



City Council

6:00 p.m., Tuesday, January 28, 2020

Council Chambers

1207 Palm Boulevard, Isle of Palms, South Carolina

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.
2. **Election of Mayor ProTem**
3. **Reading of the Journals of Previous Meetings**
 - a. Regular City Council Meeting – November 19, 2019
 - b. Special City Council Meeting – December 3, 2019
 - c. Special City Council Meeting – December 10, 2019
 - d. Special City Council Meeting – January 7, 2020
 - e. Special City Council Meeting – January 9, 2020
4. **Citizen's Comments** – Comments shall be limited to 3 minutes.
Presentation of the FY19 Audited Financial Statements – Chris Kerr, McKay Kiddy
5. **Reports from Standing Committees**
 - a. **Ways and Means Committee**
 - i. Consideration of approval of sole source contract to Safe Fleet Mobile Vision in the amount of \$30,994.27 for the replacement of six (6) in-car camera systems [FY20 Budget, Hospitality Tax Fund, Police, Capital Outlay - \$57,000, pg.20, ln.21]
 - ii. Consideration of approval of a contract to Bohicket Construction LLC in the amount of \$64,136.00 for a diesel generator and transfer switch for the Public Works workshop [FY20 Budget, Capital Projects, Public Works, Capital Outlay- \$37,500; State ATAX, Public Works, Capital Outlay- \$37,500]
 - iii. Approval of submitting the following projects as priorities for funding from the Transportation Sales Tax program: 1) Improvements to the Waterway Boulevard multi-use path, 2) Resurfacing Ocean Boulevard between 10th and 14th
 - b. **Public Safety Committee**



- c. **Public Works Committee**
 - d. **Recreation Committee**
Consideration of the creation a Citizen Advisory Board for a community swimming pool referendum question in November 2020
 - e. **Real Property Committee**
6. **Reports from City Officers, Boards and Commissions**
- a. **Accommodations Tax Advisory Committee** – no meeting in January
 - b. **Board of Zoning Appeals** – Minutes attached
 - c. **Planning Commission** – Minutes attached
Presentation of recommendations related to short-term rentals
7. **Reports from Special or Joint Committees** – None
8. **Petitions Received, Referred or Disposed Of** – None
9. **Bills already in possession of Council**
Second Reading of Ordinance 2019-16 - AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 1, GENERAL PROVISIONS, ARTICLE B. NUISANCES. An ordinance to establish new standards for dilapidated structures.
10. **Introduction of New Bills, Resolutions and Proclamations**
Approval of Safety Resolution 2020
11. **Miscellaneous Business**
Next meeting date: 6:00 p.m., Tuesday, February 25, 2020
12. **Executive Session** – Executive session pursuant to Section 30-4-70 (a)(2) to receive legal advice and status update on legal options for the City related to the lease with Morgan Creek Grille.
- Upon returning to open session, Council may take action on matters discussed in Executive Session.
13. **Adjournment**

City Council
6:00pm, Tuesday, November 19, 2019
Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. **The invocation and the Pledge of Allegiance was followed by the roll call.**

Present: Mayor Carroll, Council members Bell, Buckhannon, Ferencz, Kinghorn, Moyer, Rice, Smith, and Ward

Staff Present: Administrator Fragoso, City Attorney Copeland, Asst. City Administrator Hanna, City Department Heads

2. **Appointment and Administration of Oath to New Employees**

MOTION: Council Member Ward made a motion to approve the administration of oath and Council Member Moyer seconded the motion. The motion passed unanimously.

Mayor Carroll administered the oath to Eric Bolen, Nick Russo, and Lawrence Daugherty of the Fire Department.

3. **Reading of the Journals of Previous Meetings**

MOTION: Council Member Ward made a motion to approve the minutes of the October 22, 2019 meeting, and Council Member Bell seconded the motion. The minutes were approved unanimously.

4. **Citizen's Comments**

Howard "Beach Santa" Hogue 445 Fedderbrush, Moncks Corner, spoke in favor of Ordinance 2019-19. He shared statistics about the number of cigarette butts and cigar tips picked up off the beach this year. He expressed concern about the chemicals that leach out of cigarette butts and how they end up in the water and food supply. He said he was taken aback that Ordinance 2019-18 did not pass First Reading in October, and he invited Council members to walk the beach with him next season to see for themselves the amount of improperly discarded cigarette butts.

Kelly Thorvalson, SC Aquarium, shared data of cigarette butts removed from the beach during a recent beach sweep. She said children are cleaning up toxic cigarette butts that adults cannot properly dispose of. She shared that similar smoking bans have proven to be successful, are self-policing, and reduce beach litter by 25%.

5. **Reports from Standing Committees**

Council Member Ward reviewed the financial reports, noting the unaudited fund balance of \$19,792,000 as of 6/30/2019 should remain as stated. He added the current forecast matches the budget so far this fiscal year.

A. Recommendation from the Accommodations Tax Advisory Committee for the City to approve sponsorship request from the IOP Turtle Team and the IOP Exchange Club for the Isle of Palms Turtle Hatching Scavenger Hunt in the amount of \$6,000 [State ATAX, General Government, Programs/Sponsorships - \$85,000 p. 22, ln. 20]

MOTION: Council Member Ward made a motion to approve the request for funding, and Council Member Rice seconded the motion. The motion passed unanimously.

B. Recommendation from the Public Safety Committee to approve unbudgeted expenditure in an amount not to exceed \$10,000 for the purchase and installation of a safety camera at Breach Inlet

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

C. Recommendation from the Public Safety Committee to implement a Reserve Officer Program in the Police Department

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

D. Recommendation from the Real Property Committee to apply to the Greenbelt Program to use the City's allocation for the construction of an ADA-Compliant Beach Walkover and Observation Deck at 42nd Avenue

MOTION: Council Member Bell made a motion to approve, and Council Member Rice seconded the motion.

Several Council members spoke in favor of this project and providing more handicapped access to the beach.

VOTE: The motion passed unanimously.

E. Consideration of an award to Insight Group, LLC in the amount of \$26,840 for construction management services for the Public Safety Building Repair Project [Capital Projects, Police, Capital Outlay - \$1,209,000, pg. 16, ln. 29; Capital Projects, Fire, Capital Outlay - \$2,324,500, pg. 16, ln. 41]

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

F. Consideration of approval of an amount not to exceed \$100,000 for the 12-month rental of one (1) double-wide and one (1) triple-wide temporary offices for the Police and Fire Departments to use during the rehabilitation of the Public Safety Building [Capital Projects, Police, Capital Outlay - \$1,209,000, pg. 16, ln. 29; Capital Projects, Fire, Capital Outlay - \$2,324,500, pg. 16, ln. 41]

Motion: Council Member Bell made a motion to approve, and Council Member Moye seconded the motion.

Administrator Fragoso said, “We will go through the competitive bidding process that is required of us by the code. This is just a timing constraint based on the fact that Council does not meet in December, and this would allow me to execute a contract after the bidding process completes.

VOTE: The motion passed unanimously.

B. Public Safety Committee

Council Member Buckhannon reviewed the minutes of the November 4, 2019 Public Safety Committee meeting.

MOTION: Council Member Ward made a motion to approve the recommendation of the Public Safety Committee to revise the beach parking plan to include parallel parking and the 4’ off pavement rule on Palm Boulevard between 41st and 53rd avenues and to implement parallel parking from 3rd to 9th avenues on Ocean Boulevard. Council Member Bell seconded the motion.

Administrator Fragoso explained the process by which the staff made the recommendations for the changes to the parking plan. She gave a brief presentation of the changes and the affected areas. She added, “I looked back at the minutes, the intent for the parking in those areas, which include again 3rd, 4th, 5th, 6th, 7th, and 9th, was for it to be parallel parking all along. Somehow that was not signed properly last year, and we want to go ahead and fix that.” She stated the City would only need to purchase 24 new signs that could be hung on existing signposts by staff. She also added that the area past 53rd avenue would not be signed due to the presence of a swale ditch that does not allow parking 4’ off the pavement, but the parking spaces would still be counted as parking spaces toward the City’s public access definition. These changes do not require a revised SCDOT encroachment permit. Administrator Fragoso said she will review the beach parking plan to see how many, if any, parking spaces are being affected by these changes.

VOTE: The motion passed unanimously.

After a continued review of the minutes, Council Member Buckhannon noted to Council that the upcoming request to allow alcohol during the Holiday Festival will be forthcoming for all future outdoor City-sponsored festivals.

C. Public Works Committee

Council Member Rice reviewed the minutes of the November 14, 2019 Public Works Committee meeting. Director Kerr gave an update on the status of the Phase III Drainage project. He reported the lingering issue is where OCRM will draw their jurisdictional lines, which could affect the City’s mitigation requirement. When asked about whether or not the City will be allowed to dredge the ditches, Director Kerr said, “I don’t think so. From what I hear, the public good will trump the environmental issues if there are some. So it is that we would be authorized to do it. It is just that we would potentially have to pay into a mitigation fund or come up with mitigating projects that would offset the environmental damage that we are doing.” He added that once a baseline is established with OCRM, the City will be able to maintain the ditches without going through a permitting process. Mayor Carroll asked about the height of the outfalls,

and Director Kerr said the height of the outfalls used Hurricane Joaquin as a standard but could still be overwhelmed by a major storm event. "The engineers really did pick the elevation that they could reasonably protect to," Director Kerr added.

Following further review of the minutes, Council Member Rice referred to Council Member Kinghorn's questions regarding the Water & Sewer Commission from the October Ways & Means Committee meeting.

Council Member Kinghorn: Only to say that last month there were a series of questions directed at the Chair and the Mayor that were to be answered at that meeting, and they were not.

Council Member Rice: Do you feel like your questions have been answered since then?

Council Member Kinghorn: No.

Mayor Carroll: May I give some answers?

Council Member Rice: Absolutely.

Mayor Carroll: So your first question was about a full-service, and I look at our City, and I see our fire department, our police department, our recreation department, our public works department, and yes a water and sewer department. So I think we are pretty full service. For the first question.

Council Member Kinghorn: May I respond?

Mayor Carroll: Yes, sir. Please.

Council Member Kinghorn: A full-service city, by definition, includes water and sewer. Most citizens in Isle of Palms view that the water and sewer authority is, in fact, an enterprise of the City. It is not. To have a full-service city, we are talking about folks in Aiken or Greenville or Charleston or Rock Hill. You have fire, water, public safety, public works. It is inclusive. Our situation is not.

Mayor Carroll: Okay. Number two. Why wouldn't you want the control of our destiny related to these two key services? Well, regardless of whether the water and sewer is a department or remains a commission is still based on a charge. It is a non-profit. They charge the same amount that we, if we ran it, we would have to charge the same amount. It is a non-profit making organization. So, it is just more government the way I look at it, and the way that I have talked to water and sewer, and I also talked to Clay Duffie, who is the Water & Sewer Commissioner from Mt. Pleasant, Chairman, who says in 1991, it is going to be when we took it over. 1992 is when we made it a commission, and he goes there is a reason why you all did that, and there is a reason why we did that. He goes why change it. I think Councilman Ward was instrumental in 1990 going to the Beach Company and proposing the City buying the water company, the Water & Sewer company.

Council Member Ward: That is correct.

Mayor Carroll: Anything else you want to expand on that or –

Council Member Ward: Butch went to Charlie Way. They just nominated me, the City Council, of course, I was a CPA, to go down there and beat up on Charlie Way. And so, he said he wanted the City, he did not even know what he wanted for it. He wanted \$1.6 million for it, and the City authorized me to offer him \$1.3 million. So I said, well, the City authorized me to offer you \$1.3 million, and he said okay. Anything else, Jimmy? No, sir. So I came back. We got it, and we figured it was so big that we needed a commission, and it was just too much work for us. That is why, one of the reasons why we had the Isle of Palms Water & Sewer Commission was formed.

Council Member Kinghorn: So the point of the question is we do not have direct influence over what happens with regards to water and sewer, two of the most important services that are provided to any municipality. This is not picking on our Commission. This is the case in commissions and where full-service cities are operating throughout the state, throughout the country. You do not have direct influence. No matter the minor thing you want to do or something as significant as what was proposed recently with \$16 million in bonding. The future development of the enterprise that is problematic, and we have discussed this at great length.

Council Member Bell: Jimmy?

Mayor Carroll: Yes, sir. Councilman Bell.

Council Member Bell: Just to Council Member Kinghorn's comments. I do not think it is an indictment of the existing commission. I will say sitting up here for two years anticipating having a meeting with Water & Sewer where we do not have control. It has taken over 20 months. No meeting. It was before us for \$16 million with little detail. When I look at things, I want to understand at the core what that detail represents. Right? So we still have 1400 septic systems. We sit up here and have massive debates on how do we get all residents connected to sewer systems with rising sea levels and the other issues that we have. Then we defer back to a Water & Sewer Commission who came before us for \$16 million without the breakdown of how much of that \$16 million is for necessary replacement or repairs in Wild Dunes versus future infrastructure for a connection that we cannot figure out sitting up here at this table. I struggle with puzzles that have missing pieces. For me, it is a puzzle with a missing piece. We do not have any control. The only authority we have is as a funding body. So while the history lessons are nice, looking forward, the amounts are staggering, and without this Council or future councils having some engagement beyond the sidelines for whether or not we can even get a meeting with Water & Sewer, for me, is completely unacceptable.

Mayor Carroll: Anyone else on that? So, you went into question three. Who would support –

Council Member Bell: It was my segue.

Mayor Carroll: Segue to question three – a personal loan given the information we have here? There was a person across the street who was not forthcoming with information. Previously, there was not a lot of information provided. When Council finally did get the information, it was at the last minute. That has been addressed, and the information will be provided in the future. And I also think it is prudent for this Council this coming year to think about having several representatives attend the Water & Sewer Commission. I think we need to be part of that. We

need to have a voice in that. It is like when we had storm events, and we had OpCons and we have everybody come together, but yet we did not have the Water & Sewer coming over and joining us. That is changing. We have got new communication across the street. I am very pleased with it, but I think it is something I think Council can look at. Number four, why wouldn't you want to cross-train economics of scale across departments? And we look at that like our police department and our fire department and our public works department and our recreation department. They do not cross train each other, nor would we cross train with the Water & Sewer. There are professionals over there who run that. I cannot imagine that Recreation is going to go over and work on that or Public Works is going to go over there and cross train when they have their hands filled. Or the Police Department or the Fire Department. So again, cross-training was kind of far-fetched one but is a good question, and I commend you for asking. Go ahead and fill in.

Council Member Kinghorn: Contrary to being far-fetched, anybody that has worked in a professional environment understands the benefit in the economies of scale of cross-training. And if you are not doing it, you are missing opportunities. Now, all but the Rec chairman, who really is not directly involved in this issue, it is important that the citizens hear this again. It has been discussed at previous meetings. All of the City department heads have noted very clearly in their own areas of influence the benefit it would have if Water & Sewer was operated as a City department. Right? Not Ted Kinghorn. Not anybody else on this Council. The professionals that run our departments because they understand what other cities do. They have more experience than many of us have indicated this would be preferable for a whole host of reasons.

Mayor Carroll: Thank you. Why wouldn't you want to be directly responsible for safety and fire to citizens related to water? I think that goes back to maybe having somebody from the City Council attend the meetings and maybe someone from the Fire Department. I was told that there are times when a fire hydrant is frozen, and they call it, Water & Sewer, they go down and open it up. This comes back to that communication and having involvement with the two. Yes, sir. Mr. Kinghorn?

Council Member Kinghorn: Go ahead.

Mayor Carroll: Yes, ma'am?

Council Member Rice: Is that it?

