



CITY COUNCIL MEETING
6:00pm, Tuesday, January 23, 2024
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, Bogosian, Anderson, Miars, Pierce, Campsen, Carroll, and Mayor Pounds

Absent: Council Member Ward

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

2. Election of Mayor Pro Tem

Council Member Bogosian nominated Council Member Pierce for Mayor Pro Tem.

Council Member Hahn nominated Council Member Ward for Mayor Pro Tem.

Mayor Pounds nominated Council Member Bogosian for Mayor Pro Tem.

A vote was taken as follows on the nomination of Council Member Pierce as Mayor Pro Tem:

Ayes: Bogosian, Anderson, Miars, Pierce, Campsen, Pounds

Nays: Hahn, Carroll

Council Member Pierce will serve as Mayor Pro Tem.

3. Citizen's Comments

Bev Miller, 8 Fairway Village Lane, noted the non-voting behaviors of Council members during recent Committee meetings. She believes this behavior to be "toxic" and "disrespectful." She would like those non-voting members to explain their behavior. She does not believe this should be allowed to become a pattern of behavior.

Cindy Solomon, 130 Ocean Boulevard, believes the City should develop a committee directly related to beach erosion and management issues, provide more sand in the affected areas of the beach, and withdraw the ordinance that prevents residents from building seawalls immediately.

4. **Approval of previous meetings' minutes**
 - A. **City Council Meeting – November 28, 2023**
 - B. **Special City Council Meeting – November 28, 2023**
 - C. **Special City Council Meeting – December 5, 2023**
 - D. **Special City Council Meeting – December 18, 2023**
 - E. **Municipal Inauguration – January 2, 2024**
 - F. **Special City Council Meeting – January 2, 2024**

MOTION: Council Member Bogosian made a motion to approve the minutes, and Mayor Pounds seconded the motion.

Council Member Pierce said he submitted a correction to the November 28, 2023 minutes to the clerk via email prior to the meeting.

VOTE: The minutes of the meetings were approved as amended.

5. **Special Presentations**

A. **Presentation of the USACE Beneficial Use Project – Jacob Kyzar, PE, Project Manager**

Mr. Jacob Kyzar gave an overview of the project and what to expect during construction. He expects the project to last until August which includes the work on Sullivan's Island. Bids will be opened on January 31, and they anticipate awarding the contract by February 23.

Mr. Steven Traynum of Coastal Science & Engineering spoke to what will happen after the sand is placed: "What we would recommend from the City is taking some of the material, as Jacob said, that they are going to be placing a lot of material, all of the material will be below the high tidelines. If we did not touch that at all, a lot of that material will work its way up to the beach the dry sand beach and create a dry sand beach over time. It may take a couple of weeks to several months for that to fully occur. Then that material is also going to spread north and south and provide kind of natural nourishment for those areas. So if we didn't touch it at all, it would provide benefit for that entire area. I can't tell you exactly what percentage is going to move up in the dry sand beach and how wide that will be because we are a little unsure of how much is going to stay within that fill area and what the grain size is. But it should be a very, very significant amount. That being said, due to the state of the beach along that area, we highly recommend that the City kind of jump start the process and manually move some of the material up into the dune along any of the areas that are currently eroded along Breach Inlet all the way up to a little further north where the beach is healthier, but they still have some dune impacts from the December storm and potentially move a quantity of sand south of where the Corps is going to place it up into the dry sand beach that has been hit really hard the past several months. So that scope could be between 20,000 to 50,000 yards or more to move that. And that number is kind of variable. If we were going to give you a recommendation that we would put out for bid today, we would probably provide a minimum volume and then an alternate quantity based off of what the beach was kind of looking like as it goes so we can kind of evaluate it as the project is actually happening and seeing how much is coming up the beach."

Mr. Traynum said that CS&E would work closely with the Corps to make the project as beneficial as possible for the City. He said the benefits of the project will manifest over a period of time. The sand will be placed in three zones between 2nd and 10th avenues and it will be delivered via a pipeline that will run 24/7 once the project starts.

Mr. Traynum said, “Unfortunately, for looking at what we can do the next say three months, just to put some time frame on it, is we are only authorized certain methods of restoration under the State regulations. That is trucking in sand, which we have a permit that is good for until sometime in the summer. But we can be extended, so we are good to truck in as much as we want to. The only issue with that is it is a little slow and it is very expensive...Any property that is still within that 20’ emergency condition, we can continue to scrape sand as long as sufficient sand is there to be able to scrape.” Additionally, more sandbags can be placed, but they still have work with the parameters of the permit.

