

City Council
6:00 p.m., Tuesday, October 22, 2019
Council Chambers
1207 Palm Boulevard, Isle of Palms, South Carolina

AGENDA

- 1. Introduction of Meeting** and notification that members of the press and public were duly notified in accordance with the Freedom of Information Act.
 - A. Invocation
 - B. Pledge of Allegiance
 - C. Roll Call

- 2. Appointment and Administration of Oath to New Employees**
 - A. General Government – Ronald E. Hanna, Assistant City Administrator
 - B. Fire Department
 - i. Eric Bolen
 - ii. Nick Russo
 - iii. Lawrence Daugherty

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

Regular Meeting of September 24, 2019
Special Meeting of September 26, 2019

- 4. Citizen’s Comments** – Comments shall be limited to 3 minutes

- 5. Reports from Standing Committees**
 - A. Ways and Means Committee**

Consideration of the following distribution of FY19 positive net result: \$200,000 to the General Fund, \$100,000 to the Disaster Recovery Fund and the remaining to Capital Projects Fund

 - B. Public Safety Committee**

Recommendation from Public Safety to request SCDOT to conduct a speed study on the section of Palm Boulevard between 10th and 21st Avenue

 - C. Public Works Committee**

 - D. Recreation Committee**

 - E. Personnel Committee**

Appointment of Jan Anderson and Bob Hooper to fill vacancies on the Isle of Palms Water and Sewer Commission

 - F. Real Property Committee**

6. Reports from City Officers, Boards and Commissions

- A. **Accommodations Tax Advisory Committee** – minutes attached
- 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

10. Introduction of New Bills, Resolutions and Proclamations

Ordinance 2019-18 – AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 4, SMOKING IN THE WORKPLACE. An ordinance to prohibit smoking in City-owned facilities, City-owned property, on public beaches and beach access points.

11. Miscellaneous Business

Next meeting date: 6:00 p.m., Tuesday, November 19, 2019.

12. Executive Session - In accordance Section 30-4-70 (a) (2) Discussion of negotiations incident to proposed contractual arrangements related to the marina restaurant lease.

Upon returning to open session, Council may take action on matters discussed in Executive Session

13. Adjournment

City Council
6:00pm, Tuesday, September 24, 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, Chief Cornett, Chief Graham, Director Pitts, HR Officer DeGroot

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

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

Mayor Carroll administered the oath to new City employees Ian Mobley and Bobby Hunter of the Police Department and Chris Bako of the Recreation Department.

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

MOTION: Council Member Ward made a motion to approve the minutes of the August 27, 2019 meeting, and Council Member Rice seconded the motion. The minutes were approved unanimously.

4. **Citizen's Comments**

Vermelle Simmons of the Census Bureau gave a presentation on the purpose and scope of the 2020 census. She noted the Census Bureau is hiring. The complete presentation and contact information is on the City's website.

John McMaster, 2801 Palm Boulevard, thanked City Council members for their hard work and due diligence in hiring new staff members. He spoke to Council about his concern for the numerous beach chairs left on the beach. He noticed that all but the blue chairs left behind on the beach receive the violation stickers. He would like to know why the blue chairs are not receiving violations for being left on the beach.

As an aside, Mayor Carroll noted that only two applications have been received for the Leola Hanbury Award. He encouraged citizens who have had positive interactions with a staff member to put in a nomination for the award.

5. **Reports from Standing Committees**

- A. **Ways and Means Committee**

Council Member Ward gave the financial report as provided to the Ways & Means Committee on September 17.

1. Approval of the refurbishment of Tower 1002 in the amount of \$600,000

[FY20 Budget: Capital Projects - \$300,00; Muni ATAX - \$150,000; State ATAX - \$150,000]

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

2. Approval of replacement of four patrol vehicles

[FY20 Budget: Capital Projects - \$44,000; Muni ATAX - \$88,000; State ATAX - \$88,000]

Council Member Rice reiterated her preference for the less intimidating SUVs instead of the Ford F150s. In response, Chief Cornett said that the goal is to diversify the fleet and provide additional capabilities for patrol officers. Also, if the City considers instituting a marine unit in the future, the department will need “a vehicle on patrol that has the ability to pull those boats so we do not have to pull from other departments.” He stated the fleet will still be mostly SUVs, but the trucks will add diversity to the fleet. The purchase of these four trucks will be under the originally budgeted request for five SUVs.

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

Ayes: Buckhannon, Moye, Bell, Ferencz, Smith, Ward, Kinghorn, Carroll

Nays: Rice

The motion passed.

3. Consideration of the proposal from S&ME, Inc. in the amount of \$32,925 for the geotechnical investigation for the Isle of Palms Marina dock replacement project [FY20 Budget: Marina Fund \$147,000]

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

4. Approval of the FY20 Millage Rate

Council Member Ward noted the millage rate will be staying the same. There will be no tax increase.

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

5. Recommendation from the Accommodations Tax Advisory Committee for the City to sponsor Pure Theater in the amount of \$8,000

MOTION: Council Member Ward made a motion to suspend the rules of order to allow the applicant to speak to Council, and Council Member Rice seconded the motion. The motion passed unanimously.

Sharon Graci, Artistic Director of Pure Theater, described the project as a performance about the relationship between Osceola and his wife Morning Dew. The play will be held on Sullivan's Island in October.

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

6. Recommendation from the Accommodations Tax Advisory Committee for the City to sponsor the LOWVELO bike ride in the amount of \$5,000

Mayor Carroll said this bike ride is to benefit cancer research. Shannon Rice shared a story about Dr. Terry Day, a head and neck cancer specialist, who after speaking to IOPFD members about the LOWVELO bike ride and learning about the cancers that plague firefighters, offered to do research into the cancers faced by firefighters.

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

B. Public Safety Committee

Council Member Buckhannon reviewed the minutes of the September 16 meeting.

MOTION: Council Member Buckhannon made a motion to approve the mutual aid agreement with the Isle of Palms Police Department and the Charleston County Sheriff's Office, allowing IOP officer to help CCSO out of jurisdiction, if needed. The motion passed unanimously.

Chief Cornett stated that Sheriff Cannon asked for a signed resolution from City Council to accompany the signed mutual aid agreement. He also said this agreement will allow IOP officers to help with issues on Goat and Dewees islands once a boat becomes part of the fleet.

Council Member Buckhannon reported the Public Safety Committee discussed the enforcement of the proposed smoking ban and determined it to be something the Police Department could enforce. Administrator Fragoso stated the Public Works Committee will next review the draft ordinance. She also reported that there is support on the Sullivans Island Town Council for a similar ordinance.

C. Public Works Committee

Council Member Rice reviewed the minutes of the September 19 committee meeting. Both Council Member Rice and Mayor Carroll acknowledged the hard work done by the Public Works staff in removing the debris left by Hurricane Dorian.

D. Recreation Committee – no meeting in September

E. Personnel Committee

Council Member Moye reviewed the minutes of the September 16 regular meeting and briefly mentioned the actions of the two Special Meetings of the Personnel Committee on September 23. He stated that three of the five candidates interested in the vacancies were interviewed on September 23, and the remaining two will be interviewed on October 1. He also reiterated the Mayor’s request for additional nominations for the Leola Hanbury Award.

MOTION: Council Member Moye made a motion to approve the City Administrator Employment Agreement as written. Council Member Rice seconded the motion.

Council members then entered a lengthy conversation about the salary increases noted in the contract and how they differ from those for other City employees. Several Council members expressed concern about the long-term effects of large salary increases on the budgets while others noted the importance of paying competitive salaries to keep talented employees. Council Member Moye noted his appreciation for the productive debate on the issue.

A vote was taken as follows:

AYES: Ward, Smith, Buckhannon, Rice, Moye, Kinghorn, Carroll
NAYS: Bell, Ferencz

The motion passed.