Mayor Carroll: No, no. I have got more. Why wouldn't you want to be...fully responsible for the Water & Sewer finance rates, debt revenue, and the quality of services? If Water & Sewer were a department, the cost of the service would not change unless it was the intent of the City to raise rates to offset some other cost within the City. Refer to question 1. It is a non-profit. The money that they charge is for the running of the business they have over here. Go ahead. Yes, sir?

Council Member Buckhannon: Point of order. Is there a motion? Or is just –

Mayor Carroll: No, these are questions he has asked –

Council Member Rice: No, this was, it is on the agenda.

Council Member Kinghorn: It is a discussion and I appreciate the dialog, and I hope all the members of the Council do, and while it might take a little time, I hope that our citizens do.

Council Member Ward: Where is it on the agenda?

Council Member Rice: It was on our Public Works agenda that is in my report.

Council Member Kinghorn: Why are we quibbling over this when we are going to wrap it up?

Council Member Rice: Yeah, we are going to wrap it up.

Council Member Kinghorn: There are many examples throughout the state, one classic one in this non-profit characterization, is when Dupont ran the Savannah River site. It is a multi-billion-dollar enterprise, and they said we only make \$1 a year. They employed 13,000 people on average, and they said they made \$1 a year. What do you think the effect of a multi-billion-dollar program is year in and year out of a government contract and how that affects your bottom line throughout your corporation? The fact is the last time there was major debt that was approved by the City for the Water & Sewer Authority shortly thereafter, and of course, there were recommended rates, but after that, guess what? The rates went up. So whether the rates go up or down, whether the service is excellent or poor, I would rather have the City that is directly responsible for the other services run the operation. Let me close by saying this is pretty indicative of concerns that I have had for the four years I have served. There seems to be a lack of interest in reform and innovation by Council. And all you have to do is go as far as your staff and be open-minded enough and ask them what are best practices, where can we engage in reform and make the City operate better, and where can we innovate to provide better services for the City? Thank you.

Mayor Carroll: And you segued to the last question, so thank you very much. Anyone else?

Council Member Rice: I am going back to my report.

Mayor Carroll: Yes, ma'am. Thank you.

Council Member Rice: So, I think in the coming year there will likely be lots of dialogue with the new Council regarding the Water & Sewer, and hopefully, the communication will greatly improve. And maybe this is the best path would be for it to become a department of the City, but that is going to take a lot of people coming together and deciding that it is the best way to go.

Upon completing her review of the minutes, Council Member Rice was recognized by Mayor Carroll for her years of service to the City.

D. Recreation Committee

Council Member Smith reviewed the minutes of the November 4, 2019 Recreation Committee meeting. She shared that much of the meeting was centered around a discussion about a community pool.

E. Personnel Committee

Council Member Moye reviewed the minutes of the November 12, 2019 Personnel Committee meeting. He clarified the new policy regarding appointments to the Board and Commissions by saying, “after serving consecutive terms, your position will be opened and you may apply for that, but we will go through the interview process again with everyone who applies so that we at least have the opportunity to consider new applicants for the positions that are being opened.” It will go into effect in 2020.

MOTION: Council Member Moye made a motion to recommend the reappointments of Malcolm Burgis, Sally Leydic Muhlig, David Nelson, and Rusty Williamson to the ATAX Committee, Elizabeth Campsen and Carolyn Holscher to the Board of Zoning Appeals, and Ron Denton and Lisa Safford to the Planning Commission. Council Member Rice seconded the motion.

Administrator Fragoso noted these recommendations will be presented again to City Council at the December 3 meeting and will be ratified at the January City Council meeting, adding that other nominations will be entertained as well.

Council Member Bell asked for clarification about the selection process and the policy for such that Council should expect to vote on in the future. Administrator Fragoso said the Personnel Committee will develop a more structured policy surrounding the selection process next year. Council Member Ferencz shared the Personnel Committee asked the boards and commissions for their input regarding the selection process.

VOTE: The motion passed unanimously.

Council Member Moye noted there is a vacancy on the Planning Commission after Mr. Philip Pounds is inaugurated to City Council in January. Applications for this opening are online and being accepted through December 31. Administrator Fragoso said the new City Council orientation and training handbook will be distributed at the December 3, 2019 meeting for review. Council Member Moye suggested a discussion next year about the length of time between an election and inauguration as well as the issue surrounding plurality in the election.

F. Real Property Committee

Council Member Bell reviewed the minutes of the November 6, 2019 Real Property Committee meeting.

6. Reports from City Officers, Boards, and Commissions

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

7. Reports from Special or Joint Committees – none

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

9. Bills already in Possession of Council – none

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

A. **Ordinance 2019-16 – AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 1, GENERAL PROVISIONS, ARTICLE B – NUISANCES. An Ordinance to establish new standards for dilapidated structures.**

MOTION: Council Member Bell made a motion to suspend the rules of order to allow discussion of Ordinance 2019-16. Council Member Ferencz seconded the motion. The motion passed unanimously.

Administrator Fragoso said the redline version of this ordinance includes “some selections from the international Property Maintenance Code to address some of the concerns raised by residents related to vacant structures that are not being well-maintained on the island. This code, the amendment to this code, which is in front of you, would require that all homes, both occupied and those that are vacant, keep the exterior walls in good condition, protected by paint or other covering, free of cracks, breaks, rot, and excessive mildew. Also keep the roofs free of leaks. Stairs, decks, porches, railings, and handrails, they should be properly attached and structurally sound. Also, keep pools in good repair with filters on to ensure that the water is clean and sanitary. There is a provision also included as part of the amendment in front of you that allows staff to review properties on a case-by-case basis in the event of a disaster-declared event.”

Director Kerr noted that this ordinance does give the City more to ensure that a building is properly taken care of, but a compliant structure “may still look awful.” Council Member Bell stated that ordinances such as 2019-16 are about “trying to gain public consensus for appropriate behavior. It is not to legislate each individual event.” Council members discussed whether this ordinance was overreach, if the current code already provided the City a means to deal with these issues, and whether or not it will make a difference over time. Council Member Smith expressed concern about the subjectivity of the ordinance and how it will be applied. Administrator Fragoso responded by saying, “I will say if it becomes an ordinance it is something that the City staff needs to apply consistently across the board. We discussed that at the meeting, and as soon as one person gets a ticket, they start seeing issues in other properties as well. I think we need to be very careful about ensuring that the enforcement mechanism applies consistently across the board.”

Council Member Bell added, “This has been addressed completely as a public safety issue. Just for clarity for everybody.” With regards to consistency, he said, it does not mean “that for every violation that is contained within this code, that if somebody has mold on the side of their house, that the mold police show up and tell you you have mold.”

Director Kerr said, “I will just forewarn the Council that whenever I charge somebody with anything, the very first thing they do the next day is bring me a list of the four other things that they feel like are as bad as what they, so it becomes whether I want to put it under a microscope or not... it immediately gets analyzed for consistent behavior.” As other issues come out, the City will have to be consistent in applying the code.

MOTION: Council Member Ferencz made a motion to approve Ordinance 2019-16, and Council Member Bell seconded the motion. A vote was taken as follows:

Ayes: Smith, Bell, Kinghorn, Ward, Rice, Ferencz

Nays: Buckhannon, Moye, Carroll

Ordinance 2019-16 passed First Reading.

Administrator Fragoso said, “The Pending Ordinance Doctrine means that once it is approved at First Reading, then any complaints or any enforcement that comes after would comply with the current ordinance as approved.”

B. Ordinance 2019-19 – AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 4, SMOKING IN THE WORKPLACE. An Ordinance to prohibit smoking on the beach.

MOTION: Council Member Moye made a motion to suspend the rules of order to allow for discussion of Ordinance 2019-19. Council Member Rice seconded the motion. The motion passed unanimously.

Council Member Ferencz asked how this ordinance is different than the one voted on in the October meeting. Council Member Smith said, “The main intent all along has been to focus on cigarettes and smoking at the beach, but we did have this other language, which was actually impactful in regard to City-owned properties, and I think out of the conversation that has emerged, I think for this moment, focusing on the beach is the right thing to do.” She said that keeping smoking off the beach does allow space for people to smoke lawfully. She also said the City could provide additional trash receptacles off the beach for cigarette trash. She stated, “This has never been about trying to get people to stop smoking. This is about the impact that smoking has on the litter and the smoke has on the people around them.” She believes the City needs to do more to provide a clean and healthy beach to citizens and visitors.

Council Member Bell stated he had been unsure how to vote on this ordinance and commended Council Member Smith on her comments. He said passing this ordinance is consistent with the ordinance this council passed banning plastics in a unanimous vote. Of this ordinance he said, “It is a gradual behavior change that is consistent with the 85% of the people in the country that do not smoke.”

Council Member Rice said there is no reason to not pass the ordinance “when we know it will help.”

Council Member Moye said that while it is easy to vote no, he believes City Council as to make a choice to be a leader in protecting the environment.

Council Member Ferencz said she thought this ordinance was as a result of a litter problem and wondered what the City will do to get rid of the litter. Ordinance 2019-19, she said, will just take the litter elsewhere.

Council Member Kinghorn made a motion to amend Ordinance 2019-19 to include the beach front parking lots, but Administrator Fragoso reminded him amendments can be made at Second Reading. He noted that while a smoking ban on the beach will move litter elsewhere, it will be imperative to have an education program about all aspects of littering.

Council Member Smith added that Sullivan's Island City Council unanimously passed a smoking ban at their meeting tonight, and it is important that the City Council consider what their neighboring island is doing to prevent the Isle of Palms from becoming everyone's ashtray.

Council Member Buckhannon said to see a real change, City Council should ban cigarettes at the point of sale.

VOTE: A vote was taken as follows:

Ayes: Smith, Bell, Kinghorn, Rice, Moya

Nays: Ward, Buckhannon, Ferencz, Carroll

Ordinance 2019-19 passed First Reading.

MOTION: Council Member Smith made a motion reorder the agenda to and move to have Second Reading of Ordinance 2019-19 on the agenda for the December 3, 2019 City Council Meeting. Council Member Rice seconded the motion.

Council Member Smith said City Council has done business at past December meetings and passing Ordinance 2019-19 at that meeting will allow the City to tie messaging about the smoking ban into the messaging with the plastics ban as well as provide cohesive messaging with the smoking ban on Sullivan's Island. She added this is the Council that has the full history of the discussion on the ban, and this should be the Council to vote on it. Council Member Moya noted how that point ties back to his point about swearing in new Council members closer to the election as it was the community who chose them as their representatives. He said he could not support fast tracking the ordinance. Council Member Bell agreed this issue should be voted on by this Council. Further discussion of whether or not to have Second Reading of Ordinance 2019-19 centered around whether or not this Council should be the ones to vote it into law.

VOTE: A vote was taken as follows:

Ayes: Smith, Buckhannon, Kinghorn, Rice, Bell, Moya

Nays: Ward, Ferencz, Carroll

C. Resolution 2019-03 – A resolution authorizing consumption of beer and wine only at the Holiday Street Festival on December 7, 2019

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

Discussion ensued about whether allowing alcohol consumption is appropriate for a family-oriented and City-sponsored event.

VOTE: The motion passed unanimously.

11. Miscellaneous Business

The next regular meeting of the City Council will be Tuesday, January 28, 2020 at 6:00pm in Council Chambers. Mayor Carroll thanked outgoing Council members for their service and welcomed the incoming Council members.

12. Executive Session – none needed

13. Adjournment

The meeting was adjourned at 8:09pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

**Special Meeting of City Council
6:00pm, Tuesday, December 3, 2019
Council Chambers
1207 Palm Boulevard, Isle of Palms, SC**

MINUTES

1. Call to Order

Present: Mayor Carroll, Council members Bell, Buckhannon, Rice, Kinghorn, Moye, Smith, and Ward

Absent: Council Member Ferencz

Staff Present: Administrator Fragoso, Asst. City Administrator Hanna, Asst. City Attorney Thackett

2. Consideration of nominations to Standing Committees for 2020

Mayor Carroll nominated Council members Buckhannon, Bell, and Smith to the Public Safety Committee.

Council Member Bell declined the nomination and nominated Council members Buckhannon, Ward, and Pounds to the Public Safety Committee

Mayor Carroll nominated Council Members Buckhannon, Bell, and Popson to the Public Works Committee.

Council Member Bell declined the nomination and nominated Council members Pounds, Smith, and Popson to the Public Works Committee.

Council Member Buckhannon nominated Council Member Ward to the Public Works Committee.

Mayor Carroll nominated Council members Moye, Smith, and Popson to the Recreation Committee.

Mayor Carroll nominated Council members Moye, Pounds, and Streetman to the Personnel Committee.

Council Member Bell nominated Council members Moye, Streetman, and Ward to the Personnel Committee.

Mayor Carroll nominated Council members Ward, Pounds, and Streetman to the Real Property Committee.

Council Member Bell nominated himself, and Council members Buckhannon and Streetman to the Real Property Committee.

Council member Ward nominated Kevin Popson.

There being no further nominations, Council Member Rice made a motion to close the nominations, and Council Member Buckhannon seconded the motion. The motion passed unanimously.

3. Consideration of nominations to Boards and Commissions

Mayor Carroll nominated Malcolm Burgis, Sally Mulig, David Nelson, and Rusty Williamson to the Accommodations Tax Advisory Board.

Mayor Carroll nominated Elizabeth Campsen and Carolyn Holscher to the Board of Zoning Appeals.

Mayor Carroll nominated Ron Denton and Lisa Safford to the Planning Commission.

There being no further nominations, Mayor Carroll made a motion to close the nominations, and Council Member Bell seconded the motion. The motion passed unanimously.

4. Consideration of the nominations of City Judges, City Attorney and Assistant City Attorney

Mayor Carroll nominated Michael Molony as the City Judge, Julia Copeland as the City Attorney, and Claude Thackett as the Assistant City Attorney.

There being no further nominations, Council Member Moye made a motion to close the nominations, and Council Member Rice seconded the motion. The motion passed unanimously.

5. Consideration of nominations to the CARTA Board of Directors

Mayor Carroll nominated Council Member Ward to the CARTA Board of Directors.

There being no further nominations, Council Member Moye made a motion to close the nominations, and Council Member Buckhannon seconded the motion. The motion passed unanimously.

6. Consideration of nominations to the Charleston Visitors Bureau

Mayor Carroll nominated Council Member Smith to the Charleston Visitors Bureau.

There being no further nominations, Council Member Rice made a motion to close the nominations, and Council Member Buckhannon seconded the motion. The motion passed unanimously.

7. Consideration of nominations to the Charleston, Berkeley, Dorchester Council of Governments

Mayor Carroll nominated himself to the Charleston, Berkeley, Dorchester Council of Governments.

Council Member Ward nominated Council Member Pounds to the Charleston, Berkeley, Dorchester Council of Governments.

There being no further nominations, Council Member Rice made a motion to close the nominations, and Council Member Moye seconded the motion. The motion passed unanimously.

8. Consideration of the terms of appointments to the vacancies to the Isle of Palms Water & Sewer Commission

Council Member Moye stated the reported the length the recent vacancies to the Isle of Palms Water & Sewer Commission was incorrect. Personnel Committee members thought both vacancies were for four years, but one was for two years and one for four years. Administrator Fragoso stated one term expires on 12/31/2021 and the other expires 12/31/2023. After drawing a name at random, it was determined that Bob Hooper's term will expire on 12/31/2021, and Jan Anderson's term expires on 12/31/2023.

MOTION: Council Member Moye made a motion to appoint Jan Anderson to the 4-year term vacancy and Bob Hooper to the 2-year term vacancy on the Water and Sewer Commission. Council Member Rice seconded the motion. The motion passed unanimously.

9. Consideration of First Reading of Ordinance 2019-19 – AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 4, SMOKING IN THE WORKPLACE. An ordinance to prohibit smoking on the beach.