When asked if he had all the resources he needs to “hold the line” until the start of the Corps’ project, Mr. Traynum said, “We’ve started trekking in some additional sand this week from an inland source to try to really focus on the areas where I mentioned that ridge and runal is. Where it is is very difficult to scrape. I think we can hold the line barring another event like we had. If we have another major event, any event will erode the dune. So we will have to come back and rebuild that again. We are trying to balance importing sand again at a little slower rate with the scraping effort, and I think we are doing an okay job right now. But we are going to keep on it every week and working within the budget that has been approved right now.”

Administrator Fragoso added, “The contractor has been asked to mobilize about 5,000 cubic yards of sand this week. That is roughly \$220,000.”

Council Member Carroll asked if efforts will be made to reestablish the damaged beach access paths, and Mr. Traynum said that is part of their plan.

Administrator Fragoso said there is about \$700,000 left in the budget as of the last December invoice. The remaining funds include the matching amount from the State.

B. Presentation of Dominion Energy Tree Trimming Project – Mark Branham, Arborist

Mr. Mark Branham gave an overview of the upcoming tree trimming project. Notifications will be sent out once the final start date is known. He anticipates a mid-March start date and expects the project will last 12-14 weeks. Dominion Energy will hold public workshops before the project begins to allow people the opportunity to ask questions. They will begin trimming at Breach Inlet and move northward across the island. Mr. Clay Chaplin provided details on setbacks and clearances away from electrical wires. He said an inventory of the trees to be trimmed will be available at a later date. There will be four crews working simultaneously across the island.

Administrator Fragoso said all of the information about the project can be found on the City’s website. Further details will be shared via the City’s social media channels as it becomes available.

C. Presentation of Community Enrichment Plan Citizen Engagement Survey – David McNair, The McNair Group

Mr. David McNair shared the results of the Citizen Engagement Survey. He said there were 748 respondents, 75% of which were residents. He reviewed the demographics of those respondents and shared the survey results. He added there are 70 pages of open comments included with the results and found them to be very positive. Responses from island business owners were similar to those of the residents.

He said the end goal of the project is to provide the island with a livability plan. After the membership of the advisory task force is finalized and they have met, the public listening sessions will begin in March.

6. Old Business -- none

7. New Business

A. Consideration of recommendation from Public Safety Committee to continue Fire Department Automatic Aid agreement

Chief Oliverius gave an overview of the first year of the City's participation in the automatic aid program. 81% of the calls received were cancelled before IOP personnel arrived on scene. The 88 calls in which they did help on scene provided great experience to our staff. The City received automatic aid 53 times in this first year. He shared several benefits the City has profited from during the last year. He recommends continued participation in the program.

MOTION: Council Member Bogosian made a motion to continue the City's participation in the automatic aid program. Council Member Miars seconded the motion. The motion passed unanimously.

B. Consideration of Community Enrichment Plan Taskforce to develop recommendations to address livability and tourism management

Mayor Pounds asked Council members to submit any additional names for consideration on the Community Enrichment Plan Taskforce by Friday. He anticipates the group consisting of approximately 12 people. 48 people have been nominated to date. Mayor Pounds will serve as the Council liaison for the taskforce.

C. Consideration of establishing an ad hoc committee to address beach restoration and preservation policies and make recommendations to Council

Mayor Pounds said this committee "is to be made up of Council members and residents. This committee would be supported by staff, technical experts, coastal engineers, regulatory, legal, and environmental representatives. The goals of this committee are to review overall beach restoration policies; two, to develop recommendations for a more proactive response to beach erosion, and three, develop new and consistent funding mechanisms for future needs and projects."

MOTION: Mayor Pounds made a motion that the committee would include Cindy Solomon, Tim Ahmuty, Andrew Vega, Dan Slotchiver, and Council members Katie Miars, Scott Pierce, Elizabeth Campsen, and himself. Elizabeth Campsen seconded the motion. The motion passed unanimously.

