSSION ONLY - as of March 27, 2022

BY AREA - PRIMARY RESIDENCE (PR), SECOND HOME (SH), SHORT TERM RENTAL (STR) & LT RENTAL/OTHER

| Area | UNITS (2020 & 2021) | | | | | | | | | |
|--------------|---------------------|-----------|--------------|-----------|--------------|-----------|------------|-----------|--------------|----------------|
| | PR (21') | % of Area | SH | % of Area | STR (20') | % of Area | LTR/OTHER | % of Area | Total | % of Total |
| Uncapped | 316 | 15.8% | 598 | 29.9% | 1,057 | 52.8% | 31 | 1.55% | 2,002 | 42.95% |
| Zone 1 | 200 | 51.4% | 82 | 21.1% | 71 | 18.3% | 36 | 9.25% | 389 | 8.35% |
| Zone 2 | 626 | 58.5% | 229 | 21.4% | 134 | 12.5% | 81 | 7.57% | 1,070 | 22.96% |
| Zone 3 | 512 | 42.7% | 504 | 42.0% | 152 | 12.7% | 32 | 2.67% | 1,200 | 25.75% |
| TOTAL | 1,654 | | 1,413 | | 1,414 | | 180 | | 4,661 | 100.00% |

* This chart shows primary residence numbers for the 2020 County Tax records merged with with 2021 City license data. Therefore, the results do not capture any exact time perfectly and are intended as approximations



**Ways & Means Committee Meeting
5:00pm, Tuesday, June 21, 2022
1207 Palm Boulevard, Isle of Palms, SC 29451
and broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Council members Hahn, Bogosian, Miars, Ward, Streetman, Pierce, Anderson, and Mayor Pounds

Absent: Council Member Popson

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

2. Approval of previous meeting's minutes

Council Member Ward made a motion to approve the minutes of the May 17, 2022 regular meeting and Council Member Streetman seconded the motion. The motion passed unanimously.

4. Citizen's Comments -- none

5. Financial Statements – Treasurer Suggs

Treasurer Suggs reported that General Fund revenues are running 5% ahead of budget and expenditures are running behind budget. She said property taxes are at 100% and she is forecasting them to be slightly over. The “big players” are business licenses, rental licenses, building permits, and parking, which are all significantly ahead of budget and forecasted to be ahead of budget at the end of the fiscal year. The current forecast predicts general fund revenues to be \$2.7M ahead of the budget. June is historically a heavy expense month, however, the City “will have a significant excess of revenues over expenditures in the general fund as of June 30. It will be up to City Council to determine where and how those funds are spent.

The City continues to experience “significantly over budget revenue streams” on Accommodations and Hospitality taxes. They are currently 62% ahead of this time last year, and Treasurer Suggs is forecasting that at the end of the FY22, they will be \$1.7M ahead of the budget.

The City has \$31.5M in cash deposits, which includes \$3.3M of unspent bond proceeds, \$1M in unspent Federal ARP funds, and \$12M restricted for tourism expenditures or beach preservation.

The April revenue for municipal accommodations tax was \$186,478, which is a record amount received for any month. She expects to receive a healthy payment for State ATAX as well. Hospitality tax came in at \$137,604. She noted that hospitality taxes for restaurants in Wild

Dunes were up 45% month over month and Harris Teeter was up 50%. Council Member Bogosian said he would like a breakdown of the impact of the new Wild Dunes hotel on hospitality taxes. Treasurer Suggs pointed out that these revenues do not include the new marina restaurant since it only opened in May. Local Option Sales Tax is also 17% ahead of last year.

Payments to Quality Enterprises were recorded out of the Phase 3 Drainage funds. There was no financial activity on the marina in May, and no big changes to note on legal expenses.

5. Capital Projects Report

A. Phase III Drainage

Administrator Fragoso gave an overview of the work being done on the Phase III Drainage Project. A slide detailing all of the work done on this project can be seen in the YouTube recording of this meeting linked on the City's website. She said work on the golf course portion of 30th Avenue is nearly complete. Work will then stop until late August when the road work will happen, leading to road closures. She said that project is progressing well.

Road closure as a result of work at 36th Avenue is not expected until the end of the fall.

The City is still waiting on final permits for 41st Avenue. The grant writer is working with Thomas & Hutton on the amendment to the Office of Resiliency to include the piping over of the ditch at 41st Avenue.

B. Comprehensive Drainage Island-wide Drainage Plan

Administrator Fragoso referred to the slide in the meeting packet detailing the work that has been completed on the Drainage Master Plan to date. She reported on a meeting that Davis & Floyd had with a resident who has drainage issues on their property, and that resident provided ideas and solutions that are being considered. Davis & Floyd may work with the City to establish a pilot program to help "establish what kind of solutions property owners could do on their own property." They will bring further recommendations to City Council about that program upon completion of the project.

The City is also working with Davis & Floyd to identify projects to apply for via the Rural Infrastructure Authority, who has \$900M available for water and wastewater management projects.

C. Overhead to Underground Conversion

Administrator Fragoso said construction agreement with Dominion Energy for this project has been executed. The project is on track to begin in the fall or winter.

D. Construction of the Pickleball Court and Reconstruction of Outdoor Basketball Courts

Administrator Fragoso said these are FY23 projects. The RFPs for both projects went out last week and the deadline for proposals is July 7. The goal is to get a contract approved by City Council by the end of July so that it can be executed and then issue a notice to proceed. Director

Page has personally delivered copies of the RFP to contractors they have worked with in the past.

6. **Old Business** -- none

7. **New Business** – none

MOTION: Mayor Pounds made a motion to reorder the agenda so that the item regarding ATM could be presented first. Council Member Ward seconded the motion. The motion passed unanimously.

A. Discussion and consideration of revised proposal from ATM for design, engineering, and permitting of public dock replacement and “T” dock improvements [FY23, Isle of Palms Marina - \$57,500 for public dock engineering and \$400,000 for “T” dock improvements]

Administrator Fragoso said, “ATM is again the project engineer and project manager for the dock rehabilitation project. Earlier this year, City Council approved a change order to ATM for the design and development of specifications and permitting of the improvements to the T-dock and the public dock. At that time, the projects as they were conceptualized were just repairs on both of those projects. As you all know, throughout the budgeting process, City Council decided and voted to pursue a more robust plan for the public dock at the marina and then to make repairs to the T-dock in an amount not to exceed \$400,000. So the scope of the project has changed since January until now when Council approved the two different projects. So that is why Kirby is here because there is going to be significantly more engineering that needs to be done for the public dock because it is a full replacement that requires a full new permit from the permitting agencies. And then there is going to be some changes related to the T-dock. So just for the record, you all had considered a proposal earlier this year, but because again the scope changed, this proposal and the work we need them to do to get to a point where we are ready for construction will change.”

Mr. Kirby Marshall of ATM spoke in greater detail about the changes to the scope of work and what will be required as far as engineering, permitting, and preliminary work needing to be done ahead of construction. Mayor Pounds clarified that this proposal is for an additional \$53,000, \$42,000 of which is for geotechnical services and increased regulatory requirements. Mr. Marshall said the bidding for the T-dock will likely happen this fall, while the bidding for the public dock will not take place until the permits are in hand, which could be up to a year.

Administrator Fragoso clarified the request: “What we are requesting approval for is for task one, which is the work that needs to happen as part of the prep to go through the permitting process, and that is a total of \$110,500. We have \$57,500 in the budget, which was part of what was approved in January. And then task number two, which is related to the technical specifications for the improvements to the T-dock. We have budgeted an additional \$400,000 for that work on the T-dock. So that \$25,000 could come out of that \$400,000. And for task three, I would only request approval of the task 3.1, which is bidding support services for the T-dock.”

Mr. Marshall added, “All of these are lump sum fees, so it is all in. We have assumed a limited amount of coordination with agencies post-submittal and post-public notice. Just based on the

conversations I have had with the Corps, what we are look at with the Corps on the public dock is pretty benign. Basically, if we don't go any farther out into the waterway, we're not really changing the use of it to be any more commercial than it was. It is going to be less. It's very straightforward with that agency. And with OCRM, their only stated concern was with the width of the structure. We feel we can get through that discussion with them during the pre-application meeting process and don't really anticipate any substantial public comment or opposition to this certainly based on our last experiences out there with what we did at the water sports dock, which was a lot more controversial."

Council Member Anderson expressed concern about the placement of anything on the public dock that could impede ADA access and asked Mr. Marshall to be aware of that during the final design phase of that project.

Administrator Fragoso expressed confidence that the \$400,000 budget for the work on the T-dock will be more than sufficient to cover the additional engineering costs.

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

B. Consideration of purchase of Polaris GEM [FY23 Budget, Police Department, State ATAX - \$18,000]

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

C. Consideration of replacement of three (3) patrol vehicles [FY23 Budget, Police Department, Capital Projects, Muni ATAX, State ATAX - \$135,000]

Administrator Fragoso said this is State contract pricing and exempt from the procurement code.

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

D. Consideration of replacement of two (2) pay stations at Front Beach [FY23 Budget, Front Beach Business District, Hospitality - \$36,000]

Administrator Fragoso said the quote for these kiosks came in significantly lower than budgeted. The goal is to reduce the number of kiosks over time and move to text-to-park.

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

E. Consideration of purchase of one (1) F-250 replacement (re-budgeted from FY220 - \$70,000 [FY23 Budget, Fire Department, Capital Projects - \$70,000])

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

F. Consideration of proposal from Thomas & Hutton in the amount of \$17,900 for additional design, engineering, and permitting for the 41st Avenue outfall project to extend piping of ditch along 41st Avenue [FY23 Budget, Public Works, Capital Projects, Drainage - \$350,000]

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

G. Preliminary Discussion of FY22 positive net results and potential projects/expenditures to consider

Committee members discussed possible options for the use of the positive net results of the FY22 budget. Administrator Fragoso noted that while the wage & compensation study did increase staff salaries (outside of the Fire and Police Departments), those increases are not keeping up with inflation. Council Member Bogosian expressed concern about a possible negative financial impact on FY23's assumed 10% increase in revenue and the impact on fund balances.

Mayor Pounds will prepare a list of items for the Committee to consider.

H. Update on marina leases assignment

Mayor Pounds said the City is currently awaiting the audited financial statements, balance sheet, and opinion letter. He is not sure if they will be ready by next week's City Council meeting.

I. Discussion of ATAX Taskforce recommendations on the expenditure of the 30% State ATAX funds for tourism promotion and advertisement

Mayor Pounds thanked Council Member Streetman for his leadership with the ATAX Taskforce. Council Member Streetman gave an overview of the work done by the taskforce. He detailed the seven areas that the taskforce felt defined success with regards to the use of the 30% State ATAX funds for tourism promotion and advertisement: more accountability, local focus, more flexibility in the use of the 30% ATAX funds, resident input into how funds are spent, more collaboration with the City, an off-season focus to advertising, and tourism management focus.

Recommendations from the ATAX Taskforce to City Council are:

1. Request more accountability, collaboration, and local focus from the Charleston Visitor's Bureau, the City's existing direct marketing organization;
2. Support the development of the new Isle of Palms Chamber of Commerce so they can act as an alternative direct marketing organization for the Isle of Palms in the future;
3. Request City Council to advocate for changes to State law to lower the percentage of State ATAX monies that is mandated to be spent only on tourism and advertisement.

Mayor Pounds said he had multiple conversations with MASC and the City's lobbyist "trying to ascertain interest on helping us coordinate forces across the state around the reduction of the

30%.” He has also had some preliminary conversations with local mayors about joining forces and “have a powerful voice in Columbia” around this topic.

8. Miscellaneous Business

The next regular meeting of the Ways & Means Committee will be Tuesday, July 19, 2022 at 5pm.

9. Adjournment

Council Member Ward made a motion to adjourn and Council Member Miars seconded the motion. The meeting was adjourned at 6:13pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

City of Isle of Palms
Financial Summary as of May 31, 2022
(Dollars in Thousands)

| | REVENUES | | | |
|-------------------|------------|---------------|----------------------|-----------------------------|
| | YTD Actual | Annual Budget | Remaining to Collect | YTD Actual as a % of Budget |
| General | \$ 12,436 | \$ 11,799 | \$ (637) | 105% |
| Capital Projects | 1,988 | 1,291 | (697) | 154% |
| Muni Accom Tax | 1,612 | 1,526 | (86) | 106% |
| Hospitality Tax | 834 | 836 | 2 | 100% |
| State Accom Tax | 2,018 | 2,146 | 128 | 94% |
| Beach Prserv Fee | 1,159 | 1,275 | 116 | 91% |
| Marina | 333 | 360 | 27 | 93% |
| Disaster Recovery | 46 | 10 | (36) | 460% |
| All Other | 190 | 171 | (19) | 111% |
| Total All Funds | \$ 20,616 | \$ 19,414 | \$ (1,202) | 106% |

| | EXPENDITURES | | | |
|--|--------------|---------------|--------------------|-----------------------------|
| | YTD Actual | Annual Budget | Remaining to Spend | YTD Actual as a % of Budget |
| | \$ 10,567 | \$ 12,466 | \$ 1,899 | 85% |
| | 1,343 | 4,456 | 3,113 | 30% |
| | 977 | 1,265 | 288 | 77% |
| | 489 | 562 | 73 | 87% |
| | 1,013 | 1,506 | 493 | 67% |
| | 81 | 385 | 304 | 21% |
| | 568 | 689 | 121 | 82% |
| | - | 10 | 10 | 0% |
| | 188 | 167 | (22) | 113% |
| | \$ 15,226 | \$ 21,506 | \$ 6,279 | 71% |

| General Fund Revenues | | | | | |
|-----------------------|-----------------|-------------|------------------|-----------------|----------------|
| | FY22 YTD Actual | FY22 Budget | % of FY22 Budget | FY21 YTD Actual | % of Prior YTD |
| Prop Tax | \$ 4,826 | \$ 4,806 | 100% | \$ 4,703 | 103% |
| LO Sales Tax | 765 | 895 | 85% | 651 | 118% |
| Business Lic | 1,977 | 1,421 | 139% | 1,519 | 130% |
| Rental Lic | 1,622 | 940 | 173% | 920 | 176% |
| Other Lic | 210 | 1,496 | 14% | 204 | 103% |
| Build Pmts | 973 | 450 | 216% | 661 | 147% |
| From State | 233 | 253 | 92% | 179 | 0% |
| Parking | 1,165 | 1,019 | 114% | 1,024 | 114% |
| All Other | 665 | 519 | 128% | 654 | 102% |
| Total | \$ 12,436 | \$ 11,799 | 105% | \$ 10,515 | 118% |

| General Fund Expenditures (YTD target = 92%) | | | | | |
|--|-----------------|-------------|------------------|-----------------|----------------|
| | FY22 YTD Actual | FY22 Budget | % of FY22 Budget | FY21 YTD Actual | % of Prior YTD |
| Mayor/Council | \$ 121 | \$ 134 | 90% | \$ 115 | 105% |
| General Govt | 1,734 | 2,145 | 81% | 1,631 | 106% |
| Police | 2,454 | 3,022 | 81% | 2,315 | 106% |
| Fire | 3,293 | 3,745 | 88% | 2,975 | 111% |
| Public Works | 1,329 | 1,502 | 88% | 1,265 | 105% |
| Build & Lic | 392 | 456 | 86% | 363 | 108% |
| Recreation | 919 | 1,090 | 84% | 833 | 110% |
| Judicial | 259 | 270 | 96% | 221 | 117% |
| BSOs | 66 | 102 | 65% | 69 | 96% |
| Total | \$ 10,567 | \$ 12,466 | 85% | \$ 9,787 | 108% |

May 2022 Notes:

- All categories of YTD General Fund Revenues are running ahead of the prior year. Business License, Rental License, Building Permit and Parking revenues have already exceeded the the FY22 Budget. The FY22 budget was deliberately very conservative given the uncertainty related to the timing and extent of the post-pandemic economic recovery.
- YTD General Fund operating expenses are running 8% ahead of the prior year but well within budget targets. The current forecast predicts total General Fund expenditures will end the fiscal year \$376k below budget.
- The current forecast indicates a significant excess of revenues over expenditures in the General Fund. City Council will direct the distribution of these funds. In past years, Council has directed funds to increase fund balances in the General, Capital Projects and Disaster Recovery Funds.
- Total tourism revenues, consisting of all accommodations and hospitality taxes, are approximately \$2.2 million or 62% ahead of this time last year. The forecast predicts year-end totals will be \$1.7 million ahead of the FY23 budget.
- The City has approximately \$31.5 million in cash deposits. Approximately \$3.3 million of this total represents unspent bond proceeds, \$1 million is unspent federal ARP funding and \$12 million is restricted for tourism related expenditures or beach preservation.

