



Special City Council – Workshop
5:00pm, Tuesday, August 9, 2022
Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Council members Hahn, Bogosian, Anderson, Ward, Streetman, Popson, Price, and Mayor Pounds

Absent: Council Member Miars

Also present: Administrator Fragoso, Director Kerr, various department heads, City Prosecutor Chris Skipper

2. Citizens' Comments – none

3. Special Presentations

A. Request for City-sponsored event status – Operation Heal Our Heroes 5K Run/Walk, Sunday, October 9, 2022 – Everett Wilson

Mr. Everett Wilson, Director of Heal Our Heroes, requested City-sponsored status for a 5K Run/Walk he is hosting on the beach on Sunday, October 9, 2022 beginning at 8:30am. He said the run will last no longer than 90 minutes. He shared the run route and said the event will be followed by a concert at the Windjammer. He has spoken to Chief Cornett and Deputy Chief Hathaway about their involvement in the event.

B. Proposed CARTA Budget for FY23 – Daniel Brock, Regional Strategist, BCDCOG

Mayor Pounds said City Council will vote on the budget at the City Council meeting in two weeks. Mr. Brock gave an update on the Beach Reach Shuttle sharing that 309 riders have used the shuttle so far this season. BCDCOG has been working on promoting the shuttle via social media, the Town of Mt. Pleasant, and Channel 4.

MOTION: Mayor Pounds made a motion to move the discussion of golf cart rules and regulations ahead of the report of City Operations. Council Member Hahn seconded the motion. The motion passed unanimously.

4. **Public Services**

iv. **Discussion of bicycles and golf cars on public roads [Priority 1, Goal b]**

Chief Cornett gave a short presentation of the State statutes regarding bicycles, golf carts, and low-speed vehicles on roadways. He also reviewed the enforcement efforts of the IOP Police Department regarding these types of vehicles. Efforts include better tracking of incidents involving golf carts and bicycles, working with the short-term rental owners to better educate the visitors about the rules, and Project 365, a new initiative dealing with golf cart safety. He said the majority of golf cart tickets issued are for Improper Operation. He said a proclamation from City Council promoting golf cart safety would be a good way to start the public education campaign.

Council Member Anderson suggested signs where golf carts are not permitted and working with SCDOT on the creation of a golf cart lane on Palm Boulevard. Administrator Fragoso said there is an opportunity to leverage their relationship with SCDOT to explore what can be done to better accommodate bikers and pedestrians.

City Prosecutor Chris Skipper said traffic incidents with golf carts are treated as if they were incidents involving a vehicle. He spoke about some bicycle-specific statutes and talked about some of the things City Council could do regarding bicycle and golf cart safety. Council Member Hahn suggested starting the process of adding bike and golf cart paths along Palm Boulevard.

5. **Dashboard of City Operations**

Administrator Fragoso reported that there are four vacancies: 3 in Public Safety and 1 in Public Works. The Half Rubber Tournament is this weekend and the next Farmer's Market is next Thursday. The Community Wellness Fair is coming up in September. There has been very little financial activity so far in FY23. Calls for service for Police and Fire were less in July 2022 than they were in July 2021. Collection of garbage and yard debris is down slightly. The Building Department has issued 1,536 short-term rental licenses so far this year.

Council Member Streetman asked Chief Cornett why parking tickets were down significantly. Chief Cornett said the use of Text-to-Park has been very successful as well as better parking along Palm Boulevard. There were some "free" weekends when the parking technology was not working well and not as many tickets were issued. However, he said some of it is a management issue that he is looking into further. Council Member Hahn asked Chief Cornett to look into the two box trucks and a dump truck parked on Palm Boulevard for a very long time.

6. **Departmental Reports – highlights from departments**

Chief Cornett reported that FTO Santulli was named Employee of the Second Quarter. He reported 45 arrests, 396 traffic violations, 9 drug charges, and 2 gun violations as well as 8 DUIs in July. He said one officer is at the Criminal Justice Academy and a second one will start on September 20. Both the full time and part-time Code Enforcement positions have been filled. He said increased pay for BSOs will be discussed in the FY24 budget planning process.

