

City Council

6:00 p.m., Tuesday, April 24, 2018

Council Chambers
1207 Palm Boulevard

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. **READING OF THE JOURNAL OF PREVIOUS MEETING**

Special Council Meeting of March 14, 2018
Special Council Meeting of March 20, 2018
Special Council Meeting of March 21, 2018
Special Council Meeting of March 27, 2018
Special Council Meeting of March 27, 2018
Regular Council Meeting of March 27, 2018

3. **CITIZENS' COMMENTS**

4. **SWEARING IN OF NEW EMPLOYEES**

Michael Lord - Firefighter

5. **REPORTS FROM STANDING COMMITTEES**

A. **Ways and Means Committee**

1. Recommendation from the ATAX Committee for a sponsorship in the amount of \$10,000 for the S.C. Aquarium Turtle Trek 5k Sunset Beach Run on Saturday, September 29, 2018 at 5:30 pm (Pg. 28, In. 268 – State ATAX, Programs/Sponsorships, \$50,000)
2. Recommendation from the Public Works Committee to approve up to \$20,000 for the replacement of the white fencing at Oceanside Condominiums (pg. 27, In 190 – Hospitality Tax, Public Works Maintenance and Service Contracts)
3. Recommendation from the Public Safety Committee to award a contract to Safe Industries in the amount of \$849,500 for one 2018 E-ONE 75 ft. Ladder Truck (FY18 budget, pg. 52, In. 82 - \$200,000 for down-payment from reserves in Capital Projects, Muni ATAX and State ATAX; FY19 budget, pg 41, In. 58 - \$630,000 from reserves in Capital Projects, Muni ATAX and State ATAX)
4. Recommendation from the Real Property Committee to approve up to \$26,400 for plants to be planted on top of the new dunes in the project area to encourage dune growth (pg. 30, In. 341 – off-shore restoration project contingency)
5. Consideration of an award of a contract to Technology Solutions for IT services for \$28,500 and an additional not to exceed \$21,500 for additional hours as needed at \$75 per hour (FY18 budget, pg. 12, In 92 – General Fund, Police Department Professional Services - \$80,000 placeholder for IT services)
6. Recommendation from the ATAX Committee to fund overages in the FY18 budget by \$400 for irrigation at Breach Inlet, by \$500 for beach trash barrels and by \$1,032 for the flood insurance premium on the public restrooms
7. In accordance with the IOP Procurement Code Section 1-10-4(b)(3)(iii), consideration of emergency repairs to PSB emergency generator - \$12,000 for the radiator and \$9,000 for the installation hook up for rental generator (pg. 22, In 38 – Capital Projects Fund, Fire Department Maintenance and Service, \$101,208)
8. Report in Accordance with Chapter 20, Purchasing, Section 1-10-3(c), less than \$25,000 and in the budget:

Love Chevrolet – 2018 Chevrolet Pickup Truck for the Building Department

B. **Public Safety Committee**

C. **Public Works Committee**

D. **Recreation Committee**

E. **Personnel Committee**

In accordance with the IOP Procurement Code Section 1-10-4(b)(2), consideration of a non-competitive search for a professional recruitment company for hiring the City Administrator and Chief of Police

March Safety Sweepstakes Winners

Recreation Department – Aaron Sweet
Fire Department – Jeff Stickney

Police Department – Officer Daniel Tyson
Public Works – Tony Sease

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

(Need motion for 2nd Reading then a motion to amend, if the amendment passes to include the changes recommended in this version, then approve amended motion.)

- A. **Second Reading of Ordinance 2017-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 8, Flood Damage Prevention, of the City of Isle of Palms Code of Ordinances to Provide a Definition for the Reference Datum to be used for the Base Flood Elevation Shown on the Flood Insurance Rate Maps (FIRM); To Delete the Time Period for Measuring Substantial Improvements and to Provide for a Minimum Elevation for New Residential and Nonresidential Construction**
- B. **Second Reading of Ordinance 2017-08 – An Ordinance Amending Title 5, Planning and Development, Chapter 5, Land Development Regulations, of the City of Isle of Palms Code of Ordinances to Require that all Subdivisions of Lots be Connected to the Public Sewer System and to Require Certain Information Related to Sewer Connection for the Subdivision Approval Process.**
- C. **Second Reading of Ordinance 2017-09 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, of the City of Isle of Palms Code of Ordinances to Provide That All New Construction or Substantial Improvements shall be Connected to a Public Sewer System Where a Public Sewer Line is Located Within One Hundred Fifty (150') feet and to Reduce the Lot Coverage Requirements and Floor Area Requirements for Lots with Septic Systems.**
- D. **Second Reading of Ordinance 2017-10 – An Ordinance Amending Title 6, Health and Sanitation, Chapter 1, General Provisions, Article D, Regulation of On-site Sewage Disposal Systems, of the City of Isle of Palms Code of Ordinances to Require Mandatory Connection to Public Sewer System Where Public Sewer Line is Available upon the Sale or Transfer of Property.**
- E. **Second Reading of Ordinance 2018-04 – An Ordinance Amending Title 9, Offenses, Chapter 2, Offenses Against Public Peace, Section 9-2-5, Noise, of the City of Isle of Palms Code of Ordinances to Change the Hours During Which Pile-drivers and Other Apparatus Attended with Loud or Disturbing Noises may be Operated and to Provide for Exceptions.**
- F. **Second Reading of Ordinance 2018-05 – An Ordinance Amending Title 8, Motor Vehicles and Traffic, Chapter 2, Stopping, Standing and Parking of Vehicles, of the City of Isle of Palms Code of Ordinances to Require Parallel Parking and to Prohibit Double Parking on the Passenger Side of Vehicles on Palm Boulevard Between 21st Avenue and 40th Avenue; to Prohibit Boat Trailer Parking along the Rights-of-way of Waterway Boulevard; to Prohibit Exemption for Emergency, Law Enforcement and Other Public Service Vehicles Parking During the Performance of Official Duties or Public Service; and to Provide for Year-Round Enforcement of the Resident Parking Districts**

10. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS

First Reading, by title only, of Ordinance 2018-06 – An Ordinance to Raise Revenue and Adopt a Budget For the City of Isle of Palms, South Carolina, for the Fiscal Year Beginning July 1, 2018, and Ending June 30, 2019.

First Reading, by title only, of Ordinance 2018-07 – An Ordinance Amending Title 8, Motor Vehicles and Traffic, Chapter 2, Stopping, Standing and Parking Vehicles, Article A, General Provisions, of the City of Isle of Palms Code of Ordinances to Provide Additional Regulations Related to Parking in Loading Zones; to Increase the Fine for Parking in Violation of Loading Zone Regulations to \$100.00; to Declare Certain Parked Vehicles as Nuisances and to Provide for the Immobilization and Impoundment of Certain Vehicles; to Provide Reference to State Law Related to Handicapped Parking; and to Amend Administrative Provisions Related to Deposit of Monies Collected From Pay Parking Fees and Penalties.

First Reading, by title only, of Ordinance 2018-08 – An Ordinance Authorizing the City Administrator of the City of Isle of Palms to Execute the Necessary Documents to Enter Into That Certain Third Amendment to Commercial Lease Agreement Between the City of Isle of Palms and Barrier Isles, LLC, Attached Hereto as Exhibit 1 and Incorporated Herein by Reference

Resolution Approving the Law Enforcement Mutual Aid Agreement between the City of Isle of Palms Police Department and the Town of Mount Pleasant Police Department

Resolution to adopt a Policy for the Use of the City's Message Boards

11. MISCELLANEOUS BUSINESS

Authorization for Entering into an Agreement with SCDOT for Streaming Video through the Traffic Management Center

Budget Public Hearing: 5:45 p.m., Tuesday, May 22, 2018 in Council Chambers

Next Meeting Date: 6:00 p.m., Tuesday, May 22, 2018 in Council Chambers

12. CONCLUSION/ADJOURNMENT

Special City Council Meeting
4:30 p.m., Wednesday, March 14, 2018

A Special Meeting of City Council was held at 4:30 p.m., Wednesday, March 14, 2018 in the Training Room of the Public Safety Building, 30 J.C. Long Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Smith and Ward, Mayor Carroll, Administrator Tucker, Assistant Administrator Fragoso and Attorney Halversen; Councilmembers Kinghorn, Moye and Rice were absent. A quorum was present to conduct business. Also present were Attorney Frances Cantwell and Assistant City Attorney Julia Copeland.

1. Mayor Carroll called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. **Purpose**

Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice regarding potential claims related to the South Carolina Freedom of Information Act, Ethics Laws and conduct for Councilmembers, Council and Committee meetings.

MOTION: Councilmember Buckhannon moved to go into Executive Session at 4:31 p.m. for the purpose defined above; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

Council returned to open session at 6:00 p.m., and Mayor Carroll announced that Council had not taken a vote or any action while in Executive Session.

3. **Adjournment**

MOTION: Councilmember Ferencz moved to adjourn the meeting at 6:01 p.m.; Mayor Carroll seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

Special City Council Meeting
4:45 p.m., Tuesday, March 20, 2018

A Special Meeting of City Council was held at 4:45 p.m., Tuesday, March 20, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moya Rice, Smith and Ward, Mayor Carroll, City Administrator Tucker, Attorney Halversen, Assistant City Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Mayor Carroll called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. **Purpose**

Executive Session in accordance with S.C., Code Section 30-4-70(a)(1) for discussion of employment matters. Upon returning to open session, Council may take action on matters discussed in Executive Session.

MOTION: Mayor Carroll moved to go into Executive Session at 4:46 p.m. to discuss personnel matters; Councilmember Ferencz seconded and the motion PASSED UNANIMOUSLY.

Upon returning to open session at 5:23 p.m., Mayor Carroll stated that Council had not taken a vote or any action while in Executive Session.

MOTION: Mayor Carroll moved for the Personnel Committee to meet with the City's legal team to obtain answers to the questions raised in Executive Session and to meet with Administrator Tucker to discuss her future and reasons for resigning; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

AMENDMENT: Councilmember Kinghorn moved to include the Human Resources Officer in the meetings; Councilmember Smith seconded and the Amendment PASSED UNANIMOUSLY.

VOTE on Amended Motion: The amended motion PASSED UNANIMOUSLY.

3. **Adjournment**

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 5:25 p.m.; Councilmember Moya seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

Special City Council Meeting - Visioning

2:00 p.m., Wednesday, March 21, 2018

A Special Meeting of City Council was held on May 21, 2018 in the Conference Room of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Administrator Tucker and Assistant Administrator Fragoso; a quorum was present to conduct business.

1. Mayor Carroll called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. **Isle of Palms Water and Sewer Commission**

A. **Options for extension of public sewer**

B. **Options related to grinder pumps**

Kristen Champagne, Dana Love, and Nick Stroud were present to answer questions about the presentation. (The power-point presentation is attached to the historical record of the meeting.)

Councilmember Kinghorn asked whether the Forest Trail facility would handle the volume of waste water if every lot on the island was developed and was attached to the gravity system and every hotel room was occupied, and Commissioner Helfrich answered with confidence that it would. The Commissioner stated that they expected to receive a FEMA grant in the amount of two and a quarter million dollars (\$2,225,000) that the Water and Sewer Commission plans to use to finance the second module for the Forest Trail facility. As the technology of the membranes continues to improve, today's membranes are said to be fifty percent (50%) more efficient; therefore, the number of membranes could be reduced from the planned four (4) and the fifty-two million dollars (\$52,000,000) becomes forty-two million dollars (\$42,000,000).

Since the figure of fifty-two million dollars (\$52,000,000) was the estimated cost to sewer the entire island, Councilmember Ferencz stated that the group needed to look at the residents' responsibility; with the cost of tying into the system being approximately twenty-five thousand dollars (\$25,000), she thought they should have some kind of incentive, for instance, some type of discount or the ability to pay off this fee over five to ten (5 – 10) years. She voiced the opinion that, if residents were forced to tie in, some would be forced to leave the island.

Councilmember Kinghorn suggested that another incentive could be to give the first "x" number of residents to tie in a break on the fees.

Responding to Councilmember Buckhannon's question, the price to add-on two (2) modules, according to Kristen Champagne would be in the neighborhood of twenty-one million dollars (\$21,000,000) including the construction costs.

Mayor Carroll commented that the island has fourteen hundred (1,400) homes on septic tanks; his question was who would pay for the sewer system – the residences on septic systems or all residents?

Dana Love, Chairman of the Water and Sewer Commission, responded that all residents would pay for the expansion.

3. Consideration of establishing a goal for the Visioning Meeting

Mayor Carroll suggested that Council wait until the end of the meeting to establish a goal so that it could incorporate information from the discussions.

4. Direct a plan forward for the top seven (7) priorities identified by citizens for City Council and Standing Committees

1. Parking and traffic management

The Mayor noted that, at the Ways and Means meeting, Council had a good discussion on parking and traffic and had made strides that could be implemented relatively painlessly. The Public Safety Committee will work toward more recommendations to improve the traffic congestion and parking in the coming months. Mayor Carroll tasked the Public Safety Committee with bringing Wild Dunes and the rental companies into the traffic discussions relative to the backups that occur on check-in days. Councilmember Buckhannon said that, based on the signage at the intersection of Palm Boulevard and the Connector, it often becomes a bottleneck; he suggested that, like Sullivan's Island, all traffic be directed to turn right or left and prohibited from going straight. By turning right, vehicles would be directed through the commercial district and by the City parking lots and the County Park. Mayor Carroll reminded Councilmember Buckhannon that traffic could not block Fire Station #1 from exiting; the summer is the most hectic time for them between lost children and stranded boats and swimmers who cannot make it back to shore. Councilmember Rice recommended that overhead signage be added to the entrance to the island from the Connector and that the County Park be included in traffic discussions due to the backup created by their process of entering the parking lot. Councilmember Kinghorn asked what legal authority the City had to state that parking on the island has reached its maximum capacity, i.e. the island is full.

2. Drainage

Mayor Carroll stated that the City should require pervious driveways, surfaces around swimming pools and sidewalks; the impervious surfaces on the island have created flooding on streets that did not flood in the past. Councilmember Moye asked if that Mayor's suggestions were initiated by an engineer based on flooding problems on the island. Director Kerr commented that the Planning Commission has been discussing drainage issues and has some recommendations to offer City Council, and they discussed requiring all surfacing to be pervious; their hang-up was the cost of the pervious pavers which were preferred over gravel. Director Kerr said that David Stevens, an engineer who has done extensive work on the City's drainage system, has stated that the level of impervious surfaces on the island does contribute to flooding. The Director also has learned that SCDOT's system and engineering criteria is solely to deal with the road pavement; he also pointed out that most property owners direct their drainage toward the road, which was not designed to handle this drainage. Other contributing factors to the island's flooding issues are under-sized infrastructure all over the island and the higher water table that has greatly

diminished the storage capacity. Councilmember Rice added that residents should be encouraged to keep open ditches and educated about why it is preferred over covered/piped ditches. Councilmember Buckhannon indicated that, on a Committee level, he would like to study the island's easements to determine whether the City could address the ordinance so that people could shore up the drainage ditch on their property. Councilmember Rice advocated a public information program to educate the residents on the island about drainage in general and open ditches versus piped ditches. Councilmember Buckhannon stated that a recommendation from the Public Works Committee was for additional help on the island to address drainage issues.

Mayor Carroll confirmed that the Public Works Committee would be tasked with drainage issues.

3. Beach

The Mayor said that the biggest problem with the island's beaches was the condition of some of the accesses which are flooded and impassable. He noted that a couple of houses in the 200 block of Ocean put up sand fencing recently and that "the volume of sand that has built up was phenomenal." Administrator Tucker stated that individual homeowners could put up sand fencing as long as they adhered to OCRM guidelines.

The Mayor asked if accommodations taxes could be used "to build beautiful, raised, wooden walkways over the dunes" as Sullivan's Island has done.

Administrator Tucker responded that the City could do that, but she wanted Director Kerr to explain the problems for the Isle of Palms has to accomplish it.

Director Kerr stated that the City has a slope and run problem and that OCRM requires the walkway be two feet (2 ft.) above the primary dune, and then an ADA ramping requirement is that the ramp down must be very shallow.

Councilmember Buckhannon suggested bringing in material to put on the beach accesses to raise them up and out of the muck.

4. Restrictions to new construction

Councilmember Bell said that the discussion he heard on this agenda item was related to lot coverage and the replacement of smaller houses with very big houses.

Councilmember Buckhannon stated that the Planning Commission, with Director Kerr' counsel, was making recommendations like the FEMA height change, the new flood map elevations changes and the City's mandate on the application of the fifty percent (50%) rule from a five (5) year accumulative total to one (1) year. This matter has been referred to the Planning Commission.

5. Animal Control

Mayor Carroll commented that he had forwarded a newspaper article to several staff members about Nags Head, North Carolina that succeeded in catching seventeen (17) coyotes in less than a year, while the City has only captured two (2) in two (2) years. He stated that he had gotten their Animal Control Officer's number and given it to the Police to follow up.

Councilmember Bell cautioned against bringing too much attention to the coyote issue on the island; he opined that every barrier island community has the same problem. The City should not give the public the impression that the Isle of Palms is a scary place to visit, which would serve to drive tourists and tourism money away from the island.

Councilmember Kinghorn suggested reaching out to Charleston County and Mount Pleasant to form a coalition to show the unanimity in dealing with coyotes.

Councilmember Smith repeated her call for a study to determine who many coyotes are living on the island.

Councilmember Bell thought the City should call upon DRN to do such a study rather than spend taxpayer funds for an expert.

Councilmember Moyer thought the question before Council at this meeting was what the City could do now to reduce the anxiety level of the residents.

Although the City did not adopt the Coyote Management Plan drafted a couple of years ago, it is doing all of the things noted in the plan according to Assistant Fragoso.

Councilmember Bell reported that he suggested that the City staff find out all that it could about the feasibility of using more lethal means of reducing the coyote population on the island, i.e. hunting.

Issues about coyotes was sent to the Public Safety Committee for study and resolution.

Councilmember Ferencz brought up the subject of dog licenses and noted that Sullivan's Island requires all dogs to have a dog license primarily because the owner must show proof that the dog's vaccinations are up-to-date. She continued saying that the doggie park on the island was very popular with Mount Pleasant residents, as well as island residents; the off-island residents use the park free of charge, and no one knows whether these dogs have had their vaccinations. The Councilmember would like to see the City require all dogs that use the Bark Park to have IOP dog licenses.

Councilmember Buckhannon reported that this topic was discussed by the Recreation Committee and the Committee will be proposing that the ordinance be amended to require all dogs, resident or non-resident, to have an IOP dog license in order to use the Bark Park. Assuming that Council approves the change, off-island residents would be charged more than island residents for the licenses.

6. IOP Marina infrastructure improvements

Councilmember Bell, Chair of the Real Property Committee, stated that they have asked for an RFP for an engineer to look at the docks and tell the Committee which to replace and which to repair; once that is done, the Committee plans to go out for bid for the work to be done.

7. Sidewalks and multi-use paths

The Mayor stated that the sidewalks on Palm and on Waterway Boulevard were "in bad shape."

Administrator Tucker, Assistant Fragoso and representatives of SCDOT walked the sidewalk between 21st and 41st Avenue, and DOT said that their responsibility was to cutback the overhang and to fix what they consider a trip hazard. The encroachment onto the sidewalk from the ground is not SCDOT's responsibility, but the responsibility of the adjacent homeowner or the City. For the houses with rental signs in front of them, the Animal Control Officer was asked to engage the rental companies to have the landscapers know to keep the sidewalks clear and not to plant where the planting would grow over the sidewalk. In addition, the landscaping companies that have an IOP business license will be sent a letter from the City about the encroachment issue.

Councilmember Rice asked if the fitness room at the Rec was still a consideration for this Council; She reported that, at the forum, she heard many people say that they wanted more activities/programs at the Rec and complete support for a fitness room.

Councilmember Bell recalled one resident who wanted the Rec Center to become more of a community center and to be more encompassing and more community-oriented, and for Council to expand its vision of what it could be, i.e. more of a multi-purpose facility.

According to Councilmember Buckhannon, the original intent was for it to be more of a community center, and Councilmember Bell suggested a name change.

Councilmember Bell stated that he would like to see a usage study, compiling data on who uses the facility, when it is used, off-island users versus residential users, etc. He wanted to optimize the concept of a community center where people gather.

Councilmember Smith indicated that she wanted Council to consider adding a pool at the Rec Center; she acknowledged that the City had more pressing issues, but she did not want a pool to be eliminated from future consideration.

Councilmember Ferencz visited the Mount Pleasant Senior Center recently she learned that their classes are offered at a cost of five dollars or ten dollars (\$5 - \$10) to all participants, residents of Mount Pleasant or non-residents. They also have an annual membership fee of one hundred fifty dollars (\$150) for Mount Pleasant residents and two hundred fifty dollars (\$250) for non-residents. When they prepare their budget, they base it on the membership fees, and the program costs pay for the programs and instructors.

5. Consideration: Action Items and Budgeting for FY19

Mayor Carroll stated that Council needed to prioritize what it thought were the most important, and he thought that drainage was critical.

Councilmember Rice indicated that the Public Works Department was interested in hiring someone who could dedicate the time needed to learn the island's ditch system and assess problems when they occur; the Public Works Director was spread too thin and did not have the time to dedicate himself to any one (1) area under his purview.

Councilmember Bell asked whether the City needed assistance in Public Works or a City engineer.

The Mayor was interested in seeing the Seabrook plan and to learn where the ditches are and which remain open and which have been piped.

Administrator Tucker's complication when she considers hiring an engineer was what kind of engineer the City needed, i.e. a civil engineer, a traffic engineer, a transportation engineer. She did not think the City would find one (1) person who was qualified to assume all of the engineering disciplines that the City uses.

When this matter was discussed in the Personnel Committee, Councilmember Ferencz reported that they decided to take a look at the Department as a whole and all of the job descriptions to determine what was needed. The Committee agreed that a definite need was for the job descriptions to be reflective of what the Director does and what he would be expected to do in five (5) years, and to generate job descriptions for the positions laid out in the Continuity Plan. She added that she did not think Council should be budgeting for additional people when it did not know how the Department should be structured.

The Mayor said that Council needed to look at the Seabrook engineering drawings and have, maybe, David Stevens take the big picture of what the City has, what has been filled in and to give the City an estimated cost.

Director Kerr expected that the City would receive from Mr. Stevens a priority list of what are the next action items and that the City needs to accumulate this amount of money; in addition, he thought that the City would get a long-range strategy, possibly Phase III. When Mr. Stevens was asked what he would do next to improve drainage on the island, he responded that the City's focus should be the outfalls along Waterway Boulevard that he thought were all silted in and undersized causing water to flow back in. Director Kerr understood him to propose a plan along the back of the island on getting the water out of those ditches and keeping stormwater from coming back in. The Director said that it would be a huge project, likely bigger than Phase I and Phase II.

The Mayor said that, for now, Council would wait for the Planning Commission to come back with their priority list of the worst drainage spots on the island.

Mayor Carroll said that drainage and parking and traffic were things Council should be working on "no matter what." The consensus of Council that drainage and parking and traffic would be the #1 and #2 priorities.

As the discussion moved to the docks, Councilmember Bell commented that certain items for the marina would carry-over to the FY9 budget, such as the underground storage tanks.

When Councilmember Smith asked about how the budgeting process would go, Councilmember Ward stated that Council was behind schedule this year and should be much farther along than it was. Councilmember Ward stated that the Committees review the budget for the Department(s) that fall under their purview and make changes or adopt as presented; the budget then goes before the Ways and Means Committee for study and changes until they are ready to present a final document to City Council for adoption.

After conferring with the Mayor, Administrator Tucker stated that, for the budget meeting on March 28th, all of Council would be working together, and staff would provide a copy of the ten-year Capital Plan, a working draft of the FY19 operating budget based on historical data, as well as additional tools that have been found to be useful in prior years.

4. Adjournment

MOTION: Councilmember Kinghorn moved to adjourn the meeting at 6:32 p.m.; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

Special City Council Meeting
5:30 p.m., Tuesday, March 27, 2018

A Special Meeting of City Council was called to order at 5:46 p.m. on Tuesday, March 27, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Administrator Tucker, Attorney Halverson, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business. Attorney Tim Domin of Clawson and Staubes was also present.

1. Mayor Carroll called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. Purpose

Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice related to pending claims in the matter of *Noomi Grad Wallace v. Robert L. Abel and the City of Isle of Palms*

MOTION: Councilmember Rica moved to go into Executive Session at 5:46 p.m. to receive legal advice related to pending claims in the matter of *Noomi Grad Wallace v. Robert L. Abel and the City of Isle of Palms*

City returned to open session at 6:18 p.m. and the Mayor announced that Council had not taken a vote or any action while in Executive Session.

3. Adjournment

The Mayor closed the Special Meeting at 6:18 p.m.

Respectfully submitted:

Marie Copeland, City Clerk

Special City Council Meeting
5:00 p.m., Tuesday, March 27, 2018

A Special meeting of City Council was called to order at 5:00 p.m., Tuesday, March 27, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, City Administrator Tucker, Attorney Halversen, Assistant Fragoso and Clerk Copeland; a quorum was present to conduct business. Employment Attorney Linda Edwards of Guigilliat, Savitz and Bettis, was teleconferencing with Council. A quorum was present to conduct business.

1. Mayor Carroll called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

Administrator Tucker was asked to leave.

2. **Purpose**

Executive Session in accordance with S.C. Code Section 30-4-70(a)(1) to discuss employment matters and legal advice under (a)(2) regarding potential claims related to employment matters

MOTION: Mayor Carroll moved to go into Executive Session at 5:01 p.m. to discuss employment matters and to receive legal advice regarding potential claims related to employment matters.

Council returned to open session at 5:44 p.m. and the Mayor reported that City Council had not taken a vote or any action while in Executive Session.

3. **Adjournment**

MOTION: Councilmember Moye moved to adjourn the meeting at 5:45 p.m.; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

City Council

6:00 p.m., Tuesday, March 27, 2018

The regular meeting of City Council was called to order at 6:23 p.m. on Tuesday, March 28, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Administrator Tucker, Attorney Halversen, Assistant Administrator Fagoso and City Clerk Copeland; a quorum was present to conduct business.

1. Mayor Carroll called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act. Following a brief invocation and the Pledge of Allegiance, Clerk Copeland called the roll.

2. Reading of the Journals of Previous Meetings

MOTION: Councilmember Ward moved to approve the minutes of the regular meeting of February 27, 2018, the Special Meeting of March 14, 2018 and the Special Meeting of March 20, 2018 as submitted; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

A. Consideration as City-sponsored Events and Approval to add to Approved Annual Events

- SEALKids Swim and Auction on Saturday, August 11th or September 8, 2018
- SC Aquarium Turtle Trek 5K Sunset Beach Run and Kids Fun Run, 5:30 p.m., Saturday, September 29, 2018

Representatives of these groups were not present, but Mayor Carroll noted that the events have been held on the island in the past and wish to continue to do so.

MOTION: Councilmember Kinghorn moved to approve the SEALkids Swim and Auction and the S.C. Aquarium Turtle Trek as City-sponsored events in 2018 and as additions to the recurring annual events approved by the City; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

B. Presentation by KimberMarie Faircloth to switch from single-use plastic bags to compostable/biodegradable materials for bags and straws

Ms. Faircloth was unable to attend and was less enthusiastic once she confirmed that the City has already banned plastic bags.

Catherine Main, Executive Director of the East Cooper Land Trust, stated that the organization would like to partner with the City and by being on the City's website and helping whenever possible to conserve land on the island. For those interested in learning more about the Land Trust, she left brochures in City Hall.

Rusty Streetman, 4004 Palm Boulevard, voiced support for the Managed Beach Parking Plan being enforced year-round and parallel parking on Palm Boulevard. He noted that the tourist season was getting longer and longer as each year passes; therefore, to enforce the parking plan all year was the practical thing to do. He also pointed out that parallel parking on Palm Boulevard would significantly reduce parking. He stated that the constant population growth in Mount Pleasant would only serve to increase the volume of beachgoers to the Isle of Palms increasing the need for year-round enforcement of the parking plan. He closed with the anecdote that he saw an English pointer chasing a coyote across his back yard this morning and suggested that the dog might be a good coyote management tool for the City.

Bob Miller, 3 Fairway Village Lane, with Judy Gogol, 8 Summer Dunes Lane, stated that they were members of the IOP Coyote Control Coalition, and they work to educate both residents and visitors about coyotes and want to provide assistance to both Wild Dunes and the City as a means for reducing the number of coyotes on the island. He reported that their petition now has two hundred eighty-eight (288) signatures, and he thanked Council for putting a multi-pronged coyote management plan on the Agenda for approval. He urged Councilmembers to support the plan that was unanimously approved by the Public Safety Committee earlier in the month and asked for its implementation immediately.

Garrett Krause, currently living on IntraCoastal Court and building a house on Waterway Boulevard, stated that Council would not allow the overflow boat trailer parking from the marina on Waterway. He stated that the trailer parking was a safety issue for pedestrians, cyclists and drivers alike.

Jon Regan Walters, a life-long resident of the island, stated that residents enjoy a very short off-season; he suggested that, from mid-September to May, the City should not allow parking on Palm Boulevard. He also thought that, if the City reduced parking to the number or spaces actually required by the Beach Management Plan for one (1) summer, the State and the County would be less resistant to giving the City money to support the maintenance of the beach and the public facilities the City provides. He urged Council to have the State representatives who live on the island to exert their influence in the State House to see that the City gets everything that it is entitled to. He expressed the opinion that the City should resort to active hunting to reduce the coyote population since trapping was not working.

Scott Pierce, 4 – 9th Avenue, distributed a handout to members of Council explaining his position on the proposal to enforce the Managed Beach Parking Plan year-round, suggesting the issuance of several guest placards to residents to substitute for the guest passes and suggesting that the City require parallel parking island-wide. A copy of his handout is attached to the historical record of the meeting.

Arnold Karig, 5102 Palm Boulevard, also expressed his support for year-round enforcement of the parking plan and his support for Council's forward thinking and their implementation of measures to deal with the ever-increasing numbers of people and vehicles coming to the island. He noted that the Charleston news outlets report routinely about the number of people moving to the area on a daily basis, or the number of apartments being built or developments of thousands of homes being constructed. For hundreds of these people, the Isle of Palms will be the closest public beach, and they will add to the throngs of people who already regularly come to the island. He said that, unless proactive plans are made to deal with the added visitors and cars, residents of the Isle of Palms will have no quality of life. He commented that the adoption of the year-round parking plan was only one (1) of many steps that will be required to ensure that the beach is a pleasant place.

Stan Harris, who lives at the corner of 8th Avenue and Ocean Boulevard, thanked Council for their recent decisions on year-round enforcement of the parking plan and parallel parking on Palm, but he asked that Council consider parallel parking island-wide.

Greg Wood of 19 – 42nd Avenue read a letter to Council from William Campbell of 32 – 42nd Avenue; Mr. Campbell expressed his support for the year-round managed Beach Parking Plan, parallel parking on Palm and no trailer parking on Waterway Boulevard. He stated that the City needs to take back control of parking on the island and to enforce respect for residents and property. His full comments are attached to the historical record of the meeting.

Vince DiGangi, 4 – 42nd Avenue, thanked Council for what they do and added his voice of support for year-round enforcement and parallel parking on Palm for all of the reasons people have stated. He commented that he saw these measures as ways to improve security for residents if the residential streets and safety, in general.