FY22-23 CAPITAL PROJECTS REPORT

JUNE 2022



PHASE 3 DRAINAGE 30TH, 36TH & 41ST AVENUE OUTFALLS



30th & 36th Avenue:

- Construction started at 30th Avenue
- Golf course portion of the work completed by mid June
- Waterway & 30th road closure to start in Mid August
- Waterway & 36th road closure late September - mid October

41st Avenue:

- Wetland permit (OCRM and USACE) still pending. City has conditional approval from OCRM. All other permits are contingent on the wetland permit.
- Project was put on public notice on April 14 until May 14.
- City received \$1.4M grant from the SC Office of Resilience from CDBG-MIT funds for construction.
 - City held kick-off meeting with Office of Resilience staff and Thomas & Hutton to determine next steps to get the project ready to go to bid once permits are in hand.
 - Grant writer and staff working on a grant amendment request for the extension of pipe along 41st Avenue



COMPREHENSIVE DRAINAGE MASTERPLAN

Work in Progress:

- Finalizing solutions for high-priority areas
 - Working with manufacturer to develop preliminary design for dune infiltration system at Ocean Boulevard and 6th Avenue
 - Working with city to identify potential locations for additional/new check valves
- Developing solutions for low-priority areas to address potential capacity issues
- Working with RIA to prepare for applying for grants to implement high-priority projects
- Set up meeting with local resident to evaluate stormwater regulations with regards to new development

Next Steps:

- Develop cost estimates for solutions for high-priority areas.
- Finalize solutions and develop cost estimates for low-priority improvements
- Continue identifying funding options for all alternatives.
- Complete analysis of local resident development project to evaluate stormwater regulations.



UNDERGROUND UTILITY CONVERSION – 21ST & PALM

- City executed construction agreement with Dominion Energy
- DE preparing SCDOT encroachment permit for submittal
- Construction scheduled for fall/winter of 2022.



Pickle Ball Court Construction & Outdoor Basketball Courts Rehab

- RFP Advertisements – Wednesday, June 15, 2022
- Deadline for Questions – 5:00 p.m., June 29, 2022
- Deadline for Proposals – 2:00 p.m., July 7, 2022
- Evaluation of Proposals – July 8 – July 12th
- City Council to consider recommendation of award of contract – July 26th
- Contract Execution – August 1, 2022
- Notice to Proceed – TBD

State Accommodations Tax Advisory Committee
Isle of Palms, South Carolina

Application for City of Isle of Palms ATAX Grant

For Office Use Only

| | |
|--|---------------------------|
| Date Received: _____ | Total Project Cost: _____ |
| Total Accommodations Tax Funds Requested: _____ | |
| Recommendation by City of IOP Staff (yes and if so amount ; no; defer to committee; n/a) : _____ | |
| Action Taken By Accommodations Tax Advisory Committee: | |
| Date _____ Approved _____ Denied _____ Amended _____ Other _____ | |

(Please Use Additional Paper and Include Pertinent Documentation as May Be Needed)

A. Project Name: Isle of Palms Chamber of Commerce Contract to Promote Social Media

B. Applicant Organization: Isle of Palms Chamber of Commerce

1. Mailing Address: 1304 Palm Blvd, Isle of Palms, SC 29451

Telephone: 843-224-7280 Email: hello@iopchamber.com

2. Project Director: Katrina Limbach

Telephone: 810-531-3644 Email katrina@iopbeachchair.com

3. Description of Organization, Its Goals and Objectives:

Isle of Palms Chamber of Commerce advocates to
advance commerce by serving residents and
guests by working with Port City Media to promote
the Island's and the Chamber's social media
presence

C. Description and Location of Project:

The development of the Chamber's social media presence with the help of Port City Media to build a healthy economy for our businesses and improve the quality of life for residents and guests.

The Chamber membership currently manages about 1200 of the 1400 current vacation rental properties.

☐ Single Event?

☒ Ongoing Event/Annual Need?

1. Date(s) of project/ event or start date: April 2022 Completion date: June 2022

2. Impact on Tourism: What percentage of persons benefitting from this project are tourists, ie. those coming from more than 50 miles away and expected to spend the night on Isle of Palms (70 %) compared to Isle of Palms residents (15 %) vs. visitors from within 50 miles such as “day trippers” (15 %)

Anticipated impact based on current market conditions. Once the social media platforms are up and running more data will be available to share with the community.

*Source of tourist data (website tracking, surveys, lodging data, sales information, etc.)

3. If this application is for an ongoing event, what is the percentage increase/decrease in tourist attendance compared to each of the past three years' events? n/a

*Source of tourist data n/a
(website tracking, surveys, lodging data, sales information, etc.)

4. Is your event to be conducted entirely on Isle of Palms? yes If not, please set forth the percentage occurring on Isle of Palms, as well as the specific locations and the percentages occurring elsewhere.

5. To your knowledge, does anyone else promote projects similar to yours within the city limits of Isle of Palms? If so, how is your project similar and/or unique? Given the parameters, please explain why your project is entitled to City of Isle of Palms ATAX funding.

No,

6. Set forth fully the successes and failures you have experienced for your proposed project for which you seek City of Isle of Palms ATAX funding for each of the past three years. Set forth the metrics by which you have

measured success for the past three years, as well as the metrics by which you will measure success for the current year's project/event on the City of Isle of Palms. n/a

7. Describe fully how and why your proposed project/event qualifies for City of Isle of Palms ATAX funding. The social media contract will enhance the visitors knowledge of events on the Isle of Palms of business and
8. If your project is granted City of Isle of Palms ATAX funding and realizes a profit, do you commit to returning the profit to the City of Isle of Palms? _____
If not, please explain fully, to include what you will do with the money. **Note:** It is impermissible to donate or "pass through" City of Isle of Palms ATAX grants to any other organization, except as authorized by City of Isle of Palms. Further, the City of Isle of Palms does not approve of "carry forwards" of ATAX grants for use in ensuing years, absent extraordinary and compelling reasons in the sole discretion of the City of Isle of Palms. Excess funds must be returned to the City of Isle of Palms.
9. Please attach your budget reflecting the amounts and sources of all related income and donations from others for the project/event, as well as expenditures for each of the last three years. In addition, set forth projected income and expenses for this year's project/event, as well as all expenses, both incurred and paid, as well as projected.

D. Financial Justification ("heads on beds" and ancillary benefits)

1. Describe fully and provide relevant documentation for each of the past three years reflecting:
 - Where, as a specific result of your project/event, have tourists spent the night on Isle of Palms, ie. those incurring accommodations taxes for lodging. Include the lodging providers addresses phone numbers, rooms utilized, costs and nights stayed.
 - Where do you project tourists for this year's project to spend the night (ie. lodging for those expected to pay accommodations taxes, to include hotels, condos, house rentals, etc.)? What is the basis for your projection? As an illustration, you may set forth blocks of rooms in hotels that have been reserved, private lodging that has been booked or are expected to be booked, etc.This is a start-up venture for the new Isle of Palms Chamber of Commerce. The budget is in development. Additional monies for will be granted from its members and member sponsors.
2. Provide all additional economic and other relevant information justifying the grant of ATAX funding by City of Isle of Palms for your project/event, as well as your means of calculation. n/a
3. Set forth the number of tourists attending your project/event on the Isle of Palms for each of the past three years. Include where applicable all relevant documentation along with the methodology by which you have done your calculations. n/a
4. Set forth the number of attendees projected for this year's project/event, and well as the means of calculation. n/a

5. Is the project/event for which you seek City of Isle of Palms ATAX funding during the “off season” or “shoulder season”? If not, please explain the justification. Are proposed dates flexible so as to be amenable to off-season and/or shoulder season scheduling? Our social media presence will be in place for years to come
6. Describe fully all potentially negative aspects of your project/event, if any. This would include, by way of illustration, the potential for overcrowding particularly during warm weather months, parking challenges, health and safety issues, added responsibilities and difficulties imposed on first responders, impact on peace and tranquility- especially in residential neighborhoods and for tourists and factors potentially impacting adversely on the character of the City of Isle of Palms.
Our social media promotion guides guests visiting the island all year long

E. Marketing Plan

Describe fully your past three years marketing for your project/event, as well as your current year’s advertising and marketing plan, to include all means of broadcast. Please include and attach all applicable documentation and the projected costs involved.

The Isle of Palms Chamber of Commerce is newly formed and is working to be known through our social media presence

F. Funding: Sources of Income for This Project/Event (Please attach all supporting documents)

1. Sponsorships or Fundraising: Amount \$ _____ From _____

2. Entry Fees : Amount \$ _____ From _____

3. Donations: Amount \$ _____ From _____

4. Accommodations Tax Funds Request: Amount \$ \$10,000

Date(s) Required: June 20th Lump Sum Installments _____

5. Other:

6. Total Funding: \$10,000 Total Budget: \$35,000

G. Financial Analysis

Please Provide a Line Item Budget for your project/event

Projected cost for contracted social media development is expected to be in the \$50,000 annually

If awarded, Isle of Palms ATAX funds are requested as follows:

(1) Lump Sum(s): \$ 10,000 on _____ (date),
\$ _____ on _____ (date),
\$ _____ on _____ (date).

(2) Payment of Invoices as submitted to City Staff. Invoices should be submitted at least two weeks prior to due date.

H. Miscellaneous

1. In what category do you place your project/event and why?
 - Festival _____
 - Marketing ☒ _____
 - Other (Please Explain): _____
2. Have you affirmatively reached out to the City of Isle of Palms staff for initial review for your project/event and if not, please explain. If you have reached out, what feedback did you receive, both positive and negative and specifically from whom?
The IOPCC and its board have been in touch with the City Admin and council members
3. If applicable, explain why you have not sought funding from sources other than the City of Isle of Palms for the funding of your project/event. If you have sought alternate or additional funding, explain fully the results to include the source(s) for funding, from whom received and set forth all amounts received or expected to be received from other sources.
The Chamber will have additional revenue from its members and sponsors
4. Does your project/event have applicable liability insurance, to include the City of Isle of Palms, its employees and agents and if so, what are the liability limits? If not, please explain why not and explain who will agree to bear the costs, burdens, damages and legal fees for your project/event in case claims for damages are made against the City of Isle of Palms, its employees and agents as a result of your project/event. A minimum of \$300,000 of liability insurance is typically required unless that requirement is specifically waived in writing by the City of Isle of Palms in its sole discretion. If there is applicable insurance, do you commit to making the City of Isle of Palms, its employees and agents additional insured(s)? If not, explain fully the basis. If applicable, you must include a copy of the relevant insurance policy reflecting the City of Isle of Palms, its employees and agents are additional insured(s) for your project/event. n/a
5. Do you assert that the project/event for which you seek City of Isle of Palms ATAX funding is sustainable in the future? If so, please explain fully. If not, please explain fully. There is a firm commitment from the Board of Directors for the Chamber to succeed.
6. In the event City of Isle of Palms grants your project/event ATAX grant funding, do you acknowledge that no such funds can be spent for the purchase of alcohol or tobacco products? yes If not, please explain your justification. _____
7. In the event your project/event is awarded City of Isle of Palms ATAX grant

funding, but is postponed for more than 180 days of receipt of funding, do you acknowledge that you must return to the City of Isle of Palms all ATAX grant money received from Isle of Palms absent extraordinary circumstances and within the sole discretion of the City of Isle of Palms? Do you agree? yes If you do not agree, please set forth fully your reasons. _____

8. In the event your project/event is granted City of Isle of Palms ATAX grant funding, you must and do hereby agree by the filing your application personally to hold harmless and indemnify the City of Isle of Palms, its employees and agents from and against any claims for damages to include, *inter alia*, legal fees relative to your project/event. Do you agree? _____ If not, please explain. _____
If not, please explain fully your basis. _____
9. In the event the City of Isle of Palms provides ATAX grant funding for your event/project, set forth in detail how you will acknowledge the City of Isle of Palms as a grantor of funding.
recognition within the chamber's social media presence

| BUDGETED INCOME FY 22/23: City of Isle of Palms Ratified Budget | | | | | | | | | | \$826,528 |
|--|---|---|-------------|---|---|--|--|-----------|-----------|-----------|
| Expenditure Type | EXPENSE SPECIFIC TO ISLE of PALMS | Benefit to IOP | Cost to CVB | IOP Share Based on Community Inventory at 5.5%* | IOP Share Based on Full Service (Group) Inventory at 8%** | IOP Share Based on Luxury (Group) Room Inventory at 24%*** | IOP Share Based on Islands Inventory at 34.23%**** | 100% IOP | Subtotals | |
| Website - development | IOP Specific site | adding non-member information | \$37,000 | | | | | \$37,000 | | |
| Website - enhancement | Site presence: IOP on Beaches site | https://www.charlestoncvb.com/beaches/isle-of-palms/ | \$31,000 | | | | | \$31,000 | | |
| Website - Search Engine Optimization (SEO) | Adwords, IOP-specific, Beaches Site | | \$60,000 | | | | \$20,538 | | | |
| Website - SEO | Adwords, ExploreCharleston core visitor site | | \$290,000 | \$15,950 | | | | | | |
| Commercial - production | Vive Media | creation of :30 sec commerical for television; :30 sec for social media platforms | 30000 | | | | | \$30,000 | | |
| Commercial - distribution | Sinclair Broadcasting | distribution of :30 sec commercial in Southeast and Northeast (6 months x \$20,000/month) | 120000 | | | | \$41,076 | | | |
| Advertising - Photography & Videography | Vive Media | | 20000 | | | | | \$20,000 | | |
| Advertising - digital campaign | The Knot | store front annual, wedding specific | \$3,500 | | | | \$1,198 | | | |
| Advertising - social media campaigns | Facebook & Instagram | paid promotion - 12 months | \$20,000 | | | | | \$20,000 | | |
| Advertising - social media campaigns | TikTok | paid promotion - 12 months | \$20,000 | | | | | \$20,000 | | |
| Advertising - social media campaigns | YouTube | paid promotion - 12 months | \$20,000 | | | | | \$20,000 | | |
| Subtotal Marketing & Advertising | | | \$651,500 | \$15,950 | \$0 | \$0 | \$62,812 | \$178,000 | \$256,762 | |
| Advertising - print | AAA Living (Georgia, Tennessee, North & South Carolina) | two placements of full page + full page advertorial | # | | | | | # | | |
| Advertising - print | AAA World (DC, Maryland, Virginia & Delaware) | two placements of two page spread | # | | | | | # | | |
| Advertising - print | Southern Bride (North Carolina) | full page placement in Summer/Fall and Winter/Spring | # | | | | | # | | |
| Advertising - print | Discover SC | Annual state vacation guide - full page | # | | | | | # | | |
| Advertising - print | Coastal Living | spreads in Fall and Winter issues | # | | | | # | | | |
| Advertising - print | Midwest Living | spreads in Fall and Winter issues | # | | | | # | | | |
| Advertising - print | Conde Nast Traveler | high impact unit of 12 pages specific to islands + spread | # | | | | # | | | |
| Subtotal Negotiated Ad Buys: Terms confidential between buyer/seller. #Placements total \$264,699. | | | \$656,080 | \$0 | \$0 | \$0 | \$123,594 | \$141,105 | \$264,699 | |
| Group Sales | | | | | | | | | | |
| Sales - Luxury Tradeshows, most difficult to sell | American Society of Association Executives | Tradeshow: Washington, DC - August 2022; Ongoing events throughout the year | \$11,150 | | | \$2,676 | | | | |
| Sales - Luxury Tradeshows, most difficult to sell | CONNECT Marketplace | Appointment show: Detroit, MI - August 2022 | \$10,200 | | | \$2,448 | | | | |
| Sales - Luxury Tradeshows, most difficult to sell | CONNECT DC Marketplace | Appointment show: Washington, DC - Nov 2022 | \$8,550 | | | \$2,052 | | | | |
| Sales - Luxury Tradeshows, most difficult to sell | Destination Southeast/Northstar | Appointment show: Daytona Beach, FL - Sept. 2022 | \$3,900 | | | \$936 | | | | |
| Sales - Luxury Tradeshows, most difficult to sell | Destination East/Northstar | Appointment show: Albany, NY. Oct 2022 | \$3,450 | | | \$828 | | | | |
| Sales - Luxury Tradeshows, most difficult to sell | Independent Planners Education Conf/Northstar | Appointment show: Memphis, TN Jan 2023 | \$3,750 | | | \$900 | | | | |
| Sales - Luxury Tradeshows, most difficult to sell | Financial & Insurance Conference Professionals | Membership only | \$950 | | | \$228 | | | | |