Lastly, Council Member Moye indicated the Committee made no recommendations with regards to Ordinance 2019-17. They appreciate public comment and do not want citizens to think their speech is being prohibited.

F. Real Property Committee

Council Member Bell reviewed the minutes of the September 18 Committee meeting. He reported the Committee recommended a Special Meeting of City Council to discuss the proposals for the marina restaurant space. This meeting will be held Thursday, September 26 at 5pm.

When asked about the status of the lease for Tidal Wave Sports, Administrator Fragoso reported, “There are two separate permit applications, one with the Army Corps of Engineers and the other with OCRM. We have been going back and forth. The City submitted a letter requesting for a variance. That happened earlier this summer. They returned back and said that the City needed to go through their full permitting process. That full permitting process is what City Council engaged ATM to work on, which includes updating the operations and maintenance manual. We have since then went back to OCRM and the Army Corps and recently they stated there is an expedited process to

move the permit into the City's name. And then part of the operation will still have to go through the full permitting process. That will take about three months." Council Member Smith suggested a workshop to discuss the marina as a whole.

Of the upcoming meeting regarding proposed marina projects, Council Member Bell said, "Two of the bids are restaurant only. One of the bids is comprehensive in terms of the marina, so it's going to facilitate a much broader discussion than just the Morgan Creek Grill. Secondly, this OCRM process by definition requires a 30-day public commentary period. It's really hard to stage these conversations appropriately when we have moving pieces and parts. We have a lot of them right now. I think the first step that is the correct step is the meeting on Thursday."

Council Member Kinghorn said it is important the Council have a consensus of vision for the marina. Mayor Carroll agreed there needs to be a public forum on this issue as it will become the Council's legacy for many years to come.

6. Reports from City Officers, Boards, and Commissions

- A. Accommodations Tax Advisory Committee** – minutes attached
- B. Board of Zoning Appeals** – no meeting September
- 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

- A. Second Reading of Ordinance 2019-17** – An Ordinance to provide amendments and provide clarity to the rules of procedure during public meetings

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

Council Member Ferencz suggested speakers provide the subject of their comment prior to the meeting and keep it to those items on the current meeting's agenda. In response, Council Member Moye expressed concern about some topics, like the one presented by Mr. McMaster earlier in the evening, would never be on the agenda. Council Member Rice said Robert's Rules of Order address this issue and that these amendments are overreach. Mayor Carroll pointed out they are already outlined in the City code for meetings. When asked about following up on the concerns citizens bring before the Council, Administrator Fragoso said the signup sheet requesting an email will help staff respond to their comments better and faster.

MOTION: Mayor Carroll made a motion to amend the ordinance to allow for special presentations to be included in the Citizen's Comment period but would not count against the 30 minutes allowed for citizens to make comments. There being no second, the motion failed.

After further discussion on whether to City code for meetings needs to be amended, Mayor Carroll asked for a vote to approve Ordinance 2019-17 as written. A vote was taken as follows:

AYES: Buckhannon, Moye, Ferencz, Ward, Bell, Smith, Carroll
NAYS: Kinghorn, Rice

The motion passed Second Reading.

10. **Introduction of New Bills, Resolutions, and Proclamations** – none

11. **Miscellaneous Business**

Request for City-sponsored event status for Johnson & Johnson event in Wild Dunes to allow a small fireworks display (5 minutes in length) on November 2, 2019.

Kenda Sweet came before Council requesting City sponsorship for a small fireworks display at the Citadel Beach House on November 2. She has already spoken to Chief Graham about this request. Administrator Fragoso stated this will be a 5-minute fireworks display, a certificate of insurance has been provided, and the request has been validated by Chief Graham. She noted it should have been on the Public Safety Committee's agenda and was forgotten.

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

Administrator Fragoso noted the last time Johnson & Johnson made this request was in 2014, and Council has given permission for similar events in the past. Council Member Bell asked about the City's liability in sponsoring such events and believed this to be overreach for City-sponsored events. Ms. Sweet was asked if area residents had been notified, and she said she will do so once she has received approval for the event. A vote was taken as follows:

AYES: Kinghorn, Smith, Rice, Moye, Carroll
NAYS: Bell, Ward, Buckhannon, Ferencz

The motion passed.

12. **Executive Session** – none needed

13. **Adjournment**

The meeting was adjourned at 7:50pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Special Meeting of City Council
5:00pm, Thursday, September 26, 2019
Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to Order

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

Absent: Council Member Kinghorn

Staff Present: Administrator Fragoso, Treasurer Suggs

2. Purpose

Presentation and discussion of the proposals received for the Isle of Palms Marina Restaurant:

A. Jay Clarke, Barrier Islands, LLC

Mr. Clarke did not give a presentation but asked to be considered for an extension on the lease of Morgan Creek Grill. He said he could be reached for any questions at www.morgancreekgrill.com

B. Dave & Chrissy Lorenz and Jon and Bridget Bushnell

Mr. Lorenz and Mr. Bushnell presented an overview of a smaller-sized restaurant they would like to open on the space occupied by Morgan Creek Grill. It was described as “modern, coast, airy, updated, open floor plan” with a seafood-driven menu at a variety of price points. They shared conceptual drawings of the interior and exterior as well as possible menu ideas.

C. Lowe, Ravenel Commercial Properties, and IOP Marina

Mr. Brian Berrigan, manager of the IOP Marina, spoke to his “intimate knowledge” of the marina space. He encouraged Council and citizens to send him comments and suggestions at brian@iopmarina.com. Mr. Dan Batista then spoke about the level of financial investment needed at the marina, adding this is an investment his company is willing to make. He referred to a new concept for a restaurant but did not provide details of that part of the project. He also spoke about providing discounts to residents to eat at the restaurant, free boat launching facilities for residents, and investing in a public pier for residents. They are requesting a 99-year lease.

Mayor Carroll thanked those who made presentations and the residents who attended the meeting. He said this is a big decision the Council needs to consider.

3. **Executive Session**

Mayor Carroll asked for a motion to go into Executive Session for “discussion and negotiations incident to the proposed contractual arrangements related to the marina restaurant lease.”

MOTION: Council Member Bell made a motion to go into Executive Session in accordance Section 30-4-70 (a) (2) Discussion of negotiations incident to proposed contractual arrangements related to the marina restaurant lease, and Council Member Moye seconded the motion. The motion passed unanimously.

Council Members moved into Executive Session at 5:25pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

WAYS AND MEANS COMMITTEE
5:00pm, Tuesday, October 15, 2019
Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Mayor Carroll, Council members Ward (Chair), Ferencz, Rice, Kinghorn, Bell

Absent: Council Member Smith, Council Member Moye

Staff Present: Administrator Fragoso, Asst. City Administrator Hanna, Treasurer Suggs, City Department Heads

2. Approval of Previous Meeting's Minutes

Council Member Rice made a motion to approve the minutes of the September 17, 2019 meeting, and Council Member Bell seconded the motion. The minutes passed unanimously.

3. Citizen's Comments – none

4. Financial Report – Treasurer Debbie Suggs

Treasurer Suggs gave the monthly Financial Report. She noted the materials provided to Committee members was abbreviated due to the IT difficulties in City Hall this week. She noted that all departments are at or below their budgeted spending levels, adding not a lot of spending has occurred so far this fiscal year. Council Member Ward said he would like to meet with her later in the week to get more financial details before the City Council meeting.

MOTION: Council Member Ward made a motion to amend the order of the agenda so that discussion of the \$16M bond for the Water & Sewer Commission could be held first. Council Member Bell seconded the motion. The motion passed unanimously.

5. New Business

A. Consideration of recommendation from the Public Works Committee to approve a \$16M bond for the decommissioning of the Wild Dunes Waste Water Treatment Plant and the consolidation and expansion of the Forest Trail Waste Water Treatment Plant which shall be available only when the functions of the IOP Water and Sewer Commission become a department of the City of Isle of Palms

Mr. Jay Leigh, Vice-Chair of the Water & Sewer Commission, spoke about the need for the bond to shut down an older waste water treatment plant and focus on the growth of the sewer system. He believes the idea of bringing the Water & Sewer Commission into the City government is a long-term process and melding the two issues is “not something we can really work with.” Due to the current state of the bond market, he said waiting a few months to discuss the bond might be a good idea.