Elizabeth Campsen, 32 Intracoastal Court, stated that she has always supported a year-round parking plan because it would offer visitors and residents a consistent policy. She suggested having a “residential function” added to the list of special permits residents could obtain that would allow residents to get free, date-specific placards for parties and gatherings. She stated that parallel parking was SCDOT’s standard for right-of-way parking, and the implementation of parallel parking on Palm would still mean that the City was offering considerably more parking availability than was required by the Comprehensive Beach Management Plan. As for eliminating boat trailer parking on Waterway, she stated that it has been an on-going public safety issue, and expressed her opinion that all parking for the marina businesses should be confined to the marina site. The full text of her comments is attached to the historical record of the meeting.

4. Reports from Standing Committees

A. Ways and Means Committee

Reporting on the meeting of March 20th, Councilmember Ward stated that Joe Petro of Coconut Joe’s and Jay Clarke voiced their support for converting the kiosks in the municipal parking lots to an hourly rate; they thought that an hourly rate would help the Front Beach businesses. The Treasurer reported that, through eight (8) months of the fiscal year, General Fund revenue was at sixty-six percent (66%) of budget, and General Fund expenditures were at fifty-nine percent (59%) of budget. Under “Expenditures”, the report showed “All Other” at two hundred forty-eight percent (248%) of budget; this category was where the City charged the disaster recovery expenses of three hundred fifty thousand dollars (\$350,000) related to Hurricane Irma. These expenditures will be offset by the FEMA reimbursement funds the City will receive. Total cash on-hand was approximately twenty-one million eight hundred dollars (\$21,800,000), which includes a significant dollar amount associated with the current beach restoration project; approximately three million dollars (\$3,000,000) has been spent on that project year-to-date. The cash on-hand represents thirty-seven percent (37%) of budgeted General Fund expenditures. The City has received three percent (3%) more in Municipal Accommodations Fees and Beach Preservation Fees than in FY17. The City had no collections of State ATAX funds or Charleston County Accommodations Tax Pass-through in February. Hospitality Tax collections are running five percent (5%) ahead of last year.

- A. Recommendation from the Public Safety Committee to make the Managed Beach Parking Plan year-round, to require parallel parking on Palm Boulevard from 21st to 41st Avenue and to prohibit any trailer parking on Waterway. The proposal submitted by Stantec to get this done is in the amount of \$13,640 to revise the Managed Beach Parking Plan and to apply for the encroachment permit from SCDOT (Unbudgeted in FY18; May be funded from Municipal Accommodations Taxes; Police Department Capital Outlay, \$187,625, pg. 25, line 112 or Fire Department Capital Outlay, \$122,375, pg. 25, line 120)**

The Committee had a recommendation from the Public Safety Committee to make the Managed Beach Parking Plan year-round, to require parallel parking on Palm Boulevard from 21st to 41st Avenue and to prohibit any trailer parking on Waterway, and the proposal submitted by Stantec to get this done was in the amount of \$13,640 to revise the Managed Beach Parking Plan and to apply for the encroachment permit from SCDOT.

Administrator Tucker stated that the contract with Stantec would be a sole source award because Stantec was the only vendor capable of providing the City the necessary expertise for the work based on their prior relationship with the City.

MOTION: Councilmember Bell moved to award a sole source contract to Stantec in the amount of \$13,640 to analyze problem parking areas, revise the parking layout plan and to re-permit plans with SCDOT; Councilmember Moye seconded.

Council Ferencz asked if any redundancy existed between the work they did for the City in the past and the scope of work for this task, and the Administrator did not think that was true, but she expected them to use the source documents they produced.

VOTE: The motion PASSED UNANIMOUSLY.

1. Enforcement of the Managed Beach Parking Plan year-round

MOTION: Councilmember Bell moved to enforce the Managed Beach Parking Plan on a year-round basis; Councilmember Moye seconded.

Councilmember Smith stated that the Public Safety Committee and City Council would be discussing many traffic and parking solutions in the coming months, and, unless there was a pressing need or advantage to moving forward quickly, the Councilmember thought they should be considered in relation to one another.

Councilmember Bell explained that the intention was to do things incrementally that could be accomplished in reasonable time frames while not negating the ability to make additional changes later.

The Mayor agreed that other parking issues could be fine-tuned, but the community has spoken that they want to see changes sooner rather than later.

Councilmember Buckhannon stated that Councils have been criticized for acting reactively, and to be proactive in the face of the population growth was a wise step for Council to take.

Councilmember Rice opined that the parking plan was not needed in the months of November, December, January and February, and she stated that she was concerned about enforcement at a time when residents would be entertaining family and friends over the holidays and required to obtain the guest passes for them. She said that she does not want residents to feel as if they are being punished.

Councilmember Moyer understood Councilmember Rice's concern since the guest passes have been a point of criticism from the residents. On the other hand, he thought that the year-round enforcement was seen as a proactive action on the part of Council and that it equates to a quality of life for residents and visitors alike. He also stated that he was committed to finding a way to solve the guest pass issue in a way that would be reasonable for residents.

VOTE: The motion PASSED on a vote of 8 to 1 with Councilmember Smith casting the dissenting vote.

3. Prohibition of trailer parking, resident or non-resident, on Waterway Boulevard

MOTION: Councilmember Bell moved to prohibit trailer parking on Waterway Boulevard; Councilmember Ferencz seconded.

Councilmember Bell stated that the right-of-way on Waterway Boulevard at the marina was a narrow strip of land that would not accommodate the multi-use path and boat trailers which can measure six to ten feet (6 to 10 ft.) in width. At some points along Waterway, the trailers cover the multi-use path, and, in other stretches, the trailers not only cover the multi-use path but also encroach into the roadway, creating public safety concerns for pedestrians, cyclists and drivers. He stated that he, too, was a proponent of maintaining all marina traffic within the marina site.

Councilmember Buckhannon expressed concern that, if this passed, residents would go to the marina to launch their boats, not find parking and create another problem for the City and the marina.

Councilmember Bell agreed that such a scenario could occur because too many businesses were operating at the marina, but he saw that as a separate issue from the overflow of marina traffic into the residential neighborhoods. He stated that the Real Property Committee would address the overflow marina parking issue.

Councilmember Kinghorn commented that most of the boat owners on the island do not live on the water.

Councilmember Rice noted that many residents liked to park their trailers legally and safely on Waterway Boulevard and have been doing so for a long time; she added that, when it was limited to residents, eliminating trailer parking there would not be as burdensome. If residents were allowed to park on Waterway, they would not be required to pay to park in the marina after launching their boats. She did not think this should be taken away from residents.

Amendment: Councilmember Smith moved to make 41st Avenue to Frank Sottile resident only parking; Councilmember Bell seconded.

Responding to Councilmember Moyer's question, Administrator Tucker explained that Stantec would now have an added assignment to make the defined area on 41st Avenue to Frank

Sottile resident only trailer parking and to include it in the plans and encroachment permit to SCDOT.

VOTE on the AMENDMENT: The amendment **PASSED** on a vote of 6 to 3 with Councilmembers Kinghorn and Rice and Mayor Carroll casting the dissenting votes.

VOTE on the AMENDED MOTION: The amended motion **PASSED** on a vote of 6 to 3 with Councilmember Buckhannon, Kinghorn and Rice casting the dissenting votes.

2. Parallel parking on both sides of Palm Boulevard

MOTION: Councilmember Kinghorn moved to require parallel parking on both sides of Palm Boulevard between 21st and 41st Avenues; Mayor Carroll seconded and the motion **PASSED UNANIMOUSLY**.

2. Consideration of changing the kiosks in the Municipal Parking Lots to \$1 per hour, to re-program the kiosks at \$385 and new signage for the kiosks at \$2,000

MOTION: Mayor Carroll moved to change the kiosks in the Municipal Parking Lots to \$1 per hours at a cost of approximately \$2,385 to help the Front Beach businesses; Councilmember Ward seconded.

Councilmember Ward reported that setting the parking lot kiosks to one dollar (\$1) an hour was approved by the Public Safety Committee to encourage residents and visitors to park in the parking lots, to come to Front Beach to shop or to dine without adding eight or ten dollars (\$8 or \$10) to their tab or to enjoy a short walk on the beach.

The Mayor stated that this rate change would also effect the agreement the City has with The Palms Hotel by increasing the daily rate to twelve dollars (\$12) because the agreement clearly states that any changes to the rates approved by City Council would also apply to the agreement.

Councilmember Ferencz asked why the Hourly rate in the parking lot was going to be one dollar (\$1) when the rate on the street was to remain a dollar and a half (\$1.50).

Administrator Tucker stated that the goal was to encourage people to park in the lots and to encourage more turnover on the street.

In responding to Councilmember Kinghorn, the Mayor stated that the City would not have a maximum rate per day, and the Administrator added that enforcement was from 8:00 a.m. to 8:00 p.m.

VOTE: The motion **PASSED UNANIMOUSLY**.

MOTION: Councilmember Ward moved to amend the agreement between the City and The Palms Hotel to cap the daily rate to \$10 per day; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

The Ways and Means Committee will hold the first meeting on the FY19 Budget at 5:15 p.m., Wednesday, March 28th in Council Chambers.

The next regular Ways and Means Committee meeting will be held at 5:00 p.m., Tuesday, April 17th in Council Chambers.

B. Public Safety Committee

Councilmember Smith reported on the meeting of March 5th and stated that the first act of business was the correction of an error in the minutes of the February meeting. As done earlier, the Committee moved to recommend annual, City-sponsored event status to the SEALkids Swim in September and the SC Aquarium Turtle Trek in September. Rusty Streetman appealed to the Committee for more parking enforcement for construction delivery trucks to homes being built on both sides of his home at 4004 Palm; Elizabeth Campsen cited possible changes to the Managed Beach Parking Plan being considered. Lavonne Settimio asked the Committee to build up some of the beach access that have not dried up from heavy rains and to investigate requiring all dogs, resident or non-resident, to have IOP dog licenses. Gail Jordan of 3704 Palm asked that parking in front of the homes of full-time residents be prohibited. Bob Miller, along with Sally Weisman and Judy Gogol of the IOP Coyote Coalition, urged the Committee to adopt an island-wide, comprehensive coyote management plan, containing a multi-pronged approach to controlling the coyote population on the island. And lastly, Gary Hart from the Banana Cabana voiced his concern over the need for parking for his employees in the municipal parking lot since The Palms Hotel has re-opened. Administrator Tucker advised the Committee that SCDOT has been working to reduce the overhang along Palm Boulevard and informed them that SCDOT was not responsible for obstructions on the sidewalk. The removal of overgrowth and encroachment from the sides fall to the property owner, property management companies or the City, as a last resort. The Committee talked at length about parking and possible solutions that could be implemented quickly, and ways to improve the crosswalk at 20th Avenue and Palm Boulevard to make it safer for pedestrians. The Committee approved and recommended approval by Council of the Law Enforcement Mutual Aid Agreement between Mount Pleasant and the City. Administrator Tucker stated that Council will need to approve several Law Enforcement Mutual Aid Agreements and that the City Attorney has recommended that they be approved at once.

In the month of February, personnel responded to forty-three (43) calls, of which twenty-six (26) were EMS calls. Nineteen (19) fire inspections were conducted that located twenty-four (24) violations. Fire Department personnel averaged approximately thirty-nine (39) hours of training on a variety of subjects. A leak has been found in the radiator of the generator on the roof of the Public Safety Building; the City is waiting on a quote for the replacement of the radiator if that is possible. In the meantime, inquiries are being made to rent a generator; if the rental is necessary, the City must provide a plug for it from the building that will cost approximately ten thousand dollars (\$10,000). During the month, fire crews conducted station tours and talked about fire prevention with eighty-six (86) kindergartners and twelve (12) teachers from Jennie Moore Elementary School in Mount Pleasant.

The Police Department hosted a "Coffee with a Cop" event at Café Paname with twelve (12) residents in attendance; the Charleston County Consolidated 9-1-1 Dispatch Center Public

Education team was also present and provided information on “text 9-1-1” and “smart 9-1-1.” In February, Communication Specialists responded to three thousand nine hundred eighty-eight (3,988) calls, and, of that number, three thousand five hundred fifty-nine (3,559) were for the IOP Police Department. Officers made three hundred sixty (360) traffic stops and wrote tickets for seventy-seven (77) of them. Seven (7) coyote sightings were reported in the month. Of the twenty-eight unkempt lots carried over from 2017, five (5) remain unresolved, and, of the sixty-three (63) encroachments in the right-of-way carried over, eight (8) were unresolved and would likely be receiving citations for not complying.

Consideration of Recommended Changes to Reduce the Coyote Population

Animal Control Officer Chris Enourato reported that the City has had five (5) soft-let traps deployed in the neighborhood of 2300 Palm Boulevard at the request of the property owner, but they have been relocated for a couple of weeks and will be deployed there again due to the level of activity there.

Councilmember Bell moved to recommend to City Council that (1) the City move from the current monthly fee structure to a “pay per coyote” basis, (2) the City staff provide the Committee a step-by-step plan to implement hunting as a legal and lethal means to immediately reduce the coyote population and (3) review of and recommendation for a comprehensive coyote management plan to be adopted by the City.

MOTION: Mayor Carroll moved to go to a “pay per coyote” fee structure; Councilmember Bell seconded.

Councilmember Bell stated that both the City’s and Wild Dunes trapping efforts have proven to be ineffective in controlling the coyote population, and he was opposed to continue to pay a trapper with no results. Trappers attended the Coyote expo who said that they would be willing to work for the City on a “pay per coyote” fee basis.

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VOTE: The motion PASSED UNANIMOUSLY.

For the second part of the motion, “The City staff provide the Committee a step-by-step plan to implement hunting as a legal and lethal means to immediately reduce the coyote population,” the Administrator said that a motion was not necessary since no action was recommended beyond a plan.

MOTION: Mayor Carroll moved for a review and recommendation for a comprehensive coyote management plan to be adopted by the City; Councilmember Bell seconded.

Administrator Tucker commented that such a plan was written a couple of years ago, but it never got out of committee.

Mayor Carroll and Councilmember Bell withdrew the motion and second, respectively. And the Mayor sent the action back to the Public Safety Committee.

The next Public Safety Committee meeting will be at 5:00 p.m., Monday, April 9th.

C. Public Works Committee

Councilmember Kinghorn stated that the Public Works Committee meeting on March 1st was for the express purpose of considering the staffing needs in the Public Works Department. The Committee unanimously approved and recommended to Council for approval the positions of a full-time Maintenance and Facilities Supervisor and a part-time Administrative Assistant.

The next meeting of the Public Works Committee was scheduled for 9:00 a.m., Wednesday, April 4th in the Conference Room.

D. Recreation Committee

Reporting on the Recreation Committee meeting of March 6th, Councilmember Buckhannon recalled that Lavonne Settimio addressed the maintenance of the Bark Park and requiring all dogs that use the Bark Park to have IOP dog licenses, Mic Smith spoke about opening the Rec Center on Sundays and reserving the basketball courts for men to play full-court basketball, and Rebecca Stephenson introduced herself as one (1) of the organizers of the IOP Farmers' Market. Upcoming events include the Easter Egg Hunt on March 31st and the annual Yard Sale on Saturday, April 14th from 10:00 a.m. to noon. Fifty (50) booths are set up for the Yard Sale, and registration has begun. The Committee continued to discuss the location and times for the 2018 Farmers' Market, the number of vendors, etc. In addition to a lengthy discussion about opening the Rec Center on Sundays, the Committee reviewed users' fees and agreed to look at fees charged by surrounding communities. Policies established for use of the Bark Park and the establishment of policies for the message boards were also issues considered by the Committee.

The Recreation Committee will meet again at 5:00 p.m., Tuesday, April 3rd in the Conference Room.

E. Personnel Committee

From the March 12th meeting, Councilmember Ferencz reported that she was elected Chair and Councilmember Moye was elected Vice Chair. The Committee unanimously approved the revisions to the Employee Handbook, which will go back to the labor attorney for one (1) last review. Relative to the time of year, the Committee voted to eliminate the City Administrator's personal goal for 2018.

MOTION: Councilmember Ferencz moved to eliminate the 2018 personal goal for the City Administrator; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

The section of the City Code that pertains to standing committees was assigned to staff to make recommendations as to what committees the City needs, what their responsibilities would be and committee names. When the Committee discussed staffing needs in the Public Works Department, it stated that it needed to have updated job descriptions for existing positions and the positions defined in the Continuity Plan before it could make any staffing recommendations. Staff was also charged with devising a plan for more frequent employee evaluations taking into consideration the seasonality of the City and the City's structure.

The Personnel Committee will hold its next meeting at 8:00 a.m., Thursday, April 5th in the Conference Room.

January Safety Sweepstakes Winners

General Government – Marie Copeland
Fire Department- Brandon Crisp

Police Department – Officer Dylan Reynolds
Public Works – Rob Graham

February Safety Sweepstakes Winners

General Government – Wynette DeGroot
Fire Department – David Mello

Police Department – Ofc. Stephanie Tucker
Public Works – Willie Powell

In a separate meeting, the Chair and Administrator Tucker met with Chief Buckhannon who has submitted notice of his retirement effective April 13th after thirty-seven (37) years of service to the City. Councilmember Ferencz announced that, based on the Chief's recommendation, Captain Usry has been named Interim Chief of Police.

MOTION: Councilmember Ferencz moved to appoint Captain Usry to the position of Interim Chief of Police; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

Mayor Carroll thanked Chief Buckhannon for his years of service to the City and noted that "he has built a great force."

F. Real Property Committee

Reporting on the meeting of March 8th, Councilmember Bell stated that he was elected Committee Chair and Councilmember Ferencz was elected Vice Chair. The Administrator informed the Committee that the Bulkhead Rehabilitation Project was underway; David Osgood, project engineer from Johnson, Mimiran & Thompson, Inc. (JMT), was present to review the change orders from Martin and Son Contracting that included unforeseen conditions and requests for additional work from the marina store and marina restaurant. After some modifications were made to the change order, the balance of items were approved, and the project is expected to be completed on time. In Citizens' Comments, Scot Cagle expressed his concern over the condition of the docks at the marina; he noted that the docks were not ADA compliant and that the problems would not be solved by repairing them. Jay Clarke, owner of Morgan Creek Grill, asked that the docks that were removed from the restaurant lease at the time of its renewal be returned to the restaurant. In addition, Mr. Clarke asked that the bulkhead contractor keep the noise down to a minimum after 11:00 a.m. Councilmember Bell stated that the Real Property Committee needed to understand repair versus replace relative to the condition of the docks and to be smart about doing what was necessary at the marina to insure the safety of those who use them. The Committee discussed going to an hourly rate in the parking lot kiosks and a resident's idea to add additional loading space on Front Beach. In the course of clarifying the Committee's wishes relative to starting the permitting process for maintenance or replacement of the docks, staff was charged with developing a RFP for engineering services; the Committee wanted a qualified engineer to walk the docks with them to point out exactly what had to be replaced and what could be repaired. Councilmember Bell reminded Council that the marina debt would be paid off in February 2019, freeing up money to be re-invested in the marina. Councilmember Ferencz said that the Council was not going to look to the referendum plan but look at what must be done right away and how additional work could be phased. A motion was made and unanimously approved to return the unattended docks at the marina to Morgan Creek Grill for one (1) year. The Marina Manager was asked to provide the Committee with a list of the businesses operating out of the IOP Marina, his plan for residential and non-residential launch fees and seasonal launch passes and his plans for resident slip availability. Referencing parking at the marina, staff was asked to provide the Committee with information related to the number of parking spaces allowed to each lessee according to the current leases and/or City ordinances/Code. In addition, the Committee

asked that the Police Department attend the April meeting with plans to alleviate traffic control issues at the marina.

The next meeting of the Real Property Committee was scheduled for 4:00 p.m., Tuesday, April 10th in the Conference Room.

Administrator Tucker recalled that the City received a property tax bill from Charleston County for approximately eighty thousand dollars (\$80,000) for the marina; the City has not received a property tax bill in the past and has divided it between the four (4) leases. The County's tax assessment was calculated based on the 2013 average per square foot market values for the restaurant, the store and the docks; additionally, the County broke down the docks' market value between Tidal Wave Watersports and Marina Joint Venture based on linear feel of dockage. The City had to go one (1) step further to include the liner feet of docks assigned to Morgan Creek Grill, the marina operator, the marina store and Tidal Wave Watersports. Staff wanted to send the bills to the marina tenants for their individual share of the tax bill to allow them the time necessary to accumulate the funds; one (1) page in the meeting packet shows the calculation and the amount due from each tenant.

The Administrator reminded Council that the City has filed an objection that is now pending, but the bill must be paid while the objection is being processed by the County.

MOTION: Mayor Carroll moved to assign the unattended docks at the marina to Morgan Creek Grill for one (1) year; Councilmember Ward seconded.

According to Councilmember Rice, the docks were removed from the restaurant lease in hopes they would be assigned to residents.

Attorney Halversen stated that the City would enter into a new lease with Morgan Creek Grill that would include the docks and not amend the most recent lease ordinance.

VOTE: The motion PASSED UNANIMOUSLY.

5. REPORTS FROM CITY OFFICERS, BOARDS AND COMMISSIONS

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

6. REPORTS FROM SPECIAL OR JOINT COMMITTEES – None

7. PETITIONS RECEIVED, REFERRED OR DISPOSED OF – None

8. BILLS ALREADY IN POSSESSION OF COUNCIL

- A. Second Reading of Ordinance 2017-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 8, Flood Damage Prevention, of the City of Isle of Palms Code of Ordinances to Provide a Definition for the Reference Datum to be used for the Base Flood Elevation Shown on the Flood Insurance Rate Maps (FIRM); To Reduce the Time Period for Measuring Substantial Improvements From 5 Years to 1 Year and to**

Provide for a Minimum Elevation for New Residential and Non-residential Construction.

MOTION: Councilmember Bell moved to approve Second Reading of Ordinance 2017-07; Councilmember Ward seconded.

Director Kerr stated that the Planning Commission made significant changes to this ordinance since First Reading; therefore, the City Attorney has advised that a second Public Hearing should be held. It has been scheduled for Tuesday, April 24th at 5:45 p.m., just prior to the City Council meeting.

Mayor Carroll stated that the residents' voices have been heard; City Council and residents want to protect the existing houses on the Isle of Palms and to help them with repairs, renovations and other improvements.

Director Kerr explained that the FEMA maps to be adopted in December 2018 dropped the elevation requirements for all properties and took out large areas out of the flood plain entirely which would allow property owners to build on the ground. Houses being built on the ground raised questions about the resiliency of the community; the Planning Commission studied the issue and forwarded a recommendation establishing a universal elevation requirement of fourteen feet (14 ft.) above mean sea level. The new FEMA maps make certain houses built on the ground to now be in compliance, and, in establishing the minimum height requirement at fourteen feet (14 ft.), the older homes would be subjected by the fifty percent (50%) rule. Issues relative to the older, not elevated homes went back to the Planning Commission for further study and they have made two (2) recommendations, i.e. 1) referencing the homes that would become compliant under the new maps, the Planning Commission decided they would not be subject to the fifty percent (50%) rule and 2) referencing all homes that are below the current requirement, the tracking period was reduced from five (5) years to one (1) year. The Planning Commission did discuss totally eliminating the tracking period, but decided that move to be unwise.

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AMENDMENT: Mayor Carroll moved to approve the amendments made by the Planning Commission; Councilmember Bell seconded.

Councilmember Buckhannon asked why the Planning Commission had not gone from a five (5) years to a zero year tracking period.

When the Planning Commission discussed eliminating the tracking period, they thought that to do so would open the door for an owner to come in one day and getting a permit for improvements equal to forty-nine percent (49%) of his value of his home, and to come back the next day to pull another permit for forty-nine percent (49%) and to come back the following day for another forty-nine percent (49%) permit. The Commission chose to leave one (1) year in the amendment as a means of reining in those persons who might want to do extensive work to a home that would be more susceptible to damage. The Director stated that to eliminate tracking was open to Council to decide.

In Councilmember Buckhannon's opinion, a vote in support of this action would continue the tearing down of the older homes to build bigger homes aimed at the vacation rental market, than allowing young families to move in and fix it up. He clearly supported eliminating the tracking period.

Councilmember Moyer stated that he had a J.C. Long house appraised in 2016, and the value of the structure came back at seventy thousand dollars (\$70,000).

Director Kerr said that the best way to help long-time island residents who want to stay in their homes and want to improve their homes would be to eliminate the tracking period as Councilmember Buckhannon has suggested.

AMENDMENT: Councilmember Buckhannon moved to amend the ordinance by eliminating the tracking period; Councilmember Bell seconded.

VOTE on AMENDMENT to eliminate the tracking period: The amendment PASSED on a vote of 5 to 4 with Councilmembers Ferencz, Kinghorn, Rice and Smith casting dissenting votes.

VOTE on the AMENDED AMENDMENT: The amendment PASSED UNANIMOUSLY.

- B. Second Reading of Ordinance 2017-08 – An Ordinance Amending Title 5, Planning and Development, Chapter 5, Land Development Regulations, of the City of Isle of Palms Code of Ordinances to Require that all Subdivisions of Lots be Connected to the Public Sewer System and to Require Certain Information Related to Sewer Connection for the Subdivision Approval Process.
- C. Second Reading of Ordinance 2017-09 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, of the City of Isle of Palms Code of Ordinances to Provide That All New Construction or Substantial Improvements shall be Connected to a Public Sewer System Where a Public Sewer Line is Located Within One Hundred Fifty (150') feet and to Reduce the Lot Coverage Requirements and Floor Area Requirements for Lots with Septic Systems.
- D. Second Reading of Ordinance 2017-10 – An Ordinance Amending Title 6, Health and Sanitation, Chapter 1, General Provisions, Article D, Regulation of On-site Sewage Disposal Systems, of the City of Isle of Palms Code of Ordinances to Require Mandatory Connection to Public Sewer System Where Public Sewer Line is Available upon the Sale or Transfer of Property.

MOTION: Councilmember Kinghorn moved to defer Second Reading on Ordinances 2017-07, 2017-08, 2017-09 and 2017-10; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

- E. Second Reading of Ordinance 2018-04 – An Ordinance Amending Title 9, Offenses, Chapter 2, Offenses Against Public Peace, Section 9-2-5, Noise, of the City of Isle of Palms Code of Ordinances to Change the Hours During Which Pile-drivers and Other Apparatus Attended with Loud or Disturbing Noises may be Operated and to Provide for Exceptions.

MOTION: Mayor Carroll moved to approve Ordinance 2018-04 for Second Reading and to waive the reading; Councilmember Ward seconded.

Attorney Halversen stated that this ordinance has been amended since first reading to add the specific holidays that were included in the Sullivan's Island ordinance and to eliminate the reference to the building permit.

AMENDMENT: Councilmember Rice moved to include the amendments stated above; Mayor Carroll seconded.

Councilmember Bell said that residents have suggested that the City adopt Wild Dunes construction hours which were a bit more restrictive than Sullivan's Island.

AMENDMENT: Councilmember Bell moved to amend the ordinance to state construction hours, Monday through Friday were to be 7:30 a.m. to 6:00 p.m. with quiet work to begin at 7:00 a.m. and noisy work to begin at 7:30 a.m., hours from 9:00 a.m. to 4:00 p.m. on Saturday, and no exterior work allowed on Sunday; Councilmember Moye seconded.

By adopting the same hours as Wild Dunes, the hours when construction work was allowed would be uniform island-wide.

VOTE on 2nd Amendment: The amendment PASSED on a vote of 8 to 1 with Councilmember Smith casting the dissenting vote.

Councilmember Rice and Mayor Carroll withdrew the motion and second, respectively, to adopt the amendments Attorney Halversen made.

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MOTION: Councilmember Ward moved to defer Second Reading until the April meeting; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

9. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS

First Reading, by title only of Ordinance 2018-05 – AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO REQUIRE PARALLEL PARKING AND TO PROHIBIT DOUBLE PARKING ON THE PASSENGER SIDE OF VEHICLES ON PALM BOULEVARD BETWEEN 21ST AVENUE AND 40TH AVENUE; TO PROHIBIT BOAT TRAILER PARKING ALONG THE RIGHTS-OF-WAY OF WATERWAY BOULEVARD; TO PROVIDE EXEMPTIONS FOR EMERGENCY, LAW ENFORCEMENT AND OTHER PUBLIC SERVICE VEHICLES PARKED DURING THE PERFORMANCE OF OFFICIAL DUTIES OR PUBLIC SERVICE; AND TO PROVIDE FOR YEAR-ROUND ENFORCEMENT OF THE RESIDENT PARKING DISTRICTS.

Administrator Tucker explained that this ordinance included the parking changes that were discussed earlier in the meeting; she suggested proceeding with First Reading now and for Attorney Halversen incorporate the changes in the ordinance for Second Reading in April.

MOTION: Councilmember Kinghorn moved to approve Ordinance 2018-05 for First Reading by title only; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

Consideration of Workplace Safety Resolution

MOTION: Councilmember Kinghorn moved to waive the reading and to adopt the Workplace Safety Resolution; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

10. Miscellaneous Business – None

Next Meeting Date – 6:00 p.m., Tuesday, April 24th in Council Chambers

11. Adjournment

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 8:48 p.m.; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk



Proposal for



INFORMATION TECHNOLOGY SERVICES

Developed and Submitted by:
Joseph Shivers
TSC, INC.
(843) 437-1470
4973 Rivers Avenue
North Charleston, SC 29406
3.25.18

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Statement of Organization and Experience

a. Who We Are

Technology Solutions of Charleston (TSC) has been providing outsourced engineering solutions for over 20 years in South Carolina. Our primary focus is to provide IT services to State and Local Government/ k-12 and Higher Education clients. We employ over 31 full-time staff from our main office located on Rivers Avenue in North Charleston, SC. We have over 30 support vehicles serving Berkeley, Charleston and Dorchester County daily.

We provide highly trained certified engineers and technicians with skills exactly tailored to the City of Isle of Palms requirements. We offer scheduled onsite engineering and technical services on hourly, weekly, monthly, and yearly basis, and we provide temporary staff over the course of a project. Our dedicated service department coordinates services spread over a large geographic area with a central, local point of contact. Whether you need several on-site full-time engineers, or just a regularly scheduled part-time technical expert, TSC can assist your technical staffing needs.

b. Who We Serve (CONFIDENTIAL)

TSC provides Information Technology services to many State and Local Government, Private Education, K-12 and Higher Education clients such as:

Hilton Head Island Christian Academy, Town of Moncks Corner, City of Isle of Palms, City of Orangeburg, County of Orangeburg, SC Department of Public Safety, SC Department of Mental Health, Columbia Housing Authority, City of North Augusta, City of Edisto Island, SC Department of Physical Affairs, SC Emergency Management Division, Fairfield County Detention Center, Newberry County Detention Center, Kershaw County Detention Center, SC Forestry Commission, SC State Library System, Berkeley County Library System, Dorchester County Library System, Richland County Library System, Beaufort County, Wil Lou Grey Opportunity School, Charleston County School District, Orangeburg School District 5 Orangeburg School District 3, Lexington School District 2, Felton Laboratory Charter School, Jasper County School District, James Island Charter, Florence County School District, Hilton Head Island Christian Academy, Frances Marion University, Central Carolina Technical College, SC State University.

c. Our Services

TSC provides a wide and flexible range of full-life cycle capabilities to help manage IT resources for making IT work better, faster, and smarter. That's what our operational approach is all about. We integrate our solutions into our client's existing operating environment. We design our solutions to provide maximum support to our customers, their employees, and ultimately, maximum convenience and benefit to their customer, the public. We provide a wide and flexible range of full-life cycle capabilities to help state and local governments manage IT resources for Making IT work better, faster, and smarter.

d. Relevant technical certifications and/or partnerships

TSC requires all engineers to remain current on all base certifications, including CJIS trained and certified, Microsoft Certified Systems Engineer, Cisco Certified Network Associate, HP/Compaq and Dell, certifications, etc. TSC purchases study materials and pays for the tests that our technicians take. When TSC requires an engineer to have a certification that it considers "above" the base certification, TSC pays for classes, materials, and testing.