Chief Oliverius stated there were 130 calls for services in July. There are no vacancies in the Fire Department. The drop in overall call volume has been filled with extra training. Several members

of the Fire Department were recognized by the Mt. Pleasant Chamber of Commerce for their roles in a water rescue in March. The chief described two incidents C Shift helped with on July 22. Chief Oliverius said he would be able to present information to City Council about an EMS unit on the island. Council Member Hahn asked about segregating information about calls for service between residents, visitors, and day visitors. Chief Oliverius said he would investigate if it can be done with the new records management system coming online.

Director Pitts said staff has been meeting with Charleston County Environmental Services to work through some issues regarding recycling pickup. Backdoor service will be eliminated at Pelican Bay as of September 1. He is working on eliminating the service in other neighborhoods as well.

Administrator Fragoso said they have a list of potential artists for a mural on the side of the Public Works building. She further clarified about the meetings with Charleston County Environmental Services indicating they have transitioned to a new company picking up the recycling. Residents are encouraged to call Charleston County Environmental Services if their recycling is not picked up instead of the City. They will pick it up within 24 hours.

Director Page said that summer camp and all sports camps went very well. Registration for youth and adult sports has begun. She said that meditation sessions will begin on the Public Dock and in the Recreation Center on September 8. She also reviewed upcoming events including the Half Rubber Tournament, the Isle of Palms Connector Run (10/2), Ghostly Tide Tales (10/14), and the Halloween Golf Cart Parade (10/29).

7. Strategic Plan Policy Initiatives and Priorities

A. Livability

Discussion of short-term rental regulations presented by the Planning Commission and discussion of public listening sessions in September [*Priority 4, Goal a*]

Mayor Pounds said Mr. Rick Bradley will mediate listening sessions for residents on the short-term rental regulations presented by the Planning Commission. The sessions are planned for September 14, 21, and 28 at the Recreation Center. Times are forthcoming. Mr. Bradley will compile the information and report back to City Council.

Director Kerr briefly reviewed the Planning Commission's thought process for the recommendations they gave to City Council. He then reviewed the recommendations. He shared Kiawah Island's logic for not transferring rental licenses upon the sale of a property. He also spoke further about the reasoning behind the creation of zones on the island when referring to the locations of rental properties.

Council Member Bogosian reminded everyone that the genesis for this short-term rental discussion came from residents' concerns about them. Council Member Anderson said that it is important for residents and Council to decide "what kind of island do we want to be" with regards to the amount of short-term rentals, residents, and second home property owners.

B. Environmental

Discussion of draft Local Comprehensive Beach Management Plan

Administrator Fragoso said the City's Beach Management Plan is up for a 5-year review. The City has engaged Chris Jones, who helped develop the original plan, to review it. Staff is working on the draft and will incorporate changes from City Council before sending it to OCRM. After a 30-day public comment period, the plan will be presented to City Council for adoption. She anticipates the process being complete by the end of the year.

C. Public Services

i. Update on SCDOT's IOP Connector Study [*Priority 1, Goals a & b*]

Administrator Fragoso reported that SCDOT's consultant has completed the traffic counts. Their next meeting will be in September. The final draft of the report complete with striping alternatives to the Connector will be given sometime in October or November. It is her hope that the SCDOT consultant will be able to present the report and the alternatives at the November Council meeting. The alternatives will be put on the City's website for a public comment period that will last into January.

