SPECIAL CITY COUNCIL MEETING -- WORKSHOP
5:00pm, Tuesday, August 8, 2023
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: https://www.youtube.com/user/cityofisleofpalms

MINUTES

1. **Call to order**

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

Absent: Council Member Hahn

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

2. **Citizens' Comments -- none**

3. **Special Presentations**

Presentation of options for new City Logo – Andrew Barton

Mr. Barton presented two concepts for a new City logo and Council members provided feedback on changes they would like to have considered.

4. **Dashboard of City Operations**

Administrator Fragoso said there has been little financial activity just one month into the new fiscal year. There have been 6,383 calls for service year-to-date in the Police Department which is higher than 2021 and 2022. The number of court cases, not including parking tickets, has doubled this year. Of the 256 calls for service for the Fire Department, 96 were EMS calls, 24 calls the department received automatic aid, and the department provided aid for 13 calls.

The Building Department has issued 1,767 short-term rental licenses with 32 pending.

There are two vacancies in the Police Department, not including the 7 open BSO positions, 4 open paramedic positions, and 1 opening for a CDL driver in Public Works.

Council Member Pierce asked that the one-page short-term rental report be a part of the meeting packet each month.

5. **Departmental Reports** – in the meeting packet

6. **Strategic Plan Policy Initiatives and Priorities**

A. **Livability**

i. **Discussion of recommendations from the Planning Commission regarding City's short-term rental program and related policies**

Director Kerr reviewed the four recommendations from the Planning Commission regarding short-term rental policies. The Planning Commission recommends the adoption of policies limiting the occupancy of newly constructed and substantially reconstructed homes to 8, requiring a minimum two-night stay in all short-term rentals except hotels, requiring the inclusion of the short-term rental license number in all advertising, and allowing homeowners to rent out a single room in their homes.

He also said that clearer definitions as to what constitutes a strike against a rental license are needed in the code. Administrator Fragoso said that it is important to have that codified in City Code should a revocation ever become necessary. A brief discussion ensued about revocation processes in other municipalities.

Council members agreed that the inclusion of the short-term rental license in all advertising is administrative in nature and can be implemented quickly and easily. Council members discussed the other recommendations but agreed that it would be better to have a conversation with the Planning Commission to better understand their reasoning behind the recommendations. A standalone meeting of the City Council and the Planning Commission will be scheduled to further discuss the recommendations.

ii. **Discussion of initiatives being pursued with Explore Charleston with the City's 30% of State Accommodations Tax revenue for tourism promotion**

Mayor Pounds said the Tourism Management and Community Enrichment Plan will cost approximately $30,000 and the Walkability Study will cost approximately $50,000.

Administrator Fragoso said the tourism management process and plan will be modeled after the plan used by the City of Charleston. The development of the plan will include a community survey, listening sessions, focus groups, and the formation of a large committee that will be tasked with "developing recommendations to bring to Council for tourism management, livability, and facilitate our conversation with the community and Council." She said Council members may be asked to consider 1-2 people they would consider nominating for this committee.

Council Member Ward asked if that committee will consider an alternative DMO. Mayor Pounds said the CVB will come to City Council and provide a post-season debriefing to get feedback on their initiatives. He will also have City Attorney McQuillin discuss the State law surrounding DMOs.

Council Member Pierce asked to see the Tourism Management Plan used by the City of Charleston to better understand the objectives of this initiative. He would also like to discuss more tangible ways in which the 30% funds can be spent on the island.

Council Member Streetman reminded Council members of the output from the ATAX Task Force that resulted in the job share of the PR & Tourism Coordinator position. That task force also suggested continuing City Council support of the IOP Chamber of Commerce and pushing the State legislature for changes in the uses of the 30% funds. He said he believes the pursuit of a new DMO is premature.

Administrator Fragoso said the goal of the walkability study would be "to look at the connectivity, accessibility, just the closeness of key destinations on the island to make sure that we are providing a more livable and sustainable environment." The study will identify where new infrastructure needs to be implemented or existing infrastructure enhanced to promote walkability.