| <u>Expenditure Type</u> | <u>EXPENSE SPECIFIC TO ISLE of PALMS</u> | <u>Benefit to IOP</u> | <u>Cost to CVB</u> | <u>IOP Share Based on Community Inventory at 5.5%*</u> | <u>IOP Share Based on Full Service (Group) Inventory at 8%**</u> | <u>IOP Share Based on Luxury (Group) Room Inventory at 24%***</u> | <u>IOP Share Based on Islands Inventory at 34.23%****</u> | <u>100% IOP</u> | <u>Subtotals</u> |
|--|--|---|--------------------|--|--|---|---|-----------------|------------------|
| <i>Sales - Luxury Tradeshows, most difficult to sell</i> | HelmsBriscoe | Appointment show: TBD - May 2023; Preferred Partner Destination membership | \$20,750 | | | \$4,980 | | | |
| <i>Sales - Luxury Tradeshows, most difficult to sell</i> | IMEX America | Appointment & Tradeshow: Las Vegas, NV - November 2022 | \$38,500 | | | \$9,240 | | | |
| <i>Sales - Luxury Tradeshows, most difficult to sell</i> | Luxury Meetings Summit | Appointment show: TBD - Feb. 2023 | \$8,000 | | | \$1,920 | | | |
| <i>Sales - Luxury Tradeshows, most difficult to sell</i> | Luxury Travel Industry | Atlanta (Feb 2023) & New York (April 2023) travel advisors | \$14,250 | | | \$3,420 | | | |
| <i>Sales - Luxury Tradeshows, most difficult to sell</i> | Meeting Professionals International | Tradeshow: TBD - June 2023 | \$8,350 | | | \$2,004 | | | |
| <i>Sales - Luxury Tradeshows, most difficult to sell</i> | Professional Convention Mgmt Assoc. | Tradeshow: Columbus, OH - January 2023 | \$12,650 | | | \$3,036 | | | |
| <i>Sales - Luxury Tradeshows, most difficult to sell</i> | Professional Convention Mgmt Assoc. | Destination Showcase: March 2023 | \$11,250 | | | \$2,700 | | | |
| <i>Sales - Luxury Tradeshows, most difficult to sell</i> | Signature Travel Network | Appointment show: Las Vegas, NV - November 2022; membership | \$5,700 | | | \$1,368 | | | |
| <i>Sales - Luxury Tradeshows, most difficult to sell</i> | Society of Incentive Travel Executives | Annual Meeting: TBD - December 2022 | \$6,150 | | | \$1,476 | | | |
| <i>Sales - Luxury Tradeshows, most difficult to sell</i> | Virtuoso | Tradeshow: Las Vegas, NV - August 2022 | \$13,000 | | | \$3,120 | | | |
| <i>Sales - Other Tradeshows</i> | Association Executives of North Carolina | Tradeshow: Raleigh, NC - December 2022; Ongoing events throughout the year | \$7,725 | | \$618 | | | | |
| <i>Sales - Other Tradeshows</i> | Council of Engineering and Scientific Society Executives | Tradeshow: Richmond, VA; Ongoing events throughout the year | \$6,700 | | \$536 | | | | |
| <i>Sales - Other Tradeshows</i> | Georgia Society of Association Executives | Annual Meeting: TBD, GA - May 2023; Ongoing events throughout the year | \$10,250 | | \$820 | | | | |
| <i>Sales - Other Tradeshows</i> | GovTravels | Tradeshow: Washington, DC - March 2023 | \$5,250 | | \$420 | | | | |
| <i>Sales - Other Tradeshows</i> | Holiday Showcase Association Forum | Tradeshow: Chicago, IL - December 2022 | \$8,300 | | \$664 | | | | |
| <i>Sales - Other Tradeshows</i> | Meeting Professionals International | Tradeshow: TBD - June 2023 | \$8,350 | | \$668 | | | | |
| <i>Sales - Other Tradeshows</i> | South Carolina Society of Association Executives | Tradeshow: Columbia, SC - January 2023; Ongoing events throughout the year | \$14,000 | | \$1,120 | | | | |
| <i>Sales - Other Tradeshows</i> | Tennessee Society of Association Executives | Tradeshow: Knoxville, TN - December 2022 | \$10,200 | | \$816 | | | | |
| <i>Sales - Other Tradeshows</i> | Travel South International | Tradeshow: Louisville, KY - November 2022 | \$10,800 | | \$864 | | | | |
| <i>Sales - Other Tradeshows</i> | Virginia Society of Association Executives | Tradeshow: Richmond, VA - October 2022 | \$3,100 | | \$248 | | | | |
| <u>Subtotal Group Sales</u> | | | <u>\$265,225</u> | <u>\$0</u> | <u>\$6,774</u> | <u>\$43,332</u> | \$0 | <u>\$0</u> | <u>\$50,106</u> |
| <u>Market Research, Destination Services and Promotion</u> | | | | | | | | | |
| <i>Market Research - Key Data</i> | Key Data Research, specific to islands / beaches | Historical and forward-looking projections on beach rental performance / key metrics (IOP, Folly, Kiawah) | \$35,000 | | | | \$11,981 | | |
| <i>Market Research</i> | Office of Tourism Analysis research; Datafy - phone app tracking | Allocated between funding communities | \$170,000 | \$9,350 | | | | | |

Charleston Area CVB/Explore Charleston

Summary of FY23 Final CVB Budget Submitted to City of Isle of Palms

| | <u>Cost to CVB</u> | <u>IOP Share Based on Community Inventory at 5.5%*</u> | <u>IOP Share Based on Full Service (Group) Inventory at 8%**</u> | <u>IOP Share Based on Luxury (Group) Room Inventory at 24%***</u> | <u>IOP Share Based on Islands Inventory at 34.23%****</u> | <u>100% IOP</u> | <u>Total IOP Budget</u> | <u>% of Total CVB Cost</u> |
|-----------------------------------|--------------------|--|--|---|---|-----------------|-----------------------------|--------------------------------|
| Marketing & Advertising | 651,500 | 15,950 | - | - | 62,812 | 178,000 | 256,762 | 39.4% |
| Negotiated Ad Buys | 656,080 | | | | 123,594 | 141,105 | 264,699 | 40.3% |
| Group Sales | 265,225 | - | 6,774 | 43,332 | - | - | 50,106 | 18.9% |
| Market Research | | | | | | | | |
| Market Research - Island specific | 35,000 | - | - | - | 11,981 | - | 11,981 | 34.2% |
| Market Research - App tracking | 170,000 | 9,350 | - | - | - | - | 9,350 | 5.5% |
| Destination Services & Promotion | | | | | | | | |
| General Destination Services | 6,896,725 | 379,320 | - | - | - | - | 379,320 | 5.5% |
| Regional Destination Promotion | 15,498,462 | - | - | - | - | - | - | 0.0% |
| Total | 24,172,992 | 404,620 | 6,774 | 43,332 | 198,387 | 319,105 | 972,217 | 4.0% |



Public Safety Committee
10:00am, Thursday, June 2, 2022
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 Anderson, Hahn and Streetman

Staff Present: Administrator Fragoso Chief Oliverus, Deputy Chief Hathaway, Chief Cornett

2. Approval of previous meeting's minutes

MOTION: Council Member Streetman made a motion to approve the minutes of May 5, 2022 and Council Member Hahn seconded the motion. The minutes passed unanimously.

3. Citizens' Comments -- none

Mimi Wood, 3100 Waterway Boulevard, spoke with concern about the crowd she witnessed at the municipal parking lot on Front Beach on Memorial Day evening. She thanked the police for the manner in which it was handled and dispersed. She wonders if there are plans in place for handling these types of incidents.

4. Highlights of Departmental Reports

A. Fire Department – Chief Oliverius

Chief Oliverius gave an overview of department efforts in May. He said there were 111 calls for service including two incidents involving golf carts, a brush fire on Pine Island, a water rescue of a dog and its owner, and a pinning ceremony. He detailed training received by the staff throughout the month including a collaboration with the Town of Mt. Pleasant in an earthquake scenario. He reported that a staff member has taken on the responsibility of the department's social media presence.

Chief Oliverius spoke to the Committee about the effectiveness of the traffic pre-emptive ability of the Town of Mt. Pleasant, noting that such a module can be purchased for the Isle of Palms. He said Fire Marshall Stafford is speaking with Wild Dunes about the Click-to-Enter program that will allow emergency vehicles to open the gate without stopping.

Council Member Anderson suggested that the proactive efforts of the Fire Department to reduce response times should be on social media. She also shared that pre-empting traffic signals will be part of the extended traffic study.

Council Member Streetman commended Chief Oliverius for his employee engagement and recognition efforts. Chief Oliverius said it is very impactful to have City leadership attend these events.

B. Police Department – Chief Cornett

Chief Cornett said the Police Department held two community meetings in May with two more scheduled. There were 1251 calls for service, which is actually a bit less than May 2021. There were 387 traffic stops. Of concern were the 4 gun charges, 7 PWID narcotics charges, and 18 DUIs.

Text To Park was implemented in the municipal parking lots over the weekend. Positive feedback has been received from users about this offering.

He shared with Committee members that Police Department staff receives active shooter training every year. Two staff members are certified by multiple agencies to complete this training.

Reporting on the incident that happened on Memorial Day, Chief Cornett said that four illegally held guns were taken off the streets. A large party on Saturday night at 3906 Palm Boulevard led to a noise complaint to which the police responded. Chief Cornett said, “This will be the first time that we successfully used the new rules that the Planning Commission recommended where we asked for the response of the property management company. The property management company did respond to the location and did evict all personnel because of breach of contract and told them they had to leave.”

Another large party that started at a county park in North Charleston ended up at the front beach and municipal parking lot on Monday. Police received information that there was an assault planned. Resources from the county, Mt. Pleasant, and Sullivan’s Island were called in to assist. Chief Cornett said it was a great use of mutual aid from local law enforcement. He said it is likely, but not confirmed, that the incidents on Saturday and Monday are related.

Chief Cornett hopes Charleston County will form a gang task force which would lead to a reduction in crime countywide. He has already spoken to Administrator Fragoso about the department having a representative on such a task force. Committee members expressed thanks to the IOP police department as well as the agencies who responded to the situation. Chief Cornett shared that area law enforcement leadership has begun meeting with more regularity to share information and intelligence.

Chief Cornett reported that there are two vacancies in patrol and two in BSOs. He said he will be down to one vacancy each shortly. He also said they were able to get drone video of traffic and beach activity over the weekend. Council Member Anderson said that footage will be shown to SCDOT so they have a better understanding of traffic flow onto the island.

Council Member Hahn asked about the 50% reduction in the amount of parking tickets written. Chief Cornett said, “Our goal is we want to see compliance. As we improve parking abilities or opportunities, we should see a reduction in tickets issued.” More people using Text-to-Pay has reduced the amount of tickets written. He also noted that parking has been more orderly on Palm

Boulevard since angled parking went in. He said that as long as parking falls under the purview of the police department resources will be pulled from parking management duties to handle life and safety issues such as locating a missing child or dealing with traffic backup. Council Member Hahn said a company who could take over parking management has contacted the City, and he suggested the Chief review what they would like to do.

Council Member Hahn also asked about jurisdiction on the IOP Connector. Chief Cornett responded, “Technically, our jurisdiction, the municipal jurisdiction stops at the flagpole. However, we have an agreement with Charleston County to give us jurisdiction from the flagpole to where the concrete meets the asphalt on the other end. The caveat of that is any tickets that are written or any charges made must be tried in the magistrate’s office in Mt. Pleasant.” He said it is a legal, binding contract that gives them that ability. He said officers will wait to pull someone over until they are off the bridge for safety reasons.

Council Member Anderson suggested changing the way people are charged for parking in the municipal lot to increase turnover. Administrator Fragoso said this issue has been looked into in the past. It creates an increased need for enforcement to ensure that people are paying. Hourly parking is available on 10th-14th avenues. Chief Cornett said the new LPRs will increase the efficiency of parking enforcement.

5. Old Business

A. Update on study of the modification to the IOP Connector, to include assessment of alternative configurations to improve traffic flow, pedestrian and emergency access and expanded scope for corridor study [Strategic Plan Priority 1, Goal b]

Administrator Fragoso shared a memo received just prior to the meeting from Jennifer Bihl. The memo will be posted online. Additional traffic evaluation will occur in July. The coordination of the next phase of the SCDOT study has begun. She said, “We have decided to expedite the process to go ahead and contract directly a traffic counting firm to get us additional data over the summer at the key intersections including 14th and Palm. We also included the curve at 41st Avenue and Rifle Range. So hopefully that will help us get the work on the corridor study expedited with SCDOT, and I think it will at the same time enhance the trust that the community and the City could have in the data that is being collected. That is something that the City will be hiring separately for.”

She reviewed the preliminary findings from their assessment of the Connector and adjacent intersections during March. She noted that this is off-season data. Some of the highlights include:

- medium speed for the IOP Connector is 47mph
- maximum weekend off island traffic time peaks from 2-3pm on Fridays
- maximum weekend on island traffic time peaks from 3-4pm on Saturdays
- 68% of the cars on the Connector are passenger vehicles
- oceanside parking in the area of 10-14th avenues reached capacity around noon

One of the recommendations they are evaluating is the installation of a “Be Prepared to Stop” sign with some flashing lights that would be triggered by some type of radar when congestion is

approaching the bridge crest to mitigate the risk of rear-end collisions. They are also recommending that the City increase speed enforcement or consider the use of speed feedback signs on the Connector.

Administrator Fragoso reported that SCDOT has updated traffic signal timings at the intersection of 14th and Palm Boulevard which has improved afternoon traffic backups. The City is evaluating additional signage at the right of way at 14th Avenue requiring people to continue moving as well as directional signage on the Mt. Pleasant side of the connector directing people how to turn at the end of the IOP side of the connector. The lane configuration at the IOP end of the connector will be studied by SCDOT.

Council Member Anderson said SCDOT plans to give the City eight alternate lane configurations for the Connector. City Council will narrow down the choices down three to present to the public for feedback.

Administrator Fragoso said of SCDOT's engagement, "Based on the meetings we have had, there is a commitment to working with the City once those alternatives are developed, working with the City to identify the most feasible model that meets both of our goals. The City's goal, which is we continue to emphasize is the emergency access. We have communicated that that is one of our primary goals, and for them is accommodating bike and pedestrian traffic. So I think the assignment is finding a solution that accommodates both."

Council Member Hahn said, "At least from my perspective, it is not we want it. It is a demand. We must have an emergency access lane. I would just remind everybody that they do not have the legal right to do what they have done, or do they have the legal right to get us to do anything else by statute. We need to be hard with them on that. That is a dealbreaker for me."

Council Member Hahn did not support the recommendation of more traffic signs on the island. He would like to see SCDOT to come here during peak times of July 4th and Labor Day weekends.

B. Discussion about potential changes to the noise ordinance [Strategic Plan Priority 4, Goal a]

While waiting for the completion of Mt. Pleasant's trial period of its new noise ordinance, Chief Cornett said he is reaching out to similar communities with noise ordinances and asking them about enforcement.

Administrator Fragoso pointed out there is not a one-size-fits-all solution for this concern and whatever ordinance City Council puts forth will need to have a trial period.

The Committee reviewed a decibel level chart. Administrator Fragoso said staff will continue to collect data and craft something for City Council to discuss later in the year.

C. Discussion regarding the division of transportation issues into different departments: traffic, roads, and transportation planning [Strategic Plan Priority 1, Goal b]

Council Member Anderson asked Chief Cornett what he sees as the traffic issues that fall within his purview. He responded, “For the police department, it is very simple. We just do enforcement. We enforce speeding. We enforce violations of traffic ordinances, and we enforce parking. We will help out when we need to if signs need to be put up. We will help put those up. If we see something where we say hey, this is an unsafe area, we may come to the City Administrator and say this is an area that we feel like we need to get with DOT or whoever we need to to address it. But typically, our involvement in transportation is just enforcement and make sure the traffic is flowing.”

Administrator Fragoso detailed how transportation issues are handled within the City: “We are a very small community. We have one traffic light in our community. We do not own roads with the exception of Ocean Boulevard between 10th and 14th, and there are other very random sections throughout the island that may have easement from Charleston County, but most of it is owned by SCDOT. So the City does not have a transportation or roads department. Whenever there is an issue with a road, let’s say there is a sinkhole that needs to be fixed, the City will submit that to SCDOT to include in their schedule for maintenance. So that is something that comes to us from complaints from the community or our staff who are on the road and say hey, there seems to be a sinkhole forming. We will submit that to SCDOT’s maintenance department. They respond to it as part of their on-going schedule in the county. If there are some areas that need some maintenance work that is something that is owned by the City, the City would contract that out directly, and oftentimes we will get assistance from Charleston County, who does have a public works department and are able to respond as needed. Or we would contract that out directly. That is something we have in our forecast budget for resurfacing of Ocean Boulevard between 10th and 14th. So that is part of a schedule. When it comes to transportation planning, in the past and currently, we engage services of traffic engineers we have on hold that we use to receive advice on certain issues whether it is signal timing or parking recommendations and we use Stantech and currently Jennifer Bihl has been added to the team of experts that we rely on.” Administrator Fragoso is the coordinator of these efforts.