She also reported on recent conversations with the City's traffic engineer. She said that in one conversation Council Member Anderson "highlighted some of the concerns that we're seeing on Rifle Range with the utilization" of the right-hand through lane. After discussing it with Ms. Bihl, SCDOT has expanded the scope of the study to include a lane utilization assessment to see what can be done to encourage drivers to use that lane. She said they are also doing an assessment of the stop sign at Waterway Boulevard and 25th Avenue. Council Member Anderson said she believes it is still possible to get changes made to the connector by next season.

ii. Discussion of entering into Automatic Aide Agreement with Mt. Pleasant for fire protection [*Priority 3, Goal d*]

Chief Oliverius reported, "We met with Consolidated Dispatch and ran a study over a 12-month period historical and what that would be call volume-wise if our department responded into Mt. Pleasant and into those areas of automatic aid. So what we found is over a 12-month timeframe that we would be into Mt. Pleasant in that area from Porcher's Bluff across Highway 17, the Ivy Hall subdivision...going down towards Snee Farm and into the Venning Road area, those areas are where we were able to pull the data because those were the highest percentages or chances of us being called. And so dispatch was able to put everybody in their station, City of Charleston, us, North Charleston, and run their Mt. Pleasant call volume to see where our ladder truck or battalion chief would respond. We found that in a 12-month period there would have been 23 structure fires we would have responded to, one vehicle entrapment, and 236 fire alarms."

He said that Mt. Pleasant would respond less for the Isle of Palms, but when they did "we would receive it in spades." He also said that even the IOP Fire Department was called out, it is likely that many of the calls would be terminated prior to arrival. He continues to speak to area fire chiefs about their automatic aid agreements and all are happy to be in the group.

His current recommendation is to enter into a 12-month trial agreement during which he will be able to give real-time feedback to City Council. While the City could see an increase in fuel costs participating in this agreement, the costs would be sustainable.

Administrator Fragoso said there is still a lot to discuss including reciprocity and operating standards among the municipalities. She believes this is the right path for the City but wants to engage in a pilot program. More information will be forthcoming in September.

iii. **Discussion regarding adoption of Chapter 1 of the Fire Code**

Chief Oliverius said adopting Chapter 1 of the Fire Code will optimize operational expenses and help the department to be more efficient. He said, “Right now what we have a challenge with is with not adopting Chapter 1 in its entirety, we do not have any enforcement power for the recommendations that Fire Marshall Stafford makes when he goes to a commercial occupancy, when he goes to a business. Technically, we do not have that ability. We can only recommend. So what he is finding is he is going and suggesting that these recommendations be made as per the code, but since we do not have the teeth, he’s having to go back multiple times and make these suggestions. So that does two things. That puts the property owner at higher risk because those modifications are not made, and then two, Travis Stafford, our Fire Marshal, is having to not inspect other areas or get to other work because he is having to return multiple times to the businesses.”

Chief Oliverius recommends the adoption of Chapter 1 of the Fire Code. An ordinance will be presented for First Reading at the August City Council meeting.

D. **Personnel**

Discussion of creating Public Relations Coordinator position [FY23 Budget, General Government - \$60,000] [Priority 2, Goals a-c]

Administrator Fragoso said she sees increased demand for a quicker response to information from the City, and so she is working on making this position a reality. Staff is working on a job description that could include Public Relations as well as the position requested by City Council to work closely with the CVB. The CVB was very responsive to that idea and cost sharing has been discussed. She is looking at other cities who have similar positions. She said this person would be a full-time City employee reporting directly to her. The job description will be brought to City Council.

E. **Other items for discussion**

i. **Discussion about parking regulations for share lot under City Control**

Administrator Fragoso said, “As part of the discussions that are being had regarding the marina assignment and in the anticipation of taking over the control of that shared parking lot, we’ve developed some drafts about the rules and regulations that we are exploring for the use and management of that lot. We’re also entered into some conversations with the third-party contractor that would be, it’s currently managing some of the parking there, collecting payment,

enforcing those parking regulations. And we have shared the draft of those rules and regulations with the tenants and certainly eager to hear their feedback on it.”

She added, “The draft rules and regulations that we put together, the starting point was the MOU that is currently in place between the restaurant and the marina operator for the management of that lot.”

ii. **Discussion of issuing a Request for Proposal for City Attorney and Assistant City Attorney**

Mayor Pounds said that the appointment of the City Attorney and Assistant City Attorney is normally done every two years and was last done in 2020. He said, “The role of this City Attorney, and we may all differ on this to some extent, but this person has to be steeped in municipal law and protocol. They act as parliamentarian during our City Council meetings. They are an absolute resource from a staff standpoint. We see them at City Council meetings, but where the rubber meets the road day to day with staff, and you are getting ordinances done and contracts reviewed, whatever else needs to happen from a day-to-day running of the City. Access and speed of response is critical. We are a small staff and need somebody to respond quickly, and sometimes you get that, sometimes you don’t when you go to a larger firm.”