She anticipates completing the RFP for this project in the next month or two. Council Member Bogosian spoke in support of the study and suggested working with the CVB to implement the recommendations of the plan using the 30% funds.

B. **Environmental**

C. **Public Services**

i. **Approval of Mutual Benefit and Use Agreement with Ashbritt, Inc. for emergency debris removal services**

Administrator Fragoso said this City is part of the Charleston County Emergency Debris Removal contract. The contract is activated when there is a named storm and assigns resources to the City based on its needs. This contract "would be an insurance policy to allow the City to activate this same contract for the City in the event that we have a storm but it is not a named storm and an emergency disaster has not been declared, which is the component that would trigger Charleston County activating this contract which we are a part of."

ii. **Discussion regarding Isle of Palms Fire Department joining mutual aid agreement with Charleston Metro Marine Unit**

Administrator Fragoso said this agreement will formalize the Fire Department's membership in the Charleston Metro Marine Unit.

iii. **Report of newly approved policy on residential sprinklers by the IOP Water & Sewer Commission**

Director Kerr thanked Chief Oliverius and Fire Marshall Stafford for their efforts in providing the IOP Water & Sewer Commission the needed information about dual-purpose systems that led to a change in their policy to permit them in residential homes. Historically, the Water & Sewer Commission had not permitted them due to liability concerns if the water was shut off due to non-payment. He said this change will lead to safer housing stock.

D. **Personnel**

Appointment of Captain Jeff Swain to the Grievance Committee

The appointment of Captain Jeff Swain to the Grievance Committee will fill the position left vacant by the retirement of Norma Jean Page.

E. **Other items for discussion**

Discussion of acceptance of drainage easement between 16 and 18 25th Avenue

Director Kerr explained that the City has been maintaining this space without an easement. Both homeowners would like the City to continue maintaining this area. A surveyor was hired to map the easement, and the homeowners are requesting the City to accept the easement.

7. **Financial Review**

A. **Financial Statements and Project Worksheets**

Director Hamilton said all funds are where they should be for this point in the fiscal year. The City has approximately $39 million in cash, $17 million of which is restricted. The City earned 5.42% interest on its deposits in July. She is preparing for the auditors to be here in September.

She reported that the City received a FEMA award grant in the amount of $161,000 covering the costs of debris cleanup from Hurricane Ian. Administrator Fragoso said those monies were deposited into the Disaster Recovery Fund.

There has been no change in the Municipal ATAX receipts, but the City received the 4th quarter payment of State ATAX in the amount of $919,000, which is 7% ahead of 2022. Hospitality Tax is 18% ahead of last year due to a full year of operation of Islander 71 and the Sweetgrass Inn.

Director Hamilton thanked Director Suggs for postponing her retirement date to train her.

8. **Procurement**

A. **Approval of vehicle replacements and purchases for Police Department**

i. Ford SUV Police Vehicle - $48,626 (State contract) [FY24 Budget, Capital Projects Fund, Police Department, $52,000]
ii. Dodge Durango Police Vehicle - $41,790 (State contract) [FY24 Budget, Muni ATAX Fund, Police Department, $52,000]
iii. Dodge 1500 Animal Control – $40,167 (State contract) [FY24 Budget, Hospitality Tax Fund, Police Department, $48,000]
iv. Dodge 1500 Code Enforcement Vehicle - $37, 413 (State contract) [FY24 Budget, State ATAX Fund, Police Department, $46,000] – Vehicle for new Code Enforcement position

Administrator Fragoso explained these vehicles are budgeted expenses. Three of them are replacement vehicles, and the fourth is for the second Code Enforcement Officer.

B. **Approval of replacement of 6 Mobile Data Terminals (MDTs) for Fire Department - $36,000** [FY24 Budget, General Fund, Fire Department, IT Equipment, Software & Services, $36,000]

Administrator Fragoso explained these MDTs are budgeted expenses.