The following details our strategic partnerships, as well as staff members who will be assigned to the City of Isle of Palms:



Description of Services

To overcome the most difficult part, managing the helpdesk services, as part of this proposal TSC will provide a Managed IT Services solution. TSC will be provide Managed Services to the City of Isle of Palms. The ticketing system component will provide TSC with the metrics, data, and knowledge needed to effectively project manage this outsource engagement. Through the combination of TSC's helpdesk management & ticketing system, the City of Isle of Palms service requests will be constantly monitored and escalated. Once a service request is received, it will be qualified based on the productivity impact it has on the City of Isle of Palms. The highest impact level calls will be handled first.

Service Sites

City Hall
Public Works
Police Department
Fire Station One
Fire Station Two
Recreation Department

On-boarding

On-boarding will take place shortly after the contract is executed. On-boarding will consist of loading remote management on devices throughout the City to provide offsite support. TSC will also consult with Chief Buckhannon on his current processes, including management of the iPads in distribution. Additionally, TSC will comprise a database of the third-party hardware/software vendors that directly influence the daily operations. This information will be uploaded to our helpdesk knowledge base to allow for streamlined services.

Future upgrades (outside the scope of this outsource proposal)

1. Move to city wide Cloud based End Point Protection (antivirus malware, etc...).
2. Upgrade Sonic Wall (decommission SonicWall antivirus on devices).
3. Take over management of Sonic Wall.
4. Build Domino Server.

Managed Services Include

	Included
Application Support	✓
Unlimited Remote Control Support for Microsoft® Applications	✓
Unlimited Phone Support for Microsoft® Applications	✓
Ticket Support System	✓
Advanced Server & Desktop Optimization & Management	✓
Software Patch Management for Microsoft® Applications	✓
24x7 Remote Emergency Support (Invoiced Separately at \$150 per hour)	✓
Monthly On-Site Support for Covered Events (Up to 15 Hours per month)	✓
Back up Management	✓
Unlimited Phone Support for All Applications	✓
Unlimited Remote Control for All Applications	✓

Monthly Fees

Service	Quantity	Monthly Cost	Ext. Monthly Cost
Managed Services	Unlimited Windows Devices	NA	\$2,250

Setup/ onboarding: \$1,500

IT Services "Project Rate" outside the scope of this contract: \$75 per hour

Proposal Pricing

1. MANAGED SERVICES AGREEMENT

Technology Solutions of Charleston, Inc.

4973 Rivers Avenue
Charleston, SC 29406
(843) 745.0045 (843) 745.0550 FAX



THIS AGREEMENT BETWEEN

1. the Client, **City of Isle of Palms**; and
2. Managed Services /Hosting Provider, the Company, **Technology Solutions of Charleston, Inc.**,

The purpose of this Agreement (hereafter referred to as the "Agreement") is to precede a longer-term contract arrangement under which Technology Solutions of Charleston will provide Managed IT services on behalf of City of Isle of Palms.

TERMS

Subject to the terms and conditions of this Agreement, Technology Solutions of Charleston will provide Managed IT services for City of Isle of Palms subject to the following terms:

1. Length of Service.
City of Isle of Palms agrees to an initial twelve (12) month contractual term of service ("Term").
2. Service Start Date.
The first payment plus setup charges, if any, shall be due in advance of any service provided. Service shall begin April 1, 2018
3. This Agreement will automatically renew for successive twelve (12) month Terms unless canceled in writing by City of Isle of Palms at least 30 days prior to the end of Term renewal date. Renewal prices are subject to change. Renewal of services by City of Isle of Palms indicates agreement to any Contract revisions and price changes agreed upon by both parties outside the initial contract. Renewal fees for the following term will be automatically invoiced to City of Isle of Palms account.

Monthly Fees

Service	Quantity	Monthly Cost Each	Ext. Monthly Cost
Managed Services	Unlimited Windows/iPad Devices	NA	\$2,250.00

One Time-Setup/ Migration Fee: \$1,500

TERMS OF PAYMENT

Terms of payment are net 10 days upon receipt of invoice.

PROPRIETARY INFORMATION

Proprietary information exchanged hereunder shall be treated as such by City of Isle of Palms, to the extent permissible under the South Carolina Freedom of Information Act. This information shall include, but not be limited to, the provisions of this Agreement, product and services information and pricing. City of Isle of Palms further agrees to not decompose, disassemble, decode or reverse engineer any Technology Solutions of Charleston program, code or technology delivered to City of Isle of Palms or any portion thereof.

CENSORSHIP

Technology Solutions of Charleston will exercise no control whatsoever over the content of the information passing through the network, email or web site.

WARRANTIES

Technology Solutions of Charleston makes no warranties or representations of any kind, whether expressed or implied for the service it is providing. Technology Solutions of Charleston also disclaims any warranty of merchantability or fitness for any particular purpose and will not be responsible for any damages that may be suffered by City of Isle of Palms, including loss of data resulting from delays, non-deliveries or service interruptions by any cause or errors or omissions of City of Isle of Palms. Use of any information obtained by way of Technology Solutions of Charleston is at City of Isle of Palms own risk, and Technology Solutions of Charleston specifically denies any responsibility for the accuracy or quality of information obtained through its services. Connection speed represents the speed of an end-to-end connection. Technology Solutions of Charleston does not represent guarantees of speed or availability of end-to-end connections. Technology Solutions of Charleston expressly limits its damages to City of Isle of Palms for any non-accessibility time or other down time to the pro-rata monthly charge during the system unavailability. Technology Solutions of Charleston specifically denies any responsibilities for any damages arising as a consequence of such unavailability.

TRADEMARKS AND COPYRIGHTED MATERIAL

City of Isle of Palms warrants that it has the right to use any applicable trademarks or copyrighted material used in connection with this service.

TERMINATION

Technology Solutions of Charleston may terminate this Agreement at its sole discretion upon the occurrence of one or more of the following events: 1) failure to comply with any provisions of the Agreement upon receipt of written notice from Technology Solutions of Charleston of said failure, 2) appointment of Receiver or upon the filing of any application by City of Isle of Palms seeking relief from creditors, 3) upon mutual agreement in writing of Technology Solutions of Charleston and City of Isle of Palms.

DISPUTES

If legal proceedings are commenced to resolve a dispute arising out of, or relating to, this Agreement, the prevailing party shall be entitled to recover all costs, legal fees, and expert witness fees as well as any costs or legal fees in connection with any appeals.

GENERAL

If any provision of this Agreement is held to be unenforceable, the enforceability of the remaining provisions shall in no way be affected or impaired thereby. This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina. A failure by any party to exercise or delay in exercising a right or power conferred upon it in this Agreement shall not operate as a waiver of any such right or power.

TSC, Inc.

Client

Signature

Joseph J Shivers

Name

Sr. Consultant

Title

Date

Rev 10/05/01

Signature

Name

Title

Date

Isle of Palms Fire Department Memorandum

To : Linda Tucker
From : Chief Graham
Date : 4-20-18
Re : Current Situation with Public Safety Building Generator

In the event of a power outage at the Public Safety Building, the phone and computer network for the entire City will cease to function within approximately 30 minutes. An outage would affect the BS&A software, NCIC, report writing, emails, parking permit system, elevators, 511 camera system, traffic cameras, security cameras, compactor camera, etc.

The PSB Generator has been out of service since February 2018 due to a radiator failure. The department has been actively working towards repairing the existing generator. A radiator was ordered, and upon installation discovered it was not the correct radiator. In addition, replacement of the SAUK fuel monitoring and transfer system has been approved by Council on January 23, 2018, but has not yet been installed due to discovering the need to replace the radiator. The 222 gallon built-in fuel tank needs to be replaced before failure occurs due to excessive rust. The replacement of the fuel tank was estimated at \$38,000. After receiving this estimate, we learned on April 2, 2018, that the built in tank is no longer available and would need to be custom built. The department is waiting on an updated cost. Fuel lines have been relocated by Mashburn and already have significant rust issues and will need attention in the future.

Cost to make repairs to an existing 10 year old Kohler 250 KW generator reusing an existing transfer switch:

Radiator - approximately \$12,000

(Generator Technician advised the department that parts are becoming obsolete).

The PSB does not currently have a hook-up for an alternate generator. Without the benefit of a consultant, I recommend the following:

Replace radiator in existing generator for approximately \$12,000 (Temporary Repair)

Install a generator hook-up to the PSB to accommodate a rental generator is approximately \$9,000

Rent a trailered generator for approximately \$8,500 monthly (Delivery upon approaching storm)

Set aside funds for Initial hook up and disconnect of rental generator for approximately \$2,000

PUBLIC SAFETY COMMITTEE

5:00 p.m., Monday, April 8, 2018

The regular meeting of the Public Safety Committee was held at 5:00 p.m., Monday, April 8, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell and Ward, Chair Smith, Administrator Tucker, Fire Chief Graham, Police Chief Buckhannon, Attorney Halversen and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Smith called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Bell moved to approve the minutes of the March 5, 2018 meeting as submitted; Chair Smith seconded and the motion **PASSED UNANIMOUSLY.**

3. Citizens' Comments

Rusty Williamson, 605 Carolina, expressed concern about the amount of money the City collects in fines. He was interested in knowing how much was sixty to ninety (60-90) days past due and about people who did not pay the fines at all. He wanted to know if the City was allowing persons with tickets to negotiate them down, and if so, he thought it was wrong. He wanted confirmation that the City was serious about collecting what it was due.

4. Old Business

A. Update on Coyote Management

Chief Buckhannon informed the Committee that the third coyote has been trapped in one (1) of the soft leg traps on March 28th; he also reported that the Police Department had applied Too DNR for a permit to use the Collarum traps. The Collatum traps will be deployed as additions to the soft leg traps currently in place. Since members of Council have shown an interest off having a hunt, the Chief has done some research and learned that the City would need a permit from DNR to do it; in addition, he spoke with the City's insurance carrier who stated, with reasonable certainty, that a hunt would be uninsurable.

Captain Swain distributed a draft of a Coyote Management Plan for the Committee's consideration; he stated the he had taken language from the coyote management plans from Mount Pleasant, Tega Cay, Sullivan's Island and the Coyote Coalition.

Councilmember Bell asked that Captain Swain take this draft and to merge it with the plan from the Coyote Coalition; he said that he has spoken with a member of the coalition and asked that they soften the language in their plan to make it less frightening. He wanted Council to get the management plan for adoption by the City at the next meeting.

Chief Buckhannon asked the Committee to wait and to review the plan that was distributed and to delay any action giving the Department time to get a definite answer about the insurability and the legal status of a hunt. Staff will continue talking with Wild Dunes to find out what they will let

the City do inside the gates. The Chief was confident that the Department could get the answers in thirty (30) days.

Administrator Tucker stated that the draft from the Police Department would be included in the meeting packet for the Council meeting.

Captain Swain investigated the concept of paying a trapper per coyote trapped, and no one he talked to was willing to trap on the island on that basis. The Captain confirmed with Councilmember Bell that he spoke with the man who was at the Coyote Forum who told the Mayor and Councilmember Bell that he would trap, and the City would pay Mr. Covington per coyote trapped. Mr. Covington quoted Captain Swain a trap set fee was sixty dollars ((\$60) and billing the City three hundred to three hundred fifty dollars (\$300-\$350) for each coyote he trapped.

Currently the City is using Critter Control and they charge three hundred fifty dollars (\$350) per month, sixty dollars (\$60) per coyote and thirty dollars (\$30) for other animals trapped.

Chair Smith stated that she wanted three to five thousand dollars (\$3,000-\$5,000) earmarked in the FY19 budget for the services of a researcher to determine approximately how many coyotes are on the island to find out if the City should continue its trapping efforts.

Chief Buckhannon stated that Captain Swain spoke with the trapper in North Carolina who was so successful and learned that he was using the same kind of traps the City is using, and he was using bait like the City. He offered to come here to assist the City's trapper at a rate of two hundred dollars (\$200) per day.

B. Managed Beach Parking Plan

1. Front Beach Traffic Management

Chair Smith stated that she wants to find a way to have a better traffic flow on Front Beach that could be implemented for this beach season.

Captain Usry commented that this week was spring break and Monday and Tuesday were beautiful and warm days and Isle of Palms had traffic backups; when the County Park is full, traffic begins to back up into the intersection. The police reacted quickly and began to push people along to Ocean Boulevard; once on Ocean people slow down looking for a place to park; at that point Beach Services Officers are pulled off their job to push people along on Ocean Boulevard. The Captain stated that the City has spoken to DOT about making 14th Avenue one way to Ocean then to 10th Avenue as a possible way to improve the flow during the busy season. When the traffic begins to back up into the intersection, officers typically close 14th Avenue and force people to turn left or right as they come off the Connector.

As one (1) of the people monitoring and dealing with the traffic issues, Councilmember Bell asked Captain Usry, if she had unlimited funds and personnel, what she would do to deal with traffic issues on the island. She replied that, to be cost effective, the first thing she would do was to have two (2) lanes turn left and two (2) lanes turn right as vehicles come off the Connector and eliminate going straight across on 14th Avenue. The traffic backup created by people going to the County Park would then be on Ocean; to do this would require approval from SCDOT. With personnel and traffic control devices, this was something that could be tested a couple of times.

Chief Buckhannon offered that one (1) change that would make a positive difference would be for the County to relocate the entrance to the parking lot for the County Park further back on 14th Avenue away from Ocean Boulevard.

For the short term, Chair Smith asked what the Police Department would need to direct two (2) lanes of traffic to the right off the Connector, and, if it was additional personnel, would the City consider outsourcing traffic directing to a third party.

Administrator Tucker stated that, for major events where a large crowd of people was expected, the City of Charleston contracts a company to control and direct traffic; this could possibly work for the parking lots.

Captain Usry noted that the contract personnel could not direct traffic in the roadway because that was a responsibility for the Police Department. Contract personnel might be helpful in the parking lots to direct cars into the spaces.

Chief Graham commented that Charleston County Rescue frequently assists with traffic control for a donation which they use to buy equipment; she suggested that they might help the City for a fraction of the cost of a contractor.

Councilmember Bell said that he wanted a definition of what it would take to get it done, separate from worrying about the budget implications. He thought that the money could come from the fines and other traffic mechanisms to have additional money to fund these things.

Captain Usry confirmed that the Police Department has problems recruiting and keeping BSOs.

Chief Buckhannon thought the issue was that being a BSO was a seasonal part-time job, and people in the current economy in Charleston were looking for full time jobs. He opined that the City would continue to have problems filling part-time positions without benefits. He reported that, this year, the Department had initiated a program that people who have worked here before get a starting wage higher than the first-time employee.

From the Visioning meeting, Chair Smith recalled that installing overhead signage at the intersection at the foot of the Connector directing people to turn right had been discussed.

By way of clarification, Administrator Tucker stated that many people who come for a day on the beach are so fixated on their final destination that they do not realize that they can also get to their destination by turning right and then left. Some on Council suggested that, if SCDOT would allow for overhead signage, possibly more people would turn rather than go straight.

Councilmember Bell suggested that Council should seriously consider something that would provide more flexibility, such as electronic signage, that would be less labor intensive and solve the problem long-term.

Chief Buckhannon repeated that the biggest problem was the cars stacking up trying to get into the County Park even when spaces are available.

Captain Usry added that people will sit in their cars when the sign that the lot is full was put up; people who have purchased a gold pass were particularly bad about sitting because they believe that the pass includes space to park when they visit the parks.

Responding to Chair Smith, the Chief said that he did not think the City was charging enough for parking on Ocean Boulevard; the City wants those spaces to turn over, not parking for three or four (3 or 4) hours. People should not be allowed to park in the Front Beach spaces for more than two (2) hours. He suggested that, when people realize how much more parking on the street was than the lots, they would gravitate to the parking lots. When the cars stack up on Front Beach, the BSOs run from one car to the next; the enforcement would be easier if the City were to invest in Segways.

Chair Smith thought that the City should budget for more BSOs.

Councilmember Bell opined that the City should consider increasing the parking fines again and paid parking plans because the demand put on the island is not going to go down. He did not believe that hiring more BSOs would solve the problem.

Chief Buckhannon advised the Committee that, if they increase the parking fines, they should be prepared for negative press on the front end and the back. He stated that, when the rates go up, the three (3) local television stations will be on the island advertising the increase and the phone calls will start. On the back end, when the tickets are issued, the City will face irate people.

Councilmember Ward said that one (1) very important component was being overlooked, and it was the City employee in the window who takes the payments and gets the abuse from those irate drivers simply for doing her job.

The Administrator asked if regulations existed that would allow tickets to be issued if people do not keep moving, and Captain Usry said that they could be ticketed for blocking and obstructing.

Chief Buckhannon said that BSOs could not enforce that regulation, and the Department did not have enough officers to install one (1) at Front Beach. He also noted that, when an officer enforces that violation, he is stopping traffic.

2. Options to implement parallel parking in other areas of the island

The Chair stated that this item was added to the Agenda based on the requests for parallel parking on the southern end of the island at the last Council meeting; she asked the Chief if it was feasible and whether it would be a safety improvement.

Chief Buckhannon replied that parallel parking was the safest way to park in his opinion.

Captain Usry stated that this would definitely be a traffic engineering issue because it would affect spaces, private property owners because of easements and property lines, and it would need Council approval and would have to go through the DOT approval process. She also said that there would be places along Palm that would not be wide enough to accommodate parallel parking.

Councilmember Ward remembered that Stantec had already measured the width of the rights-of-way on the island.

C. Update on micro-surfacing work on Palm Boulevard between 21st and 41st

The information sent to the City stated that the contractor will begin full depth patching the week of April 23rd, assuming that the weather cooperates; the actual micro-surfacing will take place the

week of May 7th through 14th. The contractor is not recommending night work because of the noise and bright lights.

The Administrator has told SCDOT that they must not be working Memorial Day weekend.

MOTION: Councilmember Bell moved to reorder the Agenda to consider item B under New Business at this point in the meeting; Chair Smith seconded and the motion PASSED UNANIMOUSLY.

5. New Business

B. Discussion of Enforcement of Parking and Speeding

Chair Smith was aware that some residents have concerns about parking tickets being enforced, how they were enforced and whether or not there were loop-holes in City ordinances that need to be closed.

Councilmember Bell stated that people were well aware of a repeat offender at Front Beach who was ticketed many times and who paid fractional fines but no late fees. His question was what the City has that has allowed this situation to happen that other cities do not have; therefore, he looked at parking fines in other local municipalities. The offender was issued tickets totaling five thousand seven hundred fifty dollars (\$5,750) over a five (5) year period and has paid nine hundred seventy five dollars (\$975) but never paid a late fee. He recounted being at Front Beach with four (4) BSOs laughing while saying, "Call me the day you guys tow this man's car."

Chief Buckhannon said that whoever said that was "absolutely wrong;" he stated that, when he found out about the total of outstanding tickets this man had, his first words were, "Tow it." When the vehicle was illegally parked over the weekend, it was towed.

By parking in the loading zone, the delivery trucks were having to work around the car, and if a fire truck were called to one (1) of the businesses, it would not be able to get through.

According to Captain Usry, if a vehicle is creating a safety hazard, it can be towed. In her opinion, the problem with the ordinance was the impounding and immobilize; if immobilizing a vehicle would create a problem, as in a loading zone, officers need to be able to tow it immediately.

MOTION: Councilmember Bell moved for staff to look at the ordinances of other municipalities that allow for a vehicle to be towed or impounded when it is blocking and is a public safety hazard in a way that is consistent with the wishes of the Police Department; Chair Smith seconded and the motion PASSED UNANIMOUSLY.

The Administrator stated that according to the City's ordinance as it reads today is that a ticket does not toggle over to immobilization until it is ninety (90) days past due and it has to be more than one (1) ticket. The fact that late fees were not paid was an adjudication of the Court and out of the City's control.

MOTION: Councilmember Bell moved to change the ninety (90) days in the ordinance to thirty (30) days to have more rapid adjudication; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Chief Buckhannon stated that a feature has been added to the iPad for BSOs to notify them that the particular vehicle has "x" number of outstanding tickets and the dollar amount unpaid. A process has been established where the sergeant goes to the scene and the vehicle is either immobilized or towed.

Captain Usry stated that she would also like to see the toggle of three (3) or more unpaid tickets reduced to one (1).

Administrator Tucker noted that the Court sends out a massive amount of late notice letters.

Councilmember Ward stated that the notices of delinquent tickets should stop because the consequences of not paying in time are defined on the ticket.

The Administrator suggested that Attorney Halversen tighten up the parking ordinance rather than making several more motions.

Attorney Halversen indicated that she has already been looking at the ordinance and has other recommendations for changes and would have a draft at the Council meeting on Tuesday, April 24th.

Councilmember Bell complimented the Police Department on the fact that forty-one percent (41%) of all traffic stops in March were issued citations.

Captain Usry repeated that every traffic stop was issued a ticket; some were warnings and others were monetary citations.

Councilmember Bell continued that 37 mph was fifty percent (50%) over 25 mph. He opined that SCDOT did not set a 25 mph speed limit in residential neighborhoods for people to go 37 mph through them. He voiced concern over the speeding on Waterway Boulevard which more and more bicycles and pedestrians use frequently. He urged the Police Department "to ratchet down the speeding."

Councilmember Bell also offered to work with Captain Usry to compile a shorter and more concise and informative monthly report from the Police Department.

A. Review of FY19 Fire and Police Department Budgets for addition and deletions to be considered at the April 11th Budget Workshop

Chair Smith indicated that she had several items for the Committee to consider related to the budget, beginning with increasing the number of BSOs based on the traffic and parking issues on the island.

Councilmember Ward stated that he was opposed to hiring more BSOs because personnel costs account for eighty percent (80%) of the budget. He said that he might be more inclined to support it if Chief Buckhannon and Captain Usry were in favor.

Councilmember Bell said that he would like to know the level of participation by the City's police officers in the duties BSOs perform. He has heard complaints that officers drive by and do not enforce parking violations. As to the budget item for a full time BSO, the Councilmember opined that, in the off-season, the City has police officers to do what is assigned to BSOs during the tourist season.

Chief Buckhannon stated that the island's police officers are responding to four thousand (4,000) telephone calls a month and they are busy; the fact that they ride by a parking violation does not mean they are ignoring it. Many times they are going to a call or busy with some other police matter, and frequently they call in for a BSO to be dispatched to a certain place on the island to write a ticket.

According to the Chief, many of the off-season calls about parking are calls about vehicles not parking four feet (4 ft.) from the roadway, but the Rec Department does not lay down that white line in the off season.

The Chair asked whether a BSO was needed year-round or if the money would be better spent on an additional BSO in the beach season.

Captain Usry stated that having an extra during the beach season would be better.

Administrator Tucker noted that one (1) year-round BSO would be covering the entire island, not just Front Beach and Palm Boulevard. On the subject of hiring additional BSOs, she repeated that the Department has a difficult time hiring the ten (10) covered in the budget and the increased budget would create an artificial cushion.

Chief Buckhannon said that, if the City goes to a year-round parking plan, it would need someone to maintain signs that the BSOs are doing now during the season.

In the past couple of years, money left in the BSO budget at the end of the season has been used to pay a BSO to work part-time year-round, and signs are something he does.

The Chief and Captain agree that a full time BSO year round was not necessary, but they would like to see the BSO wages line increased to keep one (1) BSO part-time and year round.

Councilmember Bell thought that many of the things they were talking about could be self-funding if the fine amounts were increased; he repeated that he would like to see parking tickets go back to fifty dollars (\$50).

Additional benefits to having a full time BSO year-round would be the continuity of having someone with the responsibility of knowing the Code to be able to train the new BSOs hired, and this person would likely be more vested than a part-time person.

The Chair asked what twenty-five thousand dollars (\$25,000) in improvements would look like on the multi-use path on Waterway Boulevard.

If the Committee wanted improvements to the multi-use path, in the Administrator's opinion, the money would be better spent on hiring a consultant to come up with design recommendations.

Assistant Fragoso informed the Chair that the Public Works Committee has recommended funding for the engineering and design of the path on Waterway.

Chair Smith noted that she has brought up crosswalks on Waterway a couple of times, but has gotten little interest from this Committee.

Councilmember Bell stated that, until Council knows how it will pay for the big ticket items in the FY19 budget, the other stuff was not too interesting to him. He voiced doubt that the City could afford all that it has planned to do in the FY19 budget.

Captain Usry commented that crosswalks were for intersections; they could not be placed just anywhere.

The Chair did advocate for three to five thousand dollars (\$3,000-\$5,000) for an expert to get a count of the coyotes on the island, which she thought would be beneficial.

Councilmember Bell also thought a count would be helpful, but he thought that the City could reach out to one (1) of the state's colleges/universities for the job to be done as a research project at little or no cost to the City.

Ever mindful of mounting expenses facing the City, Councilmember Ward stated that he thought spending money on a coyote count should be the last consideration of the City.

The Committee's review of the FY19 budget started with those expenses in the Police Department operating budget that have changed since FY18. The first six (6) lines of the budget are wages with the merit and cost of living increases and associated benefits paid by the City; the same will be true in the Fire Department budget. Funds for the monthly coyote trapping fees and additional funding for coyote hunts or other activities as decided by Council has been increased for FY19..

Councilmember Bell stated that, once the City decided to have a hunt, it would eliminate monthly trapping.

Chief Buckhannon commented that, through his research he has learned that a hunt could wipe out the coyote population, but they would come back to the island and that time frame was unknown.

The Administrator stated that the areas where a hunt could take place were limited; therefore, the City might consider continuing to trap in the other areas of the island. She indicated that her goal was to provide Council with flexibility.

In the budget lines that indicate "see attached note," are other expenditures that have increased, such as the monthly wireless cards has gone up, as well as the data and phone cards in line H82. In cell H85, price increases include Enterpol annual maintenance, elevator maintenance, MDT Visinet charges, power DMS accreditation software subscription, and the addition of intrusion prevention service as mandated by Charleston County Consolidated Dispatch.

Councilmember Ward asked if the personal trainer that was discussed several years ago was still working with the Fire and Police Departments, and he was told that the training continues. The Councilmember then asked about the participation and whether the Department Managers thought that the activity was beneficial.

For both departments, the participation varies depending on the shifts, but it continued to be good, and Chief Graham and Captain Usry thought the activity was valuable for personnel.

Responding to the question about the trainer being on payroll, Councilmember Ward was told that he was paid as an instructor in the Recreation Department.

The details on cell H125 show an increase in the monthly radio fee from Charleston County and the addition of MDM management for mobile data terminals. In Cell H128 is the addition of one thousand dollars (\$1,000) for ESO medical software mandated by Charleston County Consolidated Dispatch.

Chief Graham explained that DHEC was mandating that the Fire Department change the way it reports, and all of the departments in the Charleston County Dispatch system are participating; therefore, the City will benefit from volume purchasing.

Moving on to the Capital Budget for the Police Department, the Administrator noted that five (5) police vehicles were scheduled for replacement in the FY19 budget as well as one (1) pickup for the BSOs. All of the Department's radios and walkies are scheduled for replacement in this budget from reserves, and the speed radar and trailer will be replaced. In addition in-car cameras are to be replaced, as are the seven (7) traffic counters at the Connector and Breach Inlet. Fifty percent (50%) of the cost to replace the roof of the Public Safety Building (PSB) has been re-budgeted in FY19 along with fifty percent (50%) of the repairs to the PSB per the Hill Report.

When Councilmember Bell asked if the Police Department had to replace all of its radios and walkies, both the Chief and Captain Usry answered in the affirmative. Captain Usry explained that the radios in use are no longer serviceable; if one (1) breaks, it cannot be repaired. The City hopes to be able to recycle some of their radios for use by the Public Works Department.

Councilmember Bell asked if the radios were handed off after each shift, and he was told that everyone has a radio that goes home with them at the end of a shift. When the inquiry was made about using cell phones in lieu of radios, Chief Buckhannon said that they could not be used with central dispatching.

The first item on the Fire Department's FY19 Capital Budget is the balance due on the seventy-five foot (75 ft.) ladder truck, followed by the in-vehicle radio replacements; both of which will be paid from reserve funds. Other purchases include the replacement of the Ford F150 truck, a thermal imaging camera, Porta-Count machine for SXB mask fitting (only with failure), the replacement of the Avon rubber boat and motor, RAD-57 medical monitor for carbon monoxide and oxygen (only with failure), the replacement of one all-terrain vehicle, the retainage on the PSB, replacement of the security locks on all the doors at FS2 to be consistent with PSB, relocate PSB generator from the roof to a raised platform on the ground, replacement of the OSB generator day tank, fifty percent (50%) of the cost to replace the roof at the PSB, fifty percent (50%) of the repairs to the PSB per the Hill Report, and repairs and maintenance to FS2 per the Hill Report. Assignments of fund balance for future purchases total five hundred sixty thousand six hundred sixty-seven dollars (\$560,667) for the replacement of twenty-eight (28) self-contained breathing apparatus in 2021 and for large vehicles.

Councilmember Ward stated that businesses on the island pay large sums of money in Hospitality Taxes, two percent (2%) of gross, and he indicated that he wanted to see those funds handled differently in the future. He said that he wants to see one (1) line in the budget that would make the businesses feel like the City was investing something back in them.

When looking at the Hospitality Fund, the Transfers-out to the General Fund are supporting personnel positions within the City, i.e. the Livability Officer, the part-time Animal Control Officer, patrol officers and firefighters.

State ATAX also supports personnel positions in the Police and Fire Departments as they can be justified.

Assistant Fragoso corrected a misunderstanding from earlier in the meeting in that the only tickets that were reduced to twenty five dollars (\$25) were those for no receipt displayed or expired meter; she also noted that a car parked illegally can get a ticket every two (2) hours.

C. Consideration of RFB 2018-01 for new 75 ft. Ladder Truck

Administrator Tucker stated that the down payment of two hundred thousand dollars (\$200,000) was in the FY18 budget, the balance for this particular truck would be in the FY19 budget, and bids have been received. The item on the Agenda is for the recommendation for an award of the contract. A discussion of escalating or delaying future savings for future apparatus could be part of the budget discussions at the Budget Workshop; she said that she did not understand that the Committee did not want to purchase the ladder truck scheduled for replacement in this budget cycle.

When Councilmember Ward asked if the plan was to buy another ladder truck next year, Chief Graham replied that the ninety-five foot (95 ft.) truck was scheduled for replacement in FY20.

Chief Graham stated that, according to the City's Procurement Code, the City went out for sealed bids and received bids from four (4) different manufacturers for six (6) different apparatus that were opened on March 27th. The lowest bid did not meet specifications. The recommendation is to award the contract to Safe Industries for the E-One stainless steel truck priced at eight hundred forty-nine thousand five hundred dollars (\$849,500); the price is over budget by nineteen thousand five hundred dollars (\$19,500). The recommendation is based on the safety factor and the maintenance after the sale.

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MOTION: Chair Smith moved to recommend to Ways and Means the award of a contract to Safe Industries for an E-One 75 ft. ladder truck in the amount of \$849,500; Councilmember Bell seconded.

Councilmember Ward asked what the sources of funding would be, and the Administrator stated they would be the following:

FY18 Budget	\$200,000	reserves in Capital Projects, Muni ATAX, State ATAX
FY19 Budget	\$630,000	Capital Projects \$315,000
		Muni ATAX 157,500
		State ATAX 157,500

VOTE: The motion PASSED UNANIMOUSLY.