Council Member Hahn said, “I had conversations with a number of people on Council about this and was asked what I saw a City Attorney’s role as, and attorneys generally season as they get older because they have more experience, and then they can therefore develop judgment about how to deal with certain issues. So I see a City Attorney as the old gray hair guy that knows how to react, or gal, knows how to react to a myriad of situations and has the relationship with the legal community to be able to pick lawyers as needed to fill certain perspectives.”

Administrator Fragoso will discuss the issue further with Council Member Bogosian as Chair of the Personnel Committee to clarify the logistics of sending out the RFP and interviewing potential candidates.

8. **Financial Review**

A. **Financial Statements and Project Worksheets**

Treasurer Suggs said there is not much to report in the way of financial activity for July. The City has \$32M in cash, \$15.3M of which is restricted. The 4th Quarter payment of State ATAX will be \$1.369M. All tourism revenues and hospitality taxes are running about 40-50% ahead of last year. There was no activity on the project worksheets to report.

B. **Discussion of positive net result and potential projects/initiatives for consideration**

Mayor Pounds asked Council members for their input on potential projects or initiatives to consider when determining how to use the budget’s positive net result. A list in the meeting packet includes items that have been budgeted or forecasted over the next three years. Suggestions included improvements to Palm Boulevard and sinking funds for City buildings.

9. **Procurement – none**

10. Capital Projects Update

A. Phase 3 Drainage – Outfalls at 30th, 36th, and 41st avenues

Administrator Fragoso reported, “There was a delay in them starting the work to complete the piping on 30th Avenue up until the end of the road that is expected to start in the next few weeks. There was a buyer, I believe, in the manufacturing company that manufactures the pipes. So there is a delay in getting the pipe in, which is what pushed the schedule a little bit from what we anticipated last month. But the plan is for them to come back and finish that portion and then move to the 36th Avenue project, do the whole project at 36th Avenue, and then come back to 30th to do the installation of the junction box and the box culvert. That is essentially what requires the road closure. Last month, I reported to you all that we are expecting two change orders. One was associated with the temporary relocation of the power pole at 30th and the other one was related to the installation of a yard inlet to manage some of the stormwater that was accumulating at the property next to the project. Those have been executed, so we should be seeing some progress on that when the contractors come back. Regarding 41st Avenue, we’ve had some progress on permitting. We received some comments from OCRM regarding mitigation for 41st Avenue. Our contractor Terracon and Thomas & Hutton have developed and put together responses to that, and there is some movement at least where we haven’t had any in a few months. So we are expecting that any day now. We have submitted the grant amendment to the State Office of Resiliency that has granted the city \$1.4M to complete the constructions of the 41st Avenue outfall project so that the extension of the pipe along 41st Avenue could be covered by that grant.” They are hopeful the City will be granted the extra funds to complete that project.

B. Comprehensive Drainage Masterplan

i. SCIIP Grant Application – Matching funds commitment

Work on this project this month has focused on a new grant application for three projects identified by Davis & Floyd as part of their efforts at developing a master plan for the City drainage. The work has focused on developing specific designs and cost estimates for these projects so the grant writer has complete information to write the grant to the Rural Infrastructure Authority that is dispersing \$900M in ARPA funds. The three projects include the installation of dune infiltration systems at 6th and 7th and Ocean and 2nd and Charleston. The estimated cost is \$6M of which the City would have to match 20% (\$700,000). Director Kerr explained the proposed dune infiltration system to Council members.

C. Overhead to Underground Conversion at 21st Avenue

Administrator Fragoso said this project is tentatively scheduled to begin in late September or early October and take 1-2 weeks to complete, depending on weather. There will be no road closures, only detours, associated with the project.