C. Approval of overhead fans for apparatus bay at Fire Station 1 in an amount of $65,025 [FY24 Budget, Capital Projects Fund, Fire Department, Building Maintenance, $126,620]

Administrator Fragoso explained these fans are budgeted expenses. She referenced the sole source memo in the packet as this company is the only manufacturer of these fans.

D. **Report of emergency expenditure in the amount of $19,250 for island wide debris removal assistance due to equipment failure**

Administrator Fragoso reported this expense came as a result of equipment failure last month. New equipment will not arrive until January. The rental equipment remains in place and current equipment has been repaired until the new equipment arrives.

E. **Approval of recommendation from ATAX Committee of a grant of $5000 for the VFW to repair beach walkway**

Administrator Fragoso said this grant to the VFW was approved at the last ATAX Committee meeting. She anticipates another grant award to another organization following their next meeting. Council Member Pierce would like an update on ADA-accessibility at the VFW post.

F. **Approval of change order to ATM contract in the amount of $48,600 for bidding and construction administration of the public dock rehabilitation project**

Administrator Fragoso reminded City Council that they specifically did not engage ATM for this part of the project until they were ready to begin the bidding process. This project will be ready to go out for bid in mid-September.

G. **Approval of sole source contract in an amount of $135,000 to National Fitness Court for outdoor fitness court at the Recreation Center**

Director Farrell shared a video of the outdoor fitness court planned for the Recreation Center. She said the approximately 1,000 square foot space will be ADA-accessible and have a corresponding app for all users. She said this fitness court has very few maintenance needs. She anticipates being able to start this project soon and have it installed in late October/early November.

Administrator Fragoso explained, “The City’s FY24 budget includes $165,000 for this. They will offer a $30,000 credit to the City, but there will be an additional expense that will be covered within the budgeted amount of 165 for the construction of the platform that is not included.”

9. **Capital Projects Update**

Administrator Fragoso said crews are on site completing work at the 30th Avenue outfall. Extra landscaping is being added to both sides of the outfall. Work on the 36th Avenue outfall will begin right after Labor Day weekend. The RFB for the 41st Avenue project was issued by the Office of Resiliency last week. Bids will be opened at the end of August, and she hopes to present a bid to them for their approval in the selection of a contractor.

Staff is meeting with Davis & Floyd to update the Executive Summary and make final touches on the Drainage Master Plan.

Staff will be opening proposals next Friday for the engineering and permitting activities related to the Waterway Boulevard Multi-use Path Elevation project.

Having ATM engaged for the permitting work on the public dock rehabilitation project as discussed earlier in the meeting will enable them to begin work on the permits so that they are in places ahead of the bid process.

The City needs to finalize the redesign for the parking layout on the north side of the boat ramp. The Public Services & Facilities Committee discussed it today and options will be brought to the next City Council Workshop for feedback. The goal is to have an agreed upon redesign at the time the renovations to the public dock begin. The T-dock repairs will be part of the work on the public dock bidding process in September.

Staff has a kickoff meeting with ATM regarding the marina dredging project, and they are in the process of scheduling and coordinating a meeting with neighboring facilities that may want to join the City's permitting effort and or be aligned with the project.

A preliminary design of the emergency vehicle access path was presented to the Public Safety Committee earlier this month. The County has provided additional comments about the design to Davis & Floyd. The goal is to finalize the plan and go out for bid in November. The final design will be presented to Council for approval. The budgeted amount for this project is $200,000.

There is no update on beach access path improvements.

Administrator Fragoso said they are still waiting for a proposal from CS&E for the long-term, large offshore dredging project on the north side and the coordination of the Army Corps of Engineers' project at Breach Inlet.