Council Member Rice noted the wording of the recommendation from the Public Works Committee was meant to reflect the Committee’s uneasiness with the transition period the Water & Sewer Commission now finds itself in. She said the current situation feels “super unhealthy” and there needs to be more oversight. Council Member Bell also expressed frustration with the process of working with the Water & Sewer Commission and stated “good, collaborative conversations” are needed moving forward.

MOTION: Council Member Ferencz made a motion to defer further consideration of the bond for the Water & Sewer Commission for a few months. Council Member Buckhannon seconded the motion.

Council Member Kinghorn posed several questions to the Committee:

- Why wouldn’t you want a full-service city?
- Why wouldn’t you want to control our own destiny related to these two key services?
- Who would support the debt request from a personal level given the information we have here?
- Why wouldn’t you want to cross train and use the economies of scale across departments?
- Why wouldn’t you want to be directly responsible for the safety and fire to citizens as related to water?
- Why wouldn’t we want to be fully responsible for the Water & Sewer finances, rates, debt, revenue, and the quality of service?
- When there was a bond increase of this magnitude in the past, what happened to the rates afterwards?

Council Member Kinghorn asked that the Mayor and the Chair of Public Works discuss the answers to these questions when evaluating. Council Member Ward thank the members of the Water & Sewer Commission for attending this evening’s meeting and said he believed deferring the matter is a smart thing to do.

In response to Council Member Bell asking for the City’s opinion on the process of absorbing the Water & Sewer Commission into the City, Administrator Fragoso said that State Law spells out this process. The Water and Sewer Commission must unanimously vote to dissolve itself and request to be brought in back to the City. The other way is for 30% of registered voters of the City to sign a petition asking the City to acquire the Water and Sewer Commission. If such a petition is received, the question would be presented through a referendum.

VOTE: The motion passed unanimously.

6. **Old Business**

A. Discussion and consideration of engaging the services of First Tryon related to capital planning and potential debt issuance in the amount not to exceed \$25,000

Administrator Fragoso briefly reviewed the services provided by First Tryon as outlined in their proposed work order included in the meeting packet. She stated staff is requesting approval of this expenditure as it will make their jobs easier, more transparent, and assist in strategic planning for the City's future.

MOTION: Mayor Carroll made a motion to approve the request, and Council Member Rice seconded the motion.

Council Member Bell expressed concern that he was unclear as to exactly what services they would be providing, and he would like more details about their consulting services.

When asked how the City handled bond issues in the past, Treasurer Suggs said they had been done through private banks. She added any cost savings seen by engaging this firm would be realized in helping the City make the right choices on these large financial questions.

Council Member Kinghorn asked if other firms had been considered for this request. Administrator Fragoso stated First Tryon is used by numerous local and statewide municipalities and that financial consulting services is not in the procurement code requiring multiple bids. Administrator Fragoso offered to get more detailed information from First Tryon prior to the November meeting of the Ways & Means Committee. Mayor Carroll and Council Member Rice withdrew the motion to approve.

7. **New Business**

B. Consideration of distribution of FY19 positive net result

Administrator Fragoso said that the General Fund is expected to generate revenues and transfers in excess of expenditures and transfers out equal to approximately \$2,000,000. In order to maintain a > 30% target in the General Fund the General Fund should retain approximately \$200,000 or 10%. Administrator Fragoso stated that the FY20 budget assumes \$1,233,890 of the FY19 positive net result is transferred into the Capital Projects Fund to cover expenses associated to the repairs to the Public Safety Building. Staff is requesting direction from City Council on how to distribute the difference of approximately \$566,000.

Administrator Fragoso reminded the Committee that the FY19 audited financial statements are not yet complete, therefore, these numbers are estimates.

MOTION: Council Member Ward made a motion to distribute \$200,000 to the General Fund, \$100,000 to the Disaster Recovery Fund and the remaining positive net result to the Capital Projects Fund.

VOTE: The motion passed unanimously.

8. **Miscellaneous Business**

The next meeting of the Ways & Means Committee will be on Tuesday, November 19, 2019 at 5:00pm in City Hall Council Chambers.

9. **Executive Session** – none needed

10. **Adjournment**

The meeting was adjourned at 5:41pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

PUBLIC SAFETY COMMITTEE
9:00am, Monday, October 7, 2019
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Council Member Buckhannon (chair), Council Members Bell and Ward

Staff Present: Administrator Fragoso, Chief Cornett, Chief Graham, Director Kerr

2. Approval of Previous Meeting's Minutes

Council Member Bell made a motion to approve the minutes of the September 16, 2019 meeting, and Council Member Ward seconded the motion. The minutes passed unanimously.

3. Citizen's Comments

Jim Smiley, 16 44th Avenue, spoke to the Committee regarding public parking on Ocean Boulevard. He reviewed the history of his concern about this issue including reading a letter from Neil Robinson to Charles Way dated August 3, 2015 and the letter from Charles Way to the former Isle of Palms Mayor Dick Cronin. He asked the Committee to consider installing resident permit parking signs on the landward side of Ocean Boulevard between 10th Avenue and Inlet Lane to allow IOP residents reasonable access to the beach in those areas.

George Page, 5 Forest Trail Court 1, spoke to the Committee about Ordinance 2019-16. He read from the current code, stating he believes the City already has enough enforcement capabilities to better deal with the house next door to him. He said if this house were located across the street from the entrance to Wild Dunes, the issue would have already been dealt with.

Susan Page, 5 Forest Trail Court 1, also spoke to the Committee regarding Ordinance 2019-16. She stated she is concerned the Committee is losing momentum to move forward with this ordinance due to concerns raised by some citizens. She said it was the job of Council members to inform the public on the intent of the ordinance. She added that the suggestion that neighborhoods create HOAs to deal with these sort of issues is an unrealistic expectation. She also said that if any of the Council or staff had to look at this house every day, they would have done something about it by now.

Jim Owens, 2805 Palm Boulevard, gave an "Attaboy" to Jason Smith, saying to Chief Graham that he is a "great guy." He asked Chief Cornett to do more enforcement on people driving golf carts on the sidewalks. He also said more speed enforcement needs to be done in the area of 41st Avenue and a permanent speed sign is needed there in both

directions. Lastly, he shared that the postmistress is close to signing a contract with a towing company to tow all who illegally park in the Post Office. He suggested more signage in that area so people know not to park there.

4. **Old Business**

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

Administrator Fragoso began the discussion by reviewing some of the changes made to the draft ordinance since the City Council meeting and the last committee meeting. A lengthy discussion ensued about how the City has dealt with the house on Forest Trail Court, interpretation of items in the current code and their enforceability, and the need for the City to have an ordinance on the books that “raises the bar on what is considered unacceptable” to allow the City more grounds on which to deal with dilapidated structures. Both Administrator Fragoso and Director Kerr noted that the property owner has done all that the City has asked him to do but has done so at the bare minimum. They also said that it is their understanding that even if this ordinance passes, there is nothing in the ordinance that will make that particular house look well-manicured and up to the standards of the neighbors.

MOTION: Council Member Bell made a motion for the Committee to move forward with Ordinance 2019-16. Council Member Buckhannon seconded the motion.

MOTION: Council Member Ward made a motion to suspend the rules of order to allow Ms. Page to speak during the discussion. Council Member Buckhannon seconded the motion.

Ms. Page expressed concern over why the staff and Committee members did not think this ordinance will fix the problem. Director Kerr said the Committee is “walking a tightrope” on this issue. He reported the house is not as unsafe as it looks and the property owner will “selectively demolish” any concern addressed to him. Council Member Ward said he would expect his elected officials to do something about this issue but do it in a way as to not waste City resources. Council Member Buckhannon said he believes current code gives the City enough enforcement, but Director Kerr said he does not believe a judge would see it the same way.