Administrator Fragoso clarified that the City’s Public Works department is for garbage collection and not road maintenance. Council Member Streetman pointed out that Assistant Director Robert Asero is a good point person for road maintenance issues on the island.

6. New Business

A. Discussion of implementing the 4’ parking setback on the landside of Palm Boulevard from 51st to 57th Avenue [Strategic Plan Priority 1, Goal b]

Council Member Hahn said, “The issue is currently that area of Palm Boulevard, the sidewalk is on the ocean side of Palm Boulevard. All of the cut-throughs coming from Wild Dunes into Palm Boulevard, the cars are parking right on the edge of Palm Boulevard, so you cannot see traffic coming or going or see small children. Two suggestions that have been made to me. One is a 4’ setback which is what we have everywhere else. We ought to do it all the way down Palm

Boulevard for the same reason. And the second would be to move the crosswalks so that they line up with the cut-throughs coming out of Wild Dunes, go straight across and dump you into sidewalk.”

Administrator Fragoso clarified, “Two years ago, City Council approved changes to the parking plan that included requiring that 4’ setback all the way to 53rd. So currently, it is 53rd, and between 53rd and 57th, there is an open ditch. Not enough space to allow a vehicle to park within 4’ of the road without essentially being inside the ditch. So that felt unsafe and installing that 4’ setback in that section would essentially eliminate parking on that end.”

Administrator Fragoso said she would ask Jennifer Bihl or Stantech to evaluate the “traffic volumes on that end and maybe make some recommendations whether that area should be piped, the drainage structure there to be piped to allow for parking 4’ off the road or any other recommendations.”

She pointed out that there is a setback at every intersection and a 20’ buffer where parking is not allowed on either side of the landside beach access paths.

B. Discussion of Parking Enforcement [Strategic Plan Priority 1, Goal a]

Council Member Hahn said this was addressed in Chief Cornett’s report.

C. Discussion of entering into Automatic Aid Agreement with Mt. Pleasant [Strategic Plan Priority 3, Goal d]

Chief Oliverius spoke about the importance and workings of an automatic aid agreement. He said that he and Chief Hathaway are meeting with Chief Mixon and his staff today to work out parameters of the agreement. He said there is no cost to the City to enter into such an agreement except for minor fuel costs should the need arise for IOP personnel to respond to an incident in Mt. Pleasant.

D. Approval of FY23 capital purchases for Police and Fire:

- i. Three (3) patrol vehicle replacements - \$135,000, state contract pricing
- ii. Two (2) Ford F-150 truck replacements (re-budgeted from FY220 - \$87,000
- iii. One (1) F-250 replacement (re-budgeted from FY220 - \$70,000
- iv. Replacement of ATV with small pickup truck - \$28,000

Administrator Fragoso said these four items are included in the FY23 budget. Due to the delays in securing vehicles, staff would like these purchases approved now so they can get the process going. Backup information for the purchases will be provided at the Ways & Means Committee.

MOTION: Council Member Hahn made a motion to recommend the approval of these purchases to the Ways & Means Committee. Council Member Streetman seconded the motion. The motion passed unanimously.

7. **Miscellaneous Business – none**

8. **Adjournment**

Council Member Hahn made a motion to adjourn, and Council Member Streeman seconded the motion. The motion passed unanimously. The meeting was adjourned at 11:57am.

Respectfully submitted,

Nicole DeNeane
City Clerk



PUBLIC WORKS COMMITTEE
3:30pm, Wednesday, June 8, 2022
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 Bogosian, Hahn, and Ward

Staff Present: Director Kerr, Director Pitts, Asst. Director Asero

2. Approval of previous meeting's minutes – May 4, 2022

Council Member Hahn made a motion to approve the minutes of the May 4, 2022 meeting, and Council Member Bogosian seconded the motion. The motion passed unanimously.

3. Citizens' Comments -- none

4. Department Reports – Director Pitts and Assistant Director Asero

Director Pitts said garbage collection was down a little for May. The Public Works department remains caught up on clearing yard debris. While there was an uptick in vehicle maintenance in May, Director Pitts said they will end the year significantly under budget in that line item.

Asst. Director Asero reported that the tide valves for the SCDOT project at 25th Avenue have arrived and are waiting to be installed. He said the project at 30th Avenue is also going very well.

Eadie's has been back on the island clearing vegetation at 41st Avenue as well as the ditch between Forest Trail and 34th Avenue and other places around the island.

Facilities maintenance work included a roof leak repair at City Hall, a repair of a bathroom leak at the Public Safety Building, and the scheduling of a generator check at the Public Safety Building. He is also working on estimates for a security system for the Public Works Building.

Cleanups of the municipal lots on front beach continue. Cigarette receptacles are being installed around the island. They have also been coordinating with the IOP Cleanup Crew for beach sweeps.

Asst. Director Asero reported that he has seen many golf carts using the newly completed golf cart path at Ocean Park Plaza.

Public Works staff has regraded and reinstalled 200' of MobiMat at 9th Avenue and added 50' of MobiMat at 42nd Avenue. They have also been discussing an additional emergency entrance and exit at 14th Avenue with the Fire Department.

Citywide flower installation, the Memorial Day flag installation, and the installation of a welcome sign at the public dock were also completed in May.

The compactor and dumpsters continue to have weekly washing and the concrete pad has been professionally power washed. Welding for the new gate at the compactor is complete and a new garbage chute for the compactor has been installed. The restroom attendant is monitoring the compactor weekly and three times a day on the weekend. Asst. Director Asero said that the extra monitoring is extremely helpful. He has not received any feedback from the area businesses about the changes at the compactor site. He shared that Mr. Jones is going to pour a concrete slab later this summer where the rats seem to be congregating, and he believes that will also help.

5. Old Business

A. Update on Phase III Drainage Project [Strategic Plan Priority 5, Goal c]

Director Kerr reported that the project at 30th Avenue is going very well. They have crossed the golf course and should be able to reopen the course soon. Staff continues to work through the issue with the power pole at the intersection with Waterway Boulevard. The road closure proposed for the end of July is being shifted to the end of August after school is back in session.

B. Update on the installation of improvements to golf cart path along Ocean Park Plaza and intersection improvements at Ocean Boulevard and JC Long Boulevard [Strategic Plan Priority 1, Goal b]

Council Member Ward said he is pleased that the golf cart path project at Ocean Park Plaza is complete. Director Kerr reported the contract for the intersection improvements at Ocean Boulevard and JC Long Boulevard has been executed but the work will be delayed until the end of August.

C. Discussion of improvements to existing compactor located at the Small Municipal Parking Lot

This topic was covered in Asst. Director Asero's report.

6. New Business

A. Discussion of recommendations from the Environmental Advisory Committee on beach holes and shovel prohibition

Director Kerr said this suggestion comes from the Wildlife subcommittee of the Environmental Advisory Committee out of concern for the sea turtles and the health and safety of those walking along the beach. He said a similar action was suggested many years ago and did not come to fruition. The contractor on the beach and sometimes the BSOs will fill in holes left behind by beach visitors, but he is unsure how frequently that happens. Several beach communities in South Carolina have adopted such an ordinance as presented to the Committee.

Committee members had no issue with the filling of the holes needing to be done before sunset. After a brief discussion, Council Member Ward said the issue should return to the Environmental Advisory Committee for further work.

7. **Miscellaneous Business -- none**

8. **Adjournment**

Council Member Bogosian made a motion to adjourn, and Council Member Hahn seconded the motion. The meeting was adjourned at 3:50pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Recreation Committee Meeting
12:30pm, Monday, June 6, 2022
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 Miars, Ward and Popson

Staff Present: Administrator Fragoso, Director Page

2. Approval of the previous meeting's minutes – April 11, 2022

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

3. Citizens' Comments – none

4. Departmental Reports – Director Page

Director Page there will be pickleball lessons throughout the summer and the league will start back up in the fall. Several athletic summer camps are currently running.

Upcoming recreation events include the Farmers' Market on June 16 (and running through October), the Sand Sculpting Contest on June 11, the Beach Run next month, the Half Rubber Tournament in August, and the 30th Annual Isle of Palms Connector Run in October.

Most classes have been suspended for the summer. Meditation is now on Mondays at the Recreation Center and on the Public Dock.

Summer Camp began today with 62 children in attendance. She commended Josh for keeping the Recreation Center cleaned and sanitized and Cody Buckhannon for his work on the grounds.

The RFPs for the basketball and pickleball courts are ready to go out soon. City Council will be made aware when they go out.

5. Old Business -- none

6. New Business -- none

7. Miscellaneous Business

City Council will receive Recreation Center updates at the workshops, the first of which will be on July 12. All paper reports will still be part of the meeting packets.

8. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Miars seconded the motion. The meeting was adjourned at 12:41pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



Personnel Committee
9:00am, Wednesday, June 1, 2022
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 Anderson, Pierce, and Bogosian

Staff Present: Director Kerr

2. Approval of previous meeting's minutes

MOTION: Council Member Pierce made a motion to approve the minutes of the May 3, 2022 meeting. Council Member Anderson seconded the motion. The motion passed unanimously.

3. Citizens' Comments

4. Old Business

A. Consideration of applicants to fill two (2) vacancies on the Accommodations Tax Advisory Committee: Hospitality and Lodging

Council Member Bogosian reported that due to another resignation from the ATAX Committee, there are currently two openings: one for lodging and one for hospitality. The Committee will schedule a special meeting later this month to interview the new applicant for the open hospitality position.

MOTION: Council Member Bogosian made a motion to recommend that City Council appoint Rebecca Kovalich to the open lodging position on the ATAX Committee. Council Member Pierce seconded the motion. The motion passed unanimously.

B. Discussion and consideration of having a referendum in the November 2022 elections to ask citizens if they want to reduce the size of Council from 9 to 7 members

Administrator Fragoso referred to an updated version of the ordinance received from legal counsel yesterday. She said, "In order to be in compliant with State statute, the recommendation would be to eliminate a seat at the end of the following municipal election. State statute essentially does not allow for two-year terms with the exception of when there is a change in the form of government or when a municipality is just becoming incorporated. Because neither of those apply to us, we have not found a way to maintain the staggered terms and be compliant with the State. So there would be a period of two years that the City would have eight council

members between 2024 and 2026.” The second council seat would be eliminated in the 2026 election cycle.

She added that this will be a binding referendum. City Council would still need to approve an ordinance via two readings codifying the reduction in Council size in order to implement the change.

MOTION: Council Member Bogosian made a motion to recommend the draft ordinance to City Council for discussion and consideration at their June meeting. Council Member Pierce seconded the motion. The motion passed unanimously.

5. New Business

A. Discussion of proposed changes to annual leave policy and accrual rates

Administrator Fragoso reminded the Committee that these changes to the annual leave policy and accrual rates were recommended by the Wage & Compensation Study. She said the change is related to Strategic Priority 6 which is to have a strong recruitment and retention policy.

She added, “My main concern is right now when you compare our vacation accrual policy for new hires, it is pretty low, and I think that there’s an opportunity to improve that with the new generation of folks that are entering the workforce.”

The Committee briefly discussed current vacation accrual and annual leave policies.

Administrator Fragoso will discuss the matter further with the department heads and bring a proposal to the July 12 workshop for Council discussion.

6. Miscellaneous Business

The Personnel Committee will hold a Special Meeting later in June to interview the candidate for the open hospitality position on ATAX and Planning Commission.

7. Adjournment

Council Member Bogosian made a motion to adjourn, and Council Member Pierce seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:27am.

Respectfully submitted,

Nicole DeNeane
City Clerk

Application for Boards and Commissions

Applicant Name

Gloria Clarke

Position Sought

Accommodations Tax Advisory Committee

Home Phone

(843) 708-7895

Work Phone**Mobile Phone**

(843) 708-7895

Email

gloriaheatonclarke@gmail.com

Are you a resident of the Isle of Palms?

Yes

How many years have you lived in the Isle of Palms?

34

Address

29 42nd Ave, Isle of Palms, South Carolina 29451

Occupation and Title

retired

Business or Employer Name**Have you ever served on a board or commission for the City of Isle of Palms or another local government?**

No

If yes, please provide information about that service

Have you served as an elected official of local government?

No

Please list community and volunteer activities you may be involved in.

none

Are you currently in a position of responsibility in an organization or board that has received or is seeking funding from the City of Isle of Palms? If yes, list position and date of hire.

no

State your interest in serving on this Board or Commission.

My entire working career has been in the Hospitality sector. Here locally, working in group sales at the Francis Marion Hotel and opening Charleston Place Hotel. Moving on to the Ritz Carlton Hotel Co., Stouffer Hotels, and for 20 years at the Charleston Area Convention and Visitors Bureau. I retired one year ago.

Upload Résumé

Note: This is an application only and indicates your willingness to serve on an Isle of Palms Board or Commission. You will be notified when a seat is vacant and will be considered among other applicants. Final selection will be determined by the Isle of Palms City Council. Thank you for your interest in serving the Isle of Palms.

Application for Boards and Commissions

Applicant Name
Rebecca Kovalich

Position Sought
Accommodations Tax Advisory Committee

Home Phone
(843) 886-8970

Work Phone

Mobile Phone
(336) 817-3999

Email
rkovalich@yahoo.com

Are you a resident of the Isle of Palms?
Yes

How many years have you lived in the Isle of Palms?
2,005

Address
104 Charleston Blvd, Isle of Palms, South Carolina 29451

Occupation and Title
Clinical laboratory shareholder and consulting

Business or Employer Name
Select Laboratory Partners, LLC

Have you ever served on a board or commission for the City of Isle of Palms or another local government?
No

If yes, please provide information about that service

Have you served as an elected official of local government?
No

Please list community and volunteer activities you may be involved in.
Volunteered lab services to free clinics

Are you currently in a position of responsibility in an organization or board that has received or is seeking funding from the City of Isle of Palms? If yes, list position and date of hire.
No

State your interest in serving on this Board or Commission.

The ATAX committee has a community responsibility to appropriately direct the Island's short term rental revenue to its highest and best use. My experience has been to successfully create options that are acceptable to both the organization and to the people that support it.

Upload Résumé
resume rebecca April 2019 CHS.doc

Note: This is an application only and indicates your willingness to serve on an Isle of Palms Board or Commission. You will be notified when a seat is vacant and will be considered among other applicants. Final selection will be determined by the Isle of Palms City Council. Thank you for your interest in serving the Isle of Palms.



REAL PROPERTY COMMITTEE

1:30pm, Monday, June 6, 2022

1207 Palm Boulevard, Isle of Palms, SC 29451

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

MINUTES

1. Call to order

Present: Council members Miars, Popson and Streetman

Staff Present: Director Kerr

2. Approval of previous meeting's minutes – May 9, 2022

MOTION: Council Member Popson made a motion to approve the minutes of the May 9, 2022 meeting and Council Member Miars seconded the motion. The motion passed unanimously.

3. Citizens' Comments -- none

4. Marina Tenant Comments -- none

5. Old business

A. Update on the proposed public dock and greenspace at the IOP Marina

Director Kerr said that they are waiting on pricing from ATM for the design work on the public dock. Staff is working with Davis & Floyd on the details of the layout of the greenspace. He reviewed some issues with landscaping configuration affecting the available parking spaces. They will be discussing the plans more on Friday. He believes the project is on track to begin after the season and completed by the end of 2022. Council Member Popson said he would like to see as much landscaping there as is possible since the area is stark.

B. Update on ADA beach access improvements

Director Kerr said the RFP for the 34A beach access path is ready to be released. They anticipate having pricing available by the July 12 Council workshop. Construction would begin after the season.

He also reported that Asst. Director Asero continues to work on keeping the extended MobiMats at 42nd and 9th avenues straight and clean. Public Works and the landscape contractors are monitoring the mats and the tide levels to determine if the mats can be extended at other beach accesses.

6. New Business

Discussion of structural assessment report of timber bulkhead at the IOP Marina along the Intracoastal Waterway performed by Davis & Floyd

Director Kerr said, “They felt like the bulkhead looked generally okay for its age. They weren’t terribly concerned about it falling down or not being useful in the near future. But they were not able to, and they believe that it is not tied back, there’s no kind of deadmen tying it back into the earth basically. So that’s a concern. Also, we had tasked them with seeing whether or not we could put a new, wider decking over the top of it, and they basically said that that would be one solution for both problems. So they are going to first give us a proposal to develop a plan that would create a substructure for us to be able to attach this wider decking to connect our community dock to the greenspace to the back of the restaurant. It would also at the same time be giving that structure that would hold the seawall back and tie it into the earth better. So they are going to give us a proposal. We don’t expect that to be too terribly expensive, and they should have that proposal back to us in the next 10 days or so...At the end of the day, it’s fairly minor problems with what is existing, but the next big hurdle is this retrofit that would allow us to attach a deck to it.”

