



SPECIAL CITY COUNCIL MEETING
4:00pm, Tuesday, October 10, 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 Hahn, Ward, Bogosian, Streetman, Anderson, Popson, Miars (via phone), Pierce, and Mayor Pounds

Staff Present: Administrator Fragoso, Director Kerr, City Attorney McQuillin

Others present: Steven Traynum, CS&E

2. Purpose

A. Consideration of emergency ordinance 2023-01, an ordinance providing emergency procedures permitting residents near Breach Inlet to install sandbags on a temporary basis for emergency erosion control

Mr. Traynum said the dune has been holding up well this week even at high tide. He estimates about 10,000 cubic yards of sand have been moved. He believes they can get the bulk of the 50,000 cubic yards of sand up before the next king tide. He reported the sandbag project will begin this week for the properties between 120-206 Ocean Boulevard.

Administrator Fragoso said, "After Tuesday's meeting when Council approved \$250,000 for the installation of sandbags in this area, the City's procurement code allows the City to not go through any competitive procurement process for expediency purposes. However, we reached out to multiple contractors and informally requested proposals for this work. We opened bids here on Monday at noon. Both contractors who submitted proposals were here. We received a bid of \$149,000 from Collins Construction and the other company, Blue Tide, submitted a bid of \$250,000 for this work."

Mr. Traynum shared photos and data explaining why the erosion is occurring and why it is looking a little better at this time. He said he sees some accretion in the upper part of the beach.

Administrator Fragoso explained the emergency ordinance: "We incorporate the requirements for temporary sandbag installation and this emergency ordinance would, as we had discussed, would be temporary and would only apply to Front Beach properties that are between 100 Ocean Boulevard and 914 Ocean Boulevard. And the reason we are expanding this past the current emergency condition area, which is 314 Ocean, is the scope of the project for the Army Corps that we are anticipating starting by early next year extends past 3rd. It goes up to about 10th

Avenue, and part of the purpose and goal of this ordinance is to allow property owners to be proactive. So we know that the area is very close to the area that is erosional and giving the property owners that are past that to be able to take proactive measures if they want to ahead of the potential future erosion. The requirement for the installation of temporary sandbags in Requirements include getting an emergency permit from the City and there are certain conditions that are required of the property owners in order to get an emergency permit from the City, and those include coordinating with OCRM on the delineation of the line wherever they claim jurisdiction because that is going to be essentially the line that they are going to be looking landward for the installation of these sandbags. So the proposed ordinance includes that coordination that is going to be the responsibility of the property owner to do that with OCRM.

“The sandbags would need to be placed parallel to the shoreline, not perpendicular. They are limited to a maximum height of 6’ and that is measured at the bottom of the trench. They have to be stacked at an angle no steeper than 45 degrees, installed in a trench at a depth equivalent to the bottom of the existing escarpment. And then property owners would be able to install those sandbags in a trench at least 15’ landward of the escarpment.”

Director Kerr explained that 15’ is “the closest they can excavate and not collapse that wall. It is based on structural properties of sand.”

Council Member Anderson suggested property owners submit maps to the City, to which City Attorney McQuillin replied, “We added subsection 1 and 2. Under that section that just says, as you know, they have got to coordinate with OCRM as set forth below. And the surveyor hired by the resident must mark the OCRM setback line using the coordinates under the data download tab of OCRM’s beachfront jurisdictional lines viewer at properties where the beach has eroded landward of the OCRM setback line or where unauthorized materials have been placed within OCRM beach critical area jurisdiction. The landward limit of the beach’s critical area must be marked by OCRM staff or a surveyor must mark the landward limit of the beach’s critical rea using coordinates provided by OCRM.”

Administrator Fragoso continued to explain the emergency ordinance: “Section E requires the resident’s contractor to do the work by accessing it through the resident’s property. However, if that is not possible, they would need to seek approval from the City what beach access path they would be utilizing to access and do the work on the ocean side. No solder piles or any structural members shall be used to support sandbags in place. So they cannot use anything structurally to hold those sandbags in the trench. The sandbags shall be one cubic yard and commercially manufactured for the purpose of holding sand. They need to be tan, off-white, or white. As Steven mentioned earlier, the sandbag material needs to be a beach-compatible sand, submitted and approved by OCRM. The resident is responsible for the day-to-day maintenance of these temporary sandbags to ensure that they’re remaining in place. And if they are in disrepair, they need to be removed or replaced by the resident, not by the City.