VOTE: A vote was taken and the motion to move forward with Ordinance 2019-16 passed unanimously.

B. **Update on improvements for 21st Avenue and Palm Boulevard golf cart path**

Administrator Fragoso reported the path “encroaches on the Beachside Community property line. Staff has been going back and forth with them because their lot lines do not show the path as actually encroaching but ours does.” In the meantime, she said she has asked Public Works to lay down shell or gravel in the areas of soft sand along the path

during the winter months. She said the process for improving the whole space is lengthy and will take allocating funds in the next year's budget.

5. **New Business**

A. **Discussion of reducing the speed limit on Palm Boulevard between 10th and 21st avenues.**

Council Member Buckhannon said he added this to the agenda due to complaints he has heard about this area. Council Member Bell said that in addition to a lowered speed limit there needs to be more enforcement. Administrator Fragoso briefly explained the process for petitioning DOT to decrease the speed limit. She noted that the justification for such a change should be more about pedestrian safety and or traffic congestion and not concerns about speeding.

Chief Cornett noted that while only 13 speeding tickets for that area were given in September, over 200 warnings were issued. He said he is always in support of reducing speed limits and will look more closely at the accidents in that area.

MOTION: Council Member Buckhannon made a motion to bring this issue before the full City Council for a vote to direct staff to contact DOT to begin the process of a speed study. Council Member Bell seconded the motion. The motion passed unanimously.

B. **Discussion of 2019 beach parking plan after action assessment**

Administrator Fragoso distributed and reviewed a brief presentation of findings from the staff's after-action assessment. She briefly discussed the staff's assessment of the changes to the parking plan that were implemented this year, including the year-round enforcement of the parking regulations, parallel parking only and double parking prohibited on Palm Boulevard between 21st and 40th Avenue, no trailer parking on Waterway Boulevard, the new residential only areas on 41st Avenue. Chief Cornett discussed the challenges associated with enforcing the prohibition of double parking on Palm Boulevard. He stated that the ordinance defines double parking as "Parking on the passenger side of any vehicle that is parallel parked along the right-of-way" which is difficult to enforce due to the officers' inability to identify what vehicle doubled parked and where the public right-of-way ends and the private property line begins.

Administrator Fragoso presented graphs showing the number of citations issued in the municipal parking lot and on street parking on Ocean Boulevard and indicated the need for continued funding of parking patrol officers to assist in enforcing the parking laws and ensure that visitors are paying to park in the paid parking areas.

Other topics for discussion included extending resident parking to 24/7 instead of just 9am-6pm, adding additional dedicated areas for golf cart parking, parking along Ocean Boulevard as presented by Dr. Smiley, extending the 4 feet off rule along Palm Boulevard between 41st and 57th Avenues and paid parking on Palm Boulevard.

Administrator Fragoso stated that the implementation of the 4 feet off rule on the public right-of-way between 53rd and 57th Avenue would eliminate parking in that area due to the location of the swale ditch. This would impact the City's ability to meet the City's definition of public access which could hinder the City's ability to secure state and federal funding for beach restoration in that area of the beach. The implementation of some of these ideas would require changes to the City Code, signs, which would require appropriate funding.

Administrator Fragoso reported that she is in discussion with Wild Dunes to investigate other parking options for construction workers parking in the right-of-way, including using the municipal parking lot and continuing their shuttle service.

Council Member Bell requested a map showing where the City provides public parking and the allowable maximum and minimum parking space requirements in those areas. Administrator Fragoso said Stantec has developed such a map but added that it has always been City Council's position and a requirement of the Beachfront Management Act to enhance and not restrict parking for public access.

MOTION: Council Member Bell made a motion to implement 4' off pavement parking from 41st to 53rd avenues. Council Member Buckhannon seconded the motion. The motion passed unanimously.

Administrator Fragoso expressed concern about presenting a piecemeal approach of changes to the parking plan to the Council at different times.

6. **Highlights of Departmental Reports**

A. **Fire Department – Chief Graham**

Chief Graham reviewed the departmental report provided to the Committee. She stated that the teamwork exhibited between City Hall and the fire and police departments during Hurricane Dorian is the best she has seen in her years of service at the Isle of Palms. Administrator Fragoso shared the staff is working to better organize and clarify the emergency action plan.

Discussion ensued about restricting access to the island before, during, and after a storm requiring an evacuation. Chief Cornett said he cannot have officers on the connector during a storm due to the winds and he would need permission from DOT to implement road closures. He also pointed out that if people wanted to access the island via boat before, during, or after a storm they could still do so. Administrator Fragoso said staff was in constant communication with Sullivans Island about whether or when to restrict access to the islands. She said the City's website states access to the island following a storm may be restricted to only residents. She and Chief Cornett will look into ideas for pre-storm restrictions.

B. Police Department – Chief Cornett

Chief Cornett reported he is moving an officer into a position that focuses on emergency management issues, including dealing with the paperwork that occurs as a result of any large-scale emergency. He reviewed the newly formatted report provided to the committee noting that some of the numbers may look low due to elimination of some redundant reports.

7. Miscellaneous Business

The next meeting will be held at 9:00am on Monday, November 4, 2019 in City Hall Council Chambers.

8. Executive Session – none required

9. Adjournment

The meeting was adjourned at 11:19am.

Respectfully submitted,

Nicole DeNeane
City Clerk

PUBLIC WORKS COMMITTEE
8:00am, Thursday, October 3, 2019
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to Order

Present: Council Member Rice (chair), Council Members Kinghorn and Smith

Staff Present: Administrator Fragoso, Director Pitts, Assistant Director Asero, Chief Cornett, Chief Graham

2. Approval of the Previous Meeting's Minutes

Council Member Kinghorn made a motion to approve the minutes of the September 19, 2019 meeting, and Council Member Smith seconded the motion. The minutes passed unanimously.

3. Citizen's Comments – None

4. Department Reports for September 2019

Director Pitts reported that garbage pick-up for September was up despite being suspended the week following Hurricane Dorian. With regards to the hurricane, Director Pitts said staff worked three Saturdays to clear storm debris, so the budget will reflect overtime. He thanked Administrator Fragoso for allowing staff to use the large municipal parking lot for the staging of the debris. Assistant Director Asero stated that most of his work in September was dictated by Hurricane Dorian. He reported on a few post-hurricane-related repairs that needed to be done. Director Pitts indicated that all hurricane debris has been cleaned up and staff returned to normal operations last Wednesday.

Administrator Fragoso noted that the after-action staff meeting regarding Hurricane Dorian found an opportunity to better communicate with the public after the next hurricane about a debris removal schedule. She stated Director Pitts has a map explaining his routes that will be added to the City's website next time it may be necessary. Director Pitts noted there are still local municipalities picking up debris. When asked about FEMA reimbursement for debris removal, Administrator Fragoso said that it may be possible for the City to be reimbursed for up to 75% of monies paid out for that task.

5. Old Business

A. Updated on Phase III drainage project and small internal projects

Administrator Fragoso reported Phase III is still in the design and planning stages and she has asked for an updated work schedule for the project. She hopes the small internal projects can be completed over the winter.

B. Request for from the Isle of Palms Water & Sewer Commission for approval of a \$16M bond for the decommissioning of the Wild Dunes Waste Water Treatment Plant and the consolidation and expansion of the Forest Trail Waste Water Treatment Plant

Council Member Rice stated she does not feel comfortable voting in favor of the bond request until the transition of staff and new Commission members is more settled at the Water & Sewer Commission. Council Member Kinghorn said he concurred with Council Member Rice and asked about the state of their finances. Administrator Fragoso reported that Treasurer Suggs retrieved their financial statements from online and is reviewing them.