The bulkhead is estimated to be 30 years old with no prior repairs. It has aged better than the others in the area since it does not get hit by high tides as much.

More geotechnical information about the bulkhead will be collected.

Public inquiries about the bulkhead report are being responded to, some by staff and some by Davis & Floyd.

7. Miscellaneous Business -- none

8. Adjournment

Council Member Poposon made a motion to adjourn and Council Member Miars seconded the motion. The meeting was adjourned at 1:51pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



BOARD OF ZONING APPEALS
4:30pm, Tuesday, June 7, 2022
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

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

Absent: Glenn Thornburg, Ted McKnight

2. Approval of Previous Meeting's Minutes

MOTION: Ms. Campsen made a motion to approve the minutes of the May 3, 2022 meeting, and Mr. Abel seconded the motion. The minutes passed unanimously.

3. Swearing in of applicants

Ms. Campsen swore in the applicants.

4. Home Occupations

A. 6 19th Avenue

Director Kerr said the applicant, John Moye, is requesting a special exception to allow for the establishment of "a business that would provide virtual educational services." He will be creating and hosting educational programs for remote students. There will be occasional deliveries of school-related items via Amazon. There will be no business-related traffic and no exterior evidence of a business.

MOTION: Mr. Karig made a motion to approve the request as submitted. Mr. Abel seconded the motion. The motion passed unanimously.

B. 3506 Palm Boulevard

Director Kerr said the applicant, Angela Jones, is requesting a special exception to allow for the establishment of a residential real estate agent's office. The home would be used for office work only. There would be no business-related traffic or employees at the home. Ms. Jones indicated there will be no exterior signage.

MOTION: Ms. Campsen made a motion to approve the request as submitted. Mr. Karig seconded the motion. The motion passed unanimously.

5. Miscellaneous Business

Director Kerr reported that City Council recently adopted a Code of Conduct that applies to them as well as all members of City boards and commissions. It will be distributed to the Board members.

6. Adjournment

Mr. Abel made a motion to adjourn and Mr. Karig seconded the motion. The meeting was adjourned at 4:40pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Planning Commission Meeting
4:30pm, Wednesday, June 8, 2022
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Steve Corney, Ron Denton, David Cohen, Marty Brown, Sue Nagelski, Sandy Stone, Jeffrey Rubin, and Douglas Kerr, Director of Planning

2. Welcome new member Jeffrey Rubin

Mr. Denton welcomed Dr. Jeffrey Rubin to the Planning Commission. Dr. Rubin introduced himself to the Commissioners.

3. Nomination and election of Vice Chairman

MOTION: Ms. Nagelski nominated Mr. Brown as Vice Chair of the Planning Commission. Mr. Denton seconded the motion. The motion passed unanimously.

4. Approval of minutes

Mr. Stone made a motion to approve the minutes of the May 11, 2022 regular meeting. Mr. Corney seconded the motion. The motion passed unanimously.

5. New Business

Discuss and consider short-term rental recommendations of implementing a cap

Director Kerr noted the changes to the proposed draft ordinance including a revised map to include three zones and an uncapped zone, a 10% cap implanted in the corresponding zones using the 2020 number of short-term rental licenses plus 10%, and the transferability of a business license upon the sale of a property.

Mr. Corney expressed concern that the uncapped zone contains over 1000 properties that do not have short-term rental licenses, and without a cap, that means hundreds of more short-term rentals could become available. Mr. Stone agreed noting that after years of short-term rental licenses, the market has determined where short-term rentals need to be on the island.

Mr. Corney said, "I'm just concerned that we are creating a dynamic that forces licenses into one area and I'm not sure that is what we want to be doing." He suggested that those trends of where short-term rentals are located might continue as they have been with an overall cap across the island.

Ms. Nagelski pointed out that one of the reasons for this investigation into short-term rentals was to maintain the quality of life and livability in the neighborhoods.

Commissioners discussed at length what could happen with caps in certain zones and a cap across the island. Mr. Brown said that they will likely need to revisit whatever ordinance is put in place should livability issues arise. Mr. Stone added that there has been a decrease in short-term rentals over the last 18 months, and he believes this trend will continue.

Commissioners all agreed the business license should transfer with the sale of the property.

Commissioners also discussed the need to cap occupancy to 8 people in new construction or new licenses in capped areas and 12 people uncapped areas.

Director Kerr summarized their discussion: “We are going to point out a one-year review and focus on the potential for capping residential areas that are currently uncapped... We are going to change this draft for their consideration that would say if you have an active license and...if you go for more than a year without it licensed” the occupancy is capped.

Director Kerr said he will give a review to City Council of the data collected and analyzed by the Planning Commission at the Special Joint Meeting tentatively scheduled for Tuesday, June 21 at 3:30pm.

MOTION: Mr. Denton made a motion to recommend to City Council the draft ordinance as discussed and amended. Mr. Brown seconded the motion. The motion passed unanimously.

6. Old Business

A. Discuss Transportation Element of Comprehensive Plan Update

Director Kerr said he will have a revised draft of the Transportation Element available for the Commissioners to review at their July meeting. He updated the Planning Commission on the status of the SCDOT studies of the IOP Connector and the corridor from Hwy17 to Palm Boulevard. The recommendations from those studies will need to be incorporated into the Transportation Element.

7. Miscellaneous Business

Director Kerr referred to the new Code of Conduct passed by City Council, noting that the code applies to all members of City Boards and Commissions. He asked the Commissioners to review the document and be prepared to sign it at some point in the near future.

8. Adjournment

Mr. Corney made a motion to adjourn, and Mr. Stone seconded the motion. The meeting was adjourned at approximately 5:55pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



ACCOMMODATIONS TAX ADVISORY COMMITTEE

1:00pm, Monday, June 20, 2022

1207 Palm Boulevard, Isle of Palms, SC and

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

MINUTES

1. Call to order

Present: Doug Truslow, Ray Burns, Barb Bergwerf, Chas Akers, Chrissy Lorenz

Staff Present: Administrator Fragoso, Treasurer Suggs

Mr. Burns asked Committee members to introduce themselves and give a brief background statement.

2. Approval of the previous meetings' minutes – April 7, 2022

MOTION: Ms. Bergwerf made a motion to approve the minutes. Mr. Truslow seconded the motion. The minutes passed unanimously.

3. Financial Statements – Treasurer Suggs

Treasurer Suggs said there is \$2.5M in cash of ATAX funds as of May 31, 2022. She reviewed the expenditures and ATAX-approved sponsorships through May 31, 2022. For the benefit of the new members, she gave a detailed explanation of each expenditure.

4. Old Business

Discussion and consideration of request for ATAX funding from the IOP Chamber of Commerce for website Development

Katrina Limbach, founding president of the Isle of Palms Chamber of Commerce, gave a brief history of the formation of the Chamber and the work of the Board to date. They came before the Committee requesting \$10,000 towards the expense of social media development and management. They are ready to sign a contract to begin that social media interaction.

After a lengthy discussion, Committee members felt it was necessary for the Chamber to amend its original application to clarify that the money will be used for social media development and management for the purpose of attracting tourists. Ms. Limbach and Mr. Sandy Stone, founding treasurer of the Chamber, believe the total advertising budget will be \$120,000-\$175,000 in the first year.

Administrator Fragoso clarified for the Committee: “If you look at the State law where it talks about what is eligible, tourism-related expenditures, it talks about the advertisement and promotion of tourism in the area, and I think if the Chamber can make a direct link between their social media activity and how that is generating tourism through the generation of publicity, then that would be an eligible expense.”

Mr. Truslow asked why the CVB could not completely fund these efforts on behalf of the Chamber since there is so much overlap between the work of the two organizations. Mr. Stone said that a portion of website traffic for all CVB members and eventually for the Chamber is fed by the CVB driving people to their websites. He would like that to continue.

MOTION: Ms. Bergwerf made a motion to approve the Chamber’s request of \$10,000 contingent upon the receipt of the amended application specifying the social media component and a report to the ATAX Committee on the expenditures of those funds. Mr. Akers seconded the motion.

Mr. Truslow said that he would not vote in favor of the request since this is a new venture and believes seed money cannot be given to new ventures. He would like to hold off on voting until the two new members are seated and there is a more streamlined application process in place.

Administrator Fragoso clarified again, “The law requires that the expenditure be used to attract and provide for tourists and the promotion of tourism on the island. I think that is up to them to make their case whether or not what they are requesting monies for, which is social media development for tourism, it’s that definition or not.

Ms. Limbach said the CVB has been very supportive of their formation and initial efforts. The CVB has paid Blue Ion directly for the formation of the Chamber’s website and has not capped the amount of money they are using to support its development.

Administrator Fragoso noted that a common theme from discussions of the previous ATAX Committee and the ATAX Taskforce was the need for more IOP-focused marketing. She said this social media component from the Chamber is an opportunity to fill that need.

Administrator Fragoso clarified 1:16:45

VOTE: A vote was taken as follows:

Ayes: Bergwerf, Akers, Burns, Lorenz

Nays: Truslow

The motion passed 4-1.

5. New Business

A. Discussion of proposed FY23 budget from the Charleston Visitors Bureau for the City's 30% state ATAX funds for tourism promotion and advertisement

Lori Smith, COO and Chris Campbell, Communications Director of the CVB, came before the Committee to present the CVB's FY23 budget. Ms. Smith said the budget is based on an assumption the CVB will receive \$875,000 in ATAX funding from the City's ATAX funds.

Ms. Smith explained in detail where IOP ATAX dollars are spent in proportion to the share and makeup of available rooms in the municipalities covered by the CVB. Ms. Smith admitted this is a new model of accounting that is complicated, but they hope will be more easily measured since it is based on the inventory of rooms in participating municipalities.

Ms. Smith said the IOP-specific website being created by the CVB is still in development. The City is helping to contact all island businesses to make them aware of their ability to list their business on this website even if they are not CVB members.

Committee members asked if there will be priority given to those municipalities, such as IOP, who pay more into the CVB. Ms. Smith said there will be more information about that in future after they have taken this model to all participating municipalities. IOP will pay for ad shares based on the number of rooms as indicated earlier in their presentation. Mr. Akers said "at a bare minimum" he would like to see a 50-50 split between spends on local versus regional marketing. Ms. Smith indicated that IOP-specific print advertising has been done in response to requests from the ATAX Committee.

Ms. Smith said, "What we are trying to do is grow beyond our original mission, which was to promote the region and also address your concerns to promote your local municipality."

Ms. Smith also said that their annual report back to the ATAX Committee will provide metrics aligned around rates and occupancy to show the success of their advertising. The CVB will also provide ATAX Committee members with the quarterly email they send to City Council regional and municipal statistics such as occupancy, average daily rates, and booked average daily rates. Quarterly updates from the CVB to the ATAX Committee were briefly discussed.

Mr. Burns asked that future marketing target short-term rental owners since a large share of ATAX funds are generated by visitors staying in short-term rentals.

B. Discussion of standardizing the grant application process for state ATAX funds

Administrator Fragoso referred to a one-page document provided to Committee members proposing a new way of administering sponsorship applications in the future. She said many municipalities handle this through a standardized annual process. Applications would be solicited once a year from nonprofit organizations for activities, events, or programs that fall within the statutory tourism-related expenditures. Those applicants could participate in a workshop to clarify the eligibility criteria and explain the application. All applications would be reviewed at one time so that the allocation of those funds could be embedded into the City's budgeting process.

This will be done to streamline the process and keep meetings to a minimum. She said it will be important for the Committee to establish criteria so that sponsorship applicants know what to expect before coming to the Committee to make a financial request. The new process will also establish reporting requirements to make sure the ATAX monies are being spent in accordance with the State law.

Mr. Burns would like to see the process started in the fall so that there is time to review the applications and have it seamlessly feed into the FY24 budgeting process. Committee members agreed they would like to discuss increasing the \$50,000 sponsorship budget.

Administrator Fragoso said she would bring something to the next meeting for discussion and finalization.

6. Miscellaneous Business

The next meeting of the ATAX Committee will be held on Tuesday, August 23, 2022 at 1pm.

7. Adjournment

Ms. Bergwerf made a motion to adjourn, and Mr. Akers seconded the motion. The meeting was adjourned at 3:57pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



ENVIRONMENTAL ADVISORY COMMITTEE

4:00pm, Thursday, June 9, 2022

1207 Palm Boulevard, Isle of Palms, SC

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

MINUTES

1. Call to order

Present: Deb Faires, Linda Plunkett, Mary Pringle, Doug Hatler, Grace Jurgela

Absent: Jonathan Knoche, Molly Marino, Belvin Olasov, Sandra Brotherton

Staff Present: Director Kerr, Council Member Bogosian

2. Approval of previous meeting's minutes

MOTION: Dr. Plunkett made a motion to approve the amended minutes of the April 21, 2022 meeting, and Mr. Hatler seconded the motion. The amended minutes passed unanimously.

3. Citizens' Comments

Susan Smith, 20 23rd Avenue, gave the Committee a detailed update of the work of the IOP Cleanup Crew. She reported that the crew is now stocked with clipboards and reusable buckets thanks to support from Palmetto Pride. Eight Monday night sweeps have been held since March resulting in 9000 pieces of litter being collected. Approximately 25-40 volunteers help at each sweep. A new Wednesday morning beach sweep with Beach Santa targeting city streetscapes and parking lots began recently. A No Toys Left Behind and Fill-a-Bag station has been added to the Front Beach area. Ms. Smith suggested to the Committee the creation of an IOP Landscaping Guide covering such topics as designing and caring for an eco-friendly yard, use of native plants, how to create a rain garden, use of pesticides and herbicides, and composting. Dr. Plunkett said she would share the idea with the Garden Club who could possibly create such content. The guide could be made available on the City's website.

Ms. Smith also said that she has mixed feelings about banning metal shovels on the beach as a metal shovel is a more sustainable item than a plastic shovel. She asked what results other communities have seen by banning the metal shovels.

MOTION: Dr. Plunkett made a motion to reorder the agenda to allow for the item under New Business regarding recycling to be heard first. Mr. Hatler seconded the motion. The motion passed unanimously.

4. New Business

A. Discussion of Fisher Recycling

Elizabeth Fisher, co-owner of Fisher Recycling, said that her company recycles glass since it is not being recycled by Charleston County. The glass her company recycles is repurposed into countertops that they make and sell. They are proposing that IOP become the first municipality in this part of the state to have a glass recycling program. Weekly pickup at two stops would be \$9,600 per year. The program could be funded by the City or through private or public grants.

5. Old Business

A. Wildlife

Director Kerr shared feedback from the Public Works Committee regarding the proposed ordinance banning metal shovels on the beach. He said that while the Committee agreed that those digging holes need to fill them, they were apprehensive about banning metal shovels and creating hole size specifications that need to be enforced. He said it may be better to identify the problem rather than go after a specific material. One suggestion would be to ban holes being dug behind the high tide line where they cannot be filled by the tide coming in. This would also make enforcement easier. Committee members agreed on the banning of holes being dug in the sand above the high tide line. More work on this ordinance will come before the Committee at its July meeting.

Ms. Pringle reported on bird rookeries that have been marked off in the areas of 48th, 50th, and 51st avenues. She said that some sea turtles have crawled through the rookeries. However, she said the bigger problem has been the coyotes eating the turtle eggs, which is mostly happening at nesting sites in Wild Dunes. Turtle Team members and DNR have saved many eggs in nests disturbed by coyotes. The remaining eggs have been relocated.

B. Water Quality

Director Kerr said a meeting with Charleston County to discuss water quality issues is being set up. He said there is \$15,000 set aside in the FY23 budget for water quality testing on the backside of the island.

C. Climate Change

Ms. Pringle said the Climate Change resolution was not well received by City Council, and Mr. Olasov has suggested tabling the issue until modifications can be made. Council Member Bogosian is to work with Mr. Olasov on making those changes to the resolution before it goes back to Council for further consideration.

6. New Business

B. Discussion of City Council's consideration of extending the single-use ban

Director Kerr shared that City Council passed the First Reading of an ordinance that would extend the suspension of the enforcement of single-use plastics by restaurants through September

1. He explained that restaurant owners have supply of the non-environmentally friendly materials they would like to exhaust before being required to go back to acceptable materials. Director Kerr said that he feels this will be the last extension of this kind that City Council will be giving.

MOTION: Dr. Plunkett made a motion to recommend to City Council to not extend the grace period beyond September 1, 2022 and reinforce the ban on Styrofoam and single-use plastics by restaurants. Mr. Hatler seconded the motion. The motion passed unanimously.