MOTION: Council Member Smith made a motion to approve Ordinance 2019-19 on First Reading, and Council Member Rice seconded the motion. A vote was taken as follows:

Ayes: Rice, Moye, Kinghorn, Buckhannon, Smith, Carroll
Nays: Buckhannon, Ward

Ordinance 2019-19 passed First Reading.

Council Member Kinghorn made a point of order asking the City Clerk to verbally review the outcome of the vote by identifying which Council members voted in favor of the ordinance and which voted against it.

10. Consideration of a special meeting on December 10th, 2019 at 5:30pm to consider Second Reading of Ordinance 2019-19.

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

Ayes: Rice, Moye, Kinghorn, Buckhannon, Smith, Carroll
Nays: Buckhannon, Ward

The motion passed.

11. Executive Session

Council Member Bell made a motion to move into Executive Session to discuss negotiations incident to proposed contractual arrangements related to the marina restaurant lease. Council

Member Buckhannon seconded the motion. The motion passed unanimously. City Council moved into Executive Session at approximately 6:17pm.

City Council returned from Executive Session, and Mayor Carroll reported no decisions were made, and no votes were taken. The meeting was adjourned at 7:20pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

**Special Meeting of City Council
5:30pm, Tuesday, December 10, 2019
Council Chambers
1207 Palm Boulevard, Isle of Palms, SC**

MINUTES

1. Call to Order

Present: Mayor Carroll, Council members Bell, Buckhannon, Rice, Kinghorn, Moye, Smith, and Ward

Absent: Council Member Ferencz

Staff Present: Administrator Fragoso, Asst. City Administrator Hanna, Attorney Frances Cantwell

2. Citizen's Comments

Sondra Hines, 624 Carolina Boulevard, spoke against Ordinance 2019-19, stating it is not needed and is government overreach. She said what will make a difference is people getting ticketed. She also expressed her dislike for the process Ordinance 2019-19 has taken to approval. She said she felt the earlier Public Works meeting was for public comment only.

Frank Hines, 624 Carolina Boulevard, said he, too, is against Ordinance 2019-19. He said the ordinance has only been around one week for review and believed the earlier Public Works meeting was only a formality. He said the process has been poorly done, and the ordinance does not bring people together. He also did not understand why the ordinance is attached to the ordinance regarding the health of employees.

Rusty Williamson, 605 Carolina Boulevard, also spoke against Ordinance 2019-19. He said it is government overreach and that the City should enforce the litter ordinance it already has.

Kelly Thorvalson, South Carolina Aquarium, reiterated many of the statements and feelings she has expressed in earlier meetings regarding Ordinance 2019-19. She encouraged City Council to pass the ordinance to protect the water and the wildlife.

Karen Joyce, 3208 Hartnett Boulevard, asked for City Council's support in her request for the use of the gym for children's basketball practice.

3. Consideration of Second Reading of Ordinance 2019-19 – AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 4, SMOKING IN THE WORKPLACE. An ordinance to prohibit smoking on the beach.

MOTION: Council Member Rice made a motion to approve, and Council Member Smith seconded the motion.

Council Member Smith noted that this ordinance has been in discussion since the spring and there has been a lot of public feedback about it. She said the timing of passing this now is

important due to the passing of a similar ordinance on Sullivan's Island. She noted the Charleston Visitors' Bureau wants to use it in advertising as a selling point.

Council Member Rice said this is the right thing to do and is proud to see it through.

Council Member Ward said he did not understand why there was a rush to pass this ordinance and suggested postponing it until the January Council meeting in January.

Administrator Fragoso distributed proposed outdoor cigarette butt disposal units to City Council, noting they would be added at the head of each beach access path. She said there are contingency funds available for their purchase. She has spoken with the Public Works staff who has said they can service them with current staffing and at no additional costs to the City.

Council Member Kinghorn wished City staff luck in enforcing Ordinance 2019-19 if it passes, further noting City Council has bigger issues to discern in the new year. He added, "I also think that the new Council has much bigger fish to fry, and I hope you will make more progress than we have. Namely, full implementation of island-wide sewer, dealing with the full redevelopment and improvement of the marina, and taking the challenge of the front beach parking lot and putting that into best practices and best use so we have something to be proud of there. I wish you the best of luck, and if there is any way I can assist, I am happy to do that."

Council Member Smith noted that Ordinance 2019-19 is different than 2019-18 in that it prohibits smoking on the beach and beach access paths only and does not further restrict smoking at the marina.

Council Member Buckhannon said this will only put more cigarette butts in the public right of ways. He said the public right of ways should be included in this ordinance, and that the City should prohibit cigarettes at the point of sale.

Mayor Carroll said this has been the hardest vote for him in eight years on . He is proud that the Isle of Palms is a leader on environmental issues and is glad the Charleston County plastics ban will go into effect soon. But he would rather have the police out on the roads and not on the beaches adding wear and tear to City vehicles. He said there is already a litter law in place that is not enforced.

VOTE: A vote was taken as follows:

Ayes: Smith, Bell, Kinghorn, Rice, Moye, Carroll

Nays: Ward, Buckhannon

Ordinance 2019-19 passed Second Reading.

11. Executive Session

Council Member Bell made a motion to move into Executive Session to discuss negotiations incident to proposed contractual arrangements related to the marina restaurant lease. Council Member Moye seconded the motion. The motion passed unanimously. City Council moved into Executive Session at approximately 5:50pm.

City Council returned from Executive Session. Mayor Carroll reported no action was taken.

MOTION: Council Member Moye made a motion to “authorize the City Administrator to execute a letter of intent to enter into an exclusive 90-day due diligence period with the IOP Family Group.” Council Member Buckhannon seconded the motion. A vote was taken as follows:

Ayes: Smith, Bell, Ward, Buckhannon, Moye, Rice, Carroll

Nays: Kinghorn

12. Adjournment

Council Member Buckhannon made a motion to adjourn and Council Member Moye seconded the motion. The meeting was adjourned.

Respectfully submitted,

Nicole DeNeane
City Clerk

Municipal Inauguration
6:00pm, Tuesday, January 7, 2020
Isle of Palms City Council Chambers

MINUTES

Following a welcome by Mayor Carroll and the invocation by Pastor Phil Clark of St. Mark's Lutheran Church, the colors were presented by members of the Isle of Palms Police and Fire Departments followed by the Pledge of Allegiance.

A motion was made by Council Member Moye to allow for City Clerk DeNeane to administer the Oath of Office to the newly elected Council members. Council Member Bell seconded the motion. The motion passed unanimously.

City Clerk DeNeane swore in Council members Kevin Popson, Phillip Pounds, and Rusty Streetman. Kristin Irvin, and Erin Graves, swore in Council Member Jimmy Ward.

Following an inaugural address by Mayor Carroll in which he reviewed some of the City's accomplishments in 2019, Pastor Phil Clark gave the benediction. Council Member Buckhannon made a motion for City Council to move into a 30-minute recess, and Council Member Ward seconded the motion. The motion passed unanimously, and City Council recessed at approximately 6:18pm.

City Council reconvened at 6:45pm. Mayor Carroll read the recommended guidelines for the Committee Assignment Voting Process. Council Member Buckhannon made a motion for voting to be carried out via the ballot method, and Council Member Pounds seconded the motion. A vote was taken as follows:

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

Nays: Ward, Carroll

The motion passed.

1. Consideration of the Appointments of Members to Standing Committees for 2020

A. Public Safety Committee

Mayor Carroll had nominated Council members Buckhannon, Bell, and Smith to the Public Safety Committee. Council Member Bell had declined the nomination and had nominated Council members Buckhannon, Ward, and Pounds to the Public Safety Committee.

The nominees were Ryan Buckhannon, Susan Smith, Jimmy Ward, and Phillip Pounds.

Upon the first vote of the Public Safety Committee, Council members Buckhannon, Ward, and Pounds were elected.

B. Public Works Committee

Mayor Carroll had nominated Council Members Buckhannon, Bell, and Peterson to the Public Works Committee. Council Member Bell had declined the nomination and had nominated Council members Pounds, Smith, and Peterson to the Public Works Committee. Council Member Buckhannon had nominated Council Member Ward to the Public Works Committee.

The nominees were: Ryan Buckhannon, Kevin Popson, Phillip Pounds, Susan Smith, and Jimmy Ward.

Upon the first vote for the Public Works Committee, Council Popson, Pounds, and Smith were elected to the Public Works Committee. Council Member Pounds declined his appointment to the Public Works Committee.

Upon the second vote for the Public Works Committee, neither Council Member Buckhannon nor Ward received a majority number of votes required for appointment.

Upon the third vote for the Public Works Committee, neither Council Member Buckhannon nor Ward received a majority number of votes required for appointment.

Council Member Moye made a motion to amend the agenda to allow for additional nominations to the Public Works Committee. Council Member Ward seconded the motion. A vote was taken as follows:

Ayes: Popson, Moye, Ward, Carroll, Buckhannon, Smith

Nays: Streetman, Bell, Pounds

Council Member Ward made a motion to nominate Mayor Carroll to the Public Works Committee. Council Member Moye seconded the motion.

Council Member Smith nominated Council Member Streetman to the Public Works Committee.

Council Member Moye made a motion to close nominations for the Public Works Committee. Council Member Buckhannon seconded the motion. The motion passed unanimously.

Upon the fourth vote for the Public Works Committee, no nominee received a majority of votes required for appointment.

Mayor Carroll said he would like to withdraw his nomination as did Council Member Ward and Council Member Buckhannon.

Upon the fifth vote for the Public Works Committee, Council Member Streetman received a majority number of votes and was elected to the Public Works Committee.

C. Recreation Committee

Mayor Carroll had nominated Council members Moye, Smith, and Popson to the Recreation Committee.

The nominees were: John Moye, Susan Smith, and Kevin Popson.

Upon the first vote for the Recreation Committee, Council Members Moye, Smith, and Popson were elected to the Recreation Committee.

D. Personnel Committee

Mayor Carroll had nominated Council members Moye, Pounds, and Streetman to the Personnel Committee. Council Member Bell had nominated Council members Moye, Streetman, and Ward to the Personnel Committee.

The nominees were: John Moye, Phillip Pounds, Rusty Streetman, and Jimmy Ward.

Upon the first vote for the Personnel Committee, Council members Moye, Pounds, and Streetman were elected to the Personnel Committee. Council Member Pounds declined his election to the Personnel Committee.

Council Member Ward withdrew himself from consideration for the Personnel Committee.

Council Member Moye made a motion to amend the agenda to allow for nominations to the Personnel Committee. Council Ward seconded the motion. The motion passed unanimously.

Council Member Ward made a motion to reopen nominations for the Personnel Committee. Council Member Popson seconded the motion. The motion passed unanimously.

Mayor Carroll nominated Council Member Smith to the Personnel Committee. Council Member Ward seconded the motion. Council Member Smith declined the nomination.

Council Member Buckhannon nominated Mayor Carroll to the Personnel Committee. Council Member Ward seconded the nomination.

Council Member Buckhannon made a motion to close nominations, and Council Member Bell seconded the motion. The motion passed unanimously.

Upon the second vote for the Personnel Committee, Mayor Carroll received a majority of the votes and was elected to the Personnel Committee.

E. Real Property Committee

Mayor Carroll had nominated Council members Ward, Pounds, and Streetman to the Real Property Committee. Council Member Bell had nominated himself and Council members Buckhannon and Streetman to the Real Property Committee. Council Member Ward had nominated Kevin Popson

The nominees were: Jimmy Ward, Phillip Pounds, Rusty Streetman, Randy Bell, Ryan Buckhannon, and Kevin Popson.

Upon the first vote for the Real Property Committee, Council members Bell, Buckhannon, and Popson were elected to the Real Property Committee.

2. Consideration of Appointments to City Boards and Commissions

A. Accommodations Tax Advisory Committee

Mayor Carroll had nominated Malcolm Burgis, Sally Mulig, David Nelson, and Rusty Williamson to the Accommodations Tax Advisory Board.

Council Member Moyer made a motion to approve Mayor Carroll's nominations as presented, and Council Member Pounds seconded the motion. The motion passed unanimously.

B. Board of Zoning Appeals

Mayor Carroll had nominated Elizabeth Campsen and Carolyn Holscher to the Board of Zoning Appeals.

Council Member Moyer made a motion to approve Mayor Carroll's nominations as presented, and Council Member Buckhannon seconded the motion. The motion passed unanimously.

C. Planning Commission

Mayor Carroll had nominated Ron Denton and Lisa Safford to the Planning Commission.

Council Member Pounds made a motion to approve Mayor Carroll's nominations as presented, and Council Member Bell seconded the nomination. The motion passed unanimously.

3. City Officers

A. City Judge

Mayor Carroll had nominated Judge Michael Molony.

Council Member Smith made a motion to approve Mayor Carroll's nomination as presented, and Council Member Streetman seconded the motion. The motion passed unanimously.

B. City Attorney

Mayor Carroll had nominated Julia Copeland.

Council Member Moyer made a motion to approve Mayor Carroll's nomination as presented, and Council Member Bell seconded the motion. The motion passed unanimously.

C. Assistant City Attorney

Mayor Carroll had nominated Claude Thacker.

Council Member Moyer made a motion to approve Mayor Carroll's nomination as presented, and Council Member Streetman seconded the motion. The motion passed unanimously.

D. CARTA Board of Directors

Mayor Carroll had nominated Council Member Ward.

Council Member Moyer made a motion to approve Mayor Carroll's nomination as presented, and Council Member Buckhannon seconded the motion. The motion passed unanimously.

E. Charleston Visitors Bureau

Mayor Carroll had nominated Council Member Smith.

Council Member Moye made a motion to approve Mayor Carroll's nomination as presented, and Council Member Bell seconded the motion. The motion passed unanimously.

F. Charleston Berkeley Dorchester Council of Governments

Mayor Carroll withdrew his nomination for himself. Council Member Ward had nominated Council Member Pounds.

Council Member Bell made a motion to approve Council Member Ward's nomination as presented, and Council Member Ward seconded the motion. The motion passed unanimously.

4. Adjournment

Council Member Buckhannon made a motion to adjourn, and Council Member Ward seconded the motion. The meeting was adjourned at 7:47pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

**Special City Council Meeting
5:00pm, Thursday, January 9, 2020
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, South Carolina**

MINUTES

1. Call to order

Present: Popson, Streetman, Ward, Buckhannon, Smith, Pounds, Carroll

Absent: Moye, Bell

Staff Present: City Administrator Fragoso, Asst. City Administrator Hanna, City Attorney Copeland, multiple City department heads

2. New City Council Orientation

City Council members were given a council orientation by Charlie Barrineau, Field Services Manager from the Municipal Association of South Carolina. Topics included Council's leadership role, the council form of government, basics of effective meetings, rules of order, public engagement, and compliance issues for municipal finance and administration.

At approximately 6:05pm, Council Member Buckhannon made a motion to move into brief recess, and Council Member Smith seconded the motion. The motion passed unanimously.

At approximately 6:22pm, Council Member Ward made a motion to return from recess, and Council Member Streetman seconded the motion. The motion passed unanimously.

City Attorney Julia Copeland continued the orientation discussing topics regarding the Freedom of Information Act, Executive Session, ethics, conflicts of interest, and personal and professional liability.

3. Executive Session

Mayor Carroll requested a motion for City Council to move into Executive Session in accordance with §30-4070(a)(2) to receive legal advice regarding and consideration of legal options for the City related to the lease with Morgan Creek Grill. Council Member Ward made a motion to move into Executive Session, and Council Member Streetman seconded the motion. City Council members moved into Executive Session at approximately 6:49pm.

Upon returning from Executive Session, Mayor Carroll reported that no decisions were made.

MOTION: Council Member Buckhannon made a motion to direct the City Administrator to work with legal counsel on the discussions that occurred during Executive Session and authorizing them to take action within ten (10) days. Council Member Ward seconded the motion. The motion passed unanimously.