Council Member Kinghorn invited Chief Cornett and Chief Graham to speak their thoughts about the pros and cons of having the Water & Sewer Commission become another City department. Chief Graham cited the following as positives for having the Water & Sewer Commission be more closely tied to the City: establishing a single line of communication, ability to maintain a more current GIS database, cooperative use of heavy equipment such as backhoes, cross training opportunities for staff, potential for helping maintain the fire department's ISO Class 1 rating, HAZMAT training opportunities, and coordinate a user-friendly inventory system of the hydrants. She added there is currently too much red tape if there is a joint project between the City and the Commission. She also said there were some concerns about septic tanks following Hurricane Dorian. Council Member Kinghorn expressed concern about the public safety and liability issues surrounding non-working hydrants.

Chief Cornett said his staff does not have as many direct interactions with the Water & Sewer Commission. He did note that when water is not functioning somewhere on the island that it is the police department, not the Water & Sewer Commission, that gets those phone calls. Those issues could be dealt with faster if there was a more direct relationship with Water & Sewer. With regards to the hydrant issue, Chief Cornett noted a non-working hydrant would make it necessary for police to reroute traffic to avoid a fire situation, and every second counts in bringing those matters under control.

Council Member Kinghorn summarized his concerns and stated that all three department heads present (Fire, Police, Public Works) recognize that having a water and sewer services within the city would be a preference to the current situation.

MOTION: Council Member Kinghorn made a motion for the Approval of a \$16M bond for the decommissioning of the Wild Dunes Waste Water Treatment Plant and the consolidation and expansion of the Forest Trail Waste Water Treatment Plant shall be available only when the functions of the IOP Water and Sewer Commission

become a department of the City of Isle of Palms. Council Member Rice seconded the motion.

Council Member Smith asked the Administrator for her thoughts and opinion on the matter. Administrator Fragoso said that acquiring the Water & Sewer Commission as a City department is a policy decision for the City Council to make. If it is the will of the policy-setting body, staff can implement it and administer it. She agreed there are many advantages, such as opportunities to streamline communication and information sharing, reduce cost as capital improvement projects could be coordinated, and the City having control and oversight of the rates and how the utility services are provided. If Council decides to pursue this initiative, her recommendation to the City would be to engage a utility consultant to do a thorough assessment and analyze the Commission's finances, operations, business practices, revenues over expenditures, capital assets, and needs before taking any action.

Council Member Smith said this option is definitely worth considering, but she does not agree with the motion as presented. She noted there are other municipalities that have separate water and sewer commissions, but the City government has more control over it than is currently in place on the Isle of Palms. She suggested amending the motion to include a contingency upon an assessment of the existing operations. Council Member Kinghorn said he believes the current motion sends a strong message that this is the best for the residents. Chair Rice agreed that the motion sends a strong message that this is the direction the City should pursue. Council Member Smith is in agreement with not approving the bond but needs more time to thoroughly evaluate the proposal for the commission to become a department of the City.

VOTE: A vote was taken as follows:

Ayes: Rice, Kinghorn

Nays: Smith

The motion passed.

Administrator Fragoso said the motion will be before the Ways & Means Committee on October 15. Council Member Kinghorn thanked Chief Graham and Chief Cornett for offering their input.

C. Considering of smoking ban draft ordinance

Administrator Fragoso said the smoking ban idea had been presented to the Public Safety Committee. They did not make a recommendation but agreed it could be enforced. Chief Cornett said such a ban is more of an opportunity to educate and interact with the public rather than write tickets. Council Member Rice said this is a chance to modify behavior and decrease the litter on the beach. Council Member Smith reviewed the many reasons why a smoking ban is just as much of a health issue as it is a litter issue.

The Committee briefly discussed the effective date of the ban and agreed to have the ordinance effective on January 1, 2020. Administrator Fragoso reported that there will likely be a First Reading of a similar ban on Sullivan's Island in October or November.

MOTION: Council Member Kinghorn made a motion to send the draft ordinance with the January 1, 2020 effective date to the full City Council for First Reading. Council Member Smith seconded the motion. The motion passed unanimously.

7. **Miscellaneous Business**

The next meeting of the Public Works Committee will be Thursday, November 14, 2019 at 8am in City Hall Council Chambers.

8. **Executive Session** – not required

9. **Adjournment**

Council Member Kinghorn made a motion to adjourn, and Council Member Smith seconded the motion. The meeting was adjourned at 9:01am.

Respectfully submitted,

Nicole DeNeane
City Clerk

RECREATION COMMITTEE
5:00pm, Monday, October 7, 2019
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. **Call to order**

Present: Council Member Smith (chair), Council members Buckhannon and Moye

Staff Present: Administrator Fragoso, Director Page

2. **Approval of Previous Meeting's Minutes**

Council Member Buckhannon made a motion to approve the minutes of the August 5, 2019 meeting, and Council Member Moye seconded the motion. The minutes passed unanimously.

MOTION: Council Member Buckhannon made a motion to change the order of items on the agenda so the discussion of the pool at the Recreation Center was held first. Council Member Moye seconded the motion. The motion passed unanimously.

3. **New Business**

A. **Discussion about a pool at the Recreation Center**

Susan Stabini, President of the Wild Dunes Swim Team, spoke about the history of the swim team, its current size, and its need for growth. She stated the bulk of the team's membership is residents of the Isle of Palms. She spoke about the need for a team facility that could host swim team practices as well as meets with local teams. She noted that Wild Dunes is as accommodating as it can be with their practices, but she knows they receive negative feedback from their guests about not being able to use the pool. Ms. Stabini reported they are close to signing a contract with the pool at Oyster Point as a place to host their meets. She believes the Isle of Palms community would benefit from a community pool as a gathering space and believes many families would utilize it.

Administrator Fragoso said it will be necessary to get updated costs for a pool, noting that membership would not cover the expenses of running such a facility. She said the City would need a referendum to move forward with the project, and if approved, would then require a bond to pay for it. Council Member Moye would like to solicit feedback from the community about their preferences and needs with regards to a community pool. Administrator Fragoso stated focus groups and surveys could be done to ascertain those needs and wants. She also suggested a timeline for moving towards a referendum at the November 2020 election.

4. **Citizen's Comments** – none

5. **Departmental Report – Director Page**

Director Page reviewed starting and upcoming classes at the Recreation Center. She also reviewed those classes that did not make registration goals this time around and hopes to try some of them again later in the fall. She indicated that some of the lack of registration could have been due to Hurricane Dorian. She then reviewed upcoming special events starting with Halloween activities all the way through to the first quarter of 2020.

6. **Old Business**

A. **Update on surfing lessons franchise RFP for summer 2020**

Administrator Fragoso reported that only one proposal was received and recommends putting the RFP out again and allow for more response time.

7. **New Business – continued**

B. **Discussion of activities to celebrate Arbor Day**

Administrator Fragoso stated that Arbor Day in South Carolina is celebrated on December 6 this year. Council Member Smith would like the City to draw more attention to the need for planting trees. Several ideas were discussed, but due to the closeness of the date, it was decided the focus this year would be a targeted education campaign on planting trees and more focused activities could be planned for 2020.

8. **Miscellaneous Business**

The next meeting of the Recreation Committee will be on Monday, November 4, 2019 at 5:00pm in Council Chambers.

9. **Adjournment**

The meeting was adjourned at 6:12pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

PERSONNEL COMMITTEE MEETING
4:30pm, Tuesday, October 1, 2019
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. **Call to order**

Present: Council Member Moye (chair), Council Members Rice and Ferencz

Staff Present: Administrator Fragoso, HR Officer deWitt

2. **Approval of Previous Meeting's Minutes**

Council Member Rice made a motion to approve the minutes of the September 16 and both September 23 meetings. Administrator Fragoso noted the minutes of the Special Meetings from September 23 will be voted on at the next meeting after corrections are made.