D. Discussion of safety concerns related to location of benches at J.C. Long and Ocean Boulevard

Councilmember Ward said that this item had come from business owners at Front Beach who think that, if a beer delivery truck were to be parked in front of The Windjammer and a fire truck needed to get down Ocean Boulevard, it could not make the turn onto Ocean because of the location of the benches and that they are bolted down.

Chief Graham said that they would do some measurements and calculations and report back next month.

6. Highlights on Departmental Reports

Since the monthly report from the Police and Fire Departments are posted on the City's website, no synopsis will be included in the minutes

Update on 2-0th Avenue Crosswalk

Captain Usry reported receiving a communication from Josh Johnson, the Regional Traffic Engineer for SCDOT about the 20th Avenue crosswalk saying that "The crosswalk is signed and marked appropriately. A crosswalk at this location would not be approved if requested today due to several factors. First this crossing is across a total of 3 lanes and a median, making it a long crossing with many conflict points with traffic. Secondly, this crosswalk is located less than 200 feet from a sharp curve and intersection providing its own challenges to drivers such as their focus is not on the possibility of a pedestrian entering the roadway. One option would be to remove this crosswalk to encourage the crossing at the 2 lane crosswalk located 250 feet west of 22nd Avenue or at the traffic signal located at 14th Avenue. The crosswalk west of 22nd Avenue is also near a curve, but being a 2 lane section making it much shorter crossing for the pedestrian and there is much less information for the driver to process at that location. The crosswalk at the traffic signal is, of course, the safest crossing point because the pedestrian signal can be activated." He knows that "here are several crosswalks that have been stamped and, as in the past, this type would be under an encroachment permit at the cost to the City, and, additionally, this would not be a location we would consider a pedestrian activated traffic signal due to its undesirable location and the alternative pedestrian routes to other crosswalks. This location is also not far enough away from 14th Avenue signal to allow any type of signal to stop traffic. The pedestrian crossing demand should be adequately served at the aforementioned crossings to the west and east with no real increase in walking distance."

Captain Usry stated that they were asking if the City would like them to remove the 20th Avenue crosswalk.

Chief Buckhannon explained that SCDOT basically wants crosswalks at an intersection not in the middle of a block.

7. Miscellaneous Business

Discussion of traffic and parking work session

The consensus of the Committee was to hold such a meeting after the budget was adopted.

Next Meeting Date:

8. Executive Session

Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice regarding potential claims related to enforcement of parking violations

MOTION: Chair Smith moved to go into Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice regarding potential claims related to enforcement of parking violations at 7:30 p.m.; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

The Committee returned to open session at 7:37 p.m. and Chair Smith announced that no action and no vote was taken in Executive Session.

9. Adjournment

MOTION: Chair Smith moved to adjourn the meeting at 7:38 p.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

PUBLIC WORKS COMMITTEE

9:00 a.m., Wednesday, April 4, 2018

The regular meeting of the Public Works Committee was held at 9:00 a.m., Wednesday, April 4, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Buckhannon and Rice, Chair Kinghorn, Administrator Tucker, Public Works Director Pitts, Assistant Administrator Fragoso and City Clerk Copeland; q quorum was present to conduct business.

1. Chair Kinghorn called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

The Chair reminded the Committee that “the purpose of a meeting was for information gathering and action driven so that results happen by the professional staff.” He continued that the worst example he has seen recently was the very positive meeting with the Water and Sewer Commission that was overdue and much need of discussion, some good information came out of it, yet Council left and hour and a half meeting with no specific action. The chief executive officers of both entities were to get together to write a “Memo of Understanding” of how to work together and go forward.

He thanked the Committee members for his brief tenure as Chair and resigned the position.

2. Election of Chair and Vice Chair

Councilmember Rice resigned the office of Vice Chair of the Public Works Committee.

Councilmember Kinghorn nominated Councilmember Rice as Chair and Councilmember Buckhannon as Vice Chair; Councilmember Buckhannon seconded and the nominations passed unanimously.

3. Approval of Previous Meeting's Minutes

MOTION: Councilmember Buckhannon moved to approve the minutes of the Special Meeting of March 1, 2018; Councilmember Kinghorn seconded and the motion **PASSED UNANIMOUSLY.**

4. Citizens' Comments – None

5. Departmental Reports for March 2018 – Director Pitts

The Director stated that miscellaneous garbage (C&D) was up significantly when compared to the same month last year; he attributed the increase to the spring-like weather and early spring cleaning. The balance remaining in the vehicle maintenance budget for FY18 was approximately eighteen thousand seven hundred dollars (\$18,700).

6. Old Business

A. Update on drainage issues at 32 Thirty-second Avenue

Director Pitts reported that an electronic communication occurred between the Charleston County Stormwater team, Mr. Burke and his neighbor trying to schedule a meeting so that they can discuss the County's plans.

Administrator Tucker added that the problem was a complex one because the real solution to Mr. Burke's problem would be to change the elevation of the full length of the ditch to the outfall, and the County has said that they do not have money to do the job. Eadie's has quoted the work at one hundred fifty-two thousand five hundred dollars (\$152,500). As the City works to identify and prioritize the island's drainage problems, this might need to be included among the drainage projects.

Councilmember Buckhannon suggested that the time would come when residents would need to build sea walls to protect their property.

Councilmember Kinghorn noted that the 1995 Seabrook study needed to be updated and money should be allocated for the update.

B. Status of Phase II Drainage Project construction

The Assistant Administrator reported that construction around the golf course has been completed, and the work will proceed toward Palm Boulevard. She stated that the City has filed for an extension of the Rural Infrastructure Grant with a completion date of September 30, 2018. The project has a healthy contingency, and the City plans to use those funds to cover the shortfall.

Councilmember Kinghorn again stressed the need for the City to be proactive in terms of keeping the citizens informed about the work as it progresses. Mr. Stevens stated that Dave Kynoski with the Wild Dunes Homeowners Association has been "really good at keeping their board informed."

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C. Continued discussion of needs in Public Works Department related to increased service demands

Director Pitts has discussed with Human Resources Director DeGroot what the Assistant Public Works Director actual job functions would be as opposed to what was happening currently; he opined that Assistant Director Washington was actually a sanitation foreman who also supervised the garbage truck drivers and temp laborers. Assistant Director Washington also cleans the beach by taking down the tents left on the beach so that the owners could retrieve them.

A true Public Works Assistant Director would have some administrative skills to help the Director, would obtain an AB operator's certification, and become knowledgeable of stormwater regulations and the island's stormwater system.

The Director stated that changing Mr. Washington's title to that of Sanitation Foreman would not be a problem.

Chair Rice found Director Pitts' justification for needed assistance in 2017 to be very convincing and asked that he re-create it for the current Councilmembers.

Councilmember Kinghorn opined that the Chair should make a definitive statement from the Committee supporting the need for these positions and remind them that the Public Works Committee last year unanimously supported the need for the Assistant Director position. He

added that a substantial amount of work has been done and the Committee was validating it for inclusion in the FY19 budget.

Councilmember Buckhannon noted that the Personnel Committee was also working on the personnel needs in the Public Works Department, but the climate between the two (2) Committees was very different.

Councilmember Kinghorn thought the predominant choice from some Councilmembers was to outsource because they thought it would be cheaper than adding people. He pointed out that the top two (2) priorities from the Citizens' Forums were drainage and sewer, and both of those responsibilities fall to the Public Works Department.

From Councilmember Kinghorn's point of view, Human Resources and Personnel are the facilitators to the departments; by their nature, they provide supportive services; if a Committee and a Department Manager agree that the Department needs additional resources, it should be their director to find a way to make it happen.

Councilmember Buckhannon explained that the Personnel Committee evaluated new position requests to insure they were not being done elsewhere in the City.

To Councilmember Kinghorn's reference to outsourcing, Director Pitts stated that DHEC regulations state that the Class AB operator must be an employee of the entity that has financial responsibility for the underground storage tank.

Administrator Tucker stated that the Treasurer had done an analysis of the FY19 action items identified in the current version of the budget and the way they translate to the City Administrator and Department Managers are the activities that go along with accomplishing that goal. The total expense for achieving those goals was approximately two million five hundred thousand dollars (\$2,500,000); she added that the reason some actions were not completed as they should be was that the City did not have adequate staffing to do so. The Administrator stated that the goal of the new position was to help meet what the citizens have asked for as identified by a line item in the budget. The Administrator concluded with the statement that citizens' services cannot be outsourced.

Chair Rice stated that Isle of Palms citizens' brag about the special services the Public Works Department provides.

For Director Pitts, the daily job functions would include generating purchase orders, processing invoices and, most importantly, answering calls and following up with the residents.

Councilmember Kinghorn confirmed that the Assistant Director of Maintenance and Facilities would be hired with the intention that he would be the next Public Works Director.

7. New Business

A. Consideration of extending the sidewalk from Palm Boulevard at 41st Avenue to the crosswalk

Councilmember Kinghorn said that this was a request from Mrs. Gregory who lives in the area and, in an email dated February 23, 2018, she stated that "many people end up confused in peak

season where it ends abruptly. This has become a dangerous curve.” In a subsequent email dated April 2, 2018, she stated, “It is a definite safety concern especially with the traffic, speed and limited line of sight.”

Administrator Tucker stated that she always liked adding more sidewalks and bike paths on the island; they improve safety and traffic flow.

Director Pitts recalled walking in that area with the Administrator, Assistant Administrator and a representative with SCDOT and, as it is positioned today, the end of the sidewalk dumps pedestrians right onto the curve at 41st Avenue. The man from SCDOT recommended that they improve to the stormwater collection system at that site and to extend the sidewalk to the crosswalk at Cameron Boulevard.

The Administrator said that the City could make the request to SCDOT, but getting SCDOT to do it might take a long time; she suggested listing it as one (1) of the TST project requests.

B. Discussion of condition of white fencing around municipal parking lot

Chair Rice said that she had looked at the fencing, but had not walked all the way around the parking lot, and she had seen how bad the fence looks.

According to the Administrator, the fence not only looks bad, but it has rusted outward creating small protrusions that can scratch and tear to create safety concerns. The worst area and the one (1) that needs immediate attention is adjacent to Oceanside Condominiums. Although it should be removed immediately, the residents of the condominiums do not want it removed until it is to be replaced. The Administrator opined that the fence was designed in a way to last a long time, and the one (1) quote the City has received to replace that single stretch of fencing at Oceanside Condominiums was sixteen thousand dollars (\$16,000). Once the City receives a second quote, the staff recommendation would be to replace that section of fencing in this budget year.

MOTION: Councilmember Kinghorn moved to authorize the City Administrator to replace the section of fencing at Oceanside Condominiums in an amount not to exceed \$20,000 and to find money in the FY18 budget to pay for it; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Councilmember Buckhannon stated that the motion still must go before the full Council, but he did agree that the fence should be taken down as soon as possible. In addition, he commented that the replacement of the white fencing has been on the Capital Budget for years and continues to be deferred.

C. Review of FY19 Public Works Budget for additions and deletions to be considered at the April 11th Budget Meeting

Since the members of this Committee have already heard explanations of the Fund Balance Schedules, the Administrator did not cover in this meeting. Administrator Tucker did note that, in some areas, Councilmembers might see that the expenditures exceed the revenues; in the funds where this occurs, Treasurer Suggs has added notes indicating that the City has reserves that it has saved for years to cover the designated expenditures.

Beginning with the Capital Budget, Director Pitts noted that the truck he has been driving is to be replaced after being deferred in FY18; in the previous version of the budget, the generator replacement for the fuel pump and the Public Works Building was originally listed at fifty thousand dollars (\$50,000), but, after a quote from Cummins, the price was increased to seventy-five thousand dollars (\$75,000). Also in the Capital Budget was a cantilevered gate system if not completed in FY18 and the replacement of radios, only with failure. Paving, a new roof and maintenance items from the Hill report are included at two hundred fifteen thousand dollars (\$215,000). Two (2) items repeated in the budget each year were the Drainage Contingency and a provision for undergrounding utility lines; also in Special Projects were the ditch maintenance work by Eadie's and the re-budget of the balance due on the Phase II Drainage Project. The final item in the Public Works Capital Budget was a reserve of one hundred thousand dollars (\$100,000) for the future purchase of large vehicles.

When Chair Rice asked what seventy thousand dollars (\$70,000) in drainage contingency funds could accomplish, Councilmember Buckhannon suggested using the funds to update the 1995 Seabrook study.

Administrator Tucker reminded the Committee that the Planning Commission has been studying drainage and that they have not completed their work in prioritizing the areas of greatest concern.

Councilmember Kinghorn stated that he wanted the experts to tell the City what the priorities should be along with a cost estimate to correct them.

NOTION: Councilmember Kinghorn moved to put \$200,000 into the FY19 budget to update the Seabrook drainage study, a list of priorities and cost estimates; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

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The Administrator reviewed the items on the list of proposed Capital Projects initiatives that have not been included in the FY19 budget that were Public Works related as follows:

- The new positions of the Assistant Director of Maintenance and Facilities and the part-time Administrative Assistant;
- Professional fees for an island-wide sewer study;
- Improved maintenance of the multi-use path on Waterway Boulevard; and
- Drainage outfall improvements;

According to Director Pitts, He reported that the two (2) most impactful outfalls were the Burke's at 32nd Avenue and 29th Avenue.

Councilmember Buckhannon stated that the multi-use path needed engineering to make it useable to the residents; he noted that this was also a request from the citizens.

Chair Rice was adamant that the island-wide study of the sewer must be done and must be included in the budget.

Director Pitts explained that the budget for temp labor was increased due to the additional hours needed to pressure wash the compactor and hiring extra temps to handle the increased volume of garbage and debris. He routinely hires between four and eight (4-8) temps per day.

The Administrator suggested that the Committee also consider ways to increase revenue, such as charging for garbage services like many municipalities in the state do or have the local businesses pay for dumpster service which the City currently pays.

MOTION: Chair Rice moved to add the 2 new positions in Public Works, sharing the professional fees for an island-side sewer study, engineering services for the multi-use path on Waterway Boulevard, and improvements to the drainage outfalls; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Councilmember Kinghorn suggested other sources for revenue, for instance:

- Selling the metal collected by the department;
- Adding a franchise fee for water and sewer; Mount Pleasant charges a three percent (3%) franchise fee, to establish funds in reserve for future improvements, i.e. sewer.

The primary reason people are opposed to franchise fees is that they are typically passed along to the customer to pay, and that decision rests with the Water and Sewer Commission.

Based on citizen input, Councilmember Buckhannon stated that the City should use its NPDES funds to the maximum.

D. Discussion of relocating Drainage Phase I infrastructure for Wild Dunes Hotel Project

Administrator Tucker recalled that the City secured some easements in Wild Dunes for the Phase 1 Drainage Project, and the Administrator stated that the resort and the Community Association have been most cooperative with the City through Phase I and now Phase II Drainage Projects. One (1) of the City's easements with a drainage line in it needs to be relocated for the resort to move forward with their project. Critical to this relocation is that Phase I not lose any of its effectiveness. The resort's engineers and lawyers have provided the City with a proposal and the City has had the City's engineer, David Stevens, to review evaluate it to determine if any reduction in service would result from the proposed relocation. Representing Wild Dunes relative to the new project were Trey Little of SeamonWhiteside and Jay Claypool, real estate manager for the project, distributed a map showing the location of the existing drainage line and the proposed relocation of the line; they are moving the line to go around their project. Mr. Stevens indicated that, since the line will be submerged, he sees no problem with relocating the drainage as proposed. A small portion of the line will be an expense for the City because this will be the second time it has been moved.

Councilmember Kinghorn recommended that Wild Dunes handle this expense for the City; Chair Rice agreed. Mr. Little stated that Wild Dunes would prefer to follow the terms of the original document; Chair Rice persisted that he should ask the resort to pay for it.

Administrator Tucker reported that Frank Fredericks, who is with the resort, reached out to the Administrator and told her that they are ready to bring the full project before the City.

8. Miscellaneous Business – None

Next Meeting Date: 9:00 a.m., Monday, May 7, 2018 in the Conference Room

9. Executive Session – not needed

10. Adjournment

MOTION: Councilmember Buckhannon moved to adjourn the meeting at 10:40 a.m.; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

DRAFT

Recreation Committee
5:00 p.m., Tuesday, April 3, 2018

The regular meeting of the Recreation Committee was held at 5:00 p.m., Tuesday, April 3, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Moye and Smith, Chair Buckhannon, Administrator Tucker, Director Page, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Buckhannon called the meeting to order and acknowledged that the press and public were duly notified of other meeting in accordance with the Freedom of Information Act.

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

MOTION: Councilmember Moye moved to approve the minutes of the regular meeting of March 6, 2018 as submitted; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments**

Coach Bayer has indicated that he is in route.

4. **Department Report – Director Page**

Director Page stated that very little had changed since last month's report; because this week is spring break, very little was happening at the Rec Center – many residents were out of town. Adult sports and youth baseball started the last week of March. Since the Committee planned to discuss fees, the Director listed the programs offered at the Rec in the report; she noted that several activities did not have a fee attached to them, such as wood carving, mahjong, the knitting group, the walking group, the writers' group, etc. The monthly Keenagers luncheon will be tomorrow. The Wellness Challenge from March was to walk to Disneyland in California, and it will continue into April. As always, the Easter Egg Hunt held last Saturday was a huge success; the Director had nothing but compliments for Weston Smith, the new Recreation Supervisor for Special Events, who did an excellent job considering this was only his second event. Upcoming events are the Yard Sale on April 14th, Music in the Park on May 5, Sand Sculpting on June 9th, the Beach Run on July 21st and the Half Rubber Tournament on August 18th. Registration for summer camps will begin on Monday, April 9th at 7:00 a.m. for residents of the Isle of Palms and Sullivan's Island.

3. **Citizens' Comments**

Coach Kevin Bayer stated that he has been coaching wrestling at all levels for thirty-three (33) years; he moved to the Charleston area in 2015 and has actively supported USA Wrestling, the governing body of amateur wrestling in the country. He was approached by the President of USA Wrestling South Carolina to start up beach wrestling along the coast. The goal is to establish sand wrestling in the coastal communities to compose a league that would ultimately hold a tournament that would send a group to the national championship held at Carolina Beach, North Carolina. The Committee listened to what Mr. Bayer had to say, but the consensus was that beach wrestling was not something the City wanted to sponsor. Mr. Bayer was directed to The

Windjammer, the County Park and Santti's in Mount Pleasant as possible locations that could accommodate his event.

5. Old Business

A. Consideration of potential Farmers' Market changes for 2018

Director Page recalled that she had been charged with determining ways that the Farmers' Market could be held at the Rec Center, and she presented the Committee with three (3) scenarios. The first two (2) were very similar; they show the proximity of the soccer fields to the market as it would be set up since the season for the two (2) would overlap. These drawings show the market set up around the circle in the driveway; the third drawing has the Farmers' Market set up like the Yard Sale, in the rights-of-way on Hartnett Boulevard.

Councilmember Moye thanked the Director for her efforts because it gave the Committee an alternate as it makes decisions for 2018. He also noted that, if the markets were to be held at the Rec Center, beer and alcohol could not be offered.

Assistant Fragoso reported that she had further communication with the County Parks and Recreation; they had received the City's application and indicated that they were interested in holding the Farmers' Market again and that they were willing to accept two hundred dollars (\$200) for parking for the four (4) markets in September and one hundred dollars (\$100) for the markets in October for a total of twelve hundred dollars (\$1,200). They also stated that they were not interested in being the beer and alcohol vendor but were not opposed to another vendor doing it; Assistant Fragoso recommended that the City engage one (1) vendor for beer and alcohol sales per market.

Chair Buckhannon did not think it would be problematic to have more than one (1) vendor selling beer and alcohol; one (1) vendor might want to sell only craft beers while another might want to sell Budweiser or Michelob with burgers. The idea of charging the beer and alcohol vendors a higher fee for participating in the market was broached.

Director Page stated that a limit to the number of vendors would need to be established, and Assistant Fragoso repeated that a recommendation from the volunteer managers was to reduce the number of vendors to about twenty-five (25). They also plan to screen the vendors to reduce duplications because they learned that the vegetable farmers do not like to compete against one another.

Assistant Fragoso also asked the Committee if they had given more thought to the request from the volunteers to be paid; she also pointed to the budget from 2017 and proposed budget for 2018 showing a major reduction in revenue anticipated in 2018 due to the reduction in the number of vendors and the increase in the marketing expenditure. Assistant Fragoso stated that she had made it clear to the volunteer managers that, if they were compensated, she would not be involved this year.

Councilmember Moye suggested paying the volunteers a percentage of the proceeds from market if the Committee was in favor of compensating them. He also suggested giving them the budget and letting them manage it as they see fit and to pay them, possibly, fifty-percent (50%) of net proceeds with their knowledge that the only way to increase proceeds would be to decrease expenses.

Administrator Tucker reminded the Committee that the volunteers who serve on BOZA, the Planning Commission and ATAX were not compensated for their service to the City.

Since these volunteers would be involved in a revenue producing venture, the Committee saw these volunteers in a different light.

The Administrator recommended that the volunteers have a written agreement with the City defining what their responsibilities were and what the City would be responsible for, and Chair Buckhannon asked that a draft of the agreement be available for the Committee to review at the next meeting.

Assistant Fragoso opined that the City should cover the parking fees to the County Park, and the Committee agreed.

B. Update on opening the Rec Center on Sunday

Director Page indicated that she did not have an update and that the challenges remain, but she and her staff would do as the Committee requests.

Councilmember Smith confirmed her understanding that the expense to the City would be approximately ten thousand dollars (\$10,000), and that she saw it as an opportunity to put together programs for residents. She thought that the opening could begin with the start of school.

Chair Buckhannon recommended that the cost of Sunday afternoon opening be included in the FY19 budget so it could begin in the fall.

Director Page distributed a handout that showed which other local Recreation Centers were open on Sundays on the first page and a sample of rules for adult open gym time on the second page. She added that she was willing to try full court basketball for adults on Saturday.

Councilmember Moyer thought that opening on Sunday afternoons could start after Labor Day.

C. Consideration of policies related to the message boards

Administrator Tucker explained that the City continue along the same path understanding the complications that exist or it could restrict messaging to City activities. She noted that many non-profit organizations exist whose message is not compatible with a family beach. She stated that the City could write its own policy similar to the one included in the meeting packet

MOTION: Chair Buckhannon moved to write a policy limiting the content on the City's message board to City activities; Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.

D. Consideration of user fee changes and opportunities to serve residents first

Director Page distributed a second handout relative to non-resident user fees; again she had reached out to Recreation Departments in other local municipalities to learn what their policies were compared to the Isle of Palms. The Director added a flat twenty-five dollars (\$25) to the registration fees for youth basketball, soccer and baseball for non-resident participants; to do that would increase revenue for the Rec Center by sixty-six hundred dollars (\$6,600) annually. If camp fees for participants were increased by twenty dollars (\$20), the increase to revenue would be ten

thousand dollars (\$10,000), and an increase of twenty-five dollars (\$25) would increase revenue by seventeen thousand five hundred dollars (\$17,500).

MOTION: Councilmember Moye moved to increase the non-resident fee for youth athletics by \$25 in 2019; Chair Buckhannon seconded and the motion PASSED UNANIMOUSLY.

MOTION: Chair Buckhannon moved to increase the fees for the athletic camps and for Camp Summershine by twenty dollars by \$20 in 2019; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

6. New Business

A. Discussion off summer camp registration

Councilmember Smith asked that this item be on the Agenda because she has been told that some members of the community were concerned about not getting their child or grandchild enrolled because they could not be in line at the Rec Center at 7:00 a.m. on the day registration began.

Director Page stated that registration begins at 7:00 a.m. on Monday morning and that she was not responsible for some parents deciding to camp out to be among the first in line. She reported that last year, they started at 7:00 a.m. and by 9:30 a.m. everyone had registered. When the door opens, everyone in line is given a number and a piece of paper to complete with the child's name and the week(s) for which he/she is to be enrolled; three (3) computers are used to input the information. She recalled that one (1) man complained last year, but his children did get enrolled. As for grandparents, if they live on the island and their grandchildren live more than fifty or sixty (50 – 60) miles away and will be staying with their grandparents during the summer, the children are allowed to register.

An issue with on-line camp registration would be that it eliminates the ability to confirm a registrant's place of residence, especially with grandchildren.

Councilmember Smith commented that 7:00 a.m. on a weekday was not easy for parents, working or not working, for registration of any kind; they were busy getting the kids off to school or kids off to school and themselves off to work. She thought Saturday registration would be better.

Director Page said they could try it next year.

B. Discussion of full court basketball time for adults

Chair Buckhannon noted that this subject had been covered earlier in the meeting.

C. Review of FY19 Recreation Budget for additions and deletions to be considered at the April 11th Budget Meeting

Administrator Tucker began with an explanation of the Fund Balance Schedules for better understanding for the Committee members concentrating on the effects of the City's reserve funds for future purchasing. She also reminded the Committee that the only source of funds for the Capital Projects fund was the positive net results of the General Fund.

When the Committee reviewed the Capital Budget, Director Page stated that to have on-line registration would be a luxury, but that it was not a necessity and could be deferred to an out year reducing the Capital budget requests for FY19 by thirty-one thousand four hundred dollars (\$31,400). The items to be replaced only with failure were a piece of playground equipment or an outside scoreboard, the replacement of outside water fountains, and the replacement of an HVAC system.

In the review of the Operating Budget, the Administrator stated that no additional personnel were anticipated in the coming year, but that part-time wages needed to be increased to include the wages for being open on Sunday afternoons beginning in the fall.

7. Miscellaneous Business - none

Next meeting date: 5:00 p.m., Monday, May 7, 2018 in the Conference Room

8. Adjournment

MOTION: Councilmember Moya moved to adjourn the meeting at 7:15 p.m.; Chair Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

PERSONNEL COMMITTEE

8:00 a.m., Thursday, April 5, 2018

The regular meeting of the Personnel Committee was held at 8:00 a.m., Thursday, April 5, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Moye and Rice, Chair Ferencz, Administrator Tucker, Assistant Administrator Fragoso, Human Resources Officer DeGroot and City Clerk Copeland; a quorum was present to conduct business.

1. Chair Ferencz called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. Approval of Previous Meeting's Minutes

MOTION: Councilmember Moye moved to approve the minutes of the regular meeting of March 12, 2018 as submitted; Chair Ferencz seconded and the motion **PASSED UNANIMOUSLY.**

3. Citizens' Comments – None

MOTION: Councilmember Moye moved to re-order the Agenda to take up item C under New Business; Councilmember Rice seconded and the motion **PASSED UNANIMOUSLY.**

5. New Business

C. Consideration of recruitment services for open positions of Chief of Police and City Administrator

Ms. DeGroot was asked to join the discussion to inform the Committee of the information she has gathered about recruitment companies and from other local municipalities who have recently filled key positions. Kiawah recently filled two (2) positions, Administrator and Treasurer, and the quote they got from The Mercer Group was twenty-four thousand five hundred dollars (\$24,500), from Strategic Government Resources was twenty-seven thousand dollars (\$27,000) and from Colin Baenziger and Associates was twenty-three thousand two hundred fifty dollars (\$23,250). When The Mercer Group posts a job opening, they create a package with information about the area, the process, the requirements and the job itself. From her research, she found that The Mercer Group was used more frequently than the other recruitment companies referenced here.

Assistant Administrator Fragoso told the Committee that professional services were exempt from the bidding process per the Procurement Code, but she advised that the City might get better pricing if it went out to bid.

Chair Ferencz opined that going through the bidding process would delay action about two (2 months).

Councilmember Moye stated that the Committee needed to decide what services it wanted the recruitment company to do.

Administrator Tucker shared that what she saw from Strategic Government Services were recruitment out of Texas and the Midwest; she seldom sees searches out of South Carolina with them.

The Administrator suggested a first step would be to decide whether the Committee was going to make a motion to recommend to Council that the City go out for bid or to recommend that the City negotiate a contract with one (1) of these companies.

Councilmember Moyer suggested that the decision about whether to bid or not should hinge on what the City would want the company to do; if it wanted them to do everything, he would favor the bidding process.

The Administrator said that she had not known either The Mercer Group or Colin Baenziger to simply do sourcing. Each of these companies would put together a beautiful package featuring the town, then they would solicit applicants, thoroughly screen the applicants, interview the applicants and then put together a nice package for Council stating that, based on the information they were given, these are the best five (5) candidates for the job. At this point, they will put together a package containing all of the information they gathered on the individuals, arrange the interviews, and frequently the City would hold a reception or something where residents could meet the candidates, after which would come the interviews and deliberations.

Chair Ferencz noted that funds were allocated in the FY19 budget for this service, but she asked if funds could be found in the FY18 budget if necessary. The Administrator stated that she thought they could be found, but that situations do arise in the course of a year that justify an unbudgeted expenditure.

Chair Ferencz and Councilmember Rice agreed that the City should contract with the recruitment company to do all of the work and to present the City with several equally qualified candidates from which to choose.

In addition, the Committee needed to review and likely update the Police Chief's job description.

In summary, Chair Ferencz stated that she would make a motion to City Council recommending that the City not go to bid, but, per the City's Procurement Code for Professional Services, it would negotiate with a couple of the top government recruiting companies. In the interim, Ms. DeGroot was asked to study the job descriptions for the Chief of Police and the City Administrator to make recommendations to the Committee for changes if needed; she was also asked to contact a local government who has used Mercer or Colin Baenziger to obtain a copy of the agreement they had.

MOTION: Chair Ferencz moved for the City to use the professional services section of the Procurement Code to allow for a non-competitive search for a recruitment company in hiring the City Administrator and the Chief of Police; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.

4. Old Business

- A. Review City Code, Chapter 3, sections 1-3-31 through 1-3-36
Develop timeline for revisions to City Code as it pertains to:
1. All standing committees – name, responsibilities and meetings
 2. The nomination and voting process for standing committees

Administrator Tucker stated that staff has not had any time to commit to this assignment since the last meeting. The Chair agreed to defer this item to August because she thought the Committee had a year to complete the task.

When Assistant Fragoso asked whether the Committee wanted input from the other Committees, Councilmember Rice responded that she thought to do that would be self-defeating because the Committee members would have no objectivity to re-define themselves.

Chair Ferencz said that she was amazed when she looked at the names other local governments have given to their standing committees.

Administrator Tucker said that she has only seen ad hoc committees be effective when they have a specific project to do in a specific amount of timeframe.

- B. Develop timeline to review options related to Public Works staffing**
 - 1. Discuss and determine timeline to review job descriptions**
 - 2. Identify redundancy of staffing**
 - 3. Identify alternatives to increasing the number of regular employees**

Councilmember Rice voiced the belief that the two (2) positions requested for the Public Works Department were vital to the Department's ability to meet the citizens' needs and concerns; no additional personnel have been added to the Public Works Department in ten (10) years. At the forums, residents spoke clearly that drainage on the island is their Number One priority, but Director Pitts cannot stay on top of it when he has so many other responsibilities. She stated that the Department was at a breaking point, that services were going to suffer and residents' complaints were going to increase. The Committee has discussed giving Assistant Director Washington the new title of Sanitation Foreman and has learned that to do so would not create a problem. The Councilmember also stated that, to her, the role of the Personnel Committee was to be supportive of meeting the needs of the department of the City; she also commented that she was not telling the Chair anything new since she was on the Public Works Committee last year.