4. **Adjournment**

Council Member Buckhannon made a motion to adjourn and Council Member Streetman seconded the motion. The meeting was adjourned at 7:02pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

WAYS AND MEANS COMMITTEE
5:00pm, Tuesday, January 21, 2020
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Council members Popson, Streetman, Moye, Ward, Buckhannon, Bell, Smith, and Popson, Mayor Carroll

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Treasurer Suggs, City department heads

2. Election of Chair and Vice Chair

Mayor Carroll nominated Council Member Ward for Chair of the Ways & Means Committee. Council Member Moye nominated Council Member Pounds for Chair of the Ways & Means Committee. Council Member Moye requested each nominee speak to what they believe the Ways & Means Committee needs from a leader. Both Council members Ward and Pounds spoke to their experience and what they see as the needs of the Ways & Means Committee going into the future.

A vote for Chair was taken as follows:

Council Member Ward:	Popson, Ward, Buckhannon, Carroll
Council Member Pounds:	Streetman, Moye, Bell, Smith, Pounds

Council Member Buckhannon nominated Council Member Ward for Vice Chair of the Ways & Means Committee. Council Member Smith seconded the nomination. There being no other nominations, a vote was taken with all in favor of Council Member Ward for Vice Chair of the Ways & Means Committee.

3. Approval of previous meeting's minutes – November 19, 2019

Council Member Moye made a motion to approve the minutes of the November 19, 2019 meeting. Mayor Carroll seconded the motion. The motion passed unanimously.

4. Citizens' Comments

Sandy Ferencz, 4 Seahorse Court, asked City Council to consider freezing any capital improvements until full funding can be secured for the capital improvements "we know are in front of us," including the Marina docks, the Public Safety building, and a potential loss of revenue at the Marina. She also said that while on the Real Property Committee she remembered the Committee recommending that all contracts go through the RFP process. She asked if the process for the marina was being handled differently. Lastly, she asked about the wording of the upcoming community forum, wondering why it has been called the "Community Marina Workshop" and not referring to the marina as the IOP City Marina.

5. **Financial Statements – Treasurer Debbie Suggs**

Treasurer Suggs said that as of December 31, 2019, the City has received \$7.6 million in revenues and realized \$5.9 million in expenditures. She reminded City Council that the budget anticipates more spending than revenues this year because “we are spending down some previous savings for particular projects.” She noted General Fund expenditures are at 42%, which is in part to personnel vacancies in the Police department. However, overtime expenditures are slightly ahead due to Hurricane Dorian. The City expects to be reimbursed possibly up to 75% for those costs through FEMA. She also gave details about the increased tourism revenues.

Treasurer Suggs said, “As of right now, I see no significant trends on either the revenue or expense side that makes me think we need to change, move from a budget to a forecast position.” She is also continuing her conversations with Charleston County about the differences between the County ATAX and the State ATAX monies due to the City.

The Phase III Drainage project worksheet showed no significant changes due to no invoices being received in December. She briefly reviewed the expenses incurred for the Public Safety Building rehabilitation.

6. **Old Business -- none**

7. **New Business**

A. **Recommendation from the Public Safety Committee for the approval of sole source contract in the amount of \$30,994.27 to Safe Fleet Mobile Vision for the replacement of six (6) in-car camera systems [FY20 Budget, Hospitality Tax Fund, Police, Capital Outlay - \$57,000, pg. 20, ln. 21]**

Administrator Fragoso pointed to the sole source justification in the meeting packet. “The reason why it is a sole source is we want to be able to match what the officers are currently wearing for their in-camera systems and also the server and the software that we use is the same company. So it would be a matter of using like for like.”

Chief Cornett added that using a different vendor would require the purchase of an additional server. He also shared that the body cameras purchased earlier in the year Bluetooth sync with the current in-car systems and would not do so with a different vendor.

MOTION: Council Member Buckhannon made a motion to approve the recommendation from the Public Safety Committee for the approval of the sole source contract in the amount of \$30,994.27 to Safe Fleet Mobile Vision for the replacement of six in-car camera systems. Council Member Bell seconded the motion. The motion passed unanimously.

B. **Consideration of approval of a contract from Bohicket Construction, LLC in the amount of \$64,136.00 for a diesel generator and transfer switch for the Public Works workshop [FY20 Budget, Capital Projects, Public Works, Capital Outlay - \$37,500; State ATAX, Public Works, Capital Outlay - \$37,500]**

Administrator Fragoso reported the City received three bids for this project. Bohicket Construction is a local provider and comes recommended from Director Pitts and Associate Director Asero. She added this generator is for the management and operation of the underground storage tanks needed for Public Safety personnel and it is a budgeted item.

MOTION: Council Member Buckhannon made a motion to approve the contract in the amount of \$64,136.00 to Bohicket Construction, LLC for a diesel generator and transfer switch. Council Member Pounds seconded the motion. The motion passed unanimously.

C. Consideration of projects to submit as priorities for funding from the Transportation Sales Tax Program (TST)

Administrator Fragoso stated the City needs to submit a list of prioritized projects to the TST. She said this program has previously provided funding for the 28th Avenue sidewalk and the Connector sidewalk extension of the sidewalk for Palm Boulevard.

The City would like to submit an application for funding for the resurfacing of Ocean Boulevard between 10th and 14th Avenues and to resubmit the application for funding for the Waterway Multi-Use Path, which was not approved in last year's request. Administrator Fragoso reported that a third project recommended by the Public Works Committee for the installation of a sidewalk on Palm Boulevard between 10th and Breach Inlet was discovered to not have enough of a right-of-way to accommodate a sidewalk. In its place, the City recommends submitting an application for "the construction of a sidewalk on the opposite side of Palm Boulevard between 21st and 41st avenues." She said it would help to take people away from the road, delineate clearly where the property line ends which would help with more efficient and organized parking along the right-of-way, as well as direct people to crosswalks where they can safely cross the road.

Council Member Smith expressed concern about the space needed for such a project. Administrator Fragoso said she expects pushback from the residents in this area should the project be approved as some residents have extended their plantings into the right-of-way. However, there is theoretically enough room for the completed project as there is a 100' right-of-way on Palm Boulevard. Concerns about the drainage ditch in that area would be a design question for engineers should it be approved.

Council Member Bell expressed concern about the impact of such a project on the parking concerns in that area. Administrator Fragoso responded that the sidewalk would not eliminate the space for public parking. She added that SCDOT prefers that arrangement to segregate pedestrian access vehicular traffic.

Discussion ensued about ways in which the City could enhance the application and its chances of receiving funding for the Multi-Use Path.

MOTION: Council Member Smith made a motion to "that we submit priorities for Transportation Sales Tax program projects placing the Waterway Path as the number one project and the paving of Ocean Boulevard from 10th-14th as our second priority, with the

further understanding that we will explore the other option through this year.” Council Member Bell seconded the motion.

Mayor Carroll thanked the residents who cleaned the path along several blocks along Waterway Boulevard. Administrator Fragoso stated City funding for this project appears in the FY21 budget as a placeholder. She also said the application for the project requests full funding but indicates the City would be willing and open to a phased implementation. When grant funding was suggested for the project, Administrator Fragoso reported to the Committee that RFP for the grant writing services are due back at the end of the month.

VOTE: The motion passed unanimously.

D. Discussion of FY21 Budget Calendar

Administrator Fragoso said the FY21 Budget Calendar is aggressive but doable and reminded Committee members they could meet with her and Treasurer Suggs at any time to identify priorities and goals for the new fiscal year. Council Member Smith encouraged more public promotion of the budget process. Administrator Fragoso added that the process can be modified, but the dates of the 1st and 2nd readings are hard deadlines.

E. Consideration that any commercial tenant occupation of real property, i.e. all marina properties, adhere to the competitive bid procurement methods

Council Member Bell suggested the City should remove the word “may” from the City Code regarding use of RFP and model the City’s process for bid procurement after the Attorney General’s opinion on the same.

MOTION: Council Member Bell made a motion to amend the City Code to eliminate the word “may” from the section on Real Estate Procurement as recommended in the Attorney General’s opinion. Mayor Carroll seconded the motion.

Mayor Carroll said he would like an opinion from the City Attorney about this matter prior to changing City code. Council Member Bell said he would withdraw his motion as long as the subject remained topical for the Committee. Council Member Bell withdrew his motion, and Mayor Carroll withdrew his second.

7. Miscellaneous Business

The next meeting of the Ways and Means Committee will be on Tuesday, February 18, 2020 at 5:00pm. Committee members expressed interest in having the meeting begin at 6pm so there could be more public engagement. Administrator Fragoso said she would research the matter and report her findings to the Committee.

8. **Adjournment**

Council Member Buckhannon made a motion to adjourn, and Council Member Pounds seconded the motion. The meeting was adjourned at 5:57pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

PUBLIC SAFETY COMMITTEE MEETING
9:00am, Monday, January 13, 2020
City Hall Conference Room
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Council members Buckhannon, Ward, and Pounds

Staff Present: Administrator Fragoso, Chief Cornett, Captain Hathaway

2. Election of Chair and Vice Chair

Council Member Ward nominated Council Member Pounds for Chair of the Public Safety Committee. Council Member Pounds nominated Council Member Buckhannon for Chair of the Committee. Council Member Buckhannon seconded the nominations.

A vote was taken for Council Member Pounds for Chair as follows:

Ayes: Ward

Nays: Buckhannon, Pounds

A vote was taken for Council Member Buckhannon for Chair with all in favor.

Council Member Pounds nominated Council Member Ward for Vice Chair of the Public Safety Committee. Council Member Buckhannon seconded the motion. A vote was taken with all in favor of Council Member Ward as Vice Chair of the Public Safety Committee.

3. Approval of the previous meeting's minutes – November 4, 2019

Council Member Ward made a motion to approve the minutes of the November 4, 2019 meeting, and Council Member Pounds seconded the motion. The motion passed unanimously.

4. Citizen's Comments

Pastor Phil Clark of St. Mark's Lutheran Church came before the Committee seeking a permanent waiver from the noise ordinance for the 21-Gun Salute performed to honor First Responders and Veterans. This is an annual event, and the next occurrence will be November 7, 2020. Administrator Fragoso stated the issue will be placed on the February agenda for further discussion.

5. Old Business

A. Consideration of ordinance 2019-16 – An Ordinance to establish new standards for dilapidated structures

Administrator Fragoso reminded committee members that this ordinance has passed First Reading. She reviewed the changes that City Council has seen. She noted that City staff will have to apply all of these new standards equally across the board. Council Member Buckhannon

noted that several City buildings will be in violation of this ordinance once it passes. Ordinance 2019-16 will be returned to City Council for Second Reading.

B. Update on implementation of approved changes to the beach parking plan

Administrator Fragoso reminded committee members of the changes to the beach parking plan, including “extending parallel parking only and parking 4’ off the pavement on Palm Boulevard between 41st Avenue and 53rd Avenue and also requiring parallel parking only on the avenues between 1st and 9th that connect to Ocean Boulevard.” She said the new signs are being installed now by members of the police department.

C. Update on request to SCTOD to conduct a speed study on Palm Boulevard between 10th and 21st Avenues

Administrator Fragoso stated that after conducting a speed study, SCDOT has determined that a lowering of the speed limit between 10th and 21st Avenues is not necessary. SCDOT reported they took into consideration bicycle and pedestrian activity, traffic conditions, and also looked at collision history of the area, and it did not show a pattern of speed-related accidents. Council Member Buckhannon suggested other ways to increase the safety in that area should be considered. Administrator Fragoso said she is going to ask SCDOT to return and conduct another traffic study during the season.

D. Update on safety camera at Breach Inlet

Chief Cornett reported that they have reached out to Technology Solutions, and this project is in their queue. An exact start date is not yet available. The company is making some recommendations that may save the City some money as well as making it easier viewing for Fire and Police.

E. Update on True Grid sample installation

Administrator Fragoso said staff is working on getting estimates for sample installation. They have received only one today, which is for \$8,000. She noted that it is challenging to get additional pricing estimates for such a small project. Council Member Buckhannon said he will give her the names of some contractors she can contact for an estimate.

F. Update on the purchase of the 75’ ladder truck and the refurbishment of the 95’ ladder truck.

Captain Hathaway reported that the refurbishment of the 95’ ladder truck is expected to be in service at the end of February or early March. He also said the 75’ ladder truck is estimated to be complete by June 2020.

6. New Business

A. Review of the Police & Fire Departments' 10-year Capital Plan and discussion of new initiatives and projects for consideration

Administrator Fragoso distributed copies of the 10-year Capital Plan for the Police & Fire departments to Committee members. She noted no changes have been made yet, but Chief Cornett is currently considering some changes. She asked Committee members to review the plan for further discussion at the next meeting.

B. Consideration of approval for sole source contract in the amount of \$30,994.27 to Safe Fleet Mobile Vision for the replacement of six (6) in-car camera systems [FY20 Budget, Hospitality Tax Fund, Police, Capital Outlay - \$57,000, pg. 20, ln. 21]

Administrator Fragoso said this item has come in under budget by roughly \$3,000. Chief Cornett said that four of the cameras are to go in the four newly purchased vehicles currently being upfitted in Columbia. The other two will go in vehicles already in service. He said the reason he is requesting approval for a sole source contract is because this is the same company who installed the cameras in the other vehicles.

MOTION: Council Member Pounds made a motion to approve the request for the sole source contract in the amount of \$30,994.27 for six (6) in-car cameras. Council Member Ward seconded the motion. The motion passed unanimously.

7. Highlights of Departmental Reports

A. Fire Department – Chief Hathaway

Chief Hathaway briefly reviewed the activities of the Fire Department including a structure fire and participating in the Honor Guard for the Pearl Harbor Day Remembrance. He noted a letter received regarding a pediatric incident in July. He shared there were 61 calls for service in December.

B. Police Department – Chief Cornett

Chief Cornett reported he conducted several community meetings in November and December and will present a full packet of results to Administrator Fragoso prior to the next meeting. In addition to other activities, the 1st Annual Police Awards dinner was held in December to recognize Officer of the Year, Professional Staff Member of the Year, and Rookie of the Year as well as other awards. He reported there were over 1,100 calls for service in December, bringing the total number of calls for service to 30,874 for the year. Chief Cornett shared koozies bearing the new Police Department patch with committee members. Council Member Buckhannon commented on the positive effects of the department's social media presence.

Chief Cornett reported there are five staffing vacancies, three in patrol, one in detectives, and one Captain's vacancy. Chief Hathaway said the Fire Department is fully staffed.

8. Miscellaneous Business

The next meeting of the Public Safety Committee will be on Monday, February 3, 2020 at 9:00am.

9. **Adjournment**

Council Member Ward made a motion to adjourn, and Council Member Pounds seconded the motion. The meeting adjourned at 9:31am.

Respectfully submitted,

Nicole DeNeane
City Clerk

PUBLIC WORKS COMMITTEE
8:00am, Thursday, January 16, 2020
City Hall Conference Room
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to Order

Present: Council Members Smith, Streetman, and Pounds

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Director Pitts, Asst. Director Asero, Director Kerr

2. Election of Chair and Vice Chair

Council Member Streetman nominated Council Member Pounds as Chair of the Public Works Committee, and Council Member Smith seconded the motion. A vote was taken with all in favor.

Council Member Smith nominated Council Member Streetman for Vice Chair of the Public Works Committee, and Council Member Pounds seconded the motion. A vote was taken with all in favor.

3. Approval of the previous meetings minutes – November 14, 2019

Council Member Smith noted the spelling Kelly Thorvalson's name needed to be edited in the minutes. Council member Smith made a motion to approve the minutes as amended, and Council Member Pounds seconded the motion. The motion passed unanimously.