Council Member Rice amended her a motion to approve the minutes of only the September 16 meeting, and Council Member Ferencz seconded the motion. The minutes passed unanimously.

3. **Citizen's Comments** – none

4. **Old Business**

A. **Interview and consideration of applications for the Isle of Palms Water & Sewer Commission vacancies**

Questions asked included their thoughts on the plan to expand the public sewer system, what they view as the biggest challenges facing the Water & Sewer Commission, and their opinion about the sewer-related ordinances recently passed by City Council.

Ms. Anderson has engineering and city planning degrees and work histories. She has participated in the planning and design of inter-road projects and written environmental impact statements regarding such projects. She sees the sewer expansion project as a long-term venture and would look for ways to carve off pieces of the project to work on over time. With regards to the sewer ordinances passed by City Council, she said believes the transfer of property is a good way to create the needed change in the system. She sees the main challenge facing the Water & Sewer Commission as funding and prioritizing projects with limited resources.

Mr. Halter has degrees in environmental engineering and has spent the last two years working on water and sewer activities. As Chief Financial Officer where he works, he has had to deal with the finances of aging infrastructure systems. He hopes that low-interest

finance options can be afforded to citizens as they tie into the sewer system. He believes the biggest issue facing the Water & Sewer Commission is the financing available to expand the system. He said he does not see anything atypical about the system on the Isle of Palms except for the fact that it is on a barrier island and having a resilient system is of key importance. He said climate issues and their effect on the sewer system also needs to be discussed.

B. Update on the hiring of the Assistant City Administrator

Administrator Fragoso reported that after narrowing down her list of possible candidates to two and having them both meet with City Hall staff and department heads, she has offered the position of Assistant City Administrator to Ronald E. Hanna. His first day will be Monday, October 14 and he will attend the October 15 meeting of the Ways & Means Committee.

C. Update on the annual Employee Appreciation Event

Administrator Fragoso reported that the invitations to this year's event went out today. The event is scheduled for Friday, October 18, 11-1:30pm. She said the tent will be bigger this year and there will be games and the presentation of the Leola Hanbury Award.

D. Update on City Council orientation and training handbook

Administrator Fragoso passed out a draft document of the proposed handbook for Council. Staff is working on the budget and department profiles section of the handbook. She asked for the Committee's feedback. She said she plans to have the first draft finished before the end of the month so it can be further refined in November. She hopes to schedule a special meeting of City Council in January for a City Council orientation to review the topics included in the handbook and also have a representative from MASC discuss ethics and how to run effective meetings.

5. New Business

A. Consideration of nominations for the Leola Hanbury Employee of the Year Award

Council Member Moye said he would like to discuss the nominations received during Executive Session.

6. Miscellaneous Business

The next meeting of the Personnel Committee will be held on Tuesday, November 12 at 4:30pm in Council Chambers.

7. Executive Session

MOTION: Council Member Moye requested a motion to go into Executive Session in accordance with SC Code §30-4-70(1) for discussion of compensation related to

the Leola Hanbury Award. Council Member Rice made a motion to approve and Council Member Ferencz seconded the motion. The motion passed unanimously.

The committee adjourned into Executive Session at approximately 5:57pm.

8. Adjournment

Upon returning from Executive Session, Council Member Moye stated that no decisions were made. He then made a **motion to go into Executive Session in accordance with SC Code §30-4-70(1) for discussion of the applications for the vacancies on the Water & Sewer Commission. Council Member Rice seconded the motion. The motion passed unanimously.**

Upon returning from Executive Session, Council Member Ferencz made a motion to recommend to City Council that Jan Anderson and Bob Hooper fill the vacancies on the Isle of Palms Water & Sewer Commission. Council Member Rice seconded the motion. The motion passed unanimously.

The meeting was adjourned at 6:21pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

REAL PROPERTY COMMITTEE
10:00AM, Monday, October 14, 2019
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. **Call to Order**

Present: Council Member Bell (chair), Council members Ferencz and Ward

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

2. **Approval of the previous month's minutes**

Council Member Ferencz made a motion to approve the minutes of the September 18, 2019 meeting, and Council Member Ward seconded the motion. The minutes passed unanimously.

3. **Citizen's Comments**

Patsy Highman, 7 Barnacle Row, said she and her family would be disappointed if Tidal Wave Watersports was no longer at the marina. She said information regarding the situation of the marina and Tidal Wave Watersports' status is hard to find on the City's website and feels this information should be more readily available to the public. She would like to see a timeline of events for marina-related projects and would like to know about the process for selecting who will occupy the Tidal Wave Watersports space. She would also like to know how Tidal Wave Sports has been in violation and if those situations have been corrected.

Scott Pierce, 4 9th Avenue, would like to see the description of the proposed development of 1100 Palm Boulevard to read "request for a zoning change on Palm Boulevard, to develop a multi-use hospitality facility for 25 or more hospitality units, banquet facilities, meeting rooms, restaurant, and recreation facilities (which is the basic description of a Boutique Hotel) on .4 acres that doesn't accommodate its parking." He also requested the Council say no to a zoning change in that area.

4. **Comments from Marina Tenants** – none

5. **Old Business**

A. **Update on marina items**

Administrator Fragoso gave a lengthy and detailed timeline of events regarding the permitting at the marina and an update on the events surrounding the marina. She stated the permitting for overall dock permitting took precedence due to the deteriorated condition of the docks, especially the condition of the dock that currently holds the fueling system. She noted that ATM is currently working on two separate permitting

processes for the City – one to have dock permits changed over to the City’s name and another to address the setback violation of which they were notified in June of this year. After some back and forth with OCRM and ACE (Army Corps of Engineers), it was determined the City will need to go through a full permitting process to address the setback issue. Discussion ensued as to how modifications had been allowed to the dock over the years if proper permits were never in place. Administrator Fragoso noted that is the issue facing the City at this point in time – what the dock looks like now versus what the 1986 permit says it should look like – and that all the issues should be solved through the permitting process.

Administrator Fragoso said that she and Mayor Carroll would like to have a meeting of the full Council on Thursday, November 7 to discuss the future vision of the entire marina, including the restaurant proposals and the pending future use of the lease with Tidal Wave Sports. She said, “It was my recommendation to them [City Council] that if they City wanted to continue leasing that piece of property for that same operation, for water sports activity that the City follow competitive procurement guidelines and best practices when it comes to bidding multi-year leases. That’s where we are now.”

In discussing the vision for the marina, Council Member Bell said, “If we were to continue with a water sports company, we should give full consideration to Tidal Wave.” He requested “lots of well-advertised public notice” for the November 7 meeting.

MOTION: Council Member Ward made a motion to suspend the rules of order to allow Michael Fiem, of Tidal Wave Watersports, to speak to the Committee. Council Member Bell seconded the motion and the motion passed unanimously.

Michael Fiem explained how the changes to the dock came about over the years without proper permitting. Administrator Fragoso added, “The last permit that we had that expired after five years was this redevelopment of that dock. The City was going to fully replace it, but it was too expensive, and the City decided not to do that and only make some minor improvements. So those minor improvements, because they fell under maintenance, they didn’t require the City a permit modification under that permit.”

Administrator Fragoso gave a brief review of the process for the proposals for the marina restaurant. Mr. John Chaffie reported that he is in regular contact with the proposers and is waiting for more specifics from one of the projects. He will be present at the October 22 City Council meeting so the issue can be further discussed in Executive Session. He said more due diligence is needed to move forward and that will take some time. He anticipates a deal could be signed in the first quarter of 2020. He believes the current City Council could make a recommendation, but it will be the new Council that will sign the deal. He added that he has asked all those who made proposals to keep all correspondence with him and to not contact City Council or City staff during the process.