Administrator Fragoso reminded Council of the timeline of the minor dune restoration project between 114 and 304 Ocean Boulevard. "We received the permit from OCRM for this work end of June. We also received bids from local contractors for this work second week of July. The SCPRT grant that we applied for 50% of the construction costs has been approved by the State. We just have to execute an agreement for that work. As you all know, easement agreements were developed by our attorneys and distributed to the property owners along the project area last Monday. So far, so there are 21 properties along that area between 114 and 304. Of those 21, we have heard back from five that intend to execute the agreement and be part of the City's scope. Nine of those do not plan to execute an easement agreement with the City, but plan to do the

work and pay for themselves, and seven who have not yet responded. We have reached out to them for an update and just giving them the option."

She continued, "I think we have heard from property owners who have expressed some concerns about the need to enter into a permanent easement agreement with the City. We have been advised that that is what the City's position needs to be by our attorneys. It is an issue associated with using public funds to construct a dune on private property. The goal of the easement would be to allow the City to maintain it, repair it and protect it, and prevent the property owner eroding it or making any changes to the dune after it has been constructed by the City. We have been working for the past several weeks to try to find another solution that may be more practical. But what we are seeing across the board is consistent with what our attorneys are advising us. Other communities deal with the same issue with property owners who just don't feel comfortable permanent and perpetual easements to municipalities. And the option that is provided to them is doing the work themselves and paying for it, therefore, it is private money being used for that purpose. Or if they are not responsive or do not want to sign an agreement and do not want to pay it themselves, then they are just not included in the project, and they are skipped, which, as you all know, we have heard from our coastal engineers essentially threatens the integrity and health of the dune that we are trying to construct. But it seems like we have talked about the need of developing a consistent policy. Council Member Bogosian suggested this is something that the Administration Committee takes on, and I agree that this is something that needs to be addressed and codified. Other communities have codified, others have not. Some are a little wishy washy. Others are not. A lot of the beaches in our state are managed by the Corps. Not a lot deal with this situation like we do, and the Corps is very consistent in requiring permanent and perpetual easements for the work that they do, and oftentimes do not give municipalities even the option of having owners pay for it. They won't do a project unless they have 100% of easements from properties."

Council Member Bogosian said the City should begin preparing for the larger beach restoration now. He said, "I would really like to talk to Mac about this because I really don't understand. It seems like the old dunes were on private property as well. The ones that got washed away. I think there are other laws on the books that allow those dunes to be maintained by State through OCRM and other laws."

Administrator Fragoso spoke to the concern about property owners who do not sign an easement agreement. "That is something that we have actually discussed with our coastal engineer. On the Breach Inlet project with the Corps, it is a little bit different than other Corps projects because the purpose of this project is for their navigational use, so they are a little bit, I guess have different requirements for that. In addition, the way that this project is being designed, it looks like there is going to be around 400,000 cubic yards of sand that are going to be deposited on our beach. Sullivan's Island is going to be taking around 150,000, but the way that they are placing it on our beach it is going to be below the main high water. So it is going to be on the beach. So the purpose of that is for the water to clean out and essentially for the sand to filter before being placed, so the Army Corps may not have a need or requirement to secure easements for them to do the work because they are going to be placing that sand below main high water, which is not

within the private property. But we heard Steven indicate that his recommendation would be for the City to do a scaping project and mobilize this sand to not only create a more continuous dune south of 9th but also along the beach. So we are going to be facing the same conundrum essentially. What we are planning on doing is just communicating, once we have a meeting with the Corps and we have a better understanding about timing, to reaching to all the owners below 9th Avenue to go through this process again."

Council Member Ward asked the difference between this project and past projects. Administrator Fragoso answered, "The City did a scraping project in 2016 and 2017, and those two projects were done under an emergency order right after a hurricane, when a hurricane came, destroyed the dunes and a disaster had been declared by the State. It is different because in that time it was just a scraping project. This time we are trucking in sand, so the source is different, and it was done under an emergency order. This work is being done under a general permit. None of the properties so far meet the emergency threshold by the State. I would say though that our engineers would have advised that the City should have had a construction easement for that project as well. I think they believe it is what puts the City in the best position and protects the City in the long term. I can only speak to the conditions that were in place in 2016 and 2017 when that happened. When we have done larger projects in Wild Dunes, the City did secure agreements with the individual property owners. The difference is some of the properties down at that end, their properties lines don't extend to main high water like it does on this end. So that is another nuance that is just different from the north side."