4. Citizen's Comments – none

5. Departmental Reports – Director Pitts and Assistant Director Asero

Director Pitts explained the dashboard he presents to the new Committee members and then reviewed its contents. Of interest, Director Pitts pointed out that higher garbage collection numbers correspond to higher ATAX collections. He later added that vehicle maintenance is right on budget for the year. Asst. Director Asero gave a detailed report of the activities of the Public Works Department from November and December 2019. Work centered around drainage and stormwater issues and working with SCDOT was well as normal facilities maintenance, and work at the front beach, in the right of ways, and on the connector.

6. Old Business

A. Update on Phase III Drainage and small internal projects

Administrator Fragoso stated, "As you all know, Council approved the contract to Thomas & Hutton for the design, engineering, and the permitting of the improvement to the 30th, 36th, and 41st Avenue outfalls, and also what we call the small internal projects, which were located more into the basin. They are located at Forest Trail, Crosslane, 41st, 32nd Avenue, and Sparrow.

There are just some areas that they have identified as priorities and they are mostly undersized pipes that need to be improved or changed or increased.”

Director Kerr added, “So Thomas & Hutton is doing the work. They are just about complete with the design, the level of detail that they need to submit for their permits.” He also reported that the amount of mitigation required of the City is less than what OCRM had first predicted. He said permits are still needed for the intercoastal side of Waterway. He reported that the big projects would be about a year’s lead time for permitting, and there is no expectation that the small projects will need permits from OCRM or ACE, but they will need DOT permits as they will occur in the right-of-way. The smaller projects will need to go out to bid and those bids will be brought back to the Committee for consideration. He said that OCRM is expressing some concern with the outfalls at the Wild Dunes golf course. More conversation about that will happen once the design for the project is complete.

B. Update on IOP Connector and Palm Boulevard sidewalk extension project

Administrator Fragoso said the City has received notice of funding for this project and the contract has been awarded. The project is expected to be completed before Spring. She said a landscape plan is being developed for the park to open it up more.

C. Update on drainage project on Ocean Boulevard between 1st and 3rd Avenues

Administrator Fragoso stated this project has been in the works since Hurricane Joaquin (2015). She said the City is expected to pay up to \$25,000 for the project materials and the remainder is paid from County FEMA funds.

D. Update on improvements to the multi-use path on Waterway Boulevard

Administrator Fragoso said this project was submitted to the CTC for funding last year, and the project was not selected for funding. She said there is \$275,000 in the FY21 budget for the project. She added the City can apply to the County for funding consideration again after presenting a prioritized list of projects.

7. New Business

A. Consideration of renewing the beach garbage collection contract

With regards to the current contract for beach garbage collection with JLG Enterprise, Administrator Fragoso shared the trial period was up in December 2019 and the 5-year renewal option needs to be exercised and or noticed by September 2020. Director Pitts shared that last year was the first time in 15 years he had received written positive feedback regarding the trash collection on the beach. He noted there have been no complaints of overflowing trash and said Mr. Garrells is very proactive in his collection efforts. The Committee discussed the movement of trashcans and the tides. Mr. Garrells reported that when King tides are expected he moves the cans closer to the street and then returns them after they recede. He said that if the trashcans are on the street residents will use them for their personal trash or yard debris. Council Member Smith said she would like to have an allocation in any new contract for discussions about improvements. Mr. Garrells said he would like to know the status of his contract sooner rather

than later so that he can purchase better equipment. Administrator Fragoso said she will forward the contract to the Committee members and it would be on February's agenda as an action item. Council Member Smith suggested correct recycling education is needed along with education about the new beach restrictions.

B. Consideration of projects to submit as priorities for funding from the Transportation Sales Tax Program (TST)

Administrator Fragoso referred to the letter provided in the meeting packet that explains the projects that are eligible funding. "They have about \$4 million for resurfacing, \$2 million for local paving, so it is for creating new road, \$2 million for intersection improvements, and \$1 million for pedestrian-bike enhancement projects."

She reported a prioritized list of projects is due by March 1, 2020. Several projects were mentioned. She said two projects for consideration are a sidewalk on Palm Boulevard between Breach Inlet and 12th Avenue and resurfacing a section of road on Ocean Boulevard between 10th and 14th Avenues, the commercial district.

MOTION: Council Member Smith made a motion to recommend the projects noted by Administrator Fragoso and the multi-use path project to the list of projects to be submitted to the TST Program for consideration. Council Member Streetman seconded the motion. The motion passed unanimously.

C. Discussion of solar trash compacting stations

Director Pitts and Asst. Director Asero said they spoke with Superintendent of Environmental Services about their solar trash compacting station. There were many concerns about such a machine on the island including repair time when it breaks down as there is only one company in the state who works on the machines, the effect of salt and sand on the machine, and the need to move it from a bolted location during a storm event. It appears the costs savings would be minimal considering there are only 13 weeks of the year with high trash collection. Director Pitts and Asst. Director Asero said they are researching more attractive trash barrels and other types of receptacle enclosures that would be more aesthetically pleasing.

D. Consideration of approval of a contract to Bohicket Construction, LLC in the amount of \$64,136.00 for a diesel generator and transfer switch for the Public Works workshop [FY20 Budget, Capital Projects, Public Works, Capital Outlay - \$37,500; State ATAX, Public Works, Capital Outlay - \$37,500]

Administrator Fragoso reported four bids were received for this project, and the bid from Bohicket Construction came in under budget. Director Pitts said the project includes the pad on which the generator will sit. He said, "the key to the generator is not so much electricity for the facility as it is electricity for your underground storage tanks and the availability for Police and Fire during a storm to fuel up."

MOTION: Council Member Smith made a motion to recommend the approval of this bid to Bohicket Construction, LLC in the amount of \$64,136.00. Council Member Streetman seconded the motion. The motion passed unanimously.

E. Review of Public Works Department's 10-year Capital Plan and discussion of new initiatives and projects for consideration

Administrator Fragoso distributed the 10-year Capital Plan for the Public Works Department as it appears in the FY20 budget. She asked for input on special projects and new initiatives from the Committee members as she prepares to meet with department heads to begin the FY21 budget process. She reviewed the projects currently listed and noted the numbers for Phase III of the drainage project could be refined moving forward.

8. Miscellaneous Business

The next meeting of the Public Works Committee will be Thursday, February 6, 2020 at 8:00am.

9. Adjournment

Council Member Pounds made a motion to adjourn and Council Member Smith seconded the motion. The meeting was adjourned at 9:52am.

Respectfully submitted,

Nicole DeNeane
City Clerk

RECREATION COMMITTEE MEETING
5:00pm, Monday, January 13, 2020
City Hall Conference Room
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to Order

Present: Council members Moye, Popson, and Smith

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Asst. Director Ferrell

2. Election of Chair and Vice Chair

Council Member Popson nominated Council Member Smith as Chair of the Recreation Committee. Council Member Moye seconded the motion. Council Member Smith nominated Council Member Moye as Chair.

Discussed ensued about Council Member Popson acting as Chair during his first term, to which he said he would like more committee experience prior to being a Chair. Both Council members Moye and Smith expressed some concern about acting as Chairs for more than one committee.

A vote was taken with all in favor of Council Member Smith as Chair of the Recreation Committee.

Council Member Moye nominated Council Member Popson as Vice Chair for the Committee. Council Member Smith seconded the motion. A vote was taken with all in favor of Council Member Popson as Vice Chair of the Recreation Committee.

3. Approval of previous meeting's minutes – November 4, 2019

Council Member Moye made a motion to approve the minutes of the November 4, 2019 meeting, and Council Member Smith seconded the motion. A vote was taken with all in favor.

4. Citizen's Comments – none

5. Departmental Report – Assistant Director Ferrell

Assistant Director Ferrell gave a detailed activities report for the Recreation Department. She shared current classes and their attendance numbers in addition to upcoming registration dates for future classes and sports activities. Of note was the registration for summer day camp, which will be held March 2-13. Registration will be online, and participation in the summer day camps will be determined by lottery.

Non-resident fees for Recreation Department activities were briefly discussed. Administrator Fragoso indicated those fees could be looked at to determine if they need to be adjusted.

6. Old Business

A. Discussion of surfing lessons franchise agreement for Summer 2020

Administrator Fragoso said the two proposals received for the surfing lessons franchise were presented to the Committee in Executive Session at the November meeting. She indicated the goal is to have something in place for the summer season. Council Member Moyer described the effort as a pilot program after receiving feedback from numerous citizens who shared they are driving their children to Folly Beach for surfing lessons.

MOTION: Council Member Moyer made a motion to modify the agenda to allow for an Executive Session, and Council Member Popson seconded the motion. The motion passed unanimously.

MOTION: Council Member Moyer made a motion to go into Executive Session according to Section 30-4-70(a)(2) to discuss contractual matters related to a surfing lesson franchise agreement. Council Member Popson seconded the motion. The motion passed unanimously.

The Committee moved into Executive Session at 5:43pm. The Committee returned from Executive Session at 6:09pm. Council Member Smith stated that no decisions were made during Executive Session.

MOTION: Council Member Smith made a motion to reject the submitted proposals and to submit another RFP for the surfing franchise allowing for 1 instructor per 4 students ratio. Council Member Popson seconded the motion.

Council Member Moyer said he would like for Administrator Fragoso to speak with those individuals who answered the original RFP before rejecting the proposals and provide follow-up recommendations at the February meeting. He expressed concern about the timeline for this effort and that it will not be ready for this coming summer.

VOTE: A vote was taken as follows:

Ayes: Popson, Smith

Nays: Moyer

The motion passed.

B. Discussion about adding a community swimming pool at the Recreation Center and timeline for an advisory referendum in November 2020

Administrator Fragoso shared her notes from a conversation staff held with David Burt of LS3P Architects prior to the meeting. Rough cost estimates for a 6-lane, 25-yard pool (only) were approximately \$415,000 for an outdoor pool and \$4.5 million for an indoor pool. These estimates do not include the costs for ancillary spaces needs for a sports complex or the annual maintenance costs involved in running such a facility. Committee members discussed at length the additional costs that need to be considered. Council Member Popson said he would attempt to secure cost information from previous pool-related projects he has worked on.

Council Member Smith shared and read from a document, “Susan Hill Smith: Setting the stage for a swimming pool referendum,” and requested it be made part of the minutes. It is attached to these minutes.

Administrator Fragoso reviewed what she believes to be an aggressive timeline of actions needed to be completed prior to the November 2020 election for the pool referendum to be on the ballot. She said there are two options for a referendum: a non-binding advisory referendum or a debt-limit bond referendum. If it is determined that money is to be borrowed, then drawings and concrete numbers for construction, long-term maintenance, and possible property tax increase will be needed.

Committee members discussed the makeup of the proposed Citizens Advisory Board for this effort as well as the specific tasks assigned to that group. Administrator Fragoso said that citizen survey results should be compiled so they can be discussed by the Committee at the March meeting. Depending on the results, the Committee could look for possible funding sources for architectural plan development in the Recreation building fund budget. Noting this would be an unbudgeted expense, Administrator Fragoso wondered about Council’s desire to pay for the plans in this budget year. She reminded Committee members that the plan for a pool was removed from the Recreation Departments 10-year capital plan a few years ago. A brief discussion ensued about whether or not to sole source the architectural plans.

She also pointed out that costs for the drainage project, the Public Safety building rehabilitation project, the repair to the marina docks are in the forefront of the City’s concerns and should be considered when pursuing a bond issue option. She noted a referendum could cover more than one issue and be held at a time other than the 2020 General Election. Committee members agreed that an advisory referendum may be more reasonable in the proposed timeline as well as in light of the other major expenses facing the City.

MOTION: Council Member Moye made a motion to recommend the City staff create a Citizen Advisory Board for the swimming pool referendum question in 2020. Council Member Popson seconded the motion. The motion passed unanimously.

7. New Business

A. Review of the Recreation Department’s 10-year Capital Plan and discussion of new initiatives and projects for consideration

Administrator Fragoso distributed the 10-year Capital Plan for the Recreation Department and asked Committee members to review it for input on any special projects for consideration during the upcoming budget process. She stated the pool will need to be put back in the plan. She indicated there is a generator to be purchased during FY21. She also reported the City has an RFP out currently for grant writing services, and some of the items in the capital plan’s later years that could be possible subjects of grant proposals.

8. **Miscellaneous Business**

The next meeting of the Recreation Committee will be on Monday, February 3, 2020 at 5:00pm.

9. **Adjournment**

Council Member Moye made a motion to adjourn, and Council Member Smith seconded the motion. The meeting was adjourned at 7:19pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

PERSONNEL COMMITTEE MEETING
4:30pm, Tuesday, January 14, 2020
City Hall Conference Room
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Mayor Carroll, Council members Moye and Streetman

Staff Present: Administrator Fragoso, Asst. Administrator Hannon, HR Office DeGroot

2. Election of Chair and Vice Chair

Mayor Carroll nominated Council Member Moye as Chair of the Personnel Committee. Council Member Streetman seconded the motion. A vote was taken with all in favor.

Mayor Carroll nominated Council Member Streetman as Vice Chair of the Personnel Committee. Council Member Moye seconded the motion. A vote was taken with all in favor.

3. Approval of the previous meeting's minutes – November 12, 2019

Council Member Moye made a motion to approve the minutes of the November 12, 2019 meeting, and Mayor Carroll seconded the motion. The motion passed unanimously.

4. Citizen's Comments – none

5. Old Business – none

6. New Business

A. Consideration of application to fill vacancy on the Planning Commission

Administrator Fragoso stated there are 12 applicants interested in the 2-year term vacated by Philip Pounds upon his election to City Council. Committee members engaged in a lengthy discussion about the best way to narrow down the list of candidates. Mayor Carroll voiced concern about people who have expressed interest in serving on boards and commissions in the past and have not yet been appointed to do so.

When asked about the needs of the Planning Commission, Administrator Fragoso reported the prior answers from Commissioners. "The suggested composition of members for them was to have somebody who was a commercial real estate agent, an architect, a commercial general contractor, somebody who has financial management expertise, marina experience, real estate investment experience, and they also set a goal to include at least one or two residents from the Wild Dunes community." The current makeup of the Planning Commission does not include someone with marina development experience, a residential builder, a civil contractor, or a Wild Dunes resident. There is no statutory requirement for the composition of the Planning Commission.

Administrator Fragoso said she would look back at those who applied for board and commission openings back to 2016 to see if they are still interested in serving and send an updated list to the Committee. Committee members will narrow their choices down to six candidates and send them in ranked order to HR Officer deGroot.

B. Review of General Government's 10-year Capital Plan and discussion of new initiatives and projects for consideration

Administrator Fragoso distributed the 10-year Capital Plan for General Government and the Building department as it was presented in the FY20 budget. She asked Committee members for their input on new initiatives and projects as budget discussions with department heads will begin shortly. She noted under Special Projects for General Government the replacement of the framing and metal doors in City Hall, the upgrade of the Court software, and a 1% of building insured value for deferred maintenance. Staff is also evaluating replacing the phone system and the tablets for City Council. The audio-visual needs of Council Chambers were briefly discussed.

7. Miscellaneous Business

The next meeting of the Personnel Committee will be at 9:00am on Wednesday, February 12, 2020.

8. Adjournment

Mayor Carroll made a motion to adjourn, and Council Member Streetman seconded the motion. The meeting was adjourned at 5:33pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

REAL PROPERTY COMMITTEE
5:00pm, Wednesday, January 15, 2020
City Hall Conference Room
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Council members Bell, Buckhannon, and Popson

Staff Present: Administrator Fragoso, Asst. Administrator Hanna

2. Election of Chair and Vice Chair

Prior to nominations, Council Member Bell thanked everyone who chose to retain his place on this committee. He also lauded the work done by the Real Property Committee during the previous two years. Noting complaints received about an unnavigable website, he said the City and the Committee have been very transparent and all information can be found on the City's website.