7. Miscellaneous Business

The next meeting of the Environmental Advisory Committee will be Thursday, July 14, 2022 at 4:00pm. Dr. Plunkett asked that meeting dates for the remainder of the year be sent to Committee members for proper planning.

Director Kerr will include the recommendation for a glass recycling program on next month's agenda.

8. Adjournment

The meeting was adjourned at 5:16pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

ORDINANCE 2022-03

AN ORDINANCE TO EXTEND THE TEMPORARY SUSPENSION OF ENFORCEMENT OF TITLE 3, PUBLIC WORKS, CHAPTER 4, ENVIRONMENTALLY ACCEPTABLE PACKAGING AND PRODUCTS, **SECTION 3-4-6(a), PROHIBITED SALES AND USES**, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, FOR BUSINESSES AFFECTED BY GLOBAL SUPPLY CHAIN ISSUES DUE TO THE COVID-19 PANDEMIC.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That enforcement of **Section 3-4-6(a), Prohibited sales and uses of** Chapter 4, Environmentally Acceptable Packaging and Products, of Title 3, Public Works, of the City of Isle of Palms Code of Ordinances, is hereby temporarily suspended until September 1, 2022 for businesses affected by global supply chain issues due to the Covid-19 pandemic. Provided, however, that no business establishment in the City of Isle of Palms may provide single use plastic bags at point of sale.

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

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

SECTION 4. That this Ordinance shall become effective immediately upon ratification and shall expire on _____, 20____.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2022.

Phillip Pounds, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____

ORDINANCE 2022- 04

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ISLE OF PALMS TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN SIXTH AMENDMENT AND CONSENT TO ASSIGNMENT OF COMMERCIAL LEASE AGREEMENT FROM MARINA JOINT VENTURES, INC. TO MORGAN CREEK MARINA, LLC, ATTACHED HERETO AS EXHIBIT I AND INCORPORATED HEREIN BY REFERENCE.

WHEREAS, Landlord THE CITY OF ISLE OF PALMS, SOUTH CAROLINA (“*Landlord*”), and Marina Joint Ventures, Inc., a South Carolina corporation (“*Marina Joint Ventures*”), entered into that certain Commercial Lease Agreement dated as of September 10, 2009, as amended by that certain Amendment to Commercial Lease Agreement dated as of June 2, 2010, as further amended by that certain Second Amendment to Commercial Lease Agreement dated as of April 25, 2012, as further amended by that certain Third Amendment to Commercial Lease Agreement dated as of July 24, 2012, as further amended by that certain Fourth Amendment to Commercial Lease Agreement dated as of February 26, 2015, as further amended by that certain Fifth Amendment to Commercial Lease Agreement dated as of November 10, 2020 (collectively, the “*Lease*”), pursuant to which Landlord has leased to Marina Joint Ventures, and Marina Joint Ventures has leased from Landlord, certain real property and improvements as more fully set forth in the Lease (the “*Property*”); and

WHEREAS, Marina Joint Ventures is conveying its interest in the Property and assigning its rights and obligations in the Lease to MORGAN CREEK MARINA, LLC, a South Carolina limited liability company (“*Tenant*”) in conjunction with the execution of this Sixth Amendment to Commercial Lease Agreement; and

WHEREAS, in accordance with Section 9(A) of the Lease, Landlord consents to the conveyance of Marina Joint Ventures’ interest in the Property from Marina Joint Ventures to Tenant and the assignment of Marina Joint Ventures’ rights and obligations under the Lease from Marina Joint Ventures to Tenant; and

WHEREAS, Landlord and Tenant desire to further amend the Lease, as more fully set forth in the Sixth Amendment to Commercial Lease Agreement, attached hereto as Exhibit I and incorporated herein by reference; and

WHEREAS, City Council finds that leasing the Property under such amended terms to MORGAN CREEK MARINA, LLC will serve the interest of the public health, safety, welfare and general convenience of the residents of the City of Isle of Palms; and

WHEREAS, S.C. Code sections 5-7-40 and 5-7-260 require that City Council act by ordinance in leasing any lands of the municipality.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. City Council authorizes the City Administrator to execute the Sixth Amendment to Commercial Lease Agreement between the City of Isle of Palms and MORGAN CREEK MARINA, LLC which is attached hereto as Exhibit I and incorporated herein by reference.

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

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

SECTION 4. That this Ordinance shall take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2022.

Phillip Pounds, Mayor

(Seal)
Attest:

Nicole DeNeane, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

EXHIBIT I
(ATTACH SIXTH AMENDMENT)

SIXTH AMENDMENT TO COMMERCIAL LEASE AGREEMENT

This SIXTH AMENDMENT TO COMMERCIAL LEASE AGREEMENT (this “*Amendment*”) is made effective as of the ____ day of [], 2022 (the “*Effective Date*”), by and between THE CITY OF ISLE OF PALMS, SOUTH CAROLINA (“*Landlord*”), MORGAN CREEK MARINA, LLC, a South Carolina limited liability company (“*Tenant*”).

RECITALS:

WHEREAS, Landlord and Marina Joint Ventures, Inc., a South Carolina corporation (“*Marina Joint Ventures*”), entered into that certain Commercial Lease Agreement dated as of September 10, 2009, as amended by that certain Amendment to Commercial Lease Agreement dated as of June 2, 2010, as further amended by that certain Second Amendment to Commercial Lease Agreement dated as of April 25, 2012, as further amended by that certain Third Amendment to Commercial Lease Agreement dated as of July 24, 2012, as further amended by that certain Fourth Amendment to Commercial Lease Agreement dated as of February 26, 2015, as further amended by that certain Fifth Amendment to Commercial Lease Agreement dated as of November 10, 2020 (collectively, the “*Lease*”), pursuant to which Landlord has leased to Marina Joint Ventures, and Marina Joint Ventures has leased from Landlord, certain real property and improvements as more fully set forth in the Lease (the “*Property*”).

WHEREAS, Marina Joint Ventures is conveying its interest in the Property and assigning its rights and obligations in the Lease to Tenant in conjunction with the execution of this Amendment.

WHEREAS, in accordance with Section 9(A) of the Lease, Landlord consents to the conveyance of Marina Joint Ventures’ interest in the Property from Marina Joint Ventures to Tenant and the assignment of Marina Joint Ventures’ rights and obligations under the Lease from Marina Joint Ventures to Tenant.

WHEREAS, Landlord and Tenant further intend to amend certain terms and conditions of the Lease as more fully set forth in this Amendment.

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

1. **Recitals; Definitions.** The foregoing recitals are incorporated herein by this reference as a material part of this Amendment. Capitalized terms used in this Amendment without definition have the meaning given such terms in the Lease.

2. **Consent to Assignment.** Landlord hereby consents to the conveyance of Marina Joint Ventures’ interest in the Property from Marina Joint Ventures to Tenant and the assignment of Marina Joint Ventures’ rights and obligations under the Lease from Marina Joint Ventures to Tenant.

3. **Removal of Shared Parking from Leased Premises; Site Plan.**

(a) Exhibit I of the Lease is hereby deleted in its entirety and replaced with Exhibit I of this Amendment, which is attached hereto and incorporated herein by reference.

(b) Notwithstanding anything in the Lease to the contrary, that portion of the Property shown and designated as “Shared Parking Lot” on Exhibit I of the Lease (the “**Shared Parking Lot**”) shall not constitute all or any portion of the Leased Premises (as defined in the Lease) leased from Landlord to Tenant pursuant to the Lease. Except as otherwise provided herein, Tenant shall not be entitled (i) to control or manage the parking operations on the Shared Parking Lot, or (ii) to charge or collect fees from persons using the Shared Parking Lot. Landlord and Tenant acknowledge and agree that Landlord shall be solely responsible for the ownership, management, and operation of the Shared Parking Lot at all times from and after the Effective Date, and that Tenant and its licensees and invitees shall have no right to utilize the parking spaces in the Shared Parking Lot except as may be hereafter permitted by Landlord. For the avoidance of doubt, the portions of the Property shown and designated as “Private Parking Lot” and “Exclusive Parking Lot Marina Joint Ventures” on Exhibit I of the Lease are and shall remain part of the Leased Premises leased from Landlord to Tenant pursuant to the Lease.

4. **Reporting of Tenant Financials.** Notwithstanding anything in the Lease to the contrary, within ninety (90) days after the end of each Lease Year or partial Lease Year, Tenant shall provide Landlord a statement showing the “Annual Gross Receipts” and “Annual Gross Profit” (as such terms are used in Exhibit III of the Lease) for each such Lease Year. Each such statement furnished by Tenant shall be certified as correct by a certified public accountant licensed in the State of South Carolina. Any intentional or deliberate misrepresentation by Tenant of its “Annual Gross Receipts” or “Annual Gross Profit” in any such statement or other document or material provided to Landlord in relation thereto shall constitute an Event of Default under the Lease. A “Lease Year” refers to (i) each period of twelve consecutive months during the Lease Term commencing October 1 in any calendar year and ending on September 30 in the following calendar year, and (ii) the period of the Lease Term following the last full twelve-month Lease Year and ending upon the expiration or termination of the Lease.

5. **Assignment and Subleasing.** Section 9 of the Lease is hereby deleted in its entirety and replaced with the following:

“9. ASSIGNMENT OR SUBLEASE BY TENANT.

(a) Except as may otherwise be expressly permitted in relation to a Permitted Transfer as defined in Section 9(d) of this Lease, Tenant shall not, directly or indirectly, voluntarily or by operation of law, sell, assign, encumber, mortgage, pledge, or otherwise transfer or hypothecate all or any part of the Leased Premises or Tenant’s leasehold estate hereunder (each such act is referred to herein as an “**Assignment**”) or sublet all or any portion of the Leased Premises or permit the Leased Premises to be occupied by anyone other than Tenant (each such act is referred to herein as a “**Sublease**”) (any Assignment or

Sublease may be referred to herein as a “**Transfer**”), without Landlord’s prior written consent in each instance, which consent shall not be unreasonably withheld, conditioned or delayed. Other than Permitted Transfers, any attempted Transfer without Landlord’s prior written consent shall be void and shall constitute an Event of Default under the Lease. If Tenant is a partnership or a limited liability company, any cumulative transfer of fifty percent (50%) or more of any direct or indirect partnership or limited liability company membership interests in Tenant to an entity or individual that is not currently a member or manager of Tenant or its parent entity or an Affiliate (as defined below) of any current member or manager of Tenant or its parent entity (a “**Controlling Interest**”), as applicable, shall constitute a Transfer and shall require Landlord’s consent, which consent shall not be unreasonably withheld, conditioned or delayed. Without limiting the foregoing, it shall constitute a Transfer and shall require Landlord’s consent if: (i) Tenant is a limited partnership, and there is a transfer of a general partner interest; (ii) Tenant is a limited liability company, and there is a transfer of any direct or indirect Controlling Interest held by any manager or managing member; or (iii) Tenant is a corporation, and there is a transfer of any direct or indirect Controlling Interest of the voting stock of the corporation. Notwithstanding anything in this Amendment or the Lease to the contrary, a transfer of any direct or indirect partnership or limited liability company membership interests in Tenant shall not constitute a Transfer that requires Landlord’s consent so long as either Michael B. Shuler, Jr. or Zayd Hammam remains the manager of Tenant.

(b) Except as otherwise provided herein, no Transfer permitted under the Lease, whether with or without Landlord’s consent, shall release Tenant or change Tenant’s primary liability to pay rent to Landlord and to perform all other obligations of Tenant under the Lease. Landlord’s acceptance of rent from any other person is not a waiver of any provision of the Lease. Consent by Landlord to one Transfer is not consent to any subsequent Transfer. If Tenant’s transferee defaults under the Lease, Landlord may proceed directly against Tenant without pursuing remedies against the transferee. Landlord may consent to subsequent Transfers of the Lease by Tenant’s transferee, without notifying Tenant or obtaining its consent. Such action shall not relieve Tenant’s liability under the Lease. Notwithstanding the foregoing or anything else in the Lease or this Amendment to the contrary, upon any Assignment of the Lease by Tenant for which Landlord has provided its prior written consent, Tenant shall be released from liability under the Lease.

(c) Tenant’s request for consent to any Transfer shall be accompanied by a written statement setting forth the details of the proposed Transfer, including the name, business, and financial condition of the prospective transferee, the term of any Sublease and the amount of rent and security deposit payable under any partial Assignment or Sublease, and any other information reasonably requested by Landlord. Tenant shall provide to Tenant signed copies of all instruments and other documents evidencing any Transfer permitted under the Lease.

(d) Provided that no Event of Default shall have occurred and be continuing and subject to the terms and condition set forth herein, Tenant may make any of the following Transfers (each such Transfer a “**Permitted Transfer**” and each such transferee a “**Permitted Transferee**”) without the consent of Landlord:

(i) Subleases, licenses, or similar agreements for the use or rental of boat slips and/or dry boat storage spaces with individual boat owners for non-commercial purposes; and

(ii) Subleases, licenses, or similar agreements for the use or rental of boat slips and/or dry boat storage spaces with commercial operators (each, a “**Commercial Agreement**”) for charter fishing, charter cruising, kayaking, boat rental, low speed vehicle rental, paddleboard rental, eco-tour, and/or boat clubs (each, a “**Commercial Use**”); provided, however, that (A) any Commercial Use comprising twenty-five percent (25%) or more of the total linear footage of dock space within the Leased Premises, whether as a result of a single Commercial Agreement or multiple Commercial Agreements in the aggregate, shall be subject to prior written approval of Landlord, such consent not to be unreasonably withheld, conditioned or delayed; and (B) under no circumstance shall more than fifty percent (50%) of the total linear footage of dock space within the Leased Premises be subleased, licensed or otherwise used or occupied by one or more boat club operators. Subject to the limitations set forth in the foregoing ~~subsections (A) and subsection~~ (B) and Section 8 of this Amendment, Landlord hereby acknowledges and agrees that Coastal Marinas, LLC is an Affiliate of Tenant, expressly consents to ~~[that/those] certain any~~ Commercial Agreement(s) ~~dated []~~ for the operation of a boat club within the Leased Premises entered into by and between Tenant and Coastal Marinas, LLC from time to time (the “**Coastal Marinas Agreement**”), and agrees that no additional consent or approval by Landlord of the Coastal Marinas ~~Agreement shall be required, except to the extent consent of Landlord is required for any future amendments thereof~~ [NTD: Subject to review of Coastal Marinas Agreement.] Agreements shall be required with respect to subsection (A) above. Subject to the limitations set forth in the foregoing subsections (A) and (B) and Section 8 of this Amendment, Landlord hereby acknowledges and agrees that Tenant may enter into one or more Commercial Agreement(s) for one or more Commercial Uses with Affiliates of Tenant from time to time and agrees that no additional consent or approval by Landlord of such Commercial Agreements shall be required. For purposes of the foregoing calculations, Landlord and Tenant acknowledge and agree that the total linear footage of the dock space within the Leased Premises is deemed to be ~~[2,600]~~ linear feet.¹

Notwithstanding the foregoing, under no circumstance shall the term of any Permitted Transfer to a Permitted Transferee exceed Tenant’s right to possession of the Leased Premises.

¹ NTD: We are requesting Landlord’s advance approval of MCM affiliates (including Coastal Marinas, LLC) as permitted commercial operators since Landlord is already examining MCM and its principals in connection with the lease assumption request. The form of any Commercial Agreements with Coastal Marinas and other affiliates of MCM (which have not yet been drafted), including any amendments thereto, should not be relevant so long as MCM complies the 25% limit (except for the boat club), 50% boat club limit and Section 8 requirements. The 25% limit should not apply to the Coastal Marinas boat club.

6. **Tenant's Operational and Service Requirements.** Exhibit IV of the Lease is hereby deleted in its entirety and replaced with Exhibit IV of this Amendment, which is attached hereto and incorporated herein by reference.

7. **Alterations to Exclusive Parking Lot.** Notwithstanding anything in the Lease to the contrary, Tenant shall be entitled to reconfigure and/or construct alterations, additions and improvements upon that portion of the Leased Premises shown and designated as the "Exclusive Parking Lot" on Exhibit I of the Lease (the "***Exclusive Parking Lot***") without the consent of Landlord; provided, however, that (a) under no circumstance shall such reconfiguration, alteration, addition or improvement of the Exclusive Parking Lot impede or preclude pedestrian and vehicular access, ingress and egress to and from the Marina and 41st Avenue; (b) any reconfiguration, alteration, addition or improvement of the Exclusive Parking Lot with a cumulative cost in excess of \$100,000.00 shall be subject to the prior written consent of Landlord, which consent shall not be unreasonably withheld, conditioned or delayed; and (c) under no circumstance shall all or any portion of the Exclusive Parking Lot or the Leased Premises be used or operated for the construction, ~~maintenance~~ or operation of ~~any~~ a vertically oriented dry stack boat storage ~~or related facility~~ facility consisting of boats stacked one on top of another in a vertical fashion. For the avoidance of doubt and notwithstanding the foregoing to the contrary, Tenant is permitted to provide and operate "dry boat storage" as set forth in Exhibit IV of the Lease by storing boats within the Exclusive Parking Lot on a single horizontal plane provided that boats are not stored or stacked one on top of another in a vertical fashion.