D. Consideration of City Code prohibiting erosion control landward of the State's jurisdiction

Mayor Pounds said the options for dealing with this ordinance are to defer it to the ad hoc committee as their first priority, ask staff to prepare an emergency ordinance (good for 60 days) while Council works through the process to permanently change the ordinance, or follow the regular process of First and Second Readings as well as review by the Planning Commission.

Administrator Fragoso asked for Mr. Traynum's feedback on hard erosion control measures since the City's ordinance regarding them is not unique.

Mr. Traynum said these sorts of ordinances were written in response to the proliferation of seawalls back in the 1970s. He said seawalls do a good job of protecting private property but can be detrimental to the public use of the beach. He added that their current efforts to preserve the beach also affect the public's use of the beach.

Mr. Traynum said, "I don't think that in the end what you are seeing out there on a day-to-day, in this emergency condition, you're going to get a lot of difference between again the sandbags or the equipment on the beach and these walls being put in place. However, I would say that as an engineer, a recommendation would be these walls, if they are allowed, should be placed as far landward as possible. By placing them as far landward as possible you can minimize the impact that you do have on the public's use of the beach. So hopefully erosion isn't trying to get, it's longer until the erosion actually gets to the wall. It is easier to place sand in front of the wall once the erosion cycle has passed or projects put in place to keep it buried and the wall is subject to less wave conditions when the beach is eroded because it is kind of higher up on the beach profile. There is more sand in front of it. What the biggest fear I would have with putting or altering this ordinance is if one property owner does put in a wall and the adjacent owner does not or you start to get some inconsistent either design or implementation of where they place these walls, there can be impacts to adjacent properties from either wave refraction off the structure or scour occurring if waves are bouncing off the structure. So there are a couple of things that in practice is if these walls are built, it really needs to be built in a way that tries to link the beach system together, and it is not done on a really individual basis...We don't promote walls. Walls are not something that our company tends to build on the beach front. We try to do everything we can to use soft solutions, but in a particular instance where you do have chronically eroding beaches that can't protect the property, in effect, I don't see a huge difference between them being exposed for a couple of months or a sandbag revetment being there or constant beach scraping if you are trying to maintain that on a daily basis."

Council Member Bogosian said, "I think a distinction needs to be made between the preference of soft sand structures as a primary barrier to the erosion on the beach and what I think we are talking about here which is a catastrophic kind of barrier to prevent conditions like we have

now.” He believes the current ordinance is obsolete under the current conditions. He believes the City needs to get out of the way of letting property owners protect their property. He would like to see a 60-day moratorium while the City repeals the current ordinance.

Council Member Hahn said it is important to have clarity on OCRM’s jurisdictional line before crafting an ordinance. Mr. Traynum believes it is “wet sand beach,” but agrees that needs to be clarified by OCRM’s legal counsel.

Director Kerr added, “I would just echo that when we have talked about how this would work, I think we felt like the ordinance would be written in such a way as to specify landward of OCRM’s jurisdiction as determined by OCRM, is kind of the simplest way that we could see.”

Council Member Pierce said he saw no downside to repealing the ordinance. Mayor Pounds asked what would happen if Council repealed the ordinance and then the ad hoc committee came back with a different recommendation.

If the City allowed for hard erosion control devices to be built, Mr. Traynum said, “I would highly recommend that they be engineered by a PE to withstand certain conditions.” Council Member Miars expressed concern that not having anything in place for 60 days would allow for anything to be built without restrictions.

Administrator Fragoso said that could potentially lead to some “legal non-conforming properties out there if they were allowed to be built under an emergency ordinance within 60 days, and it would be a legal non-conforming under our code. We would still be saying that they could only be constructed or built outside of the State’s jurisdiction. So that would be one thing then. If the City’s ordinance only changes for 60 days and then it goes back, it stays in the code after that suspension, then that is the situation you would have. We would advise that even an emergency ordinance include some provisions that would require owners to get a survey done with the delineating the location of the State’s jurisdiction, that it is designed by a coastal engineer to withstand some events.”

Council Member Anderson said that anything that is built should be considered temporary and anyone that builds anything does so at their own risk.

Council Member Bogosian expressed concern about the City being restrictive in what can be built and believe it should be up to the homeowner. “I think what we should be worried about is that an engineer does look at it, it minimizes, so it doesn’t harm properties next to it, and that it is aesthetically pleasing, that you are not going to build at 20’ wall that sticks up in the air. Those are to be the limits of what we should be concerned about. We are putting the homeowner responsible for protecting their property. Our responsibility shifts to the beach and the dunes.”