Council Member Popson nominated Council Member Buckhannon for Chair of the Real Property Committee. Council Member Bell nominated himself for Chair. There being no other nominations, a vote for Council Member Bell as Chair was taken as follows:

Ayes: Popson, Buckhannon

Nays: Bell

Council Member Buckhannon nominated Council Member Popson as Vice Chair of the Real Property Committee. There being no other nominations, a vote was taken as follows:

Ayes: Buckhannon, Popson

Nays: Bell

3. Approval of previous meeting's minutes – November 6, 2019

Council Member Bell made a motion to approve the minutes of the November 6, 2019 meeting. Council Member Popson seconded the motion. The motion passed unanimously.

4. Citizens' Comments

Patsy Hindman, 7 Barnacle Row, said she believes there has not been enough transparency in the process regarding the plans for the Marina. She expressed concern and shock that there were only three responses to the RFP. She said there should be more information on the City's website.

Nancy Townsend, 254 Forest Trail, spoke in support of Tidal Wave Watersports. She said they are part of the community and act as good examples in the community. She also expressed concern about information not being made available ahead of time.

Susie Kopp, 2504 Waterway, also spoke in support of Tidal Wave Watersports. She also expressed concern about the lack of response to the RFP for the restaurant space at the Marina.

Debbie Faires, 3305 Cameron, agreed with the statements made by Susie Kopp.

Marina Townsend, 254 Forest Trail, spoke in support of Morgan Creek Grill, stating it was her first job. She said their closing is a devastating loss to the community. She also spoke in support of Tidal Wave Watersports.

Michael Fiem, 69 41st Avenue, thanked the committee for changing the meeting time to 5:00pm.

5. Old Business

A. Update on permitting for marina docks and dock currently leased to Tidal Wave Watersports

Administrator Fragoso said, “The City received the OCRM permit for the work at the marina docks this week. The next step will be obtaining the Corps permit, the US Army Corps of Engineers’ permit, and we expect that to be issued by the end of January if everything progresses as we expect. That means that by February we should have both permits, OCRM and the Corps, as well as the final design on the improvements to the Morgan Creek side docks and the geotechnical investigation. You will all recall City Council approving that expense late last year. The City should be in a position to be ready to go out for bid this summer with the expectation to be issuing a notice to proceed with the construction after Labor Day. We have been timing this whole process so that the construction would begin, would not sort of interrupt or disrupt the marina operations as much as possible. We are also in the process of investigating the permitting process for the dredging. You will see if you look at the FY20 10-year Capital Plan, dredging for that site is also scheduled for FY21. We have initiated some efforts to reach out to the other marinas, neighboring marinas, in an effort to coordinate that effort and potentially reduce the cost of both the permitting and the actual dredging.”

With regards to the permitting of the dock at Tidal Wave Watersports, she said, “The full permit application was submitted in November. It has gone through the public comment period. No comments were received, which is a really good thing. It tends to expedite the internal staff review process. It will go through the same process that the marina dock permit just went through. After OCRM looks at it, the Corps will give a final determination.” She then gave a brief review of the work the City has done in coordination with OCRM, ATM, and the Marina tenants since 2018.

She shared her concern about citizens’ comments about the unnavigable website and said that they have set up a meeting with the website coordinator to discuss changes.

Council Member Bell added that City Council, while advised on the permitting process, is not involved in driving the process, and also has been surprised by the delays.

B. Update of marina restaurant lease proposal

Administrator Fragoso reported, “December 2019 the Council voted to enter into exclusive negotiations with the IOP Families Group, which are represented by the Bushnell and the

Lorenzes families and began a 90-day due diligence period. In addition to evaluating new construction scenarios, the proposer has also been conducting due diligence by meeting with the Building and Planning and Zoning Director and Inspector about the options available for the rehabilitation of the building.”

Council Member Bell said he was also concerned about the lack of response to the Marina restaurant RFP, but noted it is a very complicated issue including a complex lease and extensive building rehabilitation. Council Member Bell other people expressed interest in the space but did not turn in proposals.

C. Update on Greenbelt project application – ADA-compliant beach walkover and observation deck at 42nd Avenue

Administrator Fragoso said the application for this project is in process and will be submitted prior to the January 31 deadline. She noted it is a long approval process, and if approved, the project will appear in the next budget year (FY22). Committee members briefly discussed the use of epoxy versus other building products for such a project.

D. Update on Public Safety Building rehabilitation project

Administrator Fragoso reported the contract for the 12-month mobile office for the Police Department has been executed and they are expected to arrive in early February. Staff has developed a relocation plan and will be mobilized prior to the start of construction in early March. She said the final drawings needed for permitting have been submitted. The contractor is out for final pricing with subcontractors, and staff expects final pricing for the whole project to be available by the end of the month. “The plan is to bring those numbers to Council for Council to then award the final phase of that contract which would be for the actual construction, which again, is slated to begin in March.”

She added the owner’s representative (Insight) has been retained and was present at the kickoff meeting in December. Staff has weekly meetings with the design build team to review plans for the project. She also noted there is a healthy contingency amount built into the project budget should be there any surprises during construction.

6. New Business

A. Discussion of timeline of Council’s action related to the existing Tidal Wave Watersports lease

Administrator Fragoso reviewed the timeline of the City’s lease with Tidal Wave Watersports. She said, “The City approved the assignment of the watersports lease for the current tenants in August, September 2006. That lease was amended in 2010, and as part of the terms that were included in that lease, included a 5-year extension until September 2015 with the option to be automatically be renewed for three additional 5-year terms. The first auto-renewal for that lease happened in 2015 for five years. That first automatic renewal was up this year. On April 23, 2019, City Council voted not to renew, to notify Tidal Wave that it did not have an intention to renew the existing lease. The deadline to notify, according to the lease, if the City was not going to renew the existing lease, then it has a year to notify the tenant that that was not going to

happen. So that is what happened back in April. The City had every right under its agreement with the tenant to exercise that right. It was a lease that was agreed to by the tenant that gave the City that opportunity to not renew. I cannot speak for all of the Council members about their decision about doing that. It has been something that has been talked about even before through the whole Marina referendum process that the majority of that site is under contract, under two leases that don't expire until 2045. So there had been questions and comments and discussions about the public wanting more public access, and I think you all have seen the comments we have received so far. For the past five years, since I have been on board, there has always been some talk about too many commercial businesses or we want a public park. I think that that may have been one of the reasons why City Council decided not to renew that lease to give themselves the opportunity to reevaluate the use of that site. There were also some discussions about wanting to change the language of that lease. Also determining what the fair market value was for that lease. I think even the tenant agrees that the lease is not the best lease and that it would rather have it have different language. Council also discussed changing or wanting to evaluate a different method for calculating additional rent, whether it is gross profit. Obviously, it should be gross sales not gross profit, and how difficult it is to sort of manage that. I think there were multiple reasons why Council took that action. It was my responsibility to make Council aware that there was an opportunity to make changes to that lease. Same thing with the restaurant. It was discussed by previous Councils, and it was also presented as an option to Council this time. If not, if Council had not been aware or Council did not take any action, then the lease would have been automatically renewed for five years, and it may have been difficult to envision doing something different if it was the will of Council. So we brought that up to the Real Property Committee. It had been discussed prior during the referendum process about the 2020 being an opportunity for Council with the lease of the restaurant and the watersports operations lease to do anything different, if Council chooses to do so. That is ultimately a Council decision."

Council Member Bell noted it was a difficult and complicated subject for Council to review, and the vote to not renew the lease was a close 5-4 vote. He added, "It was not renewed because it was proposed to sign the lease and then negotiate the lease terms. So to those that think this is a moneymaker for the City, it is approximately \$22,400 a year, on average, for the last ten years. That is \$53 a day. Excluding depreciation, we spend more money than that to maintain that dock. There was no financial incentive for the City. Having said that, and I will say it again here, four times, me personally, I have said if we are going to have a watersports company on our waterfront, it should be Tidal Wave Watersports. They are a responsible operator. The discussion was not had at that the time of that lease renewal as to should we have a public dock, should we have anything else? It was centered on the fact that we had a notification that was written into a lease that we knew was not financially in the best interests of the City to not renew that lease. There has never been a discussion that we couldn't have another lease with Tidal Wave. There has been significant discussion and counsel from our City Attorney and Desiree Fragoso that we should be following South Carolina State Procurement Guidelines. By the way, we don't have to, but following procurement guidelines to go to public bid. That is where the discussion has led." Council Member Buckhannon reminded everyone of the public meeting to discuss the vision for the Marina on Thursday, January 30.

When asked if there is an option to renegotiate the current lease, Administrator Fragoso said, “There is no legal or statutory requirement for the City to follow the Request for Proposals method for the lease. The City Code has a section on the books that guides real property, sale or lease of real property transactions from the City. It states that City Council may use the Request for Proposals method if it finds that it is in the City’s best interest to do so. I was asked for my opinion, and Council asked for a legal opinion about what to do with leases, and best practices indicate that people, municipalities should consider competitive procurement to have a fair, open, competitive process by which you determine fair market value. But there is no requirement, and I have always been clear with Council that that is an option available to City Council to make.”

B. Discussion of lease extension options for the dock leased by Tidal Wave Watersports

Council Member Buckhannon said this topic should be discussed following the meeting on January 30. A brief discussion ensued on how to determine the fair market value of the lease.

C. Review of the Front Beach, Beach Maintenance, and Marina 10-year Capital Plan and discussion of new initiatives and projects for consideration.

Administrator Fragoso distributed copies of the 10-year plan for the Front Beach, Beach Maintenance, and Marina areas of the budget. This document appears in the FY20 budget and has not yet been modified by staff in preparation for the FY21 budget discussions. She is seeking input from committee members regarding projects or initiatives in these areas. She highlighted the projects slated for FY21, noting that drainage is still a priority. Council Member Buckhannon added the need for a sinking fund to be prepared for repairs to roads owned by the City.

7. Miscellaneous Business

The next meeting of the Real Property Committee will be Wednesday, February 5, 2020 at 5:00pm.

8. Adjournment

Council Member Bell made a motion to adjourn, and Council Member Popson seconded the motion. The meeting was adjourned at 5:55pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

BOARD OF ZONING APPEALS
Tuesday, January 7, 2020
4:30pm, City Hall Conference Room
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Glenn Thornburg Elizabeth Campsen, Arnold Karig, Pete Doherty,
and Douglas Kerr, Director of Planning

Absent: Carolyn Holscher

Mr. Thornburg made a motion to hold the election of Chairman and Vice Chairman later in the meeting in the hopes that Ms. Holscher would arrive. Ms. Campsen seconded the motion. The motion passed unanimously.

2. Minutes

Mr. Thornburg made a motion to approve the minutes of the November 5, 2019 meeting. Ms. Campsen indicated the time of the meeting needed to be changed to 4:30 instead of 5:30 as presented. Mr. Karig made a motion to approve the minutes as amended, and Ms. Campsen seconded the motion. The amended minutes were approved unanimously.

3. Swearing In

Mr. Thornburg swore in all those intending to provide testimony during the meeting.

4. Home Occupations

A. 37 Hartnett Boulevard

Mr. Kerr reviewed the application included in the packet to allow the establishment of a home office for an architecture business. He indicated the office would be use for office work only and there would be no business-related traffic or employees working in the home. The applicant, Ms. Browyn Lurkin, said there will be no signage on the home or any vehicles, nor would there be advertising regarding the home office. Ms. Lurkin said her application was signed by both the property owners who are family members and herself. Mr. Doherty made a motion to approve the request as presented, and Ms. Campsen seconded the motion. The motion was approved unanimously.

5. Miscellaneous Business

Director Kerr reported on the City's facilitation of a discussion with all parties regarding the appeal of the special exception granted for 1130 Ocean Boulevard. He said the complainant's issue with the sails is they block the view from the condominium, and they believe the initial renderings did not properly show this. He noted the flags are in compliance with the City's current ordinances. A suggested resolution of having the condominium owners pay for the lowering of the sails has been taken to the owners by their attorney, and all parties are awaiting the outcome.

6. Nomination and election of Chairman and Vice Chairman

Mr. Doherty made a motion to delay the nomination and election process until the February meeting. Mr. Karig seconded the motion. The motion passed unanimously.

7. Adjournment

Ms. Campsen made a motion to adjourn, and Mr. Doherty seconded the motion. The meeting was adjourned at approximately 4:44pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

PLANNING COMMISSION
4:30pm, Wednesday, January 8, 2020
City Hall Conference Room
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Richard Ferencz, Vince DiGangi, William Mills, Lisa Safford, Lewis and Ron Denton (arrived at 4:59pm), Douglas Kerr, Director of Planning

Absent: Lewis Gregory

2. Nomination and election of Chairman and Vice Chairman

Mr. Mills made a motion to nominate Mr. Ferencz for Chairman of the Planning Commission. Ms. Safford seconded the motion. There being no other nominations, a vote was taken with all in favor of Mr. Ferencz as Chairman of the Planning Commission.

Ms. Safford made a motion to nominate Mr. DiGangi as Vice Chairman of the Planning Commission. Mr. Mills seconded the motion. There being no other nominations, a vote was taken with all in favor of Mr. DiGangi as Vice Chairman of the Planning Commission.

3. Public Comments -- none

4. Approval of Minutes

Ms. Safford made a motion to approve the minutes of the November 13, 2019 meeting, and Mr. DiGangi seconded the motion. The minutes passed unanimously.

4. New Business

A. Discuss Potential New Projects

Director Kerr shared the Planning Commission is required to review the Comprehensive Plan this year. A full update is not required at this time unless they deem it necessary. Discussion ensued as to how go about the review – delegate commissioners to work on specific parts or work on the document together as a whole. Director Kerr said he would email the link to the Comprehensive Plan to the Commissioners, and a decision about how to conduct the review would be decided at the next meeting.

Several other projects were suggested, but it was determined they lie outside the purview of the Planning Commission.

5. **Miscellaneous**

A. **Update MOU with Water and Sewer Commission**

Director Kerr said the MOU and any talk about the Water & Sewer Commission's \$16 million bond request are on hold at the moment. The current stalemate has indicated the need for more cooperation between the City and the Water & Sewer Commission.

B. **Update on drainage planning**

Director Kerr said the City has received an early indication from OCRM that the City will be responsible for mitigating a smaller area than originally thought. He said the engineers are pleased with this and are having meetings with OCRM and ACE. Documents for permitting are being prepared. The funding for Phase III will be part of the next budget planning process. He also reported that the smaller drainage projects are underway and on schedule.

C. **Update on short-term rental recommendations**

Director Kerr said these recommendations will start their process towards City Council this month after being discussed by the Real Property Committee.