B. Update on Public Safety Building rehabilitation project

Administrator Fragoso reported that the schematic estimates were \$60,000 less than budgeted. She said the next set of drawings will be presented to staff on October 31. She also noted that the project schedule is currently a week behind due to Hurricane Dorian. The project is currently within the approved budget, and she expects the next contract to be executed in the next couple of months when the design and engineering have been completed. Staff meets regularly to discuss the needs and challenges of relocating the operation of both departments while the building is being renovated. Council Member Ferencz asked if the sewer line issue at the building's entrance is being fixed in this project, and Administrator Fragoso said she will look into it further. She added the RFP for the Owner's Representative is out for a construction reviewer, and proposals are due on October 25.

C. Update on proposed hotel development at 1100 Palm Boulevard

Council Member Bell said that all the ideas offered by a developer for this property included parking challenges. After making a presentation to City Council, he said it was erroneously decided to send the proposal to the Planning Commission for discussion. There should have been a first reading of an ordinance before it was sent to the Planning Commission. He noted no decisions about the property are being made at the meeting today. Council Member Ferencz said, "A question that was posed succinctly was with our current zoning laws and current parking restrictions, this project cannot go forward."

MOTION: Council Member Ferencz made a motion "that we recommend to Council that this project not go forward." Council Member Ward seconded the motion. She later amended the motion to include "this project, as it has been presented to us."

Council Member Ferencz said, "I contend that we have ordinances in place. We have parking regulations in place that, if this is the project that they are coming forward with, that we do not let it go any further."

Council Member Bell posited the question, "If you are voting on something is that vote to consider a rezone to GC3 or is it to say that we are not going to consider anything that is not self-contained on the property?" adding that any proposal for that lot needs a parking plan.

Council Member Ward stated, "I want us to keep the current zoning as it is and any future project that goes in there be in full compliance with our laws and our zoning laws."

Council Member Bell clarified that options for the property remain open for discussion as long as they meet current zoning laws and parking requirements.

VOTE: The motion passed unanimously.

D. Discussion of potential projects for Charleston County Greenbelt Program Funding

Administrator Fragoso requested an extension of time before she presents recommendations for Greenbelt Funding projects due to her current workload. She added that the search for someone to do grant writing for the City is in the current budget.

6. New Business

A. Discussion of beach erosion at Breach Inlet and alternatives to address it

Administrator Fragoso reported that the City and SCDHEC-OCRM were approached about two related matters near Breach Inlet. First, the owner of the the Boat House Marina is concerned about sand that is building up and filling in slips. Second, several oceanfront property owners are concerned about increased erosion around 2nd Ave. The Administrator stated that it appears that beach sand is being eroded from the dunes and being transported south to Breach Inlet and wrapping around the island. The marina owner wants to excavate and/or dredge sand to remove it from his property while the oceanfront owners are looking for options to reduce the erosion they're experiencing in front of their properties.

Administrator Fragoso reminded the Committee that the City has a permit for beach nourishment in this area. If the City desires, it may be possible to amend the nourishment permit to include the sand near 101 Palm Blvd as a borrow source of sand to be placed on the beach around 2nd Ave.

This would involve the City submitting an amendment request to OCRM, consultation with state and federal resource agencies, and seeking authorization from the U.S. Army Corps of Engineers.

Administrator Fragoso said that a meeting has been set up with OCRM and the property owners to develop a strategy about what can be done to move sand from behind the Boathouse and back onto the beach at Breach Inlet. A study will need to be done to determine how much sand is available, whether it is compatible and the best strategy to move it. Mr. Jim Smiley asked that any meeting discussing this erosion issue include the property owners from that area.

Administrator Fragoso added that the FY20 budget includes funds for a feasibility study in that area and that any permitting process for such a project would include time for public comment.

B. Update on recommendation from the Planning Commission regarding short-term rentals

Administrator Fragoso said the Planning Commission has been working on this topic for several months and is expected to have recommendations for the Committee to consider next month.

7. **Miscellaneous Business**

The next meeting of the Real Property Committee will be on Wednesday, November 6, 2019 in City Hall Council Chambers.

8. **Executive Session** – none needed

9. **Adjournment**

The meeting was adjourned at 11:18am.

Respectfully submitted,

Nicole DeNeane
City Clerk

ATAX Committee
11:00am, Thursday, October 17, 2019
City Hall Council Chambers
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to Order

Present: Susan Haynie, Rusty Williamson, Sally Muhlig, Malcolm Burgis,
Julise Spell

Absent: Margaret Miller, David Nelson

Staff Present: Administrator Fragoso, Asst. Administrator Hanna, Treasurer Suggs

2. Approval of Previous Meeting's Minutes

MOTION: Mr. Williamson made a motion to approve the minutes of the September 17, 2019 meeting, and Mr. Burgis seconded the motion. The minutes passed unanimously.

3. Citizen's Comments – none

4. Financial Statements – Debbie Suggs

Treasurer Suggs reviewed an abbreviated financial statement (due to IT issues within City Hall). She highlighted activity in September, noting the strong cash position with \$1.7 million in the ATAX account. September revenue only includes interest on the account which is normal for this time in the year. Expenses included the final payment of the July 4th fireworks show, MUSC sponsorship, and other budgeted expenses.

5. Old Business – none

6. New Business

A. Presentation by the Charleston Visitors Bureau, Perrin Lawson and Frank Fredericks

Perrin Lawson of the Charleston Visitors Bureau gave a presentation on how the relationship with the CVB is beneficial to the Isle of Palms. He shared numerous instances of marketing and advertising spotlighting the Isle of Palms. He noted that the Isle of Palms page on the charlestonareabeaches.com website received over 69,000 visits last year, which is 15,000 more than any other beach page on that site. He shared the CVB has been and continues to focus on group sales to help even out the dips in income across the seasons. Lastly, he detailed other initiatives the CVB is using to bring visitors to the greater Charleston area.

B. Consideration of sponsorship request in the amount of \$6,000 from the IOP Turtle Team and IOP Exchange Club for the Isle of Palms Turtle Hatchling Scavenger Hunt

Kitty Riley of the Isle of Palms Exchange Club and on behalf of the Isle of Palms Turtle Team came before the Committee requesting a sponsorship of \$6,000 to help fund a scavenger hunt to promote awareness of turtle hatchlings. The activity is intended to draw children and families to the front beach area. The monies will be used to purchase educational plaques for the scavenger hunt. A picture of the proposed plaques was shared with the Committee. The group hopes to unveil the activity at the Front Beach Fest in March of 2020. Ms. Riley indicated that this initiative is a good partnership opportunity between a non-profit organization, a local volunteer group, the local businesses and the City with the goal of engaging and educating tourists.

MOTION: Ms. Spell made a motion to award \$6,000 to the IOP Exchange Club an IOP Turtle Team for educational plaques to be used in a scavenger hunt. Mr. Williamson seconded the motion. The motion passed unanimously.

7. Miscellaneous

The date of the next meeting will be Wednesday, January 8, 2020 at 11am.

8. Adjournment

The meeting was adjourned at 11:33am.

Respectfully submitted,

Nicole DeNeane
City Clerk

BOARD OF ZONING APPEALS
Tuesday, October 1, 2019
5:30pm, City Hall Conference Room
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

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

Absent: Pete Doherty, Carolyn Holscher

2. Minutes

Mr. Karig made a motion to approve the minutes of the August 6, 2019 meeting as distributed. Ms. Campsen seconded the motion. The minutes were approved unanimously.

3. Swearing In

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

4. Home Occupations

A. 706 Palm Boulevard

Mr. Kerr reviewed the application included in the packet to allow the establishment of a home office for a construction business. He indicated there would be no business-related traffic, signage, or employees working in the home. Ms. Campsen made a motion to approve the request as presented, and Mr. Karig seconded the motion. The motion was approved unanimously.

B. 18 Hidden Green Lane

Mr. Kerr reviewed the application included in the packet to allow the establishment of a home office for retail tea business. It was noted that the products are produced elsewhere and there may be limited amounts of shipping done from this location. There will be no business-related traffic, signage or employees. Mr. Karig made a motion to approve the request as presented, and Ms. Campsen seconded the motion. The motion was approved unanimously.