Administrator Fragoso said they have discussed with the City Attorney including a requirement that homeowners must notify their neighbors of their intent to build something and they must build something with the intent to mitigate damage to surrounding properties. The ordinance will also put the responsibility on the homeowner to remove anything that fails.

Council Member Campsen said Council should give relief where they can by rescinding the old ordinance.

City Attorney McQuillin said a 60-day emergency ordinance can be renewed up to 6 months while a new ordinance is being crafted and voted on.

MOTION: Council Member Pierce made a motion directing staff to draft a 60-day emergency ordinance to suspend the current ordinance to evaluate structures to protect the beachfront while Council evaluates a more permanent solution for the ordinance. Council Member Bogosian seconded the motion.

Further discussion ensued as to the details to include in the draft ordinance.

VOTE: A vote was taken with all in favor.

E. Consideration of engaging in contract negotiations with Municipal PCI for parking management and enforcement services

Administrator Fragoso said, "It would be based on the proposal received which was a 76/24 split. All the operation expenses would be taken out of the 24% share, and we would be working with the proposer to draft a contract to that effect."

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

F. Consideration of change order in the amount of \$478,300 to extend drainage pipe at 41st Avenue ditch from the end of the road to the headwall on the Intracoastal Waterway

Administrator Fragoso explained, "We do not have a budgeted amount in our FY24 budget, but we do have bond proceeds from when the City borrowed money to do the outfall project. Because the 41st, the majority of this project, which is about \$2.7 million is being funded by a State grant, we have some bond proceeds that are not allocated to a specific project, and we would propose that those be used to fund this change order.

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

G. Consideration of projects to request funding from the FY25 Transportation Sales Tax Annual Allocation Program

Administrator Fragoso said the deadline to submit for these grants is February 1. The City will submit for two projects and anticipates being notified before the end of the year. All projects are in the public right of way.

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

H. Consideration of sole source purchase of cardiac monitors and training system for paramedic program [FY24 budget, Fire Department, Hospitality Tax, \$120,000]

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

I. Consideration of approval of funds to upfit new paramedic squad and Battalion Chief pickup trucks [FY24 budget, Fire Department, Municipal ATAX, \$56,000 and Hospitality Tax, 56,000]

Administrator Fragoso explained, “In FY23, we had included some funds for the replacement of these pickup trucks. At the time, we did not know if those pickup trucks were going to be delivered before the end of the fiscal year, before June of 2023. Those trucks were delivered at that time, but we had still re-budgeted the expense for their purchase and upfitting in [FY24]. The upfit of these trucks are in addition to the purchase price of roughly around \$56,000. The reason why we kept it in the FY24...budget was to use those funds to upfit those trucks we had received at the end of last fiscal year. So we are looking at about \$40,000 per truck for the upfitting. Some of this upfitting is replacing existing equipment that those trucks have, and there is about \$115,000 worth of new equipment that the Chief is proposing that we equip those trucks with particularly to support the paramedic operation. So just wanted to make known that the \$56,000 that is in the budget is not to purchase a new vehicle, but to use that budget allocation to upfit those vehicles we got last summer.

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

8. Boards and Commissions Reports

- A. **Board of Zoning Appeals** – no meeting in January
- B. **Planning Commission** – minutes forthcoming
- C. **Accommodations Tax Advisory Board** – no meeting in January
- D. **Environmental Advisory Committee** – minutes forthcoming

8. Ordinances, Resolutions, and Petitions

- A. **Second Reading** – none

Second Reading – Ordinance 2023-12 to amend standing committees from January 1, 2024 through December 31, 2024

MOTION: Council Member Miars made a motion to approve, and Mayor Pounds seconded the motion.

Council Member Pierce asked about keeping the workshops non-voting meetings. Administrator Fragoso explained that rule is already covered in this resolution. Council Member Campsen asked how long until this becomes permanent as it seems to be working.

VOTE: A vote was taken with all in favor.

- B. First Reading – none**
- C. Resolutions and Petitions – none**
- 9. Executive Session -- none**
- 10. Adjournment**

Council Member Bogosian made a motion to adjourn, and Council Member Miars seconded the motion. The meeting was adjourned at 8:27pm.

Respectfully submitted,

Nicole DeNeane
City Clerk