6. **Adjournment**

The meeting was adjourned at 5:35pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Issue to be Addressed	Priority	Current Requirement	Proposed Action Item	Recommendation	Pros	Cons
Minimize disruption to neighbors	1	Maximum overnight occupancy established based on size of rental				
	1	Maximum occupancy at any time is 40				
	1	Maximum cars parked overnight based on size				
	1	Informal three convictions results in revocation				
	1	Notice of rules required to be posted				
	1.1		Require that an owner's representative can always be physically on-site within one hour of a call	Enact ordinance	PD could improve response to complaints	Reduces owner's flexibility in managing their property
	1.2		Reduce maximum occupancy for daytime down from 40 to twice the maximum overnight occupancy	Enact ordinance	Could reduce parties at smaller rentals	
	1.3		Amend overnight parking time to coincide with nonresident times	Refer to Public Safety for consideration	Would keep renters cars off the roadway	Could push cars onto rental property
	1.4		Reduce the overnight occupancy to a maximum of 12 people when a rental is sold	Eliminated from consideration in September	Over time could reduce impact of large rentals	Could reduce resale values
	1.5		Establish a minimum length stay	Eliminated from consideration in October	Could lead to more family oriented visitors and less party groups	Will reduce tax revenue collected by the City
	1.6		Publicize rental manager contact on www.iop.net	Eliminated from consideration in September	Empowers neighbors to deal with problematic renters	
Eliminate problem rentals	2.1		Formalize rental license revocation after five "founded complaints"	Enact ordinance	Could lead to the reduction of problem rentals	
	2.2		Improve the ordinance definition of "disturbances"	Eliminated from consideration in September	This was suggested by Livability Sergeant	
	2.3		Ensure owners are made aware of every complaint	This is happening now	Owners should be able to better manage	
Maintain rental balance	3.1		Establish areas where short term rentals are not allowed	Eliminated from consideration in October	Could keep rentals out of areas they have not traditionally been	Impacts owner's property rights
	3.2		Improve the record keeping including location, manager, police calls, citations issued (cause), convictions, dismissals, etc.	Working on this now	Will produce data that can be used to better identify problems	
	3.3		Require that Livability Officer provide an annual accounting to Council documenting changes in % of rental units by neighborhood, # & type of valid complaints and disposition, impact on neighborhoods, etc.	Working on this now	Will allow Council to identify trends that could have a negative impact and put safeguards into effect	Requires staff time, which is scarce
Ensure residents get benefit	4.1		Provide for verification of revenue and proof that all taxes and fees have been paid when license is renewed		Should increase revenue to the City	Requires staff time, which is scarce
	4.2		Increase penalty for noncompliance and provide a graduated penalty for all violations	Eliminated from consideration in September	Should encourage compliance	SC code limits what penalties a city can impose
	4.3		Make advertising unlicensed rental illegal	Enact ordinance	Improves enforceability- per City of Charleston	
	4.4		Require license number be posted on any advertising	Enact ordinance	Should highlight noncompliant properties	
Ensure renters safety	5.1		Require owners to document self inspection for compliance/ safety inspections as prerequisite to obtaining license	Eliminated from consideration in October	Should lead to safer rentals	Requires staff time, which is scarce

ARTICLE 9. - SHORT-TERM RENTALS

Sec. 5-4-201. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Short-term rental means the use of any dwelling, including the lot upon which the dwelling is located, anywhere within the City whereby the dwelling is leased or otherwise made available by the owner to another person for a term of three (3) months or less. Any reference in this article to dwelling, residence or rental shall mean a short-term rental.

(Ord. No. 2007-2, § 2(5-4-201), 3-27-2007)

Sec. 5-4-202. - Maximum overnight occupancy.

- a. The maximum overnight occupancy of an existing residence for which the owner is holding a valid short-term rental license on June 22, 2010, shall be limited to the greater of:
 - (1) Two (2) people per bedroom, plus two (2) people.
 - (2) One person per two hundred fifty (250) square feet of gross heated floor area in the entire house.
 - (3) Six (6) people.
- b. The maximum overnight occupancy of an existing residence for which the owner is not holding a valid short-term rental license on June 22, 2010, shall be limited to the greater of:
 - (1) Two (2) people per bedroom, plus two (2) people.
 - (2) Six (6) people.
- c. The maximum overnight occupancy of a residence permitted for new construction after June 22, 2010 shall be the same as prescribed in section 5-4-202(b) or twelve (12) people, whichever is fewer.
- d. The maximum overnight occupancy of an existing residence that is altered or reconstructed after June 22, 2010, shall be prescribed as follows:
 - (1) If the maximum overnight occupancy of the residence prior to alteration or reconstruction was less than twelve (12) people, then the maximum overnight occupancy of the altered or reconstructed residence may be increased to the number of people prescribed in:
 - (a) Section 5-4-202(a) or twelve (12) people, whichever is fewer, if the owner was holding a valid short-term rental license on June 22, 2010.
 - (b) Section 5-4-202(b) or twelve (12) people, whichever is fewer, if the owner was not holding a valid short-term rental license on June 22, 2010.
 - (2) If the maximum overnight occupancy of the residence prior to alteration or reconstruction was twelve (12) people or more, then the maximum overnight occupancy of the altered or reconstructed residence shall not be increased.
 - (3) If the alteration or reconstruction results in a decrease in number of bedrooms or floor area of the residence, then the maximum overnight occupancy shall be reduced as prescribed in:

(a) Section 5-4-202(a), if the owner was holding a valid short-term rental license on June 22, 2010.

(b) Section 5-4-202(b), if the owner was not holding a valid short-term rental license on June 22, 2010.

e. Children under two (2) years of age shall not be included in determining the maximum overnight occupancy.

(Ord. No. 2007-2, § 2(5-4-202), 3-27-2007; Ord. No. 2010-08, § 1, 6-22-2010)

Sec. 5-4-203. - Maximum occupancy at any time.

Notwithstanding any other provision of this article to the contrary, at no time shall the total number of persons at a residence exceed forty (40) persons, including children, or twice the maximum overnight occupancy, as determined by Section 5-4-202, whichever is less.

Deleted: forty (40) persons,

Deleted: including children

(Ord. No. 2007-2, § 2(5-4-203), 3-27-2007)

Sec. 5-4-204. - Maximum number of vehicles.

The maximum number of vehicles that may be located at a residence between the hours of 11:00 p.m. to 9:00 a.m. shall be limited to one (1) vehicle per approved bedroom or one (1) vehicle for every two and one-half (2½) people allowed under the maximum overnight occupancy. In no instance shall the number of vehicles allowed be less than two (2).

(Ord. No. 2007-2, § 2(5-4-204), 3-27-2007)

Sec. 5-4-205. - Written notices to be conspicuously posted inside and outside residence; Penalties for removing notices.

A written notice provided by the city which contains information about certain ordinances generally impacting tenants of Short-term Rentals shall be affixed to a conspicuous location inside the residence located within fifteen (15) feet from the main entrance to the residence and maintained at such location by the owner and displayed at all times. A written notice provided by the city which contains information about the city's noise ordinance shall be weatherproofed and affixed to a conspicuous location on any exterior deck, porch, patio, pool or other gathering area of the residence and maintained at such location by the owner and displayed at all times. It shall be unlawful for any person to destroy, hide, obstruct, conceal or remove the notices required by this section.

(Ord. No. 2007-2, § 2(5-4-205), 3-27-2007; Ord. No. 2009-14, § 1, 10-27-2009; Ord. No. 2015-07, § 1, 7-28-2015)

Editor's note— Ord. No. 2015-07, § 1, adopted July 28, 2015, changed the title of § 5-4-205 from "Written notice to be conspicuously posted in residence; Penalties for removing notice" to read as set out herein.

Sec. 5-4-206. - Provisions are cumulative.

All provisions contained in this article shall be cumulative to all other Federal, State and City laws, ordinances and regulations to which an owner or tenant may be subject regarding the ownership, use, rental or occupancy of a residence.

(Ord. No. 2007-2, § 2(5-4-206), 3-27-2007)

Sec. 7-1-15. - Suspension and notice of proposed revocation of license.

When the License Inspector determines that:

- a. A license has been mistakenly or improperly issued or issued contrary to law;
- b. A licensee has breached any condition upon which the license was issued or has failed to comply with the provision of this chapter;
- c. A licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application;
- d. A licensee has been convicted of an offense under a law or ordinance regulating business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or
- e. A licensee has engaged in or allowed an unlawful activity or nuisance relating to the business; or the licensee has demonstrated an inability or unwillingness to prevent the licensee's tenants from engaging in unlawful activities or creating nuisances related to the business;
- f. A licensee has had five or more complaints of unlawful activity within a single calendar year that are determined to be founded by the Police Department.

the License Inspector shall give written notice to the licensee or the person in control of the business within the City by personal service or certified mail that the license is suspended pending a hearing before Council for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be at a regular or special Council meeting within thirty (30) days from the date of service of the notice, unless continued by agreement. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this chapter.

(Code 1994, § 7-1-15; Ord. No. 1999-27, § 15, 10-26-1999; Ord. No. 2007-4, § 1, 3-27-2007)

Sec. 7-1-22. - Classification and rates.

SIC 6513; NAICS 53111—Lessors of Residential Housing Units—Less than Ninety (90) Days (Non-resident rates do not apply):

Minimum on first \$2,000: \$350.00 PLUS

Per \$1,000, or fraction, over \$2,000: \$4.60

The application shall require written acknowledgment by the licensee that a violation of this Code, either by the licensee, the licensee's property manager, or the licensee's rental guests, may result in the suspension or revocation of the license.

Deleted: documentation of a successful aself-inspection of the property for all compliance issues as well as basic safety issues and ...

The licensee shall maintain on file with the City Business License Office the current telephone number, if any, of the residence and current twenty-four (24) hour per day telephone numbers at which the City may contact the licensee, licensee's agent and, if applicable, the licensee's property manager. The point of contact provided must be able to be physically on site within one hour of receiving a phone call and must have the authority over the property to be able to remove tenants and address unlawful activity.

Deleted: 30 minutes

It shall be a violation of this Chapter for a short-term rental to be advertised without complying with the requirements of this Chapter.

It shall be a violation of this Chapter to advertise a short-term rental without displaying the business license number.

Notwithstanding any other provision of this chapter, license taxes for lessors of residential housing units-less than ninety (90) days shall be payable on or before September 1 in each year without penalty.

Deleted: ¶

ORDINANCE 2019-__

AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATION, CHAPTER 1, BUSINESS LICENSES, ARTICLE A, GENERAL PROVISIONS, SECTION 7-1-15, SUSPENSION AND NOTICE OF PROPOSED REVOCATION OF LICENSE, AND SECTION 7-22-22, CLASSIFICATION AND RATES, SIC 6513; NAICS 53111- LESSORS OF RESIDENTIAL HOUSING UNITS- LESS THAN NINETY (90) DAYS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO ADD CONDITIONS FOR THE SUSPENSION OF A RENTAL BUSINESS LICENSE, REQUIRE AN OWNER'S REPRESENTATIVE TO BE ABLE TO BE PHYSICALLY ON SITE WITHIN ONE HOUR OF RECEIVING A COMPLAINT, AND CONDITIONS FOR THE ADVERTISEMENT OF RENTALS.

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 Section 7-1-15 is hereby amended by adding (f) to state as follows:

“Sec. 7-1-15 Suspension and notice of proposed revocation of license.

f. A licensee has had five or more complaints of unlawful activity within a single calendar year that are determined to be founded by the Police Department.”

SECTION 2. That Section 7-1-22 SIC 6513; NAICS 53111 is hereby amended by adding provisions to state as follows:

“Sec. 7-1-22. - Classification and rates.

SIC 6513; NAICS 53111—Lessors of Residential Housing Units—Less than Ninety (90) Days (Non-resident rates do not apply):

Minimum on first \$2,000: \$350.00 PLUS

Per \$1,000, or fraction, over \$2,000: \$4.60

The application shall require written acknowledgment by the licensee that a violation of this Code, either by the licensee, the licensee's property manager, or the licensee's rental guests, may result in the suspension or revocation of the license.

The licensee shall maintain on file with the City Business License Office the current telephone number, if any, of the residence and current twenty-four (24) hour per day telephone numbers at which the City may contact the licensee, licensee's agent and, if applicable, the licensee's property manager. The point of contact provided must be able to be physically on site

within one hour of receiving a phone call and must have the authority over the property to be able to remove tenants and address unlawful activity.

It shall be a violation of this Chapter for a short-term rental to be advertised without complying with the requirements of this Chapter.

It shall be a violation of this Chapter to advertise a short-term rental without displaying the business license number.

Notwithstanding any other provision of this chapter, license taxes for lessors of residential housing units-less than ninety (90) days shall be payable on or before September 1 in each year without penalty.”

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 _____, 2019.

Jimmy Carroll, Mayor

(Seal)

Attest:

City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____

ORDINANCE 2019-__

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 9, SHORT-TERM RENTALS, SECTION 5-4-203, MAXIMUM OCCUPANCY AT ANY TIME, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES, TO LIMIT THE MAXIMUM OCCUPANCY AT ANY TIME TO FORTY (40) PEOPLE OR TWICE THE MAXIMUM OVERNIGHT OCCUPANCY, WHICHEVER IS LESS.

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 Section 5-4-203 is hereby amended in its entirety to state as follows:

“Sec. 5-4-203. Maximum occupancy at any time.

Notwithstanding any other provision of this article to the contrary, at no time shall the total number of persons at a residence exceed forty (40) persons, including children, or twice the maximum overnight occupancy as determined by Section 5-4-202, whichever is less.”

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 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 _____, 2019.

Jimmy Carroll, Mayor

(Seal)

Attest:

City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

ORDINANCE 2019-16

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 1, GENERAL PROVISIONS, ARTICLE B. – NUISANCES.

WHEREAS, the Isle of Palms Council is empowered with the authority to make amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so;

WHEREAS, The Isle of Palms Council believes it necessary to make amendments to ensure properties on the Isle of Palms are kept in a condition that is safe to the public;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 1, Article B, to authorize City staff to ensure the aforementioned objective.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 6, HEALTH AND SANITATION, CHAPTER 1, GENERAL PROVISIONS, ARTICLE B. – NUISANCES SHALL BE AMENDED TO READ AS FOLLOWS:

ARTICLE B.- NUISANCES

Sec. 6-1-11. - Definitions.

The following words, terms and phrases, when used in Articles B and C, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public nuisance means any act, thing, occupation, condition or use of property which shall continue for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;

(2) In any way render the public insecure in life or in the use of property;

(3) Greatly offend the public morals or decency;

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way; and/or

(5) Fail to maintain vacant or occupied property in a manner described by Articles B and C. .

(Code 1994, § 6-1-11; Ord. No. 1981-10, 11-11-1981)

Sec. 6-1-12. - Public nuisances prohibited.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

(Code 1994, § 6-1-12; Ord. No. 1981-10, 11-11-1981)

Sec. 6-1-13. - Public nuisance affecting health.

Public nuisances affecting health shall include, but not be limited to, the following acts, omissions, conditions or things:

- (1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- (2) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
- (3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;
- (4) All stagnant water in which mosquitoes, flies or other insects can multiply;
- (5) Privy vaults and garbage cans which are not flytight;
- (6) All noxious weeds and other rank growth or vegetation;
- (7) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;
- (8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial waste or other substances;
- (9) Any use of property, substances or things within the City emitting or causing any foul, offensive, noisy, nauseous, noxious, or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, cause discomfort to, injure or inconvenience the health of any appreciable number of persons within the City.

(Code 1994, § 6-1-13; Ord. No. 1981-10, 11-11-1981)

Sec. 6-1-14. - Public nuisances affecting public safety.

Public nuisances affecting public safety shall include, but not be limited to, the following:

- (1) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety;

- (2) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalks;
- (3) All limbs of trees which project over a public sidewalk, less than eight feet (8') above the surface thereof or less than fourteen and one-half feet (14½') above the surface of a public roadway;
- (4) All wires over streets, alleys or public grounds which are strung less than fifteen feet (15') above the surface of street or ground;
- (5) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;
- (6) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;
- (7) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;
- (8) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (9) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- (10) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- (11) Structures or components thereof that have reached their limit state;
- (12) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
- (13) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
- (14) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (15) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- (16) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs

of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

(17) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

(18) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(19) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(20) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

(21) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

(Code 1994, § 6-1-14; Ord. No. 1981-10, 11-11-1981)

Sec. 6-1-15. - Filing complaints; inspections.

(a) All complaints alleging the existence of a public nuisance shall be filed with the City Administrator.

(b) The City Administrator shall promptly notify the Chief of Police, Health Officer or Building Official who shall inspect or cause to be inspected the premises and make a written report of his findings to the City Council. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall retain the same in his office.

(Code 1994, § 6-1-15)

Sec. 6-1-16. - Notice to abate nuisance.