8. **Related Party Transactions.** Notwithstanding anything in the Lease to the contrary, under no circumstance shall Tenant enter into any Permitted Transfer or other sublease, license, or agreement for the use or occupation of any portion of the Leased Premises with any Affiliate (as hereinafter defined) of Tenant (a "***Related Party Agreement***") other than a Related Party Agreement that is entered into on an arm's length basis with terms no less favorable to Tenant than those that could reasonably be obtained from an unaffiliated third party and rental rates or other user fees payable to Tenant no less than the applicable Prevailing Market Rental Rate (as hereinafter defined). As used in this Amendment, the term "***Affiliate***" shall mean and refer to, with respect to any person, any other person who, directly or indirectly (including through one or more intermediaries), controls, is controlled by, or is under common control with, such person. For purposes of this definition, "***control***" when used with respect to any specified person, shall mean the power, direct or indirect, to direct or cause the direction of the management and policies of such person, whether through ownership of voting securities or partnership or other ownership interests, by contract or otherwise, and the terms "controlling" and "controlled" shall have correlative meanings. As used in this Amendment, the term "***Prevailing Market Rental Rate***" shall mean and refer to the arm's-length, fair market rental rate or user fees for the sublease, license, or agreement for the use or occupation of any portion of the Leased Premises entered into on or about the date on which the Prevailing Market Rental Rate is being determined hereunder. The Prevailing Market Rental Rate shall be either (a) such amount as may be mutually agreed upon by Landlord and Tenant, or (b) if Landlord and Tenant are unable to agree upon the Prevailing Market Rental Rate, such amount as determined in accordance with this Section 8. If Landlord and Tenant are unable to agree upon the Prevailing Market Rental Rate within thirty (30) days after receipt of a written request by either party for a determination thereof, Landlord and Tenant

each shall, within ten (10) business days, select a Qualified Appraiser (as hereinafter defined). Landlord's Qualified Appraiser and Tenant's Qualified Appraiser shall then, within ten (10) business days following their appointment, designate a third Qualified Appraiser. If Landlord's Qualified Appraiser and Tenant's Qualified Appraiser cannot agree on the third Qualified Appraiser within the 10-business day period, Landlord and Tenant shall promptly make application to a court of competent jurisdiction seated in the county in which the Leased Premises is located, to name the third Qualified Appraiser. The three (3) Qualified Appraisers shall determine the Prevailing Market Rental Rate payable as rent or other user fees for the applicable sublease, license, or agreement for the use or occupation of the applicable portion of the Leased Premises and notify Landlord and Tenant of their determination within thirty (30) days following the appointment of the third Qualified Appraiser. The decision of a majority of the three Qualified Appraisers, acting as experts and not as arbitrators, shall be binding and conclusive on the parties. Landlord and Tenant shall each be responsible for the costs of expenses of their own Qualified Appraiser and shall each be responsible for one-half (1/2) of the costs and expenses incurred by the third Qualified Appraiser. As used in this Amendment, the term "**Qualified Appraiser**" shall mean an appraiser that: (i) is duly licensed in the State; (ii) has at least ten (10) years' experience, on a full-time basis, with ownership, operation, and leasing of marinas and related facilities in the same general geographic area as that in which the Leased Premises are located; and (iii) is independent and has no then-pending or past brokerage relationship with any or all of Landlord, Tenant, and any Affiliates of either or both of Landlord and Tenant.

9. **Marina Store; Alcohol License.** Reference is made to that certain Commercial Lease Agreement dated as of January 4, 2008 between Landlord and Marina Outpost, LLC, a South Carolina limited liability company ("**Marina Outpost**"), as amended by that certain First Amendment to Commercial Lease Agreement dated as of April 25, 2012, as further amended by that certain Second Amendment to Commercial Lease Agreement dated as of July 24, 2012, as further amended by that certain Third Amendment to Commercial Lease Agreement dated as of February 26, 2015, as assigned by Marina Outpost to Tenant as of the date hereof, and as further amended by that certain Fourth Amendment to Commercial Lease Agreement dated as of the date hereof between Landlord and Tenant (collectively, the "**Marina Store Lease**"), pursuant to which Landlord has leased to Tenant (as assignee of Marina Outpost), and Tenant has leased from Landlord, certain real property and improvements commonly known as the "Marina Store" as more fully set forth in the Marina Store Lease (the "**Marina Store Leased Premises**"). As set forth in the Marina Store Lease, Tenant is permitted to sell food, beer and wine for on-site consumption at the Marina Store Leased Premises. Tenant covenants and agrees (i) to use reasonable, good faith efforts to prohibit the consumption of ~~food~~, beer and wine by patrons of the Marina Store Leased Premises within the Leased Premises leased to Tenant pursuant to the Lease (as modified by this Amendment), and (ii) that Landlord has jurisdiction to enforce the foregoing prohibition of consumption of beer and wine according to the terms contained herein. So long as Tenant complies with the obligation in the preceding sentence, Landlord acknowledges and agrees that on-site consumption of alcohol by third parties that occurs beyond the permitted areas set forth in the Marina Store Lease shall be considered incidental in nature and shall not be a default by Tenant under the terms of the Lease.

10. **Entire Agreement.** The Lease (as modified by this Amendment) and this Amendment constitutes the final, exclusive and entire agreement and understanding between the

parties with respect to the subject matter hereof, and all prior and contemporaneous negotiations, understanding and agreements between the parties as to the matters contained herein are expressly merged into and superseded by this Amendment. Neither party has made or relied upon any representations, warranties or covenants relating to such subject matter except as specifically set forth in this Amendment. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent, or representative of either party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

11. **Miscellaneous.** Except as herein expressly amended hereby, each and every term, condition, warranty and provision of the Lease shall remain in full force and effect, and is incorporated herein by this reference, such that the Lease and this Amendment shall be read and construed as one instrument, all of which are hereby ratified, confirmed and approved by the parties hereto. Landlord and Tenant each represent and warrant to the other that, as of the date hereof, neither party is aware of an event of default existing under the Lease. If there is a conflict between this Amendment and the Lease, then the provisions of this Amendment shall control. This Amendment may be executed by email, electronic or other digital signatures and in multiple counterparts, each of which shall be deemed an original but all of which, taken together, shall constitute the same instrument. This Amendment will be effective immediately upon execution and delivery by the parties. This Amendment shall be governed by the law of the State of South Carolina, without reference to its choice of law rules.

*****Remainder of Page Intentionally Left Blank*****

[Signatures on Following Page]

IN WITNESS WHEREOF, the undersigned hereby execute and deliver this Sixth Amendment to Commercial Lease Agreement as of the Effective Date, representing and warranting by their signature that they are duly authorized and empowered to execute this Sixth Amendment to Commercial Lease Agreement.

LANDLORD:

**CITY OF ISLE OF PALMS,
SOUTH CAROLINA**

By: _____
Name: _____
Title: _____

TENANT:

MORGAN CREEK MARINA, LLC,
a South Carolina limited liability company

By: _____
Name: _____
Its: _____

EXHIBIT I
Site Plan

See attached.

EXHIBIT IV
Tenant's Operational and Service Requirements

1. Minimum Hours of Operation:

Summer: 7:00 am to 7:00 pm, Seven (7) Days per Week

Winter: 7:00 am to 5:00 pm, Seven (7) Days per Week

Provided, however, the foregoing hours of operation are subject to modification from time to time for maintenance/repairs, federal and state holidays, casualty events and/or other matters beyond the control of Tenant.

2. Marine fuel sales (diesel, gasoline and LP gas)

3. Dock / boat slip rentals:

Except as otherwise provided in the Lease, allocation, rates, terms and conditions to be determined by Tenant in its sole and absolute discretion

Tenant shall use commercially reasonable efforts to provide IOP residents with priority opportunity to rent publicly available boat slips at standard rates to be determined by Tenant in its sole and absolute discretion on an as-available basis (must present valid evidence of IOP residence)

4. Boat ramp launching:

IOP resident launch fee: Free (must present valid evidence of IOP residence)

IOP employee and City Official launch fee: Free (must present City Identification Card)

Non-resident launch fee: Fee to be determined by Tenant in its sole and absolute discretion

Non-resident annual pass: Fee to be determined by Tenant in its sole and absolute discretion

5. Providing boat slips and dry boat storage spaces for use by individuals and, in Tenant's sole and absolute discretion, by commercial operators for charter fishing, charter cruising, kayaking, boat rental, low speed vehicle rental, paddleboard rental, eco-tour, and/or boat clubs in accordance with the Lease; provided, however, no portion of the Leased Premises shall be used for jetski rentals or for launching jetskis to be used on a rental basis

6. Standard boat sewage pump-out service during business hours, subject to reasonable notice from applicable vessels and system functionality

7. Dry boat storage:

Except as otherwise provided in the Lease, allocation, rates, terms and conditions to be determined by Tenant in its sole and absolute discretion

No fewer than twelve (12) dry boat storage spaces shall be reserved for rental by IOP residents (must present valid evidence of IOP residence)

8. Safely maintain all facilities for which Tenant is responsible as provided in the Lease
9. Monitor underground fuel system for leaks
10. Regularly communicate with City Administrator as to any unusual occurrences, complaints, safety concerns, etc.
11. Provide an on-site dock master during all hours of operation
12. Enforce existing rules and regulations for Marina users and make changes as needed, subject to City's prior written approval
13. Promote a family-friendly atmosphere
14. Cooperate with other tenants at the Marina
15. Provide complimentary dock space for City of Isle of Palms vessels (Fire Department boat, wave runners) not to exceed ~~+~~ five percent (5%) ~~+~~ or more of the total linear footage of dock space within the Leased Premises in locations determined by Tenant in its sole and absolute discretion
16. Coordinate as needed with military or other government organizations as they occasionally train at the Marina

| Summary Report | |
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| Title | compareDocs Comparison Results |
| Date & Time | 6/21/2022 5:04:15 PM |
| Comparison Time | 3.95 seconds |
| compareDocs version | v5.0.200.14 |

| Sources | |
|-------------------|--|
| Original Document | [#01935410.DOCX] [v8] Sixth Amendment to Commercial Lease Agreement (Marina Joint Ventures).DOCX |
| Modified Document | [#01935410.DOCX] [v9] Sixth Amendment to Commercial Lease Agreement (Marina Joint Ventures).DOCX |

| Comparison Statistics | |
|-------------------------|----|
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| Deletions | 4 |
| Changes | 10 |
| Moves | 0 |
| Font Changes | 0 |
| Paragraph Style Changes | 0 |
| Character Style Changes | 0 |
| TOTAL CHANGES | 19 |
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| Include Comments | Word | False |
| Include Field Codes | Word | True |
| Flatten Field Codes | Word | False |
| Include Footnotes / Endnotes | Word | True |
| Include Headers / Footers | Word | True |
| Image compare mode | Word | Insert/Delete |
| Include List Numbers | Word | True |
| Include Quotation Marks | Word | False |
| Show Moves | Word | True |
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| Detail Report | Word | Separate (View Only) |
| Document View | Word | Print |

ORDINANCE 2022- 05

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ISLE OF PALMS TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN FOURTH AMENDMENT AND CONSENT TO ASSIGNMENT OF COMMERCIAL LEASE AGREEMENT FROM MARINA OUTPOST, LLC TO MORGAN CREEK MARINA, LLC, ATTACHED HERETO AS EXHIBIT I AND INCORPORATED HEREIN BY REFERENCE.

WHEREAS, Landlord THE CITY OF ISLE OF PALMS, SOUTH CAROLINA (“*Landlord*”) and Marina Outpost, LLC, a South Carolina limited liability company (“*Marina Outpost*”), entered into that certain Commercial Lease Agreement dated as of January 4, 2008, as amended by that certain First Amendment to Commercial Lease Agreement dated as of April 25, 2012, as further amended by that certain Second Amendment to Commercial Lease Agreement dated as of July 24, 2012, as further amended by that certain Third Amendment to Commercial Lease Agreement dated as of February 26, 2015 (collectively, the “*Lease*”), pursuant to which Landlord has leased to Marina Outpost, and Marina Outpost has leased from Landlord, certain real property and improvements as more fully set forth in the Lease (the “*Property*”); and

WHEREAS, Marina Outpost is conveying its interest in the Property and assigning its rights and obligations in the Lease to MORGAN CREEK MARINA, LLC, a South Carolina limited liability company (“*Tenant*”) in conjunction with the execution of this Amendment; and

WHEREAS, in accordance with Section 44 of the Lease, Landlord consents to the conveyance of Marina Outpost’s interest in the Property from Marina Outpost to Tenant and the assignment of Marina Outpost’s rights and obligations under the Lease from Marina Outpost to Tenant; and

WHEREAS, Landlord and Tenant desire to further amend the Lease, as more fully set forth in the Fourth Amendment to Commercial Lease Agreement, attached hereto as Exhibit I and incorporated herein by reference; and

WHEREAS, City Council finds that leasing the Property under such amended terms to MORGAN CREEK MARINA, LLC will serve the interest of the public health, safety, welfare and general convenience of the residents of the City of Isle of Palms; and

WHEREAS, S.C. Code sections 5-7-40 and 5-7-260 require that City Council act by ordinance in leasing any lands of the municipality.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. City Council authorizes the City Administrator to execute the Fourth Amendment to Commercial Lease Agreement between the City of Isle of Palms and MORGAN CREEK MARINA, LLC which is attached hereto as Exhibit I and incorporated herein by reference.

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

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

SECTION 4. That this Ordinance shall take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2022.

Phillip Pounds, Mayor

(Seal)
Attest:

Nicole DeNeane, City Clerk
First Reading: _____
Public Hearing: _____
Second Reading: _____
Ratification: _____

EXHIBIT I
(ATTACH FOURTH AMENDMENT)

FOURTH AMENDMENT TO COMMERCIAL LEASE AGREEMENT

This FOURTH AMENDMENT TO COMMERCIAL LEASE AGREEMENT (this “*Amendment*”) is made effective as of the ____ day of [], 2022 (the “*Effective Date*”), by and between THE CITY OF ISLE OF PALMS, SOUTH CAROLINA (“*Landlord*”), MORGAN CREEK MARINA, LLC, a South Carolina limited liability company (“*Tenant*”).

RECITALS:

WHEREAS, Landlord and Marina Outpost, LLC, a South Carolina limited liability company (“*Marina Outpost*”), entered into that certain Commercial Lease Agreement dated as of January 4, 2008, as amended by that certain First Amendment to Commercial Lease Agreement dated as of April 25, 2012, as further amended by that certain Second Amendment to Commercial Lease Agreement dated as of July 24, 2012, as further amended by that certain Third Amendment to Commercial Lease Agreement dated as of February 26, 2015 (collectively, the “*Lease*”), pursuant to which Landlord has leased to Marina Outpost, and Marina Outpost has leased from Landlord, certain real property and improvements as more fully set forth in the Lease (the “*Property*”).

WHEREAS, Marina Outpost is conveying its interest in the Property and assigning its rights and obligations in the Lease to Tenant in conjunction with the execution of this Amendment.

WHEREAS, in accordance with Section 44 of the Lease, Landlord consents to the conveyance of Marina Outpost’s interest in the Property from Marina Outpost to Tenant and the assignment of Marina Outpost’s rights and obligations under the Lease from Marina Outpost to Tenant.

WHEREAS, Landlord and Tenant further intend to amend certain terms and conditions of the Lease as more fully set forth in this Amendment.

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

1. **Recitals; Definitions.** The foregoing recitals are incorporated herein by this reference as a material part of this Amendment. Capitalized terms used in this Amendment without definition have the meaning given such terms in the Lease.

2. **Consent to Assignment.** Landlord hereby consents to the conveyance of Marina Outpost’s interest in the Property from Marina Outpost to Tenant and the assignment of Marina Outpost’s rights and obligations under the Lease from Marina Outpost to Tenant.

3. **Reporting of Tenant Financials.** Notwithstanding anything in the Lease to the contrary, within ninety (90) days after the end of each Lease Year or partial Lease Year, Tenant shall provide Landlord a statement showing the “Annual Gross Receipts” and “Annual Gross Profit” (as such terms are used in the Lease) for each such Lease Year. Each such statement

furnished by Tenant shall be certified as correct by a certified public accountant licensed in the State of South Carolina. Any intentional or deliberate misrepresentation by Tenant of its "Annual Gross Receipts" or "Annual Gross Profit" in any such statement or other document or material provided to Landlord in relation thereto shall constitute an Event of Default under the Lease. A "Lease Year" refers to (i) each period of twelve consecutive months during the Lease Term commencing October 1 in any calendar year and ending on September 30 in the following calendar year, and (ii) the period of the Lease Term following the last full twelve-month Lease Year and ending upon the expiration or termination of the Lease.