The Administrator confirmed that the two (2) Public Works positions were the only new positions requested for inclusion in the FY19 budget; the request for the fulltime BSO was accomplished by making one (1) of the ten (10) BSOs in the budget into a forty (40) hour a week person. She pointed out that these two (2) positions were on the separate listing of initiatives for consideration and not in the green version of the budget and that the Public Works Committee reaffirmed its support for the new positions to go into the next version of the budget. Only the fulltime position would receive retirement and benefits, the part-time position would not.

Chair Ferencz stated that she saw the need, but she was concerned about the amount of fixed costs being added to the budget. When she asked if the Public Works Department could do without the part-time position, Director Pitts said it could be done, but would remain much less efficient than residents want. The Chair asked if the Communications Specialists in the Police Department could also answer the calls to the Public Works Department; the Administrator said that only Chief Buckhannon could answer that question.

The Chair then asked if the duties of the fulltime person could be outsourced, and Director Pitts stated that the City's ownership of the underground storage tanks made outsourcing impossible. The Assistant Director would be a certified AB operator, and the AB operator must be an employee of the entity with financial responsibility for the tanks according to DHEC regulations.

Councilmember Moye stated that he saw this new fulltime position as filling two essential needs, i.e. a backup operator for the storage tanks and eyes on the ground for drainage. If Director Pitts had to choose between the two (2) jobs, which one (1) was more important? Without hesitation, Director Pitts answered the storage tanks.

Assistant Fragoso stated that the City Treasurer had done an analysis of the Capital Plan, and the projects that this new position would be involved with amount to approximately two million five hundred thousand dollars (\$2,500,000).

MOTION: Chair Ferencz moved to include the position of Public Works Assistant Director of Maintenance and Facilities at an estimated cost of \$158,779 in the FY19 budget; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

C. Consideration of changing the frequency of performance reviews

This item was not time sensitive, but Councilmember Moye asked that Department Managers talk with Wynette so that decisions could be made in the fall.

D. Discussion of the City's current Human Resource processes, protocols and tools

Councilmember Moye said that this was more of a housekeeping item for him and he would defer it to August.

5. New Business

A. Review of General Government and Building Department FY19 Budget for additions and deletions, including personnel requests from all departments, for consideration at the April 11th Budget Meeting

In this meeting as in others, Administrator Tucker started the budget review with further explanation on reading and understanding the fund balance schedules. In the Operating Budget for General Government, the Administrator directed attention to Employee Training that has increased approximately twenty-thousand dollars (\$20,000) for the FY19 budget for tuition reimbursement. The City has twelve or thirteen (12-13) employees now seeking advanced degrees. The Contracted Services referred to on line 56 was for the contract for services provided by an IT company; the City is waiting on their proposal to finalize the amount. In total, the General Government budget for FY19 increased by eight percent (8%) over the FY18 budget.

On the other hand, the Building and Planning Department's operating budget for FY19 has decreased by eight percent (8%) since the City was unable to find a person or company that would overlook and supervise the Hill report maintenance work.

Items in the Capital Projects Fund for General Government include the following:

\$ 8,000	Replace furniture for Council Chambers and City on an "as needed" basis
2,000	Add smart TV to Conference Room
12,500	50% of City Hall HVAC replacement, only with failure
5,800	50% Year 2 Hill report maintenance

18,000	Microsoft Office 365 licensing and email software for City Hall
15,000	Council Chambers audio/video system
28,000	time and attendance software
15,000	replace computer server
10,000	replace radios, only with failure

The following item is in the Capital budget:

10,000	Additional holiday light display
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The Chair asked the Administrator what could be eliminated from the items listed above if told to reduce the General Government budgets by fifty percent (50%). Administrator Tucker responded that the audio/visual system for Council Chambers could be deferred as well as an additional holiday light display.

On the subject of radios, Chair Ferencz asked if a spare radio would be available if one (1) of the radios at City Hall failed.

The Administrator stated that the City Administrator could not adequately supervise Police and Fire Department personnel if he/she did not have a radio to monitor what was happening on the island.

The Chair took issue with the fact that personnel issued radios were told to take them home at the end of their work day, and she had not found that to be the benchmark. The City would need far fewer five thousand dollar (\$5,000) radios if they were swapped off at the end of shifts in the Police and Fire Departments. She was asking if taking the radios home was a policy of the Isle of Palms or a state, federal or CALEA regulation; based on her research taking the radios home was not a requirement.

Administrator Tucker gave the example that a major event has occurred on the island and firefighters were called back to work; they would immediately turn to their radios to assess the situation, and they will listen to the radios as they drive to work to determine where and how they will be needed.

The Capital Fund items for the Building Department were fifty percent (50%) of the cost of the replacement of HVAC at City Hall and fifty percent (50%) of the Year 2 maintenance at City Hall from the Hill report.

B. Consideration of Citizen Advisory Committees

6. Miscellaneous Business

Next Meeting Date: 4:00 p.m., Tuesday, May 8, assuming the time works for Councilmember Moye.

7. Executive Session – not needed

8. Adjourn

MOTION: Chair Ferencz moved to adjourn at 9:45 a.m.; Councilmember Rice seconded and the motion **PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland
City Clerk

DRAFT

Accommodations Tax Advisory Committee

12:00 p.m., Wednesday, April 4, 2018

The regular meeting of the ATAX Committee met at 12:00 p.m., Wednesday, April 4, 2018 in Council Chambers of City Hall, 1207 Palms Boulevard, Isle of Palms, South Carolina. Attending the meeting were Susan Haynie, David Nelson, Julise Spell and Rusty Williamson, Administrator Tucker, Treasurer Suggs, Assistant Administrator Fragoso and Clerk Copeland; a quorum was present to conduct business. Absent were Malcolm Burgis, Margaret Miller and Sally Leydic-Muhlig.

1. Administrator Tucker called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

2. Election of Chair and Vice Chair

Ms. Haynie nominated Mr. Nelson as Chair, and Mr. Williamson seconded the nomination. Mr. Nelson was unanimously elected Chair

Mr. Nelson nominated Ms. Haynie Vice Chair, and Mr. Williamson seconded the nomination. Ms. Haynie was unanimously elected Vice Chair.

3. Approval of Previous Meeting's Minutes

MOTION: Ms. Spell moved to approve the minutes of the regular meeting of November 13, 2017 as submitted; Mr. Williamson seconded and the motion **PASSED UNANIMOUSLY.**

4. Citizens' Comments – None

5. Financial Statements

Beginning with the Balance Sheet, Treasurer Suggs stated the cash balance was strong at approximately two million one hundred thousand dollars (\$2,100,000). Year-to-date, the City has received two (2) quarterly payments from the state and a correction of funds sent incorrectly to Charleston County, proceeds of the sale of assets originally purchased with ATAX funds and interest for a total of one million seventy-six thousand dollars (\$1,076,000).

In reviewing the expenditures from the ATAX Fund, the Treasurer pointed out that the biggest expense for the public restrooms was for the attendant; seventy-five percent (75%) of the marina debt payment, or approximately two hundred thirty-three thousand dollars (\$233,000), was made in January; the Recreation Department has also replaced its pickup truck; the Fire Department has replaced its inflatable boat and the Police Department has acquired some body armor. The expenses year-to-date for the renovation of the public restrooms total just over seventy-six thousand dollars (\$76,000); the project is expected to be completed on time and under budget. The Fund made money on the eclipse event because the sales of t-shirts were more than expected.

MOTION: Ms. Haynie moved to increase the ATAX budget by \$1,000 for irrigation at the Breach Inlet sign and by \$8,000 for the beach trash barrels and to approve the overage for the flood insurance premium on the public restrooms of \$1,032; Ms. Spell seconded, and the motion **PASSED UNANIMOUSLY**.

6. Old Business – None

7. New Business

A. Consideration of a sponsorship for the South Carolina Aquarium Turtle Trek in the amount of \$10,000 (The event is scheduled for Saturday September 29th, and it has been approved as an annual City sponsored event.)

Stephanie Gabosch, Advancement Events Coordinator for the South Carolina Aquarium, stated that 2018 would be the third year the Turtle Trek has been held on the island and that the run has had the maximum participation allowed by the County Park each year. The proceeds from the event go to the Sea Turtle Rescue program that also promotes sea turtle conservation initiatives and trash-free beaches.

MOTION: Ms. Spell moved to approve the \$10,000 sponsorship for the Turtle Trek, and Chair Nelson seconded; the motion **PASSED UNANIMOUSLY**.

Chair Nelson stated that the ATAX Committee was an advisory committee; therefore, this action must also be approved by the Ways and Means Committee and City Council for their final approval.

Perrin Lawson of the Charleston Visitors Bureau was present to update the Committee about activities and changes occurring in the area on the tourism front. He recalled that, when he last attended an ATAX meeting, he was asked to change the focus of the CVB's promotions to the many forms of enjoyment on the Isle of Palms in the fall, winter and spring. One (1) way they have done that has been to promote the island life style and the many activities that can be enjoyed year-round, like tennis, biking, fishing, golf, etc. He noted that the CVB has completely revamped their beaches website with more video and photography. He reported that they had engaged a company that enables them to better track occupancy, the sold occupancy rates and the revenue being generated per unit. He reported that the CVB's efforts in the field of air service continue to pay off; the addition of a second daily flight to Nashville was welcomed because Nashville is a big market for the Charleston area. He stated that airfares, across the board, are down approximately twenty percent (20%) since Southwest Airlines started providing service to Charleston. In an effort to solve the parking and transportation problems everyone is having, park-n-ride is starting in downtown Charleston on April 15th; the idea is to get hospitality workers to park at 99 Morrison Drive and to shuttle further down on the peninsula. Charleston County, CARTA and the City of Charleston are involved in this pilot project; the COG is looking at twenty-five (25) other sites in the region to do park-n-ride.

B. Consideration of FY19 ATAX Budget

Administrator Tucker initiated the discussion by updating the Committee on how far along City Council was in its deliberations over the FY19 Budget. To this point, Council has had one (1) budget workshop where they looked at capital items and a list of proposed initiatives not included in the draft budget, from the Citizen Forums, staff input, or input from individual Councilmembers

to consider to be incorporated into the FY19 budget. As a result of the workshop, the Committees of Council were to review the portion of the budget under their purview and to come back to Council with possible new sources of revenue and what expenditures to include or exclude or cut from the second draft of the budget that included changes made at the workshop. Council will consider the input from the Committees, including ATAX, at a second budget workshop on April 11th.

Revenues from State ATAX are projected to increase slightly based on FY18 year-to-date actual collections to be approximately one million seven hundred seventy thousand dollars (\$1,770,000).

As has been done in recent years, Transfers Out from the ATAX Fund go to the General Fund for tourism-related wages in the Police and Fire Departments, and a Transfer Out also goes to the Marina Fund to pay seventy-five percent (75%) of the debt service for the IOP Marina. The Marina will be paid off with the FY19 payment.

The Administrator reviewed only the expenditures that are re-budgets from the current year, and new items added. In the Police Department, ATAX funds will fund twenty-five percent (25%) of the Year 1 maintenance items and a full roof replacement at the Public Safety Building (PSB) per the Hill Report. The Administrator reminded the Committee that the Hill Report was the work product of a company hired by the City to perform inspections of City-owned buildings to identify maintenance they needed immediately and what maintenance would be needed in the next five (5) years. The ATAX Fund will also fund twenty-five percent (25%) of the cost for replacement radios from reserves the City has been accumulating over several years. In the Fire Department, ATAX Funds will also be used for twenty-five percent (25%) of the Year 1 maintenance needs for the PSB and for Fire Station 2. In the Public Works Department, ATAX Funds will be used for twenty-five percent (25%) of the Year 2 maintenance per the Hill Report, including a full roof replacement. Other expenditures are consistent with previous budgets.

3

The Administrator explained that the deficit budgeted for in FY19 would be covered by the reserve funds the City has saved over several years.

Ms. Haynie asked if ATAX Funds could be used to purchase benches for the dog park. Administrator Tucker stated that funds could possibly be found in the FY18 budget for additional seating at the Bark Park rather than wait until the FY19 budget kicked in July 1.

MOTION: Ms. Spell moved to approve the FY19 budget as presented; Mr. Williamson seconded and the motion PASSED UNANIMOUSLY.

8. Miscellaneous Business

Next Meeting Date: 11:00 a.m., Wednesday, June 13, 2018 in Council Chambers

9. Adjourn

MOTION: Ms. Haynie moved to adjourn the meeting at 12:45 p.m.; Chair Nelson seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk

Board of Zoning Appeals
Minutes
April 3, 2018

I. Call to order

The regular meeting of the Board of Zoning Appeals was called to order on April 3, 2018 at 5:30 p.m. in the City Hall Conference Room, 1207 Palm Boulevard. Members present were Elizabeth Campsen, Pete Doherty, Carolyn Holscher and Arnold Karig; also secretary Douglas Kerr was present. Glenn Thornburg was absent.

Mr. Kerr acknowledged that the meeting had been advertised in compliance with State law and the properties had been posted.

II. Approval of minutes

The next item on the agenda was the review of the minutes of the January 2, 2018 meeting. Ms. Holscher made a motion to approve the minutes and Mr. Doherty seconded the motion. The vote was unanimous in favor of the motion.

IV. Special Exceptions

Mr. Karig explained that the Board acted as a quasi-judicial body and all comments made were treated in the same manner as court testimony; therefore, any person who would like to speak to the Board should be sworn in. He then swore in all members of the audience that would be speaking.

6 Intracoastal Court

Mr. Kerr explained that the applicant had a family emergency and would be unable to attend and asked if the Board would agree to grant a continuance until the next meeting

Mr. Doherty made a motion to continue the case until the next meeting and Ms. Holscher seconded the motion. The vote was unanimous in favor of the motion.

#17- 41st Avenue

Mr. Kerr explained that the next request was to establish a home office for a pharmacy consulting service business at #17- 41st Avenue. He explained that the applicant has indicated on his application that the home would be used for office work only and that no business-related traffic would be coming to the house and there would be no exterior evidence of a business at the home.

Mr. Karig asked the applicant if he had anything to add to what has been presented already. Mr. McLeroy answered only that this would be a part-time endeavor and he works full-time at MUSC and that he would be a consultant for a surgeon in the area.

Ms. Holscher asked if there would ever be a time when there would be medications at the house. Mr. McLeroy answered no.

Ms. Campsen made a motion to approve the request and Ms. Holscher seconded the motion. The vote was unanimous in favor of the motion.

25 Linkside Court

Mr. Kerr explained that the next request was to establish a home office for a leadership coaching business at 25 Linkside Court. He explained that the applicant would be doing office work only at the house.

Mr. Karig asked the applicant if she had anything to add to what has been presented already. Ms. Welsh answered only that the work would involve phone and video conferencing at her kitchen table and no other activity would take place at the home.

Ms. Campsen made a motion to approve the request and Mr. Doherty seconded the motion. The vote was unanimous in favor of the motion.

Mr. Larry Hindhart arrived after the vote and stated that he is president of the home owners association for Linkside and he was concerned about parking, but it sounded as though this would not be a factor.

V. Miscellaneous business

Mr. Karig asked if the order for the outside sales request had ever been processed and mailed and Mr. Kerr answered that he did not believe it had, but he would verify this and get it processed, if it has not already happened.

VI. Adjournment

With no other business, the meeting was adjourned at 5:50 PM.

MINUTES OF THE ISLE OF PALMS
PLANNING COMMISSION MEETING
April 11, 2018

The Isle of Palms Planning Commission met in the City Hall conference room, 1207 Palm Boulevard on April 11, 2018 at 4:30 p.m. Members attending included Ron Denton, Vince DiGangi, Richard Ferencz, Bill Mills, and Phillip Pounds; the Director of Planning Douglas Kerr was present as well. Lewis Gregory and Lisa Safford were absent. Mr. Ferencz acknowledged that the press had been notified of the meeting and the agenda for the meeting was posted in City Hall and the Building Department to comply with the Freedom of Information Act.

PUBLIC COMMENTS

Mr. John Sheridan, 7 Chapman Avenue, explained that he has been a lifelong resident of the island and he built his house on Chapman Avenue in 1991. He stated that when his neighborhood was built, the developer offered to pipe the ditch in front of each property for \$1,000 and some owners chose to install pipes and some did not. He stated that since that time no improvements have taken place and it is as though the street has been forgotten. He explained that he has called the Public Works Department numerous times and they have attempted to make improvements, but that the system was plugged downstream and there has been no attempt to fix the root of the problem. He explained that open ditches are unhealthy and unsightly and there is no engineering advantage of an open ditch system over a piped system and he believes that a piped system is superior. He stated that he believed the City should create a Stormwater Commission to provide intelligent oversight over drainage issues and he would be willing to participate on that Commission.

Mary Bridgett Allen, resident at the corner of 29th Avenue and Lauden Avenue, explained that the roads in her area are flooding so badly that people cannot drive down the streets. She explained that she thought this was a safety concern and the flooding has never been as bad in this area as it has been in the last two years.

Mr. Dan Kubeck, 107 Carolina Boulevard, explained that he attended the prior month's Planning Commission meeting and he believes that the problems in his area still had not been addressed by SCDOT. He distributed a Post and Courier article from February 10th documenting that the City of Charleston is installing check valves to keep the tidal waters from backing into their stormwater system and they are having success. He explained that he believed these types of valves would help his area.

David Pagliarini explained that he was an attorney representing the Cook family that lives adjacent to the property at 2401 Waterway Boulevard that is on the agenda for final subdivision approval. He explained that it is his opinion that the restrictive covenants that prohibit the property at 2401 Waterway Boulevard cannot be legally modified without the consent of all owners in the block. He stated that he understands

that the declaration that applicant's attorney has submitted thus far relies on expired covenants that should not be considered and nothing has been resubmitted to address the covenants. Therefore, he stated that he would believe that the application is currently incomplete and a decision cannot be made by the Planning Commission.

Dick Heinrich, owner of 2403 Waterway Boulevard, addressed the Commission and explained that he bought the house next door to the property proposed to be subdivided and he was concerned about what effect the subdivision would have on his view easement that currently exists on the property.

Sam Stathos, attorney for Kimberly Johnson, explained that his client lived adjacent to 2401 Waterway Boulevard and they wanted to express their opposition to the proposed subdivision. He explained that he had the same opinion as Mr. Pagliarini's in terms of the application not being complete at this point and he believed that all eleven owners in Block E would have to sign a release of the covenants in order for it to be legal, which has not been done.

MISCELLANEOUS BUSINESS- DISCUSS WAYS TO INCREASE LIKEHOOD OF FUTURE RECOMMENDATIONS BEING IMPLEMENTED

Mr. Ferencz explained that he had asked that this item be put on the agenda because he believes that there have been several missteps by the Planning Commission recently that have led to the work of the Planning Commission not being embraced by City Council. He stated that in his opinion these missteps can be attributed to the following reasons: Council changed membership between when the Commission began their work and when the Commission finalized their recommendations; the issues being considered by the Planning Commission are extremely complex and it is challenging to bridge the information gap and have City Council members fully aware of all issues when the recommendations are forwarded; and there have been transposition errors made when issues leave the Planning Commission and they are presented in their final format to City Council.

He stated that in looking forward with an intention of trying to keep this from happening in the future he would suggest: that the Commission collect and report more data that the Council can digest; that the Commission gather more outside input to know the public reaction; and to have the Commission do the final review of documents before they are forwarded onto the City Council.

Mr. DiGangi explained that he had attended the joint meeting between the City Council members and the Isle of Palms Water and Sewer Commission and he felt that it was the

work of the Planning Commission that provided the framework for these agencies to work together on the complex issues of expanding public sewer.

Mr. Mills asked if a member of City Council has ever been assigned to attend the Planning Commission meetings to act as an advocate for the Commission. Mr. Kerr answered not that he was aware of, but they received the minutes, and special workshop meetings had been called to work together on complex issues on a case-by-case basis.

Mr. Kerr explained that he agreed with the points Mr. Ferencz brought up and it is always good to increase the amount of data collected and considered, increase the outside input, and bringing final versions back to the Planning Commission will cost time, but that he did not see any problem with this being the normal process.

He added that he understood the disappointment of issues not progressing through the Council approval process more smoothly, but that he felt that this has historically been the case and he did not perceive that the Planning Commission had misstepped. He explained that both the flood regulations and the sewer regulations were under consideration and that he felt confident that most of the important components of those recommendations would be implemented. He stated that traditionally issues are considered from a technical standpoint by the Planning Commission and that Council looks at the issues through a different lens and ultimately what comes out of the process is an amalgamation of the two groups' efforts. Nonetheless, he agreed that more coordination is always good.

APPROVAL OF MINUTES

Mr. Ferencz explained that the next item on the agenda was the approval of the March 14, 2018 minutes. Mr. Mills made a motion to approve the minutes as submitted and Mr. DiGangi seconded the motion. The vote was unanimous in favor of the motion.

The next item on the agenda was the approval of the minutes of the special meeting of March 19, 2018. Mr. Mills made a motion to approve the minutes as submitted and Mr. DiGangi seconded the motion. The vote was unanimous in favor of the motion.

SUBDIVISION REQUEST FOR 2401 WATERWAY BOULEVARD

Mr. Kerr explained that at the last meeting, the applicant and the Commission agreed to extend the Planning Commission review until this meeting to provide the applicant more time to provide the City Attorney with additional information regarding the release of the restrictive covenants affecting the property. He stated that the necessary information

still has not been provided and because the City's ordinance includes a time restraint of 60 days on the Planning Commission's review, he would recommend that the Planning Commission deny the request with the understanding that the applicant can reapply as soon as the information is provided.

Mr. Ferencz made a motion to deny the request, and Mr. Denton seconded the motion. Mr. Denton asked if there was a provision in the code that kept the applicant from reapplying within a particular timeframe and Mr. Kerr answered no, they could immediately reapply. The vote was unanimous in favor of the motion to deny the request.

DISCUSSION OF STORMWATER PRIORITIES

Mr. Kerr explained that at the last meeting, the Commission indicated that they wanted to look at the entire drainage basin that ultimately discharges through the 30th Avenue outfall. He indicated that Mr. Stevens has provided an estimate of the cost to survey, design, permit, bid and oversee the improvement of this basin at \$300,000. Additionally, he stated that Mr. Stevens looked at the basin that discharges out of the 36th Avenue outfall, as this outfall serves more properties and the properties are lower and more prone to flooding, and the cost to fully design this project would be about \$400,000.

Mr. Ferencz asked what the projected construction cost would be for these projects. Mr. Kerr answered that according to Mr. Stevens the design fees typically end up being between 8% and 12% of the total construction cost. So, using a midpoint of 10% would result in construction cost of \$3,000,000 and \$4,000,000 respectively.

Mr. Ferencz explained that he felt that it would be important for the Planning Commission's recommendation to be long-range and include the expense of completing the construction of the projects.

Mr. Ferencz explained that he also thought it would be prudent to get a second estimate of cost. Mr. Kerr answered that he thought that whatever project the City agreed upon would have to go through a competitive process including request for proposals, but now the goal was only to get budgeting numbers for the future budget. He stated that he did not think many firms would be willing to spend the effort necessary to come up with numbers, if they understood it was only a budgeting exercise.

Mr. Ferencz stated that he thought it was important that at least \$400,000 be included in the upcoming budget as well as some mechanism to show the future construction costs beyond the one-year budget.

The group generally agreed that it was important that money be in the upcoming budget.

Mr. Denton explained that he would consider shifting the budget to only include the design of the outfalls, so that maybe some of the work on the outfalls could be started within the year. The group generally agreed that it would be better to have work started as soon as possible and maybe the benefit of only the outfalls being improved would alleviate issues throughout the entire basins.

Mr. Kerr stated that he could ask Mr. Stevens to update the cost to only work on the outfalls and report back on the amount. Mr. Ferencz stated that he was concerned about timing and getting something before City Council to include in the upcoming budget. Mr. Kerr explained that the Ways and Means Committee of Council would be meeting to discuss the budget on April 17th.

The group agreed to request \$400,000 be included in the upcoming budget, but work towards getting updated pricing before the Ways and Means meeting and call for a special meeting of the Planning Commission, if necessary. Mr. Kerr indicated he would work on this.

ADJOURNMENT

Mr. Kerr explained that at the last meeting, the Planning Commission agreed to forward impervious surface recommendations without seeing the final draft in ordinance form. Based on the discussion at the beginning of the meeting of the Planning Commission seeing final ordinances before they are sent onto Council, he asked if the group wanted to delay these to allow another review. The group agreed that they would like to look at the changes a final time before going forward.

With there being no further business, the meeting was adjourned at 6:20 p.m.
Respectfully submitted, Richard Ferencz, Chairman

ORDINANCE 2017-07

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 8, FLOOD DAMAGE PREVENTION, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE A DEFINITION FOR THE NEW REFERENCE DATUM TO BE USED FOR THE BASE FLOOD ELEVATION SHOWN ON THE FLOOD INSURANCE RATE MAPS (FIRM); TO DELETE THE TIME PERIOD FOR MEASURING SUBSTANTIAL IMPROVEMENTS; AND TO PROVIDE A MINIMUM ELEVATION FOR NEW RESIDENTIAL AND NONRESIDENTIAL CONSTRUCTION.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That the provisions contained in Article 8, "Flood Damage Prevention," of Chapter 4, Title 5, are hereby amended as set forth in Exhibit A attached hereto and incorporated herein by reference as if set forth verbatim.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

EXHIBIT A
TITLE 5 – PLANNING AND DEVELOPMENT
CHAPTER 4 - ZONING
ARTICLE 8. - FLOOD DAMAGE PREVENTION

Sec. 5-4-151. - Statutory authorization.

Pursuant to S.C. Code 1976, § 6-29-710, as amended, the Legislature of the State has delegated the authority to local governments to adopt regulations designed to protect against and secure safety from floods. Therefore, the City Council hereby adopts the provisions set forth in this article.

Sec. 5-4-152. - Findings of fact.

- (a) The flood hazard areas of the City are subject to periodic inundation which can result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Sec. 5-4-153. - Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and
- (4) Regulate developments which may increase erosion or flood damage; and, regulate the construction of structures which will unnaturally divert floodwaters which may increase flood hazards to other lands.

Sec. 5-4-154. - Objectives.

The objectives of this article are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas;
- (7) To encourage notification to potential real property buyers that a property is located in a special flood hazard area.

Sec. 5-4-155. - Definitions.

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

Appeal means a request for a review of the Building Official's interpretation of any provisions of this chapter or a request for a variance.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation means the water surface elevations of the base flood as determined by the Federal Insurance Administrator of the National Flood Insurance Program (NFIP).

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Expansion to an existing manufactured home park or manufactured home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). Any expansion is considered new construction.

Existing Construction means, for the purposes of determining rates, structures for which the start of construction commenced before January 1, 1975.

Fair market value of a structure means:

- (i) The appraised value of the structure prior to the start of the initial repair or improvement; or
- (ii) In the case of damage, the appraised value of the structure prior to the damage occurring.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters;
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute

to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking or port facilities necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term "functionally dependent use" does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories MAY NOT be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. Any unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other provisions of this article.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD 88) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.

Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

National Geodetic Vertical Datum (NGVD), as corrected in 1929, means elevation reference points set by National Geodetic Survey based on mean sea level.

North American Vertical Datum of 1988 (NAVD 88), means a vertical control used as the reference datum on new Flood Insurance Rate Maps.

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article is derived.

New manufactured home park or manufactured home subdivision means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance from which this article is derived.

Primary Frontal Dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from

high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Sand dunes means naturally occurring or manmade accumulations of sand in ridges or mounds landward of the active beach.

Start of construction, for other than new construction and substantial improvements under the Coastal Barrier Resources Act, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimension of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the fair market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration, additions or improvements to a structure in which the total cost equals or exceeds fifty percent (50%) of the fair market value of the structure before the start of construction. The term "substantial improvement" does not, however, include either:

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by the Building Official which are the minimum necessary to ensure safe living conditions; or
- (ii) Any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief to a property owner from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship to the owner.

Violation means the failure of a structure or other development to be fully compliant with this article.

Sec. 5-4-156. - Areas in which this article applies.

This article applies to all property in the City identified as areas of special flood hazard by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study dated November 17, 2004 with accompanying maps and other supporting data.

Sec. 5-4-157. - Basis for establishing the areas of special flood hazard.

The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated November 17, 2004, with all attachments thereto, are hereby adopted by reference and made a part of this article as fully and completely as if set forth herein verbatim.

Sec. 5-4-158. - Establishment of building and/or zoning permit.

A building/zoning permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

Sec. 5-4-159. - Compliance.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

Sec. 5-4-160. - Abrogation and greater restrictions.

Where this article and any other provision of this Code conflict or overlap, whichever provision imposes the more stringent restrictions shall prevail. If two (2) or more flood zones or base flood elevations transect a structure, the structure shall conform to the most stringent zone and the highest base flood elevation.

Sec. 5-4-161. - Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered a minimum requirement;
- (2) Liberally construed in favor of the City Council; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 5-4-162. - Partial invalidity and severability.

In the event any section, subsection, sentence, clause or phrase contained in this article shall be declared or adjudicated to be invalid or unconstitutional by a court of competent jurisdiction, all the remaining provisions of this article shall be and remain in full force and effect.

Sec. 5-4-163. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This article shall not create liability on the part of the City or by any officer or employee thereof for any flood damage that results from reliance on or compliance with this article or any administrative decision made hereunder.

Sec. 5-4-164. - Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in section 1-3-66, and in addition

shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent, enjoin or remedy any violation.

Sec. 5-4-165. - Administration; designation of Building Official.

The Building Official is hereby appointed to administer and implement the provisions of this article.

Sec. 5-4-166. - Adoption of letter of map revision (LOMR).

All LOMRs that are issued in the areas identified in section 5-4-156 are hereby adopted.

Sec. 5-4-167. - Permit procedures and certification requirements.

a) *Permit:* Application for a building/zoning permit shall be made to the Building Official on forms provided by him, prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
- (2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
- (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 5-4-171(b).
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

b) *Certifications:*

- (1) *During Construction* - A floor elevation or floodproofing certification is required after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Official a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest habitable floor, whichever is applicable, as built, in relation to the mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) calendar day period and prior to submission of the certification shall be at the permit holder's risk. The Building Official shall review the floor elevation survey date submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby may result in the issuance of a stop work order for the project from the Building Official.
- (2) *As-built Certification* - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements section that the development is built in accordance with the submitted plans and previous pre-development certifications.

Sec. 5-4-168. - Duties and responsibilities of the Building Official.

Duties of the Building Official shall include, but not be limited to, the following:

- (1) Review all building and zoning permits to ensure compliance with this article.

- (2) Advise permittees that additional Federal or State or City permits may be required, and, if specific Federal or State or City permits are known to the Building Official, require that copies of such be provided and maintained on file with the building/zoning permit.
- (3) Notify adjacent communities and the State Coordinator, Flood Mitigation Program, S.C. Land, Water and Conservation Division of the South Carolina Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean seal level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 5-4-167(b).
- (6) Verify and record the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with section 5-4-171(b).
- (7) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand the effects of wind and water loads acting simultaneously on the building.
- (8) In coastal high hazard areas, the Building Official shall review plans for adequacy of breakaway walls in accordance with section 5-4-171(e)8.
- (9) When floodproofing is utilized for a particular structure, require certification from a registered professional engineer or architect.
- (10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation.
- (11) When base flood elevation data has not been provided in accordance with section 5-4-157, then the Building Official shall either:
 - (a) Obtain, review, and utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of sections 5-4-170 and 5-4-171; or
 - (b) Require the applicant to obtain and reasonably utilize any base flood elevation data available from a federal, state or other source, and to determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices.
- (12) Before a certificate of occupancy is issued for a structure, inspect the premises to ensure that the requirements of this article have been met.
- (13) All records pertaining to the provisions of this article shall be maintained in the Office of the City Clerk and shall be made available for public inspection.