Further discussion ensued as to the property owners who have not yet responded to the City's communications regarding the easement. Council Member Pierce suggested the City needs to be more proactive in reaching out to the property owners.

Administrator Fragoso said there will be a bid opening at the end of August for the installation of the exhaust systems in the fire stations. A RFQ for the City Hall renovations has been issued. Administrator Fragoso said this project is being approached similar to the Public Safety Building renovation project, which was a design build. They expect to get responses to the RFQ back by mid-August. Those that are determined to be qualified will make presentations to the City for consideration.

Only the fence replacement at the dog park will require City Council approval for procurement. Dominion Energy and Pike Engineering are nearly finished designing the 14th Avenue project. A final design is anticipated by the end of the month and will be used to refine construction estimates. The City will pay 50% of the project. Dominion Energy has also conducted some onsite meetings at 41st Avenue to "identify some commonalities that we can piggyback on as part of the drainage project that is starting later this year to try to minimize how many times we go out and dig to install conduit." There is no update on the SCDOT plan for Palm Boulevard. They are working on it with RK&K. She hopes to have options to present to Council and the community in the fall.

Mayor Pounds thanked staff for their work on the many projects in the works. Council Member Anderson thanked staff for their work in securing grant funds to pay for many of the projects.

10. **Legislative Report**

11. **Adjournment**

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

Respectfully submitted,

Nicole DeNeane
City Clerk

City Council 8/8/23; Clouse Comments (Meeting No. 19 since 4/13/2022)
Regarding Noise Ordinance; Nuisance.

Requesting for the **thirteenth (13th) time** (twice in writing) to provide us written assurances regarding enforcement of **§ 9-2-5 (b)(c). "Amplified Music"** is unlawful and the core of the very nuisance which has been created.

Resort's "Sound Monitoring Executive Summary" dated July 23, 2023. As Rusty, my Man on the Street said, "we all know what it is going to tell us".

Questions: What is the reason for not receiving the full report, as previously requested by Mr. Pierce, Mr. Ward and others?

What is the reason the Executive Summary is not in the Council's packet?

What is the reason this is not on the agenda?

Where is Mrs. Haack, the absentee manager of the resort?

Lastly, Did the sound study engineers electronically tag the Cicadas and Crows for future reference?

This Summary is a sound study (a recipe for sound & disaster); not a **sound abatement study** which we requested to Mrs. Haack in November 2022. Interestingly, this demonstrates the resort was not interested in abating sound; only wants to generate more of it; legally this time.

Actually, we previously provided you a sound study dated 4/13/2022. We asked Mrs. Anderson, Chairperson of PSC, "what can you do for us"? Her response: "we will get back to you"; never did.

Yes, that's right, our sound study: The resort has violated the current noise ordinance, since March 2021. They are obnoxious, arrogant , disruptive and a major nuisance which has grossly violated our livability. This administration has allowed the nuisance to prevail; with lack of enforcement. That's our executive summary. For our full study, please refer to our previous Eighteen (18) presentations which are on the IOP YouTube channel.

Perspective: this room's dimensions are **32'4" x 39'**. Diagonally it is **50'8".**

Think of this: from this wall to this point is **25' feet**. Mrs. Williamson's property **(16 57th Ave)** is **25' feet** from the resort.

: from this corner to the hall is **62' feet**. Our property **(3 GP)** is **62'** from the resort.

May 22, 2018: resort represented they would follow all IOP noise ordinances. They have not!

The resort's mentality: build it, and they will forget what we said; must stop yesterday.

Accountability; Accountability; Accountability!!!

Folks, we can not continue to let the tail wag the dog!!