4. **Assignment and Subleasing.** Section 44 of the Lease is hereby deleted in its entirety and replaced with the following:

“(a) Except as may otherwise be expressly permitted in relation to a Permitted Transfer as defined in Section 44(d) of this Lease, Tenant shall not, directly or indirectly, voluntarily or by operation of law, sell, assign, encumber, mortgage, pledge, or otherwise transfer or hypothecate all or any part of the Premises or Tenant’s leasehold estate hereunder (each such act is referred to herein as an “**Assignment**”) or sublet all or any portion of the Premises or permit the Premises to be occupied by anyone other than Tenant (each such act is referred to herein as a “**Sublease**”) (any Assignment or Sublease may be referred to herein as a “**Transfer**”), without Landlord’s prior written consent in each instance, which consent shall not be unreasonably withheld, conditioned or delayed. Other than Permitted Transfers, any attempted Transfer without Landlord’s prior written consent shall be void and shall constitute an Event of Default under the Lease. If Tenant is a partnership or a limited liability company, any cumulative transfer of fifty percent (50%) or more of any direct or indirect partnership or limited liability company membership interests in Tenant to an entity or individual that is not currently a member or manager of Tenant or its parent entity or an Affiliate (as defined below) of any current member or manager of Tenant or its parent entity (a “**Controlling Interest**”), as applicable, shall constitute a Transfer and shall require Landlord’s consent, which consent shall not be unreasonably withheld, conditioned or delayed. Without limiting the foregoing, it shall constitute a Transfer and shall require Landlord’s consent if: (i) Tenant is a limited partnership, and there is a transfer of a general partner interest; (ii) Tenant is a limited liability company, and there is a transfer of any direct or indirect Controlling Interest held by any manager or managing member; or (iii) Tenant is a corporation, and there is a transfer of any direct or indirect Controlling Interest of the voting stock of the corporation. Notwithstanding anything in this Amendment or the Lease to the contrary, a transfer of any direct or indirect partnership or limited liability company membership interests in Tenant shall not constitute a Transfer that requires Landlord’s consent so long as either Michael B. Shuler, Jr. or Zayd Hammam remains the manager of Tenant.

(b) Except as otherwise provided herein, no Transfer permitted under the Lease, whether with or without Landlord’s consent, shall release Tenant or change Tenant’s primary liability to pay rent to Landlord and to perform all other obligations of Tenant under the Lease. Landlord’s acceptance of rent from any other person is not a waiver of any provision of the Lease. Consent by Landlord to one Transfer is not consent to any subsequent Transfer. If Tenant’s transferee defaults under the Lease, Landlord may

proceed directly against Tenant without pursuing remedies against the transferee. Landlord may consent to subsequent Transfers of the Lease by Tenant's transferee, without notifying Tenant or obtaining its consent. Such action shall not relieve Tenant's liability under the Lease. Notwithstanding the foregoing or anything else in the Lease or this Amendment to the contrary, upon any Assignment of the Lease by Tenant for which Landlord has provided its prior written consent, Tenant shall be released from liability under the Lease.

(c) Tenant's request for consent to any Transfer shall be accompanied by a written statement setting forth the details of the proposed Transfer, including the name, business, and financial condition of the prospective transferee, the term of any Sublease and the amount of rent and security deposit payable under any partial Assignment or Sublease, and any other information reasonably requested by Landlord. Tenant shall provide to Tenant signed copies of all instruments and other documents evidencing any Transfer permitted under the Lease.

(d) Provided that no Event of Default shall have occurred and be continuing and subject to the terms and condition set forth herein, Tenant may make any of the following Transfers (each such Transfer a "***Permitted Transfer***" and each such transferee a "***Permitted Transferee***") without the consent of Landlord:

- (i) the Sublease of the marina deli to Saltworks Catering Co., LLC;
and
- (ii) Subject to the limitations set forth in Section 5 of this Amendment, subleases, licenses, or similar agreements for the use or rental of the marina deli between Tenant and Coastal Marinas, LLC (an Affiliate of Tenant) or any other Affiliate of Tenant.

Notwithstanding the foregoing, under no circumstance shall the term of any Permitted Transfer to a Permitted Transferee exceed Tenant's right to possession of the Lease Premises."

5. **Related Party Transactions.** Notwithstanding anything in the Lease to the contrary, under no circumstance shall Tenant enter into any Permitted Transfer or other sublease, license, or agreement for the use or occupation of any portion of the Leased Premises with any Affiliate (as hereinafter defined) of Tenant (a "***Related Party Agreement***") other than a Related Party Agreement that is entered into on an arm's length basis with terms no less favorable to Tenant than those that could reasonably be obtained from an unaffiliated third party and rental rates or other user fees payable to Tenant no less than the applicable Prevailing Market Rental Rate (as hereinafter defined). As used in this Amendment, the term "***Affiliate***" shall mean and refer to, with respect to any person, any other person who, directly or indirectly (including through one or more intermediaries), controls, is controlled by, or is under common control with, such person. For purposes of this definition, "***control***" when used with respect to any specified person, shall mean the power, direct or indirect, to direct or cause the direction of the management and policies of such person, whether through ownership of voting securities or partnership or other ownership interests, by contract or otherwise, and the terms "controlling" and "controlled" shall have correlative meanings. As used in this Amendment, the term "***Prevailing Market Rental Rate***"

shall mean and refer to the arm's-length, fair market rental rate or user fees for the sublease, license, or agreement for the use or occupation of any portion of the Leased Premises entered into on or about the date on which the Prevailing Market Rental Rate is being determined hereunder. The Prevailing Market Rental Rate shall be either (a) such amount as may be mutually agreed upon by Landlord and Tenant, or (b) if Landlord and Tenant are unable to agree upon the Prevailing Market Rental Rate, such amount as determined in accordance with this Section 8. If Landlord and Tenant are unable to agree upon the Prevailing Market Rental Rate within thirty (30) days after receipt of a written request by either party for a determination thereof, Landlord and Tenant each shall, within ten (10) business days, select a Qualified Appraiser (as hereinafter defined). Landlord's Qualified Appraiser and Tenant's Qualified Appraiser shall then, within ten (10) business days following their appointment, designate a third Qualified Appraiser. If Landlord's Qualified Appraiser and Tenant's Qualified Appraiser cannot agree on the third Qualified Appraiser within the 10-business day period, Landlord and Tenant shall promptly make application to a court of competent jurisdiction seated in the county in which the Leased Premises is located, to name the third Qualified Appraiser. The three (3) Qualified Appraisers shall determine the Prevailing Market Rental Rate payable as rent or other user fees for the applicable sublease, license, or agreement for the use or occupation of the applicable portion of the Leased Premises and notify Landlord and Tenant of their determination within thirty (30) days following the appointment of the third Qualified Appraiser. The decision of a majority of the three Qualified Appraisers, acting as experts and not as arbitrators, shall be binding and conclusive on the parties. Landlord and Tenant shall each be responsible for the costs of expenses of their own Qualified Appraiser and shall each be responsible for one-half (1/2) of the costs and expenses incurred by the third Qualified Appraiser. As used in this Amendment, the term "***Qualified Appraiser***" shall mean an appraiser that: (i) is duly licensed in the State; (ii) has at least ten (10) years' experience, on a full-time basis, with ownership, operation, and leasing of marinas and related facilities in the same general geographic area as that in which the Leased Premises are located; and (iii) is independent and has no then-pending or past brokerage relationship with any or all of Landlord, Tenant, and any Affiliates of either or both of Landlord and Tenant.

6. **Management and Alterations to Parking Spaces.** Notwithstanding anything in the Lease to the contrary, Tenant shall be entitled to (a) manage, operate and charge usage fees for that portion of the Premises consisting outdoor parking spaces within the Marina parking lot (the "***Marina Store Parking Spaces***") upon such terms and conditions as it may determine in its sole and absolute discretion; and (b) reconfigure and/or construct alterations, additions and improvements upon the Marina Store Parking Spaces without the consent of Landlord, provided, however, that (i) under no circumstance shall such reconfiguration, alteration, addition or improvement of the Marina Store Parking Spaces impede or preclude pedestrian and vehicular access, ingress and egress to and from the Marina and 41st Avenue, and (ii) any reconfiguration, alteration, addition or improvement of the Marina Store Parking Spaces with a cumulative cost in excess of \$100,000.00 shall be subject to the prior written consent of Landlord, which consent shall not be unreasonably withheld, conditioned or delayed.

7. **Permitted Use.** In addition to those uses set forth in Section 6 of the Lease and notwithstanding anything in the Lease to the contrary, Tenant shall be permitted to use and occupy the Premises for counter-style general food service with commercial kitchen operations and beer and wine sales, subject, however, to the following terms and conditions:

(a) Table service (including the taking of orders and delivery of food and beverages) shall not be permitted, other than the bussing of tables; and

(b) Sales of food, beer and wine for on-site consumption shall be permitted subject to the following:

(i) Consumption of food, beer and wine by patrons shall be restricted to the interior of the Premises and the outdoor patio portion of the Premises, with seating for no more than twelve (12) persons within the interior of the Premises;

(ii) Sales of ~~food~~, beer and wine for on-site consumption shall not be permitted after sunset;

(iii) No music other than ambient background music shall be permitted to be played or broadcast within those portions of the Premises used for on-site sales and consumption of food and beverages;

(iv) Alcohol sales for on-site consumption shall be made exclusively as a self-serve, retail transaction at the sales counter within the Premises, and under no circumstance shall the sale of liquor, the use of bar tabs, the operation or employment of a bar or bartender or the provision beverage service be permitted; and

(v) Tenant ~~shall~~ covenants and agrees (i) to use reasonable, good faith efforts to restrict consumption of beer and wine to those portions of the Premises expressly permitted under the Lease (as modified by this Amendment), including, without limitation, providing signage at the Premises denoting the limitations on the on-site consumption of alcohol, and (ii) that Landlord has jurisdiction to enforce the foregoing restriction of consumption of beer and wine according to the terms contained herein. So long as Tenant complies with the obligation in the preceding sentence, Landlord acknowledges and agrees that on-site consumption of alcohol by third parties that occurs beyond the permitted areas set forth in the Lease shall be considered incidental in nature and shall not be a default by Tenant under the terms of the Lease.

8. **Site Plan.** Exhibit I of the Lease is hereby deleted in its entirety and replaced with Exhibit I of this Amendment, which is attached hereto and incorporated herein by reference.

9. **Entire Agreement.** The Lease (as modified by this Amendment) and this Amendment constitutes the final, exclusive and entire agreement and understanding between the parties with respect to the subject matter hereof, and all prior and contemporaneous negotiations, understanding and agreements between the parties as to the matters contained herein are expressly merged into and superseded by this Amendment. Neither party has made or relied upon any representations, warranties or covenants relating to such subject matter except as specifically set forth in this Amendment. No subsequent agreement, representation, or promise made by either party hereto, or by or to an employee, officer, agent, or representative of either party hereto shall be of any effect unless it is in writing and executed by the party to be bound thereby.

10. **Miscellaneous.** Except as herein expressly amended hereby, each and every term, condition, warranty and provision of the Lease shall remain in full force and effect, and is incorporated herein by this reference, such that the Lease and this Amendment shall be read and construed as one instrument, all of which are hereby ratified, confirmed and approved by the parties hereto. Landlord and Tenant each represent and warrant to the other that, as of the date hereof, neither party is aware of an event of default existing under the Lease. If there is a conflict between this Amendment and the Lease, then the provisions of this Amendment shall control. This Amendment may be executed by email, electronic or other digital signatures and in multiple counterparts, each of which shall be deemed an original but all of which, taken together, shall constitute the same instrument. This Amendment will be effective immediately upon execution and delivery by the parties. This Amendment shall be governed by the law of the State of South Carolina, without reference to its choice of law rules.

*****Remainder of Page Intentionally Left Blank*****
[Signatures on Following Page]

IN WITNESS WHEREOF, the undersigned hereby execute and deliver this Fourth Amendment to Commercial Lease Agreement as of the Effective Date, representing and warranting by their signature that they are duly authorized and empowered to execute this Fourth Amendment to Commercial Lease Agreement.

LANDLORD:

**CITY OF ISLE OF PALMS,
SOUTH CAROLINA**

By: _____
Name: _____
Title: _____

TENANT:

MORGAN CREEK MARINA, LLC,
a South Carolina limited liability company

By: _____
Name: _____
Its: _____

EXHIBIT I
Site Plan

See attached.

| Summary Report | |
|---------------------|---------------------------------------|
| Title | compareDocs Comparison Results |
| Date & Time | 6/21/2022 5:02:49 PM |
| Comparison Time | 3.31 seconds |
| compareDocs version | v5.0.200.14 |

| Sources | |
|-------------------|--|
| Original Document | [#01935411.DOCX] [v8] Fourth Amendment to Commercial Lease Agreement (Marina Outpost).DOCX |
| Modified Document | [#01935411.DOCX] [v9] Fourth Amendment to Commercial Lease Agreement (Marina Outpost).DOCX |

| Comparison Statistics | |
|-------------------------|----|
| Insertions | 4 |
| Deletions | 4 |
| Changes | 2 |
| Moves | 0 |
| Font Changes | 0 |
| Paragraph Style Changes | 0 |
| Character Style Changes | 0 |
| TOTAL CHANGES | 10 |
| | |
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| Word Rendering Set Markup Options | |
|-----------------------------------|----------------------|
| Name | |
| <u>Insertions</u> | |
| Deletions | |
| <u>Moves</u> / Moves | |
| Font Changes | |
| Paragraph Style Changes | |
| Character Style Changes | |
| Inserted cells | |
| Deleted cells | |
| Merged cells | |
| Changed lines | Mark outside border. |

| compareDocs Settings Used | Category | Option Selected |
|-------------------------------------|----------|-----------------|
| Open Comparison Report after saving | General | Always |
| Report Type | Word | Redline |
| Character Level | Word | False |
| Include Comments | Word | False |
| Include Field Codes | Word | True |
| Flatten Field Codes | Word | False |
| Include Footnotes / Endnotes | Word | True |
| Include Headers / Footers | Word | True |
| Image compare mode | Word | Insert/Delete |
| Include List Numbers | Word | True |
| Include Quotation Marks | Word | False |
| Show Moves | Word | True |
| Include Tables | Word | True |
| Include Text Boxes | Word | True |
| Show Reviewing Pane | Word | True |

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| Summary Report | Word | End |
| Detail Report | Word | Separate (View Only) |
| Document View | Word | Print |

ORDINANCE 2022-06

AN ORDINANCE TO PRESENT A REFERENDUM QUESTION TO THE CITIZENS OF THE CITY OF ISLE OF PALMS AT THE NEXT GENERAL ELECTION ON THE QUESTION OF WHETHER THE ELECTORS APPROVE REDUCING THE SIZE OF THE CITY COUNCIL FROM 8 MEMBERS TO 6 MEMBERS.

WHEREAS, The City of Isle of Palms was incorporated in 1953 and operates under a City Council form of government consisting of the Mayor and eight Council Members; and

WHEREAS, Candidates for City Council run in non-partisan, at-large elections for staggered, four-year terms; and

WHEREAS, City Council has debated and considered whether the reduction of the number of City Council members will create a more efficient legislative body while remaining accessible to the public, representative of the citizens of this City, and sufficiently diverse to continue providing exceptional governance in the public's interest; and

WHEREAS, City Council believes that the public's interests will be well served by presenting a referendum question to the Citizens of the City of Isle of Palms concerning their preference on whether to reduce the size of City Council; and

WHEREAS, the referendum question will be placed on the ballot for the next general election to be held on November 8, 2022.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That a referendum shall be added to the November 8, 2022 general election ballot to read as follows:

“Shall the City of Isle of Palms reduce the size of its City Council from a Mayor and eight (8) Council Members to a Mayor and six (6) Council Members?

To preserve the staggered terms of City Council, one Council Member seat will be eliminated at the expiration of the 2020-2024 term and a second Council Member seat will be eliminated at the expiration of the 2022-2026 term.

YES •

NO •

Those in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘YES,’ and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘NO.’”

SECTION 2. The City Administrator is hereby authorized and directed to undertake any and all additional acts necessary and proper for the holding of the referendum described herein pursuant to applicable law.

SECTION 3. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 4. 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 5. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON
THE _____ DAY OF _____, 2022.

Phillip Pounds, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____