Sec. 5-4-169. - Variance procedures.

- (a) The City's Board of Zoning Appeals shall hear and decide appeals and requests for variances hereunder.
- (b) The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirements, decisions, or determinations made by the Building Official in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction as provided by law.
- (d) Notwithstanding any other provision in this article to the contrary, variances may be issued for repair or rehabilitation of historic structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a finding by the Board that the proposed repair or rehabilitation will

not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- (e) In considering appeals or request for variances, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance to the community of the services provided by the proposed facility; (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and flood plan management program for that area;
 - (9) The safety of access to the property during floods for emergency and nonemergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (f) The Board may attach such conditions to the granting of a variance hereunder as it deems necessary to further the purposes of this article.
- (g) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (h) Requirements for variances.
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any applicant to whom a variance is granted shall be given written notice by the Board that the issuance of a variance to construct a structure below the base flood level will result in substantially increased premium rates for the flood insurance as specified by the Federal law.
 - (4) The City Clerk shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) as required by law.

Sec. 5-4-170. - General standards.

In all areas of the City the following provisions are required:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (c) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (f) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (g) Any alteration, repair, reconstruction, or improvements to an existing structure which has the lowest floor, including basement, elevated to the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher, shall meet the requirements of new construction as contained in sections 5-4-171(a) and (c) of this article.
- (h) Any alteration, repair, reconstruction, or improvements to an existing structure which has the lowest floor, including basement, below the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher, shall meet the requirements contained in sections 5-4-171(b) and (d) of this article, provided that no new floor elevation shall be lower than the existing floor elevation.
- (i) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding.
- (j) Public utilities and facilities are constructed so as to minimize flood damage and provide adequate drainage.

Sec. 5-4-171. - Specific standards.

In all areas of the City, the following provisions are required:

- (a) *Residential new construction.* New construction, of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher. Where permitted, solid foundation perimeter walls used to elevate a structure shall have openings sufficient to facilitate the unimpeded movements of floodwater. The elevation of the lowest floor shall be documented and provided to the Building Official using an elevation certificate in accordance with section 5-4-167(b).
- (b) *Residential substantial improvement or the repair of substantial damage.* Substantial improvement or the repair of substantial damage of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Where permitted, solid foundation perimeter walls used to elevate a structure shall have openings sufficient to facilitate the unimpeded movements of floodwater. The elevation of the lowest floor shall be documented and provided to the Building Official using an elevation certificate in accordance with section 5-4-167(b).
- (c) *Nonresidential new construction.* New construction, of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the level of the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher. Structures may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water,

using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall document and certify to the Building Official that the standards of this subsection are satisfied, using a certificate in accordance with section 5-4-167(b).

- (d) *Nonresidential substantial improvement or the repair of substantial damage.* Substantial improvement or the repair of substantial damage of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the level of the base flood elevation. Structures located in A-zones may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall document and certify to the Building Official that the standards of this subsection are satisfied, using a certificate in accordance with section 5-4-167(b).
- (e) *Enclosed areas below the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher.* New construction and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation that are usable solely for the parking of vehicles, building access, or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1. A minimum of two (2) openings having a total net area of not less than one (1) square inch per square foot of enclosed area subject to flooding shall be provided. For the purpose of compliance with this article, windows are not included.
 - 2. The bottom of all opening shall be no higher than one foot (1') above grade.
 - 3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the unimpeded entry and exit of floodwaters.
 - 4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
 - 5. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
 - 6. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
- (f) *Temporary structure.* No temporary structures shall be placed in a floodway or coastal high hazard area, or in any area of special flood hazard within the corporate limits of the City unless a permit is obtained from the Zoning Administrator. No such permit shall be issued unless the latest FEMA guidelines regarding such structures are met.
- (g) *Coastal high hazard areas (V zones).* Located within the areas of special flood hazard established in section 5-4-157 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave-wash; therefore, the following provisions shall apply:
 - 1. All new construction and substantial improvement shall be located landward of the reach of the mean high tide, first line of stable natural vegetation, and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.
 - 2. All new construction shall be elevated so that the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns) is located no lower than the base flood elevation level or 14 feet NGVD (13 feet NAVD 88), whichever is higher, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and

must be designed to wash away in the event of flood and wave action and in accordance with subsection (e)9 of this section.

3. All substantial improvements and repairs to substantial damage of any structure shall be elevated so that the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns) is located no lower than the base flood elevation with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of flood and wave action and in accordance with subsection (e)9 of this section.
 4. All new construction and substantial improvement shall be securely anchored on pilings or columns.
 5. All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Water loading values shall equal or exceed the base flood. Wind loading values shall be in accordance with the latest edition of the building code or One- and Two-Family Dwelling Code adopted by the City.
 6. Compliance with provisions contained in subsection (e)2, 3 and 5 of this section shall be certified by a licensed professional engineer or architect.
 7. There shall be no fill used as structural support.
 8. There shall be no alteration of sand dunes, which would increase potential flood damage.
 9. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under base flood or lesser conditions, without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system and provided the following design specifications are met:
 - a. No solid walls are allowed; and
 - b. Materials shall consist of open wooden lattice or insect screening.
 10. Space enclosed by lattice or screening shall not be used for human habitation.
 11. Prior to construction, plans for any structure that will have lattice work or decorative screening must be submitted to the Building Official for approval.
 12. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except for lattice work or decorative screening, as provided for in subsection (e)9 and 10 of this section.
- (f) *Recreational vehicles.* Recreational vehicles placed on lots shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or jacking system, attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions.

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EXHIBIT A
TITLE 5 – PLANNING AND DEVELOPMENT
CHAPTER 4 - ZONING
ARTICLE 8. - FLOOD DAMAGE PREVENTION

Sec. 5-4-151. - Statutory authorization.

Pursuant to S.C. Code 1976, § 6-29-710, as amended, the Legislature of the State has delegated the authority to local governments to adopt regulations designed to protect against and secure safety from floods. Therefore, the City Council hereby adopts the provisions set forth in this article.

Sec. 5-4-152. - Findings of fact.

- (a) The flood hazard areas of the City are subject to periodic inundation which can result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affects the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Sec. 5-4-153. - Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; and
- (4) Regulate developments which may increase erosion or flood damage; and, regulate the construction of structures which will unnaturally divert floodwaters which may increase flood hazards to other lands.

Sec. 5-4-154. - Objectives.

The objectives of this article are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas;

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- (7) To encourage notification to potential real property buyers that a property is located in a special flood hazard area.

Sec. 5-4-155. - Definitions.

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

Appeal means a request for a review of the Building Official's interpretation of any provisions of this chapter or a request for a variance.

Area of special flood hazard means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

Base flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base flood elevation means the water surface elevations of the base flood as determined by the Federal Insurance Administrator of the National Flood Insurance Program ([NFIP](#)).

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Expansion to an existing manufactured home park or manufactured home subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). Any expansion is considered new construction.

Existing Construction means, for the purposes of determining rates, structures for which the start of construction commenced before January 1, 1975.

Fair market value of a structure means:

- (i) The appraised value of the structure prior to the start of the initial repair or improvement; or
- (ii) In the case of damage, the appraised value of the structure prior to the damage occurring.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters;
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency ([FEMA](#)), where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency ([FEMA](#)) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Emergency Management Agency ([FEMA](#)). The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

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Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking or port facilities necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term "functionally dependent use" does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior (DOI)) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved State program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs. Some structures or districts listed on the State or local inventories MAY NOT be "Historic" as cited above, but have been included on the inventories because it was believed that the structures or districts have the potential for meeting the "Historic" structure criteria of the DOI. In order for these structures to meet NFIP historic structure criteria, it must be demonstrated and evidenced that the South Carolina Department of Archives and History has individually determined that the structure or district meets DOI historic structure criteria.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. Any unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other provisions of this article.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929. North American Vertical Datum (NAVD 88) of 1988, or other datum, to which the base flood elevations shown on a community's Flood Insurance Rate Maps (FIRM) are shown.

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Manufactured home means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

National Geodetic Vertical Datum (NGVD), as corrected in 1929, means elevation reference points set by National Geodetic Survey based on mean sea level.

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North American Vertical Datum of 1988 (NAVD 88), means a vertical control used as the reference datum on new Flood Insurance Rate Maps.

Deleted: National Geodetic Vertical Datum (NGVD), as corrected in 1929

New construction means structures for which the start of construction commenced on or after the effective date of the ordinance from which this article is derived.

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New manufactured home park or manufactured home subdivision means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the

construction of streets) is completed on or after the effective date of the ordinance from which this article is derived.

Primary Frontal Dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Sand dunes means naturally occurring or manmade accumulations of sand in ridges or mounds landward of the active beach.

Start of construction, for other than new construction and substantial improvements under the Coastal Barrier Resources Act, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimension of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home or a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the fair market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration, additions or improvements to a structure occurring within ~~one (1) year, measured from the date of the start of construction of improvement~~ in which the ~~cumulative total~~ cost equals or exceeds fifty percent (50%) of the fair market value of the structure before the start of construction. The term "substantial improvement" does not, however, include either:

- (i) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by the Building Official which are the minimum necessary to ensure safe living conditions; or
- (ii) Any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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Variance means a grant of relief to a property owner from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship to the owner.

Violation means the failure of a structure or other development to be fully compliant with this article.

Sec. 5-4-156. - Areas in which this article applies.

This article applies to all property in the City identified as areas of special flood hazard by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study dated November 17, 2004 with accompanying maps and other supporting data.

Sec. 5-4-157. - Basis for establishing the areas of special flood hazard.

The special flood hazard areas identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated November 17, 2004, with all attachments thereto, are hereby adopted by reference and made a part of this article as fully and completely as if set forth herein verbatim.

Sec. 5-4-158. - Establishment of building and/or zoning permit.

A building/zoning permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

Sec. 5-4-159. - Compliance.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

Sec. 5-4-160. - Abrogation and greater restrictions.

Where this article and any other provision of this Code conflict or overlap, whichever provision imposes the more stringent restrictions shall prevail. If two (2) or more flood zones or base flood elevations transect a structure, the structure shall conform to the most stringent zone and the highest base flood elevation.

Sec. 5-4-161. - Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered a minimum requirement;
- (2) Liberally construed in favor of the City Council; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 5-4-162. - Partial invalidity and severability.

In the event any section, subsection, sentence, clause or phrase contained in this article shall be declared or adjudicated to be invalid or unconstitutional by a court of competent jurisdiction, all the remaining provisions of this article shall be and remain in full force and effect.

Sec. 5-4-163. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This article shall not create liability on the part of the City or by any officer or employee thereof for any flood

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damage that results from reliance on or compliance with this article or any administrative decision made hereunder.

Sec. 5-4-164. - Penalties for violation.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in section 1-3-66, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent, enjoin or remedy any violation.

Sec. 5-4-165. - Administration; designation of Building Official.

The Building Official is hereby appointed to administer and implement the provisions of this article.

Sec. 5-4-166. - Adoption of letter of map revision (LOMR).

All LOMRs that are issued in the areas identified in section 5-4-156 are hereby adopted.

Sec. 5-4-167. - Permit procedures and certification requirements.

- a) *Permit:* Application for a building/zoning permit shall be made to the Building Official on forms provided by him, prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
 - (2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 5-4-171(b).
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- b) *Certifications:*
 - (1) During Construction - A floor elevation or floodproofing certification is required after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Official a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest habitable floor, whichever is applicable, as built, in relation to the mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) calendar day period and prior to submission of the certification shall be at the permit holder's risk. The Building Official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure

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to make said corrections required hereby may result in the issuance of a stop work order for the project from the Building Official.

- (2) As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements section that the development is built in accordance with the submitted plans and previous pre-development certifications.

Sec. 5-4-168. - Duties and responsibilities of the Building Official.

Duties of the Building Official shall include, but not be limited to, the following:

- (1) Review all building and zoning permits to ensure compliance with this article.
- (2) Advise permittees that additional Federal or State or City permits may be required, and, if specific Federal or State or City permits are known to the Building Official, require that copies of such be provided and maintained on file with the building/zoning permit.
- (3) Notify adjacent communities and the State Coordinator, Flood Mitigation Program, S.C. Land, Water and Conservation Division of the South Carolina Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency ([FEMA](#)).
- (4) Ensure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean seal level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with section 5-4-167(b).
- (6) Verify and record the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed, in accordance with section 5-4-171(b).
- (7) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand the effects of wind and water loads acting simultaneously on the building.
- (8) In coastal high hazard areas, the Building Official shall review plans for adequacy of breakaway walls in accordance with section 5-4-171(e)8.
- (9) When floodproofing is utilized for a particular structure, require certification from a registered professional engineer or architect.
- (10) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation.
- (11) When base flood elevation data has not been provided in accordance with section 5-4-157, then the Building Official shall either:
 - (a) Obtain, review, and utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of sections 5-4-170 and 5-4-171; or
 - (b) Require the applicant to obtain and reasonably utilize any base flood elevation data available from a federal, state or other source, and to determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering practices.
- (12) Before a certificate of occupancy is issued for a structure, inspect the premises to ensure that the requirements of this article have been met.
- (13) All records pertaining to the provisions of this article shall be maintained in the Office of the City Clerk and shall be made available for public inspection.

*Revised 4/19/18 per recommendations
from Planning Commission and
City Council Meeting 3/27/18*

Sec. 5-4-169. - Variance procedures.

- (a) The City's Board of Zoning Appeals shall hear and decide appeals and requests for variances hereunder.
- (b) The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirements, decisions, or determinations made by the Building Official in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction as provided by law.
- (d) Notwithstanding any other provision in this article to the contrary, variances may be issued for repair or rehabilitation of historic structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a finding by the Board that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (e) In considering appeals or request for variances, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance to the community of the services provided by the proposed facility; (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and flood plan management program for that area;
 - (9) The safety of access to the property during floods for emergency and nonemergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (f) The Board may attach such conditions to the granting of a variance hereunder as it deems necessary to further the purposes of this article.
- (g) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (h) Requirements for variances.
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;

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- (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Any applicant to whom a variance is granted shall be given written notice by the Board that the issuance of a variance to construct a structure below the base flood level will result in substantially increased premium rates for the flood insurance as specified by the Federal law.
- (4) The City Clerk shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency ([FEMA](#)) as required by law.

Sec. 5-4-170. - General standards.

In all areas of the City the following provisions are required:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (c) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (f) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (g) Any alteration, repair, reconstruction, or improvements to an existing structure which has the lowest floor, including basement, elevated to the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher, shall meet the requirements of new construction as contained in sections 5-4-171(a) and (c) of this article.
- (h) Any alteration, repair, reconstruction, or improvements to an existing structure which has the lowest floor, including basement, below the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher, shall meet the requirements contained in sections 5-4-171(b) and (d) of this article, provided that no new floor elevation shall be lower than the existing floor elevation.
- (i) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding.
- (j) Public utilities and facilities are constructed so as to minimize flood damage and provide adequate drainage.

Sec. 5-4-171. - Specific standards.

In all areas of the City where base flood elevation data has been provided as set forth in section 5-4-157, or section 5-4-168(14), the following provisions are required:

- (a) Residential new construction. New construction, substantial improvement or the repair of substantial damage of any residential structure shall have the lowest floor, including basement,

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elevated no lower than **the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher**. Where permitted, solid foundation perimeter walls used to elevate a structure shall have openings sufficient to facilitate the unimpeded movements of floodwater. The elevation of the lowest floor shall be documented and provided to the Building Official using an elevation certificate in accordance with section 5-4-167(b).

(b) Residential substantial improvement or the repair of substantial damage. Substantial improvement or the repair of substantial damage of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Where permitted, solid foundation perimeter walls used to elevate a structure shall have openings sufficient to facilitate the unimpeded movements of floodwater. The elevation of the lowest floor shall be documented and provided to the Building Official using an elevation certificate in accordance with section 5-4-167(b).

(c) Nonresidential new construction. New construction, ~~substantial improvement or the repair of substantial damage~~ of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the level of **the base flood elevation or 14 feet NGVD (13 feet NAVD 88), whichever is higher**. Structures may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall document and certify to the Building Official that the standards of this subsection are satisfied, using a certificate in accordance with section 5-4-167(b).

(d) Nonresidential substantial improvement or the repair of substantial damage. Substantial improvement or the repair of substantial damage of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the level of the base flood elevation. Structures located in A-zones may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall document and certify to the Building Official that the standards of this subsection are satisfied, using a certificate in accordance with section 5-4-167(b).

(e) Enclosed areas below the base flood elevation, or 14 feet NGVD (13 feet NAVD 88), whichever is higher. New construction and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation that are usable solely for the parking of vehicles, building access, or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one (1) square inch per square foot of enclosed area subject to flooding shall be provided. For the purpose of compliance with this article, windows are not included.
2. The bottom of all opening shall be no higher than one foot (1') above grade.
3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the unimpeded entry and exit of floodwaters.
4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

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5. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
6. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

(i) **Temporary structure.** No temporary structures shall be placed in a floodway or coastal high hazard area, or in any area of special flood hazard within the corporate limits of the City unless a permit is obtained from the Zoning Administrator. No such permit shall be issued unless the latest FEMA guidelines regarding such structures are met.

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(g) **Coastal high hazard areas (V zones).** Located within the areas of special flood hazard established in section 5-4-157 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave-wash; therefore, the following provisions shall apply:

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1. All new construction and substantial improvement shall be located landward of the reach of the mean high tide, first line of stable natural vegetation, and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.
2. All new construction and substantial improvement shall be elevated so that the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns) is located no lower than the base flood elevation level or 14 feet NGVD (13 feet NAVD 88), whichever is higher, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of flood and wave action and in accordance with subsection (e) 9 of this section.

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3. All substantial improvements and repairs to substantial damage of any structure shall be elevated so that the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns) is located no lower than the base flood elevation with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of flood and wave action and in accordance with subsection (e) 9 of this section.

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4. All new construction and substantial improvement shall be securely anchored on pilings or columns.

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5. All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. Water loading values shall equal or exceed the base flood. Wind loading values shall be in accordance with the latest edition of the building code or One- and Two-Family Dwelling Code adopted by the City.

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6. Compliance with provisions contained in subsection (e) 2, 3 and 5 of this section shall be certified by a licensed professional engineer or architect.

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7. There shall be no fill used as structural support.

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8. There shall be no alteration of sand dunes, which would increase potential flood damage.

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9. Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under base flood or lesser conditions, without causing collapse, displacement

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or other structural damage to the elevated portion of the building or supporting foundation system and provided the following design specifications are met:

- a. No solid walls are allowed; and
- b. Materials shall consist of open wooden lattice or insect screening.

10 Space enclosed by lattice or screening shall not be used for human habitation.

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11 Prior to construction, plans for any structure that will have lattice work or decorative screening must be submitted to the Building Official for approval.

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12 Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except for lattice work or decorative screening, as provided for in subsection (e) and 11 of this section.

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- (f) *Recreational vehicles.* Recreational vehicles placed on lots shall be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or jacking system, attached to the site only by quick-disconnect-type utilities and security devices, and has no permanently attached additions.

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ORDINANCE 2018-04

AN ORDINANCE AMENDING TITLE 9, OFFENSES, CHAPTER 2, OFFENSES AGAINST PUBLIC PEACE, SECTION 9-2-5, NOISE, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO CHANGE THE HOURS DURING WHICH PILEDRIVERS AND OTHER APPARATUS ATTENDED WITH LOUD OR DISTURBING NOISES MAY BE OPERATED AND TO PROVIDE FOR EXCEPTIONS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Paragraph (d) of Section 9-2-5, "Noise," is hereby deleted in its entirety and replaced with the following new Paragraph (d) to state as follows:

"d. *Piledrivers and other apparatus, tools or equipment.* It shall be unlawful for any contractor, subcontractor, landscaper, supplier or vendor to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, at any time other than between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays or on the following legal holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; and Christmas Day. Approval for such use may be granted by the City for performing emergency repairs outside of the hours specified. Nothing in this paragraph shall be construed to prohibit an owner or member of an owner's immediate family from performing maintenance, repairs, or other work on their own property at any time, provided that such work is otherwise in compliance with City ordinances."

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____

Title 9 – Offenses
Chapter 2 – Offenses Against Public Peace

Sec. 9-2-5. - Noise.

- a. *Declaration; specific noises.* It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any noise in the City that is unreasonably loud or disturbing in the circumstances to a reasonable person of ordinary sensibilities except as expressly allowed pursuant to subsections e. and f. of this section. The following are declared to be unreasonably loud or disturbing noises in violation of this section, but such acts shall not be deemed to be exclusive:
- (1) *Blowing horns.* Except as required by law, no person shall blow or cause to be blown within the City any steam whistle, electric horn, or other signaling or warning device, except as alarm signals in case of fire or collision or other imminent danger.
 - (2) *Pets.* It shall be unlawful to keep, stable, harbor or maintain any animal or bird which disturbs the comfort or repose of any reasonable person of ordinary sensibilities in the vicinity by making continually or frequently loud noise.
 - (3) *Loudspeakers, etc.* It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the street, sidewalks, parks or other outdoor public places owned or under the control of the City, except as permitted under subsection e. and f. of this section; provided, however, that any City-owned property subject to a commercial lease and a noise control agreement or permit is exempt from the requirements of this paragraph.
 - (4) *Hawking or peddling.* It shall be unlawful for any person to make any noise on a public street or in such proximity thereto as to be distinctly and loudly audible on such street by any kind of crying, calling, or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever. It is the express intention of this paragraph to prohibit hawking, peddling, soliciting or using other loud noises to attract attention to a business and not to prohibit the spill-over noise emanating from a lawfully operating business.
 - (5) *Radios, phonographs, televisions, etc.* The use, operation or playing of or permitting the use, operation or playing of any radio, hi-fi, stereo system, phonograph, piccolo, television or any musical instrument in such manner or with such unreasonably loud volume in the circumstances as to disturb any reasonable person of ordinary sensibilities, or the playing of such instrument in such manner as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.
 - (6) *Use of vehicle.* The use of any automobile, motorcycle, motor boat, personal watercraft, water jet pack or other type of vehicle in such a state of disrepair, or so loaded, or used or repaired in such a manner as to create unreasonably loud or disturbing noises in the circumstances, particularly grating, grinding, rattling, riveting, revving or other disturbing noises.
 - (7) *Exhaust discharge.* To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motor boat engine, motorcycle or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (8) *Noise in proximity to schools, courts, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court, while the same is in session, or adjacent to any church during church services, which interferes with the work or worship at any such place or institution.

- b. *Amplified Music—Nighttime play.* It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument (including but not limited to brass or drum instruments), or other amplification device or apparatus making or reproducing musical or other sounds between the hours of 10:00 p.m. and 10:00 a.m., Sunday through Thursday, or between the hours of 11:00 p.m. and 10:00 a.m., Friday and Saturday, in such a manner as to be plainly audible in any adjacent street or right-of-way, adjacent place of public accommodation, or adjacent dwelling or other residence. For the purpose of this section, plainly audible shall mean any sound that can be detected by a reasonable person of ordinary sensibilities using his or her unaided hearing faculties.
- c. *Amplified Music—Daytime Play.* It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument (including but not limited to brass or drum instruments), or other amplification device or apparatus making or reproducing musical or other sounds between the hours of 10:00 a.m. and 10:00 p.m., Sunday through Thursday, or between the hours of 10:00 a.m. and 11:00 p.m. Friday and Saturday, in such a manner or with such unreasonably loud volume in the circumstances as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.
- d. *Piledrivers and other apparatus, tools or equipment.* It shall be unlawful for any contractor, subcontractor, landscaper, supplier or vendor to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, at any time other than between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays or on the following legal holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; and Christmas Day. Approval for such use may be granted by the City for performing emergency repairs outside of the hours specified. Nothing in this paragraph shall be construed to prohibit an owner or member of an owner's immediate family from performing maintenance, repairs, or other work on their own property at any time, provided that such work is otherwise in compliance with City ordinances.
- e. *Public interest events.* Notwithstanding any other provision of this section, on application to, and approval by, the Chief of Police, written permits may be granted to broadcast programs of music, speeches, general entertainment, or announcements as a part of and incident to community celebrations of national, State, or City occasions, public festivals, or other public interest events, provided that traffic on the streets is controlled. In determining whether or not to issue such a permit, the Chief of Police shall weigh the public interests in the event against the noise and disturbance anticipated to be created by the event and must consider the intensity and duration of the noise and the area that will likely be affected. The language or content emanating from the event shall not be considered.
- f. *Exceptions.* None of the foregoing prohibitions shall apply to or be enforced against:
- (1) Any City vehicle engaged in City business;
 - (2) Any City-hosted, City-sponsored or City-sanctioned special events;
 - (3) Excavations or repairs of bridges, streets or highways, by or on behalf of the City, county or state during the night, when the public welfare and convenience renders it impossible to perform the work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor;
 - (4) Construction activities performed by or on behalf of a governmental agency, including, but not limited to, construction, repair or maintenance of public buildings and drainage facilities, dredging activities, beach renourishment activities, and other public projects.
- g. *Enforcement factors.* Factors to be considered in determining whether a noise is unreasonably loud, disturbing, or excessive for the purposes of this section shall include, but are not limited to, any or all of the following:
- (1) The intensity and volume of the noise;

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- (2) The intensity of the background noise, if any;
 - (3) Whether the nature of the noise is usual or unusual;
 - (4) Whether the origin of the noise IS associated with nature or human-made activity;
 - (5) The proximity of the noise to sleeping facilities;
 - (6) The land use, nature, and zoning of the area from which the noise emanates and the area where it is received;
 - (7) The time of day or night, along with the day of the week and time of year, when the noise occurs;
 - (8) The time duration of the noise;
 - (9) Whether the sound source is temporary;
 - (10) Whether the noise is recurrent, intermittent or constant;
 - (11) Whether or not noise abatement measures are possible and whether or not they are used to reduce the noise level;
 - (12) The number of people and their activities that are affected by the noise;
 - (13) The existence of complaints concerning the noise from persons or premises affected by the noise;
 - (14) Whether the noise in the circumstances would disturb a reasonable person of ordinary sensibilities; and
 - (15) The nature of any communicative content of the noise shall not be considered for the purpose of this section.
- h. *Violations and penalties.* A violation of this section is a misdemeanor punishable pursuant to section 1-3-66. Each day that a violation continues shall constitute a separate offense.
- i. *Nuisance.*
- (1) Violation of this section 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.
 - (2) In addition to the penalties set forth in subsection (h) of this section, repeated violations of this section by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of any business license issued to the premises on which the violations occurred in accordance with section 7-1-15.

ORDINANCE 2018-05

AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO REQUIRE PARALLEL PARKING AND TO PROHIBIT DOUBLE PARKING ON THE PASSENGER SIDE OF VEHICLES ON PALM BOULEVARD BETWEEN 21ST AVENUE AND 40TH AVENUE; TO PROHIBIT BOAT TRAILER PARKING ALONG THE RIGHTS-OF-WAY OF WATERWAY BOULEVARD; TO PROHIBIT NON-RESIDENT BOAT TRAILER PARKING ALONG THE RIGHTS-OF-WAY OF 41ST AVENUE; TO PROVIDE EXEMPTIONS FOR EMERGENCY, LAW ENFORCEMENT AND OTHER PUBLIC SERVICE VEHICLES PARKED DURING THE PERFORMANCE OF OFFICIAL DUTIES OR PUBLIC SERVICE; TO REFERENCE DATE OF REVISED MANAGED BEACH PARKING SIGNANGE PLAN; AND TO PROVIDE FOR YEAR-ROUND ENFORCEMENT OF THE RESIDENT PARKING DISTRICTS.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Article A, "General Provisions," Section 8-2-2, "General prohibitions," is hereby amended in Paragraph (1)(t) to state as follows:

- “(t) Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:
- (a) Within four feet (4') of the pavement, except as otherwise posted;
 - (b) In any manner other than parallel parking in the direction of traffic;
and
 - (c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.”

SECTION 2. That Article A, "General Provisions," Section 8-2-2, "General prohibitions," is hereby amended in Paragraph (2) to state as follows:

“(2) No person shall park a truck or other vehicle having an overall length of more than twenty feet (20') at any point, including trailers, upon any street right-of-way for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials. Notwithstanding the provisions of this subsection to the contrary, patrons of the Isle of Palms Marina shall be permitted to park vehicles with attached boat trailers in accordance with the following requirements:

- (a) Vehicles displaying a valid resident parking permit in compliance with Article B of this chapter shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue from Waterway Boulevard to Frank Sottile Lane where parking is not otherwise prohibited.”

SECTION 3. That Article A, "General Provisions," Section 8-2-2, "General prohibitions," is hereby amended by adding a new Paragraph (3) to state as follows:

“(3) The prohibitions in this section shall not apply to emergency, law enforcement, or other public service vehicles, or to vehicles belonging to persons under contract with the

City to perform a public service, when such vehicles are parked during the operator's performance of official duties or public services for the City."

SECTION 4. That Article B, "Resident Parking Districts," Section 8-2-23, "Dates and times of enforcement," is hereby amended to state as follows:

"The provisions in this article will be in effect year-round between the hours of 9:00 a.m. and 6:00 p.m."

SECTION 5. That Article B, "Resident Parking Districts," Section 8-2-31, "Obedience to parking regulations," is hereby amended in Paragraph (a)(16) to state as follows:

"(16) Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:

- (a) Within four feet (4') of the pavement, except as otherwise posted;
- (b) In any manner other than parallel parking in the direction of traffic; and
- (c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way."

SECTION 6. That Article B, "Resident Parking Districts," Section 8-2-31, "Obedience to parking regulations," is hereby amended in Paragraph (c) to state as follows:

"(c) Parking a truck or vehicle having an overall length of more than twenty feet (20') at any point, including trailers, is prohibited upon any street right-of-way in a resident parking district for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials, except that vehicles displaying a valid resident parking permit shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue from Waterway Boulevard to Frank Sottile Lane where parking is not otherwise prohibited for access to the Isle of Palms Marina."

SECTION 7. That Article B, "Resident Parking Districts," Section 8-2-32, "Areas designated as resident parking districts," is hereby amended to state as follows:

"The public rights-of-way designated by City Council as resident parking districts are depicted in green on Sheet Nos. 4-14 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Parking Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits Managed Beach Parking Signage Plan" prepared by Stantec Consulting Services, Inc., dated _____, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of the current Managed Beach Parking Signage Plan shall be posted on the City's official website."

SECTION 8. That Article C, "Beach Parking," Section 8-2-45, "Obedience to parking regulations," is hereby amended in Paragraph (p) to state as follows:

“(p) Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:

- (1) Within four feet (4') of the pavement, except as otherwise posted;
- (2) In any manner other than parallel parking in the direction of traffic; and
- (3) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.”

SECTION 9. That Article C, “Beach Parking,” Section 8-2-46, “Areas designated as beach parking zones,” is hereby amended to state as follows:

“The public rights-of-way designated by City Council as beach parking zones are depicted in red on Sheet Nos. 4-14 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Parking Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits Managed Beach Parking Signage Plan" prepared by Stantec Consulting Services, Inc., dated _____, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of the current Managed Beach Parking Signage Plan shall be posted on the City's official website.”