(a) If the inspecting officer determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the City Council may direct the Chief of Police to serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of the notice on the premises.

(b) Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty-four (24) hours. The notice shall state that unless such nuisance is so abated, the City will cause it to be abated and will charge the costs to the owner, occupant or person causing, permitting or maintaining the nuisance.

(Code 1994, § 6-1-16; Ord. No. 1981-10, 11-11-1981)

Sec. 6-1-17. - Abatement by City.

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of health nuisances, and the Chief of Police or City Administrator, in other cases, shall cause the abatement or removal of such public nuisance.

(Code 1994, § 6-1-17)

Sec. 6-1-18. - Abatement by court action.

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such so as to threaten great and immediate danger to the public health, safety, morals or decency, he shall file a written report of his findings with the City Council. The City Council shall cause an action to abate such nuisance to be commenced in the name of the City in a court of competent jurisdiction in accordance with the provisions of the State statutes.

(Code 1994, § 6-1-18; Ord. No. 1981-10, 11-11-1981)

Sec. 6-1-19. - Costs of abatement.

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. If notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

(Code 1994, § 6-1-19; Ord. No. 1981-10, 11-11-1981)

Secs. 6-1-20—6-1-30. - Reserved

ARTICLE C. - MAINTENANCE OF PROPERTY

Sec. 6-1-31. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Bulk* consists of bulky wastes, including appliances, furniture, mattresses, auto parts and tires.
- (b) *Garbage* consists of all perishable refuse, household rubbish, including, but not limited to, paper boxes, rags, plastic and cloth, glass, bottles, cans and any similar waste and small dead animals.
- (c) *Litter* means any quantity of solid waste which is not properly disposed of.
- (d) *Private property* includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, partnerships, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots, recreation facilities, vacant and/or occupied property
- (e) *Container* means a watertight receptacle made of metal, heavy duty plastic or material of similar strength with a tightfitting cover for storage and disposal of solid waste.
- (f) *Solid waste* consists of all refuse including bulk, debris, garbage, rubbish and trash.
- (g) *Trash* consists of all ashes, yard rubbish, such as leaves, grass, bushes, and vines; large pieces of metal, bricks, stones and dirt, trees and branches, and stumps.
- (h) *Unightly growth on property* means an unsightly, unhealthy, unsanitary growth of grass, bushes, shrubs, trees, weeds, vines, leaves, etc.

(Code 1994, § 6-1-31; Ord. No. 1986-2, 5-14-1986)

Sec. 6-1-32. - Duty to keep property clean and safe.

- (a) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private and public property free of litter and unsightly growth. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at locations such as fences and wall bases, grassy and planted areas, borders, embankments and other lodging points.
- (b) Owners, agents, occupants or lessees whose properties face on a City right-of-way shall be responsible for keeping up to, and including, the curb, gutter or street line free of litter and unsightly growth.
- (c) It shall be unlawful to sweep or push litter from buildings, property, sidewalks and strips into streets, sidewalks and the storm drainage systems. Sidewalk and strip sweepings must be picked up and put into household or commercial material containers.
- (d) It shall be the duty of every nonresident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter and unsightly growth.
- (e) If an owner, agent, occupant or lessee fails to remove litter or unsightly growth from any private and public property, the City Public Works Department shall be authorized to serve

written notice to the owner or appointed agent to correct such violation within five (5) days. Failure to comply shall constitute grounds for prosecution.

(f) It shall be unlawful for the owner of any property in the City to disobey or fail to comply with any provisions of this article.

(g) It shall be unlawful for the owner of private property to fail to keep a swimming pool on the property in a condition that is clean and sanitary, and in good repair.

(h) Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Excessive mildew or mold shall be removed from exterior surfaces.

(Code 1994, § 6-1-32; Ord. No. 1986-2, 5-14-1986)

Sec. 6-1-33. Appeals; ordinance summons; liens; penalties. (a) The City Administrator is authorized to issue regulations for the form, content, and maintenance of notices and to hear and determine appeals from Public Works Department notices served pursuant to section 6-1-32(e). A notice of appeal must be delivered to the City Administrator within five (5) days after service of the sanitation division notice. The determination of the City Administrator shall be made in writing and shall be final.

(b) The City Administrator may authorize an appropriate City employee to serve an ordinance summons for violation of this article pursuant to section 1-3-66(b).

(c) In the event the responsible person fails to correct the conditions which violate this article within the time prescribed in the notice, the City Administrator may authorize agents or employees of the City to enter onto the property and take corrective action up to and including demolition, if approved by the zoning administrator. The cost of corrective action taken by the City shall be a lien upon the property which shall be added to and collected in the same manner as the ad valorem taxes on the property.

(d) Nothing in this section shall prevent the City from taking any other appropriate action such as courtesy notices to encourage voluntary compliance, or arrest warrants for violations.

(e) Violation of this article is a misdemeanor punishable as provided in section 1-3-66.

(f) In the event the Mayor declares a state of emergency as provided in section 1-2-5, all complaints pursuant to this Ordinance shall be addressed by staff on a case-by-case basis.

(Code 1994, § 6-1-33; Ord. No. 1994-4, § 33, 4-26-1994)

SECTION 2. 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 take effect immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF
PALMS, ON THE _____ DAY OF _____, 2019.

Jimmy Carroll, Mayor

(Seal)

Attest:

, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

ORDINANCE 2019-__

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 1, GENERAL PROVISIONS, ARTICLE B. – NUISANCES.

WHEREAS, the Isle of Palms Council is empowered with the authority to make amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so;

WHEREAS, The Isle of Palms Council believes it necessary to make amendments to ensure properties on the Isle of Palms are kept in a condition that is ~~both~~ safe to the public ~~and maintains the character of the City~~;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 1, Article B, to authorize City staff to ensure the aforementioned objective.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED THAT TITLE 6, HEALTH AND SANITATION, CHAPTER 1, GENERAL PROVISIONS, ARTICLE B. – NUISANCES SHALL BE AMENDED TO READ AS FOLLOWS:

ARTICLE B.- NUISANCES

• **Sec. 6-1-11. - Definitions.**

The following words, terms and phrases, when used in ~~this article~~ Articles B and C, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Public nuisance means any act, thing, occupation, condition or use of property which shall continue for such length of time as to:

(1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;

(2) In any way render the public insecure in life or in the use of property;

(3) Greatly offend the public morals or decency; ~~and/or~~

(4) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way; ~~and/or~~

(5) Failure to maintain vacant or occupied property in a manner described by Articles B and C. as detailed in Article C.

(Code 1994, § 6-1-11; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-12. - Public nuisances prohibited.**

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City.

(Code 1994, § 6-1-12; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-13. - Public nuisance affecting health.**

Public nuisances affecting health shall include, but not be limited to, the following acts, omissions, conditions or things:

(1) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;

(2) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;

(3) Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;

(4) All stagnant water in which mosquitoes, flies or other insects can multiply;

(5) Privy vaults and garbage cans which are not flytight;

(6) All noxious weeds and other rank growth or vegetation;

(7) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property;

(8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, creamery or industrial waste or other substances;

(9) Any use of property, substances or things within the City emitting or causing any foul, offensive, noisy, nauseous, noxious, or disagreeable odors, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, cause discomfort to, injure or inconvenience the health of any appreciable number of persons within the City.

(Code 1994, § 6-1-13; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-14. - Public nuisances affecting public safety.**

Public nuisances affecting public safety shall include, but not be limited to, the following:

(1) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds of places frequented by the public, so situated or constructed as to endanger the public safety;

(2) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalks;

(3) All limbs of trees which project over a public sidewalk, less than eight feet (8') above the surface thereof or less than fourteen and one-half feet (14½') above the surface of a public roadway;

(4) All wires over streets, alleys or public grounds which are strung less than fifteen feet (15') above the surface of street or ground;

(5) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the City or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished;

(6) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk;

(7) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside;

(8) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(9) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

(10) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

(11) Structures or components thereof that have reached their limit state;

(12) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

(13) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;

(14) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(15) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

(16) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs

of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

(17) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

(18) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(19) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

(20) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

(21) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

(Code 1994, § 6-1-14; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-15. - Filing complaints; inspections.**

(a) All complaints alleging the existence of a public nuisance shall be filed with the City Administrator.

(b) The City Administrator shall promptly notify the Chief of Police, Health Officer or Building Official who shall inspect or cause to be inspected the premises and make a written report of his findings to the City Council. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall retain the same in his office.

(Code 1994, § 6-1-15)

- **Sec. 6-1-16. - Notice to abate nuisance.**

(a) If the inspecting officer determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the City Council may direct the Chief of Police to serve notice on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of the notice on the premises.

(b) Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty-four (24) hours. The notice shall state that unless such nuisance is so abated, the City will cause it to be abated and will charge the costs to the owner, occupant or person causing, permitting or maintaining the nuisance.

(Code 1994, § 6-1-16; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-17. - Abatement by City.**

If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of health nuisances, and the Chief of Police or City Administrator, in other cases, shall cause the abatement or removal of such public nuisance.

(Code 1994, § 6-1-17)

- **Sec. 6-1-18. - Abatement by court action.**

If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such so as to threaten great and immediate danger to the public health, safety, morals or decency, he shall file a written report of his findings with the City Council. The City Council shall cause an action to abate such nuisance to be commenced in the name of the City in a court of competent jurisdiction in accordance with the provisions of the State statutes.

(Code 1994, § 6-1-18; Ord. No. 1981-10, 11-11-1981)

- **Sec. 6-1-19. - Costs of abatement.**

In addition to any other penalty imposed by this article for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance. If notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as other special taxes.

(Code 1994, § 6-1-19; Ord. No. 1981-10, 11-11-1981)

- **Secs. 6-1-20—6-1-30. - Reserved.**

- **ARTICLE C. - MAINTENANCE OF PROPERTY**

- **Sec. 6-1-31. - Definitions.**

The following words, terms and phrases, when used in this ~~article~~[Article](#), shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) *Bulk* consists of bulky wastes, including appliances, furniture, mattresses, auto parts and tires.

(b) *Garbage* consists of all perishable refuse, household rubbish, including, but not limited to, paper boxes, rags, plastic and cloth, glass, bottles, cans and any similar waste and small dead animals.

(c) *Litter* means any quantity of solid waste which is not properly disposed of.

(d) *Private property* includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, partnerships, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots, recreation facilities, vacant and/or occupied structures-property-

(e) *Container* means a watertight receptacle made of metal, heavy duty plastic or material of similar strength with a tightfitting cover for storage and disposal of solid waste.

(f) *Solid waste* consists of all refuse including bulk, debris, garbage, rubbish and trash.

(g) *Trash* consists of all ashes, yard rubbish, such as leaves, grass, bushes, and vines; large pieces of metal, bricks, stones and dirt, trees and branches, and stumps.

(h) *Unsightly growth on property* means an unsightly, unhealthy, unsanitary growth of grass, bushes, shrubs, trees, weeds, vines, leaves, etc.

(Code 1994, § 6-1-31; Ord. No. 1986-2, 5-14-1986)

- **Sec. 6-1-32. - Duty to keep property clean and safe.**

(a) It shall be the duty of the owner, agent, occupant or lessee to keep exterior private and public property free of litter and unsightly growth. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at locations such as fences and wall bases, grassy and planted areas, borders, embankments and other lodging points.

(b) Owners, agents, occupants or lessees whose properties face on a City right-of-way shall be responsible for keeping up to, and including, the curb, gutter or street line free of litter and unsightly growth.

(c) It shall be unlawful to sweep or push litter from buildings, property, sidewalks and strips into streets, sidewalks and the storm drainage systems. Sidewalk and strip sweepings must be picked up and put into household or commercial material containers.

(d) It shall be the duty of every nonresident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter and unsightly growth.

(e) If an owner, agent, occupant or lessee fails to remove litter or unsightly growth from any private and public property, the City Public Works Department shall be authorized to serve written notice to the owner or appointed agent to correct such violation within five (5) days. Failure to comply shall constitute grounds for prosecution.

(f) It shall be unlawful for the owner of any property in the City to disobey or fail to comply with any provisions of this article.

(g) It shall be unlawful for the owner of private property to fail to keep a swimming pool on the property in a condition that is clean and sanitary, and in good repair.

(h) Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. ~~Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.~~ Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. ~~Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. Excessive mildew or mold shall be removed from exterior surfaces.~~

(Code 1994, § 6-1-32; Ord. No. 1986-2, 5-14-1986)

~~Sec. 6-1-33. Unsafe Conditions~~

~~For the purposes of this Article, the following conditions shall be determined unsafe and shall be repaired or replaced as required for existing vacant or occupied structures:~~

~~—~~

~~Appeals; ordinance summons; liens; penalties.~~~~(a) The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;~~

~~(b) The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;~~

~~(c) Structures or components thereof that have reached their limit state;~~

~~(d) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;~~

~~(e) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;~~

~~(f) Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;~~

~~(g) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;~~

~~(h) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;~~

~~(i) Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;~~

~~(j) Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;~~

~~(k) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;~~

~~(l) Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or~~

~~(m) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.~~

-

●—Sec. 6-1-343. Appeals; ordinance summons; liens; penalties.

(a) The City Administrator is authorized to issue regulations for the form, content, and maintenance of notices and to hear and determine appeals from Public Works Department notices served pursuant to [section 6-1-32](#)(e). A notice of appeal must be delivered to the City Administrator within five (5) days after service of the sanitation division notice. The determination of the City Administrator shall be made in writing and shall be final.

(b) The City Administrator may authorize an appropriate City employee to serve an ordinance summons for violation of this article pursuant to [section 1-3-66](#)(b).

(c) In the event the responsible person fails to correct the conditions which violate this article within the time prescribed in the notice, the City Administrator may authorize agents or employees of the City to enter onto the property and take corrective action up to and including demolition, if approved by the zoning administrator. The cost of corrective action taken by the City shall be a lien upon the property which shall be added to and collected in the same manner as the ad valorem taxes on the property.

(d) Nothing in this section shall prevent the City from taking any other appropriate action such as courtesy notices to encourage voluntary compliance, or arrest warrants for violations.

(e) Violation of this article is a misdemeanor punishable as provided in section 1-3-66.

(f) In the event the Mayor declares a state of emergency as provided in section 1-2-5, all legal proceedings pursuant to this section shall be deferred until the state of emergency legally ends. all complaints pursuant to this Ordinance shall be addressed by staff on a case-by-case basis.

(Code 1994, § 6-1-33; Ord. No. 1994-4, § 33, 4-26-1994)

SECTION 2. 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 take effect immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2019.

Jimmy Carroll, Mayor

(Seal)

Attest:

, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

RESOLUTION

WHEREAS, the City of Isle of Palms realizes that it has a responsibility to provide a safe work environment for its employees and that each pursues the highest standards in his or her assigned activities, all municipal employees must recognize that the well-being of the persons involved in the protection of our physical resources are as important as the activity and work being performed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ISLE OF PALMS AS FOLLOWS:

The City has established a safety and loss control program, which is monitored on a continuous basis. As the first segment of the City's program, a safety coordinator was appointed and assigned the responsibility of organizing the overall safety and loss control efforts.

A safety committee was created to establish a loss control program, review losses and loss trends, make recommendations for prevention and assign other safety responsibilities as needed. This committee is guided by the safety coordinator and its members include each department head or designee.

Each department head director will be responsible for the safety and health of the employees in their department, as well as the required maintenance of facilities and equipment in their area of responsibility. Each employee will be responsible for their own personal safety and for the safe completion of assigned tasks. The City requires its employees to respond to all planned safety efforts and to perform their assigned jobs in the safest manner possible.

The City of Isle of Palms is committed to doing all in its power to make its safety and loss control program a success and expects all employees to assist in this effort by contributing expertise and by following all established rules and procedures.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE 28th DAY OF JANUARY 2020.

Jimmy Carroll, Mayor