5. Miscellaneous Business - none

6. Adjournment

Mr. Karig made a motion to adjourn, and Ms. Campsen seconded the motion. The meeting was adjourned at approximately 5:37pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

ORDINANCE 2019-18

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 4, SMOKING IN THE WORKPLACE.

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

WHEREAS, The Isle of Palms Council believes it is imperative to take action to reduce the overwhelming amount of pollution caused by cigarette butts on our pristine beaches;

WHEREAS, The Isle of Palms Council also believes action is needed to prevent smoking in City-owned facilities and any City-owned public area in order to reduce the long-term risks of passive smoke to nonsmokers and children;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 4, to include a smoking prohibition in City-owned facilities, public beaches and public beach access points.

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 4, SMOKING IN THE WORKPLACE SHALL BE AMENDED TO READ AS FOLLOWS:

CHAPTER 4: SMOKING IN THE WORKPLACE, IN CITY-OWNED FACILITIES, PUBLIC BEACHES AND PUBLIC BEACH ACCESS POINTS.

Sec. 6-4-1. - Definitions.

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

Business agent means an individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Employee means any person who performs services for an employer in return for wages, profit or other valuable consideration. It also means a person who volunteers his services for a non-profit entity.

Employer means any person, partnership, association, limited liability company, corporation, trust, school, governmental agency, college, university or other educational institution, nonprofit entity or other organization, whether public or private, that employs one (1) or more employees.

Enclosed area means all space between a floor and ceiling that is enclosed on two or more sides by temporary or permanent walls of any type of material including but not limited to plastic, wood, sheet rock, or particle board, or windows which extend from the floor to the ceiling, including but not limited to, offices, rooms, foyers, waiting areas, porches, halls and mobile public conveyance. Facilities having only partial exterior walls but otherwise enclosed by ceilings and floors shall also be included in this definition; provided, however, that porches which have fifty (50%) percent or more of open space or screening on all but one side shall be excluded from this definition.

Environmental tobacco smoke (ETS) or secondhand smoke is the complex mixture formed from escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to ETS is also frequently referred to as "passive smoking," "secondhand smoking" or "involuntary smoking."

Livability court means that certain division of the City of Isle of Palms Municipal Court.

Police department means the City of Isle of Palms Police Department.

Smoking means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.

Smoking materials includes cigars, cigarettes, vaping devices, and all other manner of smoking devices intended to be used for the purpose of inhaling and exhaling smoke.

Workplace means any enclosed area, structure, building or facility or any portion thereof at which one or more employee perform services for their employer, including but not limited to: retail food stores, retail stores, government buildings, restaurants, bars, cabarets, cafes, public or private clubs, pool halls, or bowling alleys.

(Ord. No. 2008-8, § 2, 9-23-2008)

Sec. 6-4-2. - Prohibition of smoking in the workplace.

- (a) It shall be the responsibility of the employer to provide a smoke-free environment for all employees working in an enclosed workplace. Each employer shall adopt, distribute and implement a written policy prohibiting smoking in the workplace, in accordance with this article.
- (b) The written smoking policy shall be adopted and distributed to all employees within four weeks of the commencement of business operations. A copy of the policy shall be conspicuously posted in all facilities or areas of the workplace.
- (c) Smoking is prohibited in all workspaces in a workplace. This includes all common work areas, auditoriums, gymnasiums, classrooms, conference and meeting rooms, private offices, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms and all other

enclosed areas in a workplace. Furthermore, the employer, business agent, and all employees shall prohibit any persons from smoking tobacco products in any workplace or workspace.

(Ord. No. 2008-8, § 3, 9-23-2008)

Sec. 6-4-3. – Smoking in City-owned facilities, on City-owned property, on public beaches and beach access points.

Smoking shall be prohibited in City-owned facilities, on City-owned property, on public beaches and beach access points.

Sec. 6-4-4 - Smoking restrictions inapplicable.

In providing for the inapplicability of this article to the following subsections, it is specifically recognized that such locations are addressed in the Clean Indoor Air Act, enacted by the General Assembly of South Carolina and codified in S.C. Code 1976, § 44-95-10 et seq. Therefore, this article shall not apply to:

- (a) Public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held, including libraries;
- (b) All other indoor facilities providing children's services to the extent that smoking is prohibited in the facility by federal law and all other child day care facilities, as defined in S.C. Code 1976, § 20-7-2700, which are licensed pursuant to subarticle 11, article 13, chapter 7, of title 20 of the South Carolina Code (S.C. Code 1976, § 20-7-2700);
- (c) Health care facilities as defined in S.C. Code 1976, § 44-7-130;
- (d) Government buildings as defined in S.C. Code 1976, § 44-95-20(4), except to the extent regulation by the City is authorized therein;
- (e) Elevators;
- (f) Public transportation vehicles, except for taxicabs;
- (g) Arenas and auditoriums of public theaters or public performing art centers.

(Ord. No. 2008-8, § 4, 9-23-2008) Sec. 6-4-5. - Exceptions.

Notwithstanding the provisions of the above section, smoking may be permitted in the following places or circumstances:

- (a) Private residences;
- (b) Hotel, motel, inn, bed and breakfast, and lodging homes that are rented to guests, designated as smoking rooms (rooms) provided that the total percentage of such rooms does not exceed twenty-five (25%) percent in such establishment. A room so designated shall have signs posted indicating that smoking is allowed therein;
- (c) Performers upon a stage, provided that the smoking is part of the theatrical production being performed;

- (d) Religious ceremonies where smoking is part of the ritual; and
- (e) Medical research facilities.

(Ord. No. 2008-8, § 5, 9-23-2008) Sec. 6-4-6. - Posting of signs.

The owner of business agent of an establishment or area in which smoking is prohibited pursuant to this article shall post a conspicuous sign at the main entrance to the establishment or area. The sign shall contain the words "No Smoking" and the universal symbol for no smoking.

(Ord. No. 2008-8, § 6, 9-23-2008) Sec. 6-4-7. - Reasonable distance.

Smoking outside a workplace, workspace or any other enclosed area where smoking is prohibited shall be permitted, provided that no such smoke enters the enclosed area through entrances, windows, doors, opening, ventilation systems or any other means.

(Ord. No. 2008-8, § 7, 9-23-2008)

Sec. 6-4-8. - Jurisdiction, enforcement and penalties.

- (a) The City's municipal court shall have jurisdiction over prosecuting violations of the provisions of this article.
- (b) The Police Department shall enforce the provisions of this section. In addition, designated code enforcement employees of the city shall have power to enforce the provisions of this article.
- (c) The Police Department shall seek to obtain voluntary compliance with this article by means of publicity and education programs, and the issuance of warnings, where appropriate.
- (d) Any person who smokes in an area where smoking is prohibited by the provisions of this article shall be guilty of a civil infraction, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Twenty-five (\$25.00) Dollars.
- (e) Any person who owns, manages, operates, is a business agent of, or otherwise controls a place of employment and who fails to comply with the provisions of this article shall be guilty of a civil infraction, punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Twenty-five (\$25.00) Dollars.
- (f) In addition to the fines set forth in this section, repeated violations of this article by a person who owns manages, operates, is a business agent of, or otherwise controls a place of employment may result in the suspension or revocation of any business license issued to the premises on which the violations occurred.
- (g) Each day of a continuing violation of this article shall be considered a separate and distinct offense.
- (h) Violation of this article is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.

(Ord. No. 2008-8, § 8, 9-23-2008; Ord. No. 2010-10, §§ 1, 2, 6-22-2010)

Sec. 6-4-9. - Non-retaliation.

No person or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel action against any employee, applicant, customer or other person because such employee, applicant, customer or other person takes any action in furtherance of the enforcement of this article or exercises any right conferred by this article.

(Ord. No. 2008-8, § 9, 9-23-2008)

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 on January 1, 2020.

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: _____