D. Pickleball Court Construction and Basketball Courts Rehab

RFPs for both of these projects were put out again last week. They are anticipating being able to make a recommendation to City Council at their September meeting.

E. Public Rehabilitation and “T” dock improvements

Director Kerr said they are working on determining the condition of the bulkhead to decide whether to replace or repair it. They are considering a land swap as some of the space next to the bulkhead is taking space from the employee parking lot.

MOTION: Council Member Pierce made a motion to suspend the rules of order to allow for feedback from the restaurant tenants. Council Member Anderson seconded the motion. A vote was taken as follows:

Ayes: Pierce, Popson, Streetman, Ward, Bogosian, Hahn

Nays: Anderson, Pounds

The motion passed.

Administrator Fragoso said the information presented by Director Kerr is still conceptual at this point and they have attempted to schedule meetings with the tenants to discuss the plans. Mayor Pounds said this is a conversation that should happen at the staff level. Discussion ensued between some of the restaurant tenants, Administrator Fragoso, Director Kerr, and some Council members about the attempts made to schedule meetings to discuss this issue further.

Administrator Fragoso also detailed the multiple public conversations that have been around this concept as well as the attempts to have meetings with the tenants about the greenspace and the parking concerns.

Council Member Pierce said the exhibits in the meeting packet do not seem to line up with the documents.

Director Kerr said, “What I take their position to be is that there have not been discussions about having a comprehensive redevelopment of that parking plant or the parking on the site. That has been talked about as a long-range goal. How that happens, who gets that done has never been crystal clear, and I understand the design. You have got multiple tenants. I think each tenant has their own design to have that project done, but that is not what we are talking about here. This is a 17-foot strip that would go into their parking. We were contemplating a 17-foot shift. Basically shifting their area down 17 feet. That has been sent to the tenants. That has been discussed.

We’ve met onsite over that. But I do think what they are saying is there is a bigger problem than just the 17 feet. It’s you’ve got four different colors on three different exhibits, so I get that there is a bigger issue down there. We did not plan to hold up any of these projects for that to happen. There are so many competing interests, and I don’t know that timeline to get that done.”

Administrator Fragoso said they met today with the potential marina operator and “were discussing this whole thing with the exhibit because the exhibit that we currently have doesn’t include that buffer, and as part of this lease negotiation, our goal ideally would be to shift that back so that the exhibit doesn’t show that future public greenspace. Unfortunately, we have not had an opportunity to meet with the restaurant tenants on this.” Attempts at setting up meetings have been made. Their feedback has been requested, but as they want their attorney present for the meetings, the City will wait until City Attorney Halversen can be present as well. Staff is content to have such meetings without attorneys present.

Director Kerr said that what staff believed to be three separate issues, the restaurant tenants have combined into one large issue. The most recent discussions have been about greenspace and not parking. Administrator Fragoso shared another idea for consideration regarding the placement of the greenspace, but also reminded Council that the idea is still very conceptual with a lot of moving parts. She believes the City would be supportive of a comprehensive parking plan, but is unsure how quickly that could get done. She added, "I think we are talking about different issues that are obviously being convoluted together because they are complicated."

Administrator Fragoso said staff welcomes the opportunity to have sit-down conversations with all tenants to get everyone on the same page. Nothing will be decided at meetings that won't first come to City Council for approval. She added, "Unfortunately, there have been some threats of litigation attorneys involved and that unfortunately complicates the issue. These are very simple conversations that we could be having and certainly welcome the opportunity to do so."

Mayor Pounds noted the exhibit in question has nothing to do with the Second Reading of the lease assignment ordinances. He also pointed out that this conversation about moving the 17-foot strip of land has been going on for about a year.

F. 34A Beach Access ADA-Compliant Boardwalk

Director Kerr reported that this project is out to bid, and they hope to have prices for City Council to consider at their next meeting.

11. Legislative Report

There is nothing to report as the legislature is not in session.

12. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Popson seconded the motion. The meeting was adjourned at 8:19pm.

Respectfully submitted,

Nicole DeNeane
City Clerk