SECTION 10. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 11. 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 12. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS,
ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____

Revised per Council Meeting 3/27/18

Title 8 – Motor Vehicles and Traffic
Chapter 2 – Stopping, Standing, and Parking of Vehicles

Article A – General Provisions

Sec. 8-2-2. - General prohibitions.

- (1) No person shall stop, stand, or park a vehicle in any of the following public places or manners except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, parking control officer, other authorized person, or traffic control device:
- (a) On a sidewalk;
 - (b) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;
 - (c) Within an intersection or within twenty-five feet (25') of the center of an intersection;
 - (d) Within thirty feet (30') of a stop sign;
 - (e) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;
 - (f) Along any street curb painted yellow;
 - (g) On a crosswalk or within twenty feet (20') of the center of any crosswalk;
 - (h) More than eighteen inches (18") from the street curb;
 - (i) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;
 - (j) In the opposite direction of the movement of traffic;
 - (k) Along side or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;
 - (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";
 - (m) In front of a place of business for longer than two (2) hours between the hours of 9:00 a.m. and 5:00 p.m., except for Sundays and State and Federally sanctioned holidays, unless a different regulation is provided by sign or a pay station;
 - (n) In any area of a public parking lot not marked as a single parking space;
 - (o) In any parking space where payment is required, unless the proper payment has been deposited so that the occupancy of the space does not exceed the time indicated on the pay station receipt;
 - (p) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under State law;
 - (q) On the approaches to or upon any bridge;
 - (r) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
 - (s) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;

(t) Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:

(a) Within four feet (4') of the pavement, except as otherwise posted;

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(b) In any manner other than parallel parking in the direction of traffic; and

(c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.

- (u) On a beach access as defined in section 5-4-15(C)(I), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access. Any vehicle parked in violation of this subsection may be moved from its location upon order of any police officer.
- (2) No person shall park a truck or other vehicle having an overall length of more than twenty feet (20') at any point, including trailers, upon any street right-of-way for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials. Notwithstanding the provisions of this subsection to the contrary, patrons of the Isle of Palms Marina shall be permitted to park vehicles with attached boat trailers in accordance with the following requirements:

(a) Vehicles displaying a valid resident parking permit in compliance with Article B of this chapter shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue from Waterway Boulevard to Frank Schille Lane and Waterway Boulevard where parking is not otherwise prohibited; and

(b) All other vehicles shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue where parking is not otherwise prohibited or designated as resident parking pursuant to Article B of this chapter.

(3) The prohibitions in this section shall not apply to emergency, law enforcement, or other public service vehicles, or to vehicles belonging to persons under contract with the City to perform a public service, when such vehicles are parked during the operator's performance of official duties or public services for the City.

Article B – Resident Parking Districts

Sec. 8-2-23. - Dates and times of enforcement.

The provisions in this article will be in effect year-round from May 15 through September 15 between the hours of 9:00 a.m. and 6:00 p.m.

Sec. 8-2-31. - Obedience to parking regulations.

(a) Vehicles with resident parking permits or special permits parking within a resident parking district shall observe and obey the parking regulations posted within the district and as set forth in section 8-2-2 and sections 8-2-4 through 8-2-6 of this chapter, including, but not limited to, the prohibitions on parking in the following places or manners:

- (1) On a sidewalk;
- (2) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;
- (3) Within an intersection or within twenty-five feet (25') of the center of an intersection;
- (4) Within thirty feet (30') of a stop sign;
- (5) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;
- (6) Along any street curb painted yellow;

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- (7) On a crosswalk or within twenty feet (20') of the center of any crosswalk;
- (8) More than eighteen inches (18") from the street curb;
- (9) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;
- (10) In the opposite direction of the movement of traffic;
- (11) Alongside or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";
- (13) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under state law;
- (14) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
- (15) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;

(16) Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:

(a) Within four feet (4') of the pavement, except as otherwise posted;

(b) In any manner other than parallel parking in the direction of traffic; and

(c) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.

(17) On a beach access as defined in section 5-4-15(C)(1), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access.

(b) No such resident parking permit or special permit shall exempt a vehicle from any regulation related to parking in the commercial districts or to paid parking spaces, parking pay stations and kiosks along the public streets or in the public parking lots; provided, however, that City Council may designate certain times for vehicles with valid resident parking permits to park in the public parking lots free of charge.

(c) Parking a truck or vehicle having an overall length of more than twenty feet (20') at any point, including trailers, is prohibited upon any street right-of-way in a resident parking district for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials, except that vehicles displaying a valid resident parking permit shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue from Waterway Boulevard to Frank Sottile Lane and Waterway Boulevard where parking is not otherwise prohibited for access to the Isle of Palms Marina.

Sec. 8-2-32. - Areas designated as resident parking districts.

The public rights-of-way designated by City Council as resident parking districts are depicted in green on Sheet Nos. 4-14 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Parking Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits Managed Beach Parking Signage Plan" prepared by Stantec Consulting Services, Inc., dated insert new date March 3, 2017, as may be amended by City Council from time to time, which is incorporated

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herein by reference. A copy of the current Managed Beach Parking Signage Plan shall be posted on the City's official website.

Article C – Beach Parking

Sec. 8-2-45. - Obedience to parking regulations.

All vehicles parking within the designated beach parking zones shall observe and obey the parking regulations posted within such areas and as set forth in section 8-2-2 and sections 8-2-4 through 8-2-6 of this chapter, including, but not limited to, the prohibitions on parking in the following places or manners:

- (a) On a sidewalk;
- (b) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;
- (c) Within an intersection or within twenty-five feet (25') of the center of an intersection;
- (d) Within thirty feet (30') of a stop sign;
- (e) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;
- (f) Along any street curb painted yellow;
- (g) On a crosswalk or within twenty feet (20') of the center of any crosswalk;
- (h) More than eighteen inches (18") from the street curb;
- (i) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;
- (j) In the opposite direction of the movement of traffic;
- (k) Alongside or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;
- (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";
- (m) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under state law;
- (n) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
- (o) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;
- (p) Along the rights-of-way of Palm Boulevard between 21st Avenue and 40th Avenue in any of the following manners:
 - (1) Within four feet (4') of the pavement, except as otherwise posted;
 - (2) In any manner other than parallel parking in the direction of traffic; and
 - (3) Double parking on the passenger side of any vehicle that is parallel parked along the right-of-way.
- (q) On a beach access as defined in section 5-4-15(C)(1), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access;

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Revised per Council Meeting 3/27/18

- (r) Parking a truck or vehicle having an overall length of more than twenty feet (20') at any point, including trailers, upon any street right-of-way in a beach parking zone for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials.

Sec. 8-2-46. - Areas designated as beach parking zones.

The public rights-of-way designated by City Council as beach parking zones are depicted in red on Sheet Nos. 4-14 titled "Isle of Palms Parking Program Parking Zone Key Sheets" included in the document titled "Parking Plans for City of Isle of Palms Various Roads in City of Isle of Palms Limits Managed Beach Parking Signage Plan" prepared by Stantec Consulting Services, Inc., dated ~~insert new date~~ **March 3, 2017**, as may be amended by City Council from time to time, which is incorporated herein by reference. A copy of the current Managed Beach Parking Signage Plan shall be posted on the City's official website.

ORDINANCE 2018-06

AN ORDINANCE TO RAISE REVENUE AND ADOPT A BUDGET FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2018, AND ENDING JUNE 30, 2019

WHEREAS, Subsection 3 of Section 5-7-260 of the South Carolina Code of Laws, 1976, as amended, requires that a municipal council shall act by ordinance to levy taxes and adopt a budget pursuant to public notice;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Isle of Palms, South Carolina, in council duly assembled, that the following provisions are hereby adopted and enacted:

Section 1. The prepared budget and estimated revenue for the payment of the same is hereby adopted and made a part hereof as if fully incorporated herein and a copy thereof dated May 1, 2017, is attached hereto.

Section 2. The City Administrator shall administer the budget and may authorize the transfer of appropriated funds within departments as necessary to achieve the goals of the budget as established by City Council.

Section 3. If, for any reason, any sentence, clause or provision of this ordinance shall be declared invalid, such shall not affect the remaining portions thereof.

Section 4. This ordinance shall become effective immediately upon its ratification by City Council.

PASSED, APPROVED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF ISLE OF PALMS ON THIS 22nd DAY OF MAY, 2018.

Jimmy Carroll, Mayor

Seal

Marie B. Copeland, City Clerk

First Reading:

Public Hearing:

Second Reading:

Ratification:

ORDINANCE 2018-

AN ORDINANCE AMENDING TITLE 8, MOTOR VEHICLES AND TRAFFIC, CHAPTER 2, STOPPING, STANDING, AND PARKING OF VEHICLES, ARTICLE A, GENERAL PROVISIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE ADDITIONAL REGULATIONS RELATED TO PARKING IN LOADING ZONES; TO INCREASE THE FINE FOR PARKING IN VIOLATION OF LOADING ZONE REGULATIONS TO \$100.00; TO DECLARE CERTAIN PARKED VEHICLES AS NUISANCES AND TO PROVIDE FOR THE IMMOBILIZATION AND IMPOUNDMENT OF SAME; TO PROVIDE ADDITIONAL REGULATIONS FOR IMMOBILIZATION AND IMPOUNDMENT OF CERTAIN VEHICLES; TO PROVIDE REFERENCE TO STATE LAW RELATED TO HANDICAPPED PARKING; AND TO AMEND ADMINISTRATIVE PROVISIONS RELATED TO DEPOSIT OF MONIES COLLECTED FROM PAY PARKING FEES AND PENALTIES.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That the provisions contained in Article A, "General Provisions," of Chapter 2, Title 8, are hereby amended as set forth in Exhibit A attached hereto and incorporated herein by reference as if set forth verbatim.

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie B. Copeland, City Clerk

First Reading:_____

Public Hearing:_____

Second Reading:_____

Ratification:_____

*Amendments related to loading zone,
handicapped parking, nuisance parking,
and immobilization/impoundment
of vehicles.*

EXHIBIT A

Title 8 – Motor Vehicles and Traffic Chapter 2 – Stopping, Standing, and Parking of Vehicles Article A – General Provisions

Sec. 8-2-1. - Findings and intent.

- (a) The City finds that parking in the public rights-of-way and public parking lots should be regulated to promote traffic safety, enhance the smooth flow of traffic, and, in certain areas of high demand for parking spaces, fairly allocate parking spaces among the public by limiting parking time.
- (b) Limiting and pay parking in business districts helps facilitate commerce by promoting frequent turnover for shopping rather than allowing long-term parking, and generates revenue from the use of the parking rights-of-way and public parking lots and by enforcement and maintenance of parking regulations.
- (c) Effective enforcement of parking regulations is required to meet the objectives of this article, and to protect the health, safety, and welfare of both drivers and pedestrians using public rights-of-way and public parking lots.

Sec. 8-2-2. - General prohibitions.

- (1) No person shall stop, stand, or park a vehicle in any of the following public places or manners except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, parking control officer, other authorized person, or traffic control device:
 - (a) On a sidewalk;
 - (b) In front of the entrance to a public or private driveway or alleyway, or within twenty feet (20') of the driveway entrance to any fire station;
 - (c) Within an intersection or within twenty-five feet (25') of the center of an intersection;
 - (d) Within thirty feet (30') of a stop sign;
 - (e) Within fifteen feet (15') of a fire hydrant or fire safety sprinkler, standpipe, or other fire protection system control valve, whether such valve is mounted on a building or on the ground;
 - (f) Along any street curb painted yellow;
 - (g) On a crosswalk or within twenty feet (20') of the center of any crosswalk;
 - (h) More than eighteen inches (18") from the street curb;
 - (i) On the street pavement if there is no street curb, except as otherwise marked or posted. Vehicles shall be parked in such a manner so that all four (4) tires are off of the street;
 - (j) In the opposite direction of the movement of traffic;
 - (k) Along side or opposite any street excavation or obstruction when doing so would obstruct traffic or interfere with the excavation;
 - (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, sometimes called "double parking";
 - (m) In front of a place of business for longer than two (2) hours between the hours of 9:00 a.m. and 5:00 p.m., except for Sundays and State and Federally sanctioned holidays, unless a different regulation is provided by sign or a pay station;
 - (n) In any area of a public parking lot not marked as a single parking space;

*Amendments related to loading zone,
handicapped parking, nuisance parking,
and immobilization/impoundment
of vehicles.*

- (o) In any parking space where payment is required, unless the proper payment has been deposited so that the occupancy of the space does not exceed the time indicated on the pay station receipt;
 - (p) In any parking space designated and established for use by disabled persons unless the vehicle properly displays special designating plate or a placard issued and valid under State law;
 - (q) On the approaches to or upon any bridge;
 - (r) In a manner that blocks traffic or interferes with or blocks the passage of other vehicles;
 - (s) At any place where official signs prohibit stopping, standing, or parking; or in any manner that violates any official sign or curb marking regulating stopping, standing, or parking;
 - (t) Within four feet (4') of the pavement along the right-of-way of Palm Boulevard except as otherwise posted;
 - (u) On a beach access as defined in section 5-4-15(C)(l), or on a public right-of-way in such a manner as to obstruct pedestrian use or authorized emergency vehicular use of a beach access. Any vehicle parked in violation of this subsection may be moved from its location upon order of any police officer.
- (2) No person shall park a truck or other vehicle having an overall length of more than twenty feet (20') at any point, including trailers, upon any street right-of-way for more than one (1) hour or as long as is reasonably necessary to load or unload passengers or materials. Notwithstanding the provisions of this subsection to the contrary, patrons of the Isle of Palms Marina shall be permitted to park vehicles with attached boat trailers in accordance with the following requirements:
- (a) Vehicles displaying a valid resident parking permit in compliance with Article B of this chapter shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue and Waterway Boulevard where parking is not otherwise prohibited; and
 - (b) All other vehicles shall be permitted to park with attached boat trailers along the rights-of-way of 41st Avenue where parking is not otherwise prohibited or designated as resident parking pursuant to Article B of this chapter.

Sec. 8-2-3. - Authority to restrict parking.

City Council shall from time to time adopt resolutions regulating the stopping, standing, or parking of vehicles in public lots or public rights-of-way and shall cause proper signs to be posted on such public streets and parking lots accordingly. In adopting such regulations, City Council shall consider:

- (a) The nature of the land use within the block;
- (b) The volume of traffic;
- (c) The volume of parking;
- (d) The surface width of the street;
- (e) The relationship between the need for parking space for the land use of the block and the need for parking space for the general public;
- (f) Patrons and prospective patrons of places within the block or area to be served by the parking restrictions; and
- (g) The hours of the day or night when use of the parking zone is necessary or most convenient.

*Amendments related to loading zone,
handicapped parking, nuisance parking,
and immobilization/impoundment
of vehicles.*

Sec. 8-2-4. - Bus stops.

- (a) No bus shall park or stand in any place other than temporarily at a bus stop, except that this provision shall not prevent the driver of a bus from temporarily stopping in accordance with other stopping or parking regulations at any place designated for the purpose of, and while actually engaged in, the loading or unloading of passengers.
- (b) No person shall stop, stand, or park a vehicle other than a bus at a bus stop when such stop has been officially designated and appropriately signed.

Sec. 8-2-5. - Passenger and loading zones.

- (a) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger zone, by signage or a white painted curb, during the hours when the regulations applicable to such passenger zones are effective, and then only for a period not to exceed five (5) minutes.
- (b) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a loading zone. ~~The provisions of this paragraph shall be in effect twenty-four (24) hours a day, seven (7) days a week, during the hours from 8:00 a.m. to 8:00 p.m. Use of a loading zone during such hours shall be limited to vehicles with commercial license plates from any state. Any vehicle found in violation of this section will be towed or otherwise removed by or at the direction of the Police Department, and the owner of the vehicle shall be responsible for all towing, removal and storage costs arising therefrom in addition to any penalties imposed pursuant to section 8-2-14.~~

Sec. 8-2-6. - Parking for prohibited purposes.

No person shall stop, stand, or park a vehicle upon any public right-of-way or public lot for the purpose of:

- (a) Displaying the vehicle for sale;
- (b) Greasing or repairing the vehicle, except for repairs necessitated by an emergency;
- (c) Storage;
- (d) Selling merchandise from the vehicle, except when authorized by permit; or
- (e) Advertising.

Sec. 8-2-7. - Designation of paid parking spaces.

City Council shall designate as paid parking such parking spaces as it deems proper along the public streets or parking lots. City Council shall consider the following in determining whether to install parking pay stations on a particular block or in a particular area:

- (a) The amount of area presently under parking control signs;
- (b) Adjacent property owner and property tenant demand and interest in having paid parking control;
- (c) The need for turnover of parking spaces and public rights-of-way management;

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*Amendments related to loading zone,
handicapped parking, nuisance parking,
and immobilization/impoundment
of vehicles.*

- (d) The mitigation of traffic and parking impact on adjacent areas; and
- (e) The impact on paid parking enforcement.

Sec. 8-2-8. - Installation and maintenance of parking pay stations or kiosks.

The Chief of Police shall cause to be placed, installed, and removed parking pay stations or kiosks upon the curbside of parking spaces as designated by City Council. The upkeep and repair of parking pay stations or kiosks shall be under the supervision of the Chief of Police. Revenues generated from the parking pay stations or kiosks shall be collected under the direction of the Chief of Police. ~~deposited with the City's financial institution, and reconciled by the City Treasurer.~~

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Sec. 8-2-9. - Tampering with pay stations or kiosks.

It shall be unlawful for any person to:

- (a) Deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking pay station or kiosk installed under this article; or
- (b) Deposit in any parking pay station or kiosk any slug, device, metallic substance or any substitute for a coin of the United States.

Sec. 8-2-10. - Separate offenses.

Each maximum period of time applying to the location in which a vehicle is parked in violation of this article is a separate and distinct offense. If no period of time applies to the parking violation, then each two (2) hour period during which the violation continues shall constitute a separate and distinct offense. It shall be the duty of the police or other persons authorized by the Chief of Police to place a notice of violation on such vehicle for each separate offense.

Sec. 8-2-11. - Vicarious responsibility.

- (a) Except as provided in subsection (b) of this section, the person in whose name a vehicle is registered or leased shall be absolutely responsible for any violation of this article. It shall be no defense that the vehicle was illegally parked by someone other than the registered owner unless it is shown that at the time of the violation the vehicle was stolen.
- (b) An owner of a vehicle who is engaged in the business of renting or leasing vehicles under written rental or leasing agreements shall not be liable for parking fines and penalties imposed under this article on a rented or leased vehicle if within fifteen (15) days after receiving written notice of the parking violation, the lessor provides to the Chief of Police the true name, address and driver's license number of the person who was leasing the vehicle at the time of the issuance of the citation. A lessor who fails to comply shall be treated as any other owner for purposes of subsection (a) of this section.

Sec. 8-2-12. - Notice of parking violations.

- (a) A notice of violation of this article may be issued in the form of a citation by any police officer or other person authorized by the Chief of Police. A copy of the citation shall be issued by placing it on the windshield of an illegally parked vehicle in a prominent place thereon. In the event that the registered owner or operator of a vehicle drives the vehicle away from or in any manner leaves the site of the violation while the issuing officer is preparing the citation, this fact shall be noted on the citation and shall constitute prima facie evidence that the citation was issued and that an attempt was made to notify the owner of the vehicle of the violation in accordance with this section.
- (b) The citation shall contain the following information:

*Amendments related to loading zone,
handicapped parking, nuisance parking,
and immobilization/impoundment
of vehicles.*

- (1) The date and time when the citation was issued;
 - (2) The nature of the parking violation observed;
 - (3) The state and license number and the make of the vehicle in violation of this article;
 - (4) The name or the badge number of the person issuing the citation; and
 - (5) Information advising the owner of the vehicle that he must admit the violation and pay the penalty set forth in section 8-2-14, or deny the violation and request a hearing in Municipal Court within thirty (30) days from the date of the citation, and advising that failure to do so may result in impoundment or immobilization of the vehicle.
- (c) The original citation must be filed with the Municipal Court and may be disposed of only by official action of the Court or by payment of a fine to the Court. It shall be unlawful for any person to alter or destroy any notice of violation issued under this article except in a manner consistent with this article and State law.

Sec. 8-2-13. - Response to the citation.

A person to whom a notice of violation has been issued under this article shall have thirty (30) days from the date of the citation to respond to the Municipal Court as follows:

- (a) Admit the violation by payment of the scheduled penalty as established in section 8-2-14.
- (b) Deny the violation and promise to appear in Municipal Court for an adjudicatory hearing on the date set by the Court.

Sec. 8-2-14. - Penalties.

- (a) If the owner of a vehicle in violation of this article admits the violation and pays the penalty or appears before the Municipal Court pursuant to section 8-2-13 and is found guilty, the penalty shall be as follows:

- (1) Parking in violation of any regulation related to paid parking spaces, parking pay stations or kiosks along the public streets or in the public parking lots: \$25.00.

(2) Parking in violation of section 8-2-5(b), (loading zone regulation): \$100.00.

(3) Parking in violation of any other parking regulation: \$50.00.

- (b) If a person violates any parking regulation and fails either to request a hearing before the Municipal Court or to pay the penalty as provided above within thirty (30) days of the date the notice is issued, the penalty for the violation shall double.

(c) If a person accumulates three (3) or more parking citations and fails to either appear before the Municipal Court or pay the proscribed penalty, the City, through its appropriate agencies, is authorized to administer the following penalties until such fines are collected:

(1) Install an immobilization device pursuant to section 8-2-15;

(2) Impound the vehicle pursuant to section 8-2-15(c); and

(3) Provide information to the Department of Motor Vehicles in the State in which the vehicle is registered that would prevent the re-registering of such vehicle under that state's law until such time that fines are paid.

(d) Monies collected pursuant to this section shall be deposited with the City's financial institution and reconciled by the City Treasurer.

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Amendments related to loading zone,
handicapped parking, nuisance parking,
and immobilization/impoundment
of vehicles.

Sec. 8-2-15. ~~Certain parked vehicles declared nuisance.~~

- (a) ~~Any vehicle parked on any street or other public property, whether in an authorized or unauthorized zone, which is found to be the subject of fifty dollars (\$50.00) or more past due on outstanding parking fines issued pursuant to any state or city parking ordinance is hereby declared to be a public nuisance.~~
- (b) ~~Any vehicle that has been identified as a public nuisance shall be subject to the following penalties until such outstanding fines are collected:~~
- ~~(1) Installation of an immobilization device on the vehicle pursuant to section 8-2-16;~~
- ~~(2) Impoundment of the vehicle pursuant to section 8-2-16(g).~~

Sec. 8-2-16. Immobilization and impoundment of vehicles.

- (a) A police officer or any other person designated by the Chief of Police may immobilize by the use of vehicle immobilization equipment any vehicle which is ~~identified as a public nuisance pursuant to section 8-2-15~~ illegally parked, and for which there are three (3) or more outstanding, unpaid, and overdue parking tickets for a period of ninety (90) days.
- (b) When attaching vehicle immobilization equipment to a vehicle, the officer shall affix notice to the windshield or other part of the vehicle so as to be readily visible. The notice shall:
- (1) Warn that the vehicle has been immobilized and that any attempt to move the vehicle may result in damage to the vehicle;
- (2) State the total amount of fines due for parking tickets which are overdue and unpaid that are attributable to such vehicle, in addition to an immobilization fine;
- (3) List the address and telephone number to be contacted to pay the charges to have the vehicle immobilization equipment removed; ~~and,~~
- ~~(4) Warn that after 48 hours, towing will occur.~~
- (c) The owner of an immobilized vehicle shall be subject to an immobilization fine of \$100.00 for the immobilization, which fee shall be exclusive of any bonds posted or fines imposed.
- ~~(e) The owner of the vehicle immobilized, towed or impounded shall have the right to contest the validity of the action taken by the Police Department by requesting a hearing by the City Administrator or his/her designee. The request for a hearing must be in writing and delivered to the City Clerk's office within ten (10) days of immobilization, towing or impoundment. Any person dissatisfied with the decision of the City Administrator or his/her designee may appeal the decision to a court of competent jurisdiction within ten (10) days after notice of the decision from which the appeal is taken.~~
- ~~(d) Upon payment of all fines, overdue and unpaid parking tickets, and the immobilization fine, the vehicle immobilization equipment shall be removed and the vehicle shall be released to the registered owner or any other person legally entitled to claim possession of the vehicle.~~
- ~~(e) It shall be unlawful for anyone to remove vehicle immobilization equipment placed on a vehicle pursuant to this section without all fines having first been paid or an approved payment having been made. The City shall not be responsible for any damage to an immobilized vehicle resulting from unauthorized attempts to free or move the vehicle.~~
- ~~(f) The City assumes no liability for loss or damage to a vehicle or its contents that has been immobilized or impounded pursuant to this section.~~

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Amendments related to loading zone,
handicapped parking, nuisance parking,
and immobilization/impoundment
of vehicles.

(g) If the parking fines and the immobilization fine are not paid, or satisfactory arrangements in lieu of payment are not made, within forty-eight (48) hours, the vehicle will be towed and impounded. Towing and storage charges shall be the responsibility of the vehicle owner.

(h) After the vehicle is towed, the Police Department shall notify in writing by registered or certified mail, return receipt requested, the person in whose name the vehicle was last registered at the last address reflected by the South Carolina Department of Motor Vehicles records that the vehicle is being held and designating the place where it is being held.

(i) Vehicles which have been towed and impounded will not be released until all unpaid parking citations and immobilization fines have been paid. Vehicles impounded and not claimed within thirty (30) days may be disposed of in accordance with South Carolina state statutes.

Sec. 8-2-17. -- Exemptions from pay parking for handicapped persons, disabled veterans, and Purple Heart recipients.

(a) Handicapped persons are exempt from the pay parking requirements when their vehicles bear a distinguishing license plate or placard issued by the Department of Motor Vehicles.

(b) Disabled veterans and recipients of the Purple Heart are exempt from the pay parking requirements when their vehicles bear a disabled veteran's or Purple Heart license plate issued by the Department of Motor Vehicles.

Sec. 8-2-18. -- Handicapped parking; unlawful acts.

(a) Handicapped parking shall be governed by S.C. Code 1976, title 56, ch. 3, art. 18, as amended.

(b) It is unlawful to park any vehicle in a parking place clearly designated for handicapped persons unless the vehicle bears the distinguishing license plate or placard issued by the Department of Motor Vehicles.

(c) It is unlawful for any person who is not handicapped or who is not transporting a handicapped person to exercise the parking privileges granted handicapped persons pursuant to S.C. Code 1976, title 56, ch. 3, art. 18, as amended.

Sec. 8-2-19. -- Golf carts.

Notwithstanding any other provision contained in this article to the contrary, golf carts are allowed to park along public beach accesses within areas designated by the City for such parking.

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ORDINANCE 2018-

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OF THE CITY OF ISLE OF PALMS TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN THIRD AMENDMENT TO COMMERCIAL LEASE AGREEMENT BETWEEN THE CITY OF ISLE OF PALMS AND BARRIER ISLES, LLC, ATTACHED HERETO AS EXHIBIT I AND INCORPORATED HEREIN BY REFERENCE.

WHEREAS, the City of Isle of Palms ("City") and Barrier Isles, LLC ("Tenant") have entered into that certain Commercial Lease Agreement with an effective date of May 17, 2002 for the lease of certain real property located at Isle of Palms Marina, as more fully described in said lease and commonly known as "Morgan Creek Grill," as amended by that certain First Amendment to Lease Agreement, dated March 12, 2010 (the "First Amendment") and that certain Second Amendment to Lease Agreement, dated October 26, 2017 (the "Second Amendment") (the Commercial Lease Agreement, the First Amendment, and the Second Amendment are together referred to herein as the "Lease"); and

WHEREAS, City and Tenant desire to further amend the Lease, as more fully set forth in the Third Amendment to Commercial Lease Agreement, attached hereto as Exhibit I and incorporated herein by reference; and

WHEREAS, City Council finds that leasing the Morgan Creek Grill property under such amended terms to Barrier Isles, LLC will serve the interest of the public health, safety, welfare and general convenience of the residents of the City of Isle of Palms; and

WHEREAS, S.C. Code sections 5-7-40 and 5-7-260 require that City Council act by ordinance in leasing any lands of the municipality.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. City Council authorizes the City Administrator to execute the Third Amendment to Commercial Lease Agreement between the City of Isle of Palms and Barrier Isles, LLC which is attached hereto as Exhibit I and incorporated herein by reference.

SECTION 2. That should any part of this Ordinance be held invalid by a court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance shall take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE ____DAY OF _____, 2018.

Jimmy Carroll, Mayor

(Seal)

Attest:

Marie Copeland, City Clerk

First Reading:
Second Reading:
Ratification:

EXHIBIT I

(ATTACH THIRD AMENDMENT TO BARRIER ISLES, LLC LEASE)

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

THIRD AMENDMENT TO COMMERCIAL
LEASE AGREEMENT

THIS THIRD AMENDMENT TO COMMERCIAL LEASE AGREEMENT (“Third Amendment”) is made and entered into this ____ day of _____, 2018, by and between The City of Isle of Palms, South Carolina (“Landlord”) and Barrier Isles, LLC, a South Carolina limited liability company (“Tenant”).

WHEREAS, Tenant is the tenant under that certain Commercial Lease Agreement dated May 17, 2002, between Landlord and Tenant (the “Lease”), covering certain real property commonly known as “Morgan Creek Grill,” located near the northeastern corner of the Isle of Palms Marina; and

WHEREAS, Landlord and Tenant made certain amendments to the terms of the Lease in the First Amendment (“First Amendment”) to Lease Agreement dated March 12, 2010; and

WHEREAS, Landlord and Tenant made certain amendments to the terms of the Lease in the Second Amendment (“Second Amendment”) to Lease Agreement dated October 26, 2017; and

WHEREAS, Landlord and Tenant desire to further amend the Lease as hereinafter set forth.

THEREFORE, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, and other good and valuable consideration in hand paid by each to the other, the parties hereto hereby agree as follows:

1. That the Lease is hereby amended to add the following new Section 28:
- “28. DOCK USE BY TENANT’S PATRONS. Landlord agrees to reserve the dock space (the “Restaurant Dock”) shown on Exhibit I attached hereto for the exclusive use of Tenant’s patrons from June 1, 2018 to May 31, 2019. Landlord shall have no further obligation to reserve the Restaurant Dock, or

any portion thereof, for Tenant's exclusive use after May 31, 2019. Tenant agrees to be responsible for payment of all property taxes assessed against the Restaurant Dock property which accrue during the time period for which the Restaurant Dock is reserved for the Tenant's exclusive use. Tenant agrees to prohibit overnight mooring of vessels at the Restaurant Dock other than for exceptional circumstances. Landlord agrees to be responsible for all repairs and maintenance at the Restaurant Dock which are not caused by the negligent or willful acts of Tenant or Tenant's patrons. Tenant agrees to be responsible for all repairs and maintenance at the Restaurant Dock which are caused by the negligent or willful acts of Tenant or Tenant's patrons. Tenant agrees to hold harmless and indemnify Landlord against any loss or damage, including attorney's fees and expenses, incurred as a result of any and all claims, demands, causes of action, suits, judgments, fines, or penalties (including but not limited to all fees and expenses incurred as a result of death or injury to persons or for loss of or damage to property) arising out of or in connection with the use of the Restaurant Dock by Tenant, its agents, employees, licensees, or invitees except to the extent caused by the fault or neglect of Landlord or its employees, agents, invitees and licensees."

2. That all other terms and conditions of the Lease, First Amendment, and Second Amendment which are not inconsistent herewith shall remain in full force and effect.

IN WITNESS WHEREOF, the Landlord and Tenant have caused this Third Amendment to be duly executed, sealed and delivered, by and through the undersigned agents, as of the date stated above.