“Section Two talks about the removal of these sandbags. We talked about this being temporary until the City is able to execute the project with the Army Corps of Engineers, which is expected early 2024. So it is either before the completion of this project or if the City deems that they need

to be removed for whatever unforeseen reason. At this time, the City would be issuing the resident a notice, and within 45 days of receiving the notice, the resident would have to remove those sandbags.

“Section three talks about a requirement to have an escrow agreement. So this is very similar to the process that OCRM has for their approval of the sandbags. They do it through a bond. We think it is much easier to manage administratively to require an escrow for the amount that it would cost to remove it, and that just ensure the City that the bags will be removed in accordance with the requirements of this ordinance.”

She continued, “Then section three, Sandbag Count and Maintenance. Prior to the installation, all bags need to be counted, recorded, and approved by the City, and we would keep documentation about that and their condition throughout the next few months until the bags need to be removed either by notice of the City or by virtue of the execution of the Army Corps of Engineers’ project...Section four, the suspension of our local provisions. This reiterates that the sandbags are approved. However, no seawall or revetment or bulkhead would be allowed under the provisions of this emergency ordinance.”

City Attorney McQuillin said the ordinance allows the City to remove the sandbags even if the homeowner does not want them removed.

Administrator Fragoso added, “The City is doing what it is permitted to do under OCRM jurisdiction. We are only allowed to do the work that we are approved to do by the State.

Director Kerr added they have been in touch with the Coastal Conservation League about the work being done in this area, and “this very much follows the OCRM kind of mold. It is just we are allowing it on our side of the line. That because of the temporary nature, the fact it was kind of a proven track record with OCRM of this process working, I think that put everybody’s mind at rest. We are not opening the barndoor for seawalls or revetments, and it made the broader community comfortable with the direction that we are considering here.

MOTION: Council Member Anderson made a motion to approve the ordinance as amended including provisions clarifying the OCRM surveying of their line. Council Member Pierce seconded the motion.

Council Member Hahn said he will not vote in favor of the ordinance. He expressed concern about the unintended consequences of allowing the sandbags on the beach, particularly if not all the residents place sandbags, thereby creating a pooling effect. Mr. Traynum said it would be ideal if there was a coordinated effort to place the sandbags. However, he is okay with the sandbag placement since it is a temporary situation.

VOTE: A vote was taken as follows:

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

Nays: Hahn, Popson

The motion passed 7-2.

B. Discussion of potential channel realignment/shoal management project at Breach Inlet and other long-term solutions for erosion control

Mr. Traynum explained why a channel realignment is a feasible project but may only temporarily fix problems in the area of Breach Inlet. Council Member Bogosian asked if it is a project the City could partner with Sullivan's Island on to complete.

Mr. Traynum said, "I think the only way it would directly benefit them is by placing material directly, not allowing the waves to do it because it is going to happen regardless to them anyway. They are actually going to benefit from the Corps project, too. I think about 150,000 yards is going to be placed over there in a couple of areas, and then they are going to manually move that material along that Breach Inlet shoreline. I think that is going to provide a very substantial amount of sand that should really restore this beach for a long time."

He added, "Even with the Corps project, it's important to remember this is an unstabilized inlet erosion zone, so there is nothing outside of a hard structure like a jetty will you permanently fix that area." He recommends continued monitoring of the area.

Administrator Fragoso said a meeting is being planned for November to share the details of the Corps project with the public.

C. Executive Session

City Attorney McQuillin said there is no legal update to give and no need for the Executive Session.

3. Adjournment

Council Member Popson made a motion to adjourn. Council Member Streetman seconded the motion. The meeting was adjourned at 4:52pm.

Respectfully submitted,

Nicole DeNeane
City Clerk