WITNESS:

The City of Isle of Palms, S.C., Landlord

By:_____

Title:_____

(as to Landlord)

Barrier Isles, LLC, Tenant

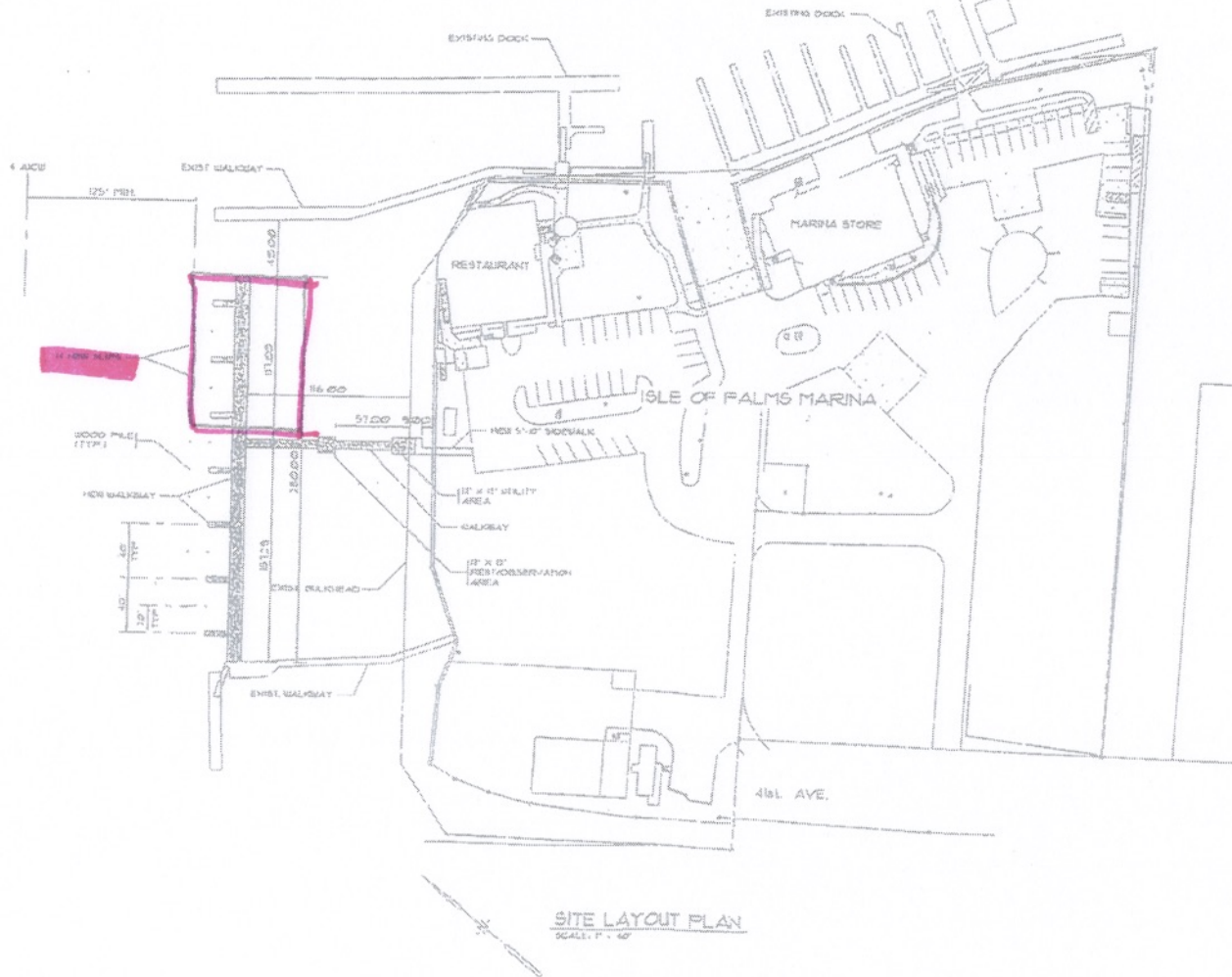
By:_____

Title:_____

(as to Tenant)

Exhibit I
(Attach Map Showing Restaurant Dock)

EXHIBIT I



SITE LAYOUT PLAN
SCALE: 1" = 40'

50% DESIGN SUBMITTAL

ISLE OF PALMS
MARINA EXPANSION
CITY OF ISLE OF PALMS
CHARLESTON COUNTY

SITE LAYOUT PLAN

H
Hatch, Lachar & Associates, P.A.
Civil/Structural Engineers
1000 North Charleston 29407

DATE	DEC 2002
DESIGNED BY	PHD
CHECKED BY	JCH
DATE	DEC 2002
SCALE	AS SHOWN

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CITY OF ISLE OF PALMS
MESSAGE BOARD POLICY

I. INTENT:

This Policy establishes the criteria for displaying messages on the City of Isle of Palms' message board(s). Messages displayed on the message board(s) shall comply with this Policy.

II. ELIGIBLE MESSAGE BOARD MESSAGES:

1. The City's message board unilaterally communicates information to the public. The City's message board is not a designated public forum or platform for public discourse, exchange of opinions, or discussion on issues of public interest.
2. The City's message board announces programs, events, and announcements conducted, operated, or sponsored by the City, its Departments, its Boards and Commissions.
3. The City's message board shall not display commercial, political, or religious statements.
4. City messages shall be limited to official City of Isle of Palms business, such as notifying the public of City meetings, activities and programs and City-sponsored events.
5. Message Priority. Messages shall be displayed according to the following priority:
 - a. Public safety emergency messages, which shall take priority as deemed necessary by the City Administrator;
 - b. City government meetings;
 - c. City programs and announcements; and
 - d. City-sponsored events.
6. The City's message boards will not be available for use by any organizations other than the City of Isle of Palms and its Departments, Boards, and Commissions.

DATE: _____

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ISLE OF PALMS TO ADOPT A POLICY FOR USE OF THE CITY’S MESSAGE BOARD

WHEREAS, the City owns a message board, which is located on Palm Boulevard at the intersection with 14th Avenue; and

WHEREAS, City Council wishes to utilize the City’s message board for the display of messages by the City, its Departments, Boards and Commissions to communicate information regarding City government meetings, public safety emergency messages, City programs, announcements, and other official City business and City-sponsored events; and

WHEREAS, City Council deems it advisable to adopt a policy for the use of the City’s message board for such purposes.

NOW, THEREFORE, BE IT RESOLVED that City Council, in meeting duly assembled, hereby adopts the Message Board Policy, attached hereto as Exhibit “A” and incorporated herein by reference, which shall be in full force and effect immediately upon its adoption and approval.

**PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE
OF PALMS, SOUTH CAROLINA, ON THE _____ DAY OF _____, 2018.**

Jimmy Carroll, Mayor

Attest:

Marie B. Copeland, City Clerk

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LAW ENFORCEMENT MUTUAL MUTUAL AID AGREEMENT

This agreement is made and entered into this 20th day of December, 2017, by and between the **TOWN OF MOUNT PLEASANT POLICE DEPARTMENT** and the **ISLE OF PALMS POLICE DEPARTMENT** (hereinafter the "Parties") and shall be effective on the date that the agreement has been signed by both Parties and approved by their governing bodies.

WHEREAS, as amended on June 3, 2016, South Carolina Code Ann. Section 23-20-10, et seq., provides that counties, incorporated municipalities, or other political subdivisions of this State may enter into mutual aid agreements as may be necessary for the proper and prudent exercise of public safety functions across jurisdictional lines, including but not limited to, multijurisdictional task forces, criminal investigations, patrol services, crowd control, traffic control and safety and other emergency service situations; and

WHEREAS, the Parties desire to enter into such an agreement for the purpose of assisting one another in the proper provision and prudent exercise of public safety functions across jurisdictional lines; and

WHEREAS, it is the desire and intent of the Parties to evidence their joint undertaking for the provision of assistance in law enforcement matters by the temporary assignment of law enforcement officers between jurisdictions to the fullest extent as is allowed by law; and,

WHEREAS, it is the intent of the Parties to share jurisdiction under this written agreement to the fullest extent permitted under South Carolina law; and

WHEREAS, the purpose of this Agreement is to define the scope of such mutual aid and the responsibilities of the Parties hereto;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the Parties agree as follows:

I. Statement of Specific Services to be Provided.

A. Mutual Aid: The assistance to be rendered pursuant to this Agreement shall include the temporary transfer or assignment of law enforcement officers and/or equipment from one party's jurisdiction to the other for the purpose of providing the proper and prudent exercise of public safety functions across jurisdictional lines.

1) Public Safety Functions include, but are not limited, to:

- a) multi-jurisdictional task forces;
- b) criminal investigations (including, but not limited to, investigations relating to illegal narcotics and narcotics related activities);
- c) patrol services;
- d) crowd control;

- e) traffic control and safety; and
- f) other emergency service situations.

2) Other Emergency Service Situations include, but are not limited, to:

- a) riot or disorder;
- b) natural disasters;
- c) mass processing of arrests;
- d) transporting prisoners;
- e) operating temporary detention facilities; and
- f) vehicular pursuits.

B. Procedure for Requesting Assistance

1) Request. A request for assistance pursuant to this agreement shall only be made by the head of the requesting law enforcement agency or his or her designee. The request shall include a description of the situation creating the need for assistance, the number of law enforcement officers requested, the location to which the personnel are to be dispatched, and the officer in charge at such location.

2) Reply. A reply to any request for assistance pursuant to this agreement shall only be made by the head of the assisting law enforcement agency or his or her designee. If the request is granted, the requesting law enforcement agency shall be immediately informed of the number of law enforcement officers to be furnished.

C. Procedures when Assisting

1) Officer in Charge. The personnel transferred or assigned by the assisting law enforcement agency shall report to the Officer-In-Charge of the requesting law enforcement agency at the designated location or by way of radio contact. The personnel transferred or assigned by the assisting law enforcement agency shall be under the direction and authority of one superior authority from their own agency/jurisdiction, who in turn shall be under the direction and authority of the host requesting jurisdiction. The assisting law enforcement officers shall exert their best efforts to cooperate with, and aid, the requesting law enforcement agency.

2) Radio Communication. Radio communication between the requesting law enforcement agency and the assisting law enforcement officers shall be maintained by use of the Consolidated Dispatch Radio System, unless a radio channel that is mutually shared by the Parties hereto is otherwise available.

3) Release. The assisting law enforcement officers temporarily transferred or assigned shall be released by the Officer-In-Charge when their services are no longer required or when they are needed to respond to a situation within the geographical boundaries of their own jurisdiction; provided, however, the

assisting law enforcement officers shall use their best efforts to complete the requested services prior to being released.

D. Vesting of Authority and Jurisdiction. To the fullest extent permitted by the Constitution and statutes of this state, for purposes of investigation, arrest, or any other activity related to the purpose for which they were requested pursuant to this agreement, assisting officers shall be vested with the same jurisdiction, authority, powers, privileges, immunities, rights, and duties to enforce the laws of the State of South Carolina and/or the laws of the requesting municipality and/or county, as the requesting agency's officers.

II. Financial Issues.

A. Compensation and Reimbursement.

1. The temporary transfer or assignment of law enforcement officers made pursuant to this Agreement shall in no manner affect or reduce the compensation, pension or retirement rights of such transferred or assigned officers, and such officers shall continue to be paid by the agency where they are permanently employed.

2. The Parties agree that compensation and/or reimbursement for services provided hereunder shall be limited to the reciprocal provision of services of like kind, to include the ancillary benefits of increased investigation and prevention of crime in their respective jurisdictions.

3. Any other agreement for reimbursement between the Parties must be written and executed in the same manner as this agreement.

B. Costs and Expenses. Except as otherwise provided herein, each party shall bear its own costs and expenses incurred in the performance of its obligations hereunder.

C. Insurance and Bond. It is agreed and understood that the Parties hereto shall be solely responsible for maintaining such insurance protection and workers compensation coverage on its employees as may be required by law or deemed advisable by the party. The bond, if any, for any officers operating under this agreement, shall include coverage for their activity in the other jurisdiction covered by this agreement in the same manner and to the same extent provided by the bonds of regularly employed officers of that county or municipality.

III. Arrangements for use of Equipment and Facilities.

A. Supply and Provision of Equipment and Facilities. Each party shall be responsible for the maintenance of its own equipment and shall supply the equipment for its law enforcement officers. The host agency will procure and provide the facilities for law enforcement operations and will designate its location at the time assistance is requested unless otherwise agreed upon by the Parties.

B. Damage to Equipment. Each party shall bear the risk of its damage or loss to its own equipment; provided, however, that if the equipment is damaged by the acts or omissions of employees of the other party, then the other party shall reimburse the damaged party for its loss.

IV. Records and the Processing of Requests Pursuant to the Freedom of Information Act.

A. Records. The requesting law enforcement agency shall be primarily responsible to maintain records relating to the purpose for which assistance has been requested. Each law enforcement agency, however, shall maintain its own personnel and other usually kept records as to its assigned officers. Each party shall make records relating to law enforcement activities conducted pursuant to this Agreement available to the other party upon request and without costs.

B. Processing Freedom of Information Act Requests. Each party shall be responsible for responding to Freedom of Information Act requests received by their agency in accordance with South Carolina Law. It is anticipated, but not required, that when responding to Freedom of Information Act requests the Parties will consult with one another to ensure their responses to such requests are complete, consistent and in compliance with South Carolina Law.

V. Legal Contingencies.

A. Lawsuits and Payment of Damages Arising from Provided Services. Neither party shall be responsible for defending any legal action brought against the other party or its employees arising out of circumstances in which assistance was requested or provided, nor shall it be responsible to pay any fees, costs, damages or verdicts incurred by the other party in such a legal action.

B. No Indemnification or Third-Party Rights. The Parties shall be solely responsible for the acts and omissions of their respective employees, officers and officials. No right of indemnification is created by this agreement and the Parties expressly disclaim such a right. The provisions of this agreement shall not be deemed to give rise to or vest any rights or obligations in favor of any person or entity not a party to this agreement.

VI. Stipulation Regarding Control Over Assisting Agency's Personnel

A. Primary Responsibility. It is agreed and understood that the primary responsibility of the Parties hereto is to provide law enforcement services within the geographical boundaries of their respective jurisdictions. Therefore, it is agreed that the law enforcement agency whose assistance is requested shall be the sole judge as to whether or not it can respond and to what extent it can comply with the request for assistance.

B. Employment Status. Nothing herein contained shall be construed or interpreted to imply that the law enforcement officers temporarily transferred or assigned in accordance with this Agreement shall be employees of the law enforcement agency requesting such assistance.

VII. Term, Duration, Modification and Termination.

A. Term and Duration. This Agreement is effective as to each party at the date and time of signing and will be reviewed annually and automatically renew each anniversary date, year to year, and term to term unless a party exercises its right to terminate as further described herein.

B. Modification. This Agreement shall not be modified, amended or changed in any manner except upon the express written consent of the Parties hereto.

C. Termination. This Agreement may be terminated by either party by providing written notice to the other party. Such notice becomes effective upon receipt of the notice by the other party.

VIII. General Provisions.

A. Responsibility to Respective Governing Bodies Each party is responsible for any approval requirements to their respective governing body as may be required under South Carolina law.

B. Severability. Should any part of this Agreement be found to be unenforceable by any court or other competent authority, the rest shall still remain in full force and effect.

C. Binding Successors in Office. All Parties agree that any and all successors in interest to their offices will be similarly bound by the terms of this agreement without necessitating execution of any amendment.

IN WITNESS WHEREOF, these Parties have set their hands and seals at the date set forth above.

City of Isle of Palms:




Witness




Chief Thomas E. Buckhannon III

Witness

City Administrator Linda Tucker

Town of Mount Pleasant:


Witness

Witness


Chief Carl Ritchie

Mayor Will Haynie

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ISLE OF PALMS APPROVING A LAW ENFORCEMENT MUTUAL AID AGREEMENT WITH THE TOWN OF MOUNT PLEASANT POLICE DEPARTMENT

WHEREAS, South Carolina Code Ann. § 23-20-10, et seq., authorizes mutual aid agreements on behalf of a law enforcement authority for the purpose of providing the proper and prudent exercise of public safety functions;

WHEREAS, law enforcement authorities for the Town of Mount Pleasant and the City of Isle of Palms desire to participate in such an agreement for the purposes of securing the benefits of mutual aid for requested public safety functions;

WHEREAS, it is the desire and intent to pursue their joint undertaking for the provision of mutual aid and assistance by the assignment of officers and agents between jurisdictions for requested public safety functions to the fullest extent as is allowed by law;

WHEREAS, the City Council of the City of Isle of Palms believes the adoption, execution and use of mutual aid agreements to be reasonable, prudent and desirable, and that such agreements serve the best interest of the citizens of the City; and

WHEREAS, the City Council of the City of Isle of Palms must approve the mutual aid agreement, and does so now for the purpose of satisfying statutory requirements.

NOW, THEREFORE, BE IT RESOLVED that City Council, in meeting duly assembled, hereby approves the Law Enforcement Mutual Aid Agreement, attached hereto as Exhibit "A" and incorporated herein by reference, and authorizes the Chief of Police and City Administrator of the City of Isle of Palms to execute such agreement with the Town of Mount Pleasant Police Department.

**PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE
OF PALMS, SOUTH CAROLINA, ON THE _____ DAY OF _____, 2018.**

Jimmy Carroll, Mayor

Attest:

Marie B. Copeland, City Clerk

March 27, 2018

Ms. Linda Lovvorn Tucker
City Administrator
Post Office Box 508
Isle of Palms, SC 29451

Re: Streaming of Camera Feeds - SCDOT Video Sharing Platform Agreement

Dear Ms. Tucker,

Thank you for your previous input in review of the agreement titled "Agreement for Streaming Video through the Traffic Management Center" (Agreement) with the South Carolina Department of Transportation (SCDOT). As you probably recall, the purpose of the Agreement is to outline the requirements, terms and conditions under which the Town of Isle of Palms would continue to be granted authority to transmit its CCTV Streaming video camera feeds into SCDOT's Video Sharing Platform (SC511). SCDOT operates, through its contractors, a video fusion and distribution center that will provide a video sharing platform to access video from the Town of Island of Palms and disseminate it to the Public via SC511.

The enclosure includes three copies of the revised agreement based on review comments by all parties. At this time SCDOT considers the agreement to be in final format, and access for the video may be terminated if SCDOT does not receive the signed agreement on or before April 30, 2018. Please do not date page one, however, a signature and date is required to be notarized in the presence of a Notary Public on page six where indicated. All three copies of the Agreement must be signed and returned. Upon receipt SCDOT will add the effective date for the Agreement, and return one original for your records.

We look forward to our continued collaborative endeavors in the Traffic Management arena. Feel free to direct any questions or concerns to Tisha Dickerson at 803-737-1165 or by email DickersoTM@scdot.org.

Best regards,



Rob Perry, P.E.
Director of Traffic Engineering

**Agreement and Contract Between
South Carolina Department of Transportation
And
COUNTY OR MUNICIPALITY**

**AGREEMENT FOR STREAMING VIDEO THROUGH THE TRAFFIC MANAGEMENT
CENTER**

This Agreement for Streaming Video through the SCDOT's SC511 system is an agreement between the South Carolina Department of Transportation (SCDOT) and Town of Isle of Palms hereafter referred to as the "USER", hereinafter the "Parties".

The effective date of this Agreement is _____.

DEFINITIONS

CLOSED CIRCUIT TELEVISION (CCTV system): A video camera system and/or network that collect's, transmits and monitors data electronically via a data stream and projects such data onto a video monitor, television screen or other equipment. The CCTV system is a closed circuit in that it has limited access and all elements are directly connected and controlled by authorized operators of the system.

STREAMING VIDEO: The video data stream generated by a Municipality or County CCTV systems.

511 REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM (SC511): Real-time information program means the program by which States gather and make available the data for traffic and travel conditions.

USER: Any Municipality or County that operate a network of CCTV cameras within their jurisdictions for purposes of traffic monitoring, which has an agreement with SCDOT authorizing it to transmit its Streaming Videos to SCDOT's SC511 system for highway traffic control purposes, and has an agreement authorizing the access thereof.

RECITALS

WHEREAS, this agreement outlines the requirements, terms and conditions under which USER has been granted authority to transmit its Streaming Videos to SCDOT's SC511. The Streaming Video is provided by the USERs real-time CCTV system developed for traffic management within its jurisdiction and is provided and operated at the sole expense of USER. The Streaming Video will show live traffic conditions including crashes, stalled vehicles, road hazards, weather conditions, traffic congestion, and maintenance and repair work locations within USERs jurisdiction at no cost to SCDOT; and

WHEREAS, the purpose of providing the SCDOT with USER's Streaming Video is to disseminate real-time traffic information, the dissemination of which will benefit the general and motoring public by providing timely and accurate knowledge of traffic conditions thereby enhancing vehicular safety within the State.

NOW, THEREFORE, in consideration of the mutual promises herein the Parties agree to the following terms and conditions:

A. USER'S RESPONSIBILITIES:

1. USER is responsible for all costs associated with the installation, operation, repair, maintenance, and upgrades of its network of CCTV systems and all associated equipment, including but not limited to, CCTV cameras, video management software, and firewalls required and used for purposes of streaming videos and video sharing under this agreement.
2. USER hereby grants SCDOT, at no cost, a non-exclusive access to USER's Streaming Videos and video sharing from USER's CCTV system under the terms set forth herein.
3. USER shall provide necessary metadata on the CCTV feeds to be shared. The signal between USER's CCTV system and SCDOT's SC511 system is the responsibility of the USER.
4. USER shall notify SCDOT as soon as feasible when feeds are expected to be unavailable, or in the event of an unplanned outage.
5. USER agrees that the Streaming Video feeds and images transmitted to SCDOT's SC511 system may be forwarded and disseminated to SCDOT's partner agencies, the media, and the traveling public for the purposes of congestion monitoring, traffic management, and incident management.
6. USER shall assume total responsibility for maintaining full control and operation of its CCTV cameras and equipment at all times, including pan, tilting, and zoom capabilities without any of the stated responsibilities being levied upon the SCDOT personnel. The Streaming Video feeds and shared feeds/images are the property of USER and USER retains all rights to the feeds and images.
7. USER shall have the ability to temporarily request offline of a video stream to all users or only to the public and media.
8. USER agrees that no video stream will be transmitted to SCDOT's SC511 system using a camera's zoom capabilities to focus on vehicle license plates, drivers, or other personal identification of individuals involved in any traffic-related incident. User agrees that no video stream will be transmitted to SCDOT's SC511 system that focus on any property or person outside the SCDOT right-of-way, or involve events that are not traffic-related.

9. USER agrees that it shall maintain the security and integrity of its CCTV system by limiting use of the system to authorized individuals, and by insuring the system is used for the specific purpose stated in this Agreement. No feed shall be purposely broadcast live or rebroadcast that is zoomed in on an accident where individuals or license numbers are recognizable.
10. USER agrees that if it uses the zooming feature of its cameras, it shall first contact SCDOT SC511 Columbia Traffic Management Center, at (803) 737-1893 and request that the SC 511 live feed be suspended during all zooming activities. USER shall develop written procedures to detail the process for its authorized individuals to contact the SCDOT's SC511 operation prior to conducting any zooming activities. The written procedures shall be submitted to SCDOT's SC511 operation for approval prior to any transmission of video streaming under this Agreement. USER agrees to post the written procedures in a conspicuous location in its facilities. The written procedures shall be incorporated herein and made a part of this Agreement.
11. USER accepts all risks inherent with the live video feeds, including, but not limited to, interruptions in the video feed, downtime for maintenance, or unannounced adjustments to SCDOT video sharing systems.
12. USER shall provide technical assistance to SCDOT, or its designated contractor, as soon as feasible when notified of SCDOT issues accessing USER's CCTV feeds.
13. USER agrees to provide SCDOT with a contact person to address customer service inquiries.
14. USER agrees that it will supply all required equipment, as reasonably determined by SCDOT that is needed by SCDOT to receive the intended transmission feeds.
15. USER shall maintain the ability to change, update, remove, and/or add locations to be shared.
16. USER agrees it will be acknowledged as the provider of the video on the SCDOT SC511 website as appropriate. All USER streaming Video feeds and shared feeds/images which are transmitted to SCDOT shall be marked or stamped by SCDOT with the USER name or logo prior to sharing. Any time USER-provided video or data is disseminated, the USER will be acknowledged as the source.
17. The USER hereby acknowledges that other matters not addressed in this Agreement may arise after the signing of this agreement. Therefore, SCDOT reserves the right to amend this Agreement, by adding provisions, deleting provisions, and/or changing existing provisions when circumstances require such changes. SCDOT shall provide prior written notice of any such changes in this Agreement. USER shall retain the right to terminate this Agreement as provided herein below.

B. SCDOT RESPONSIBILITIES:

1. SCDOT agrees to accept transmission of USER's Streaming Videos from the USER's CCTV system and allow USER to disseminate its Streaming Videos on a real-time basis through SCDOT's SC511 system in order to provide support to motorists and emergency response personnel responding to roadway incidents, and actively manage traffic flow in that jurisdiction.
2. SCDOT shall not be responsible for any of the USER's CCTV system or equipment and shall incur no costs in the transmission, dissemination or use of the USER's Streaming Video.
3. SCDOT does not record or archive video images received from USER.
4. SCDOT will not be responsible for any third party use of USER's CCTV feeds once delivered and disseminated by SCDOT.
5. SCDOT shall integrate additional CCTV feeds of USER to the extent possible, but is under no requirement to add additional CCTV feeds.
6. SCDOT will provide the USER with emergency contact information in order to request removal of CCTV feeds either temporarily or permanently
7. SCDOT will post a message on the SC 511 system notifying viewers the USER has requested the video stream to be removed temporarily for any USER CCTV feed removed from streaming.
8. SCDOT will monitor feeds and notify the USER if there are any connections or quality problems with one or more feeds.
9. SCDOT will not have the ability to operate or reposition USER's CCTV cameras.
10. SCDOT reserves the right to terminate the receipt of USER's Streaming Video feeds and images, to remove any individual CCTV feed from the video sharing center, or to change the areas, times, or levels of receipt of the Streaming Videos feeds at any time. SCDOT shall not be responsible for any costs associated with termination or transmission limitation. SCDOT will provide notice to USER upon such removal or limitation. No feed will be purposely delivered or disseminated that is zoomed in on an accident where individuals or license numbers are recognizable.
11. SCDOT cannot guarantee the availability of continuous transmission of USER's Streaming Videos.
12. SCDOT will insert, stamp or mark the USER logo or name on the streaming video feed or images, at its discretion, where possible and appropriate, during the public or media viewing session. The dissemination to the public of the video feeds and images will display the USER name in a prominent location and be clearly identifiable.

13. SCDOT reserves the right, for operational reasons, to temporarily block USER images/streams from going to the internet. SCDOT may use any method it deems necessary to accomplish this, including the removal of the USER's access to the SC511 system.

14. SCDOT is authorizing the transmission of USER's Streaming Videos through the SC511 system as a convenience to the USER and agrees to provide a good faith effort to maintain the video feed.

C. LIABILITY AND INDEMNITY PROVISIONS:

1. To the extent permitted by existing South Carolina law, the SCDOT hereby assumes complete responsibility for any loss resulting from bodily injuries (including death) or damages to property, arising out of any negligent act or negligent failure to act on the SCDOT's part, or the part of any employee or agent of the SCDOT in the performance or participation in the work undertaken under this Agreement.

2. To the extent permitted by existing South Carolina law, the USER hereby assumes complete responsibilities for any loss resulting from bodily injuries (including death) or damages to property, arising out of any negligent act or negligent failure to act on the USER's part, or the part of any employee of the USER in performance of the work or services undertaken under this Agreement.

3. The liability obligations assumed by the USER pursuant to this Agreement shall survive the termination of the Agreement, as to any and all claims including without limitation liability for any damages to SCDOT property or for injury, death, property damage, or injury to personal reputation or privacy occurring as a proximate result of information made available from the USER's CCTV system and transmitted by the SCDOT's SC511 system.

4. In the event USER shall violate or fail to comply with any provision or obligation of this Agreement SCDOT may declare USER to be in breach of this Agreement. Upon breach of the agreement, SCDOT reserves the right to terminate the agreement.

5. Should any of the USER's streaming video transmitted to SCDOT's SC511 system impact SCDOT's operation in any way, including the transmission of viruses or corrupted metadata, USER shall immediately remedy, abate or correct the situation, at its sole cost, in a manner satisfactory to SCDOT. In the event USER, after notice, fails to immediately remedy, abate or correct the transmitting equipment or video impacts, SCDOT may have the impacts corrected. All costs associated with such correction by SCDOT shall be the responsibility of USER. In addition, upon USER failure to remedy the impacts, SCDOT, at its option, may terminate of the agreement.

6. In the event USER fails to remit payment for the costs associated SCDOT's correction of transmitting equipment or video impacts to SCDOT's operations, the past due amount shall accrue interest at the rate set forth in S.C. Code Ann. §34-31-20(A). In the event USER fails to make any payment to SCDOT in full within 90 days of the due date, USER acknowledges the authority of the State Treasurer under S.C. Code Ann. §11-9-75 to withhold the amount of the

payment plus any interest thereon and any costs of collection incurred by SCDOT from the next distribution of any revenue due USER and apply those funds against the payment due.

D. TERMINATION:

1. SCDOT or USER may terminate this Agreement at any time for any reason by providing written notice of termination.
2. Upon termination of this Agreement by either party, the USER's authorization to transmit its Streaming Videos shall promptly terminate

E. GENERAL PROVISIONS

1. Each party hereby waives a trial by jury regarding any dispute between them arising out of this Agreement and any such trial will be a non-jury trial before the South Carolina Circuit Court in Richland County. In the event of a dispute between the parties, it shall be a condition precedent to litigation that the parties submit the dispute to mediation with each party sharing the cost of mediation. USER consents that any papers, notices, or process necessary or proper for the initiation or continuation of any disputes, claims, or controversies relating to the Agreement; for any court action in connection therewith; or for the entry of judgment on any award made, may be served on USER by certified mail (return receipt requested) addressed to USER. Notice by certified mail is deemed duly given upon deposit in the United States mail.
2. USER and its subcontractors shall at all times observe and comply with all Federal, State, and local laws, ordinances, and regulations affecting the activities under this agreement.
3. The Parties each binds itself, its successors, and assigns to the other party with respect to these requirements, and also agrees that neither party shall assign, sublet, or transfer its respective interest in the Agreement without the written consent of the other.
4. This agreement may be executed and delivered in counterparts, and if so executed, shall become effective when a counterpart has been executed and delivered by both Parties hereto. All counterparts taken together shall constitute one and the same agreement and shall be fully enforceable as such. Delivery of counterparts via facsimile transmission or via email with scanned attachment shall be effective as if originals thereof were delivered.
5. This agreement constitutes the entire agreement between the Parties and there are no collateral contracts or agreements between the parties relating to these activities. This Agreement and Contract is to be interpreted under the laws of the State of South Carolina.

IN WITNESS WHEREOF, the parties herein have executed this AGREEMENT as of the day and year first written above.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

TOWN OF ISLE PALMS

Witness

By: _____
(Signature)

Title: _____

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION

Witness

By: _____
Deputy Secretary for Finance & Administration
or Designee

RECOMMENDED BY:

By: _____
Deputy Secretary or Designee

REVIEWED BY:

By: _____
Title: _____

PROFESSIONAL SERVICES CONTRACTING

By: _____
Chief Procurement Officer or Designee