

MINUTES OF THE ISLE OF PALMS  
PLANNING COMMISSION MEETING  
April 12, 2017

The Isle of Palms' Planning Commission met in the City Hall conference room, 1207 Palm Boulevard on April 12, 2017 at 4:30 p.m. Members attending included Richard Ferencz, Lewis Gregory, Vince DiGangi, Ron Denton, Lisa Safford, Noel Scott and Bill Mills; the Director of Planning Douglas Kerr was present as well. 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**

There were no public comments made.

**APPROVAL OF MINUTES**

Mr. Ferencz pointed out a correction to the minutes of the meeting of March 15<sup>th</sup>; on page 1 "Ms. Ferencz" should be changed to "Mr. Ferencz." Mr. Scott moved to approve the minutes as corrected, and Mr. Denton seconded. The motion passed unanimously.

**DISCUSSION OF SEPTIC SYSTEMS ON THE ISLAND**

Mr. Kerr reported that, since the Commission's last meeting, he and Mr. Ferencz met with the Isle of Palms Water and Sewer Commission (IOPWSC) staff regarding the strategy for providing sewer to the entire island via tap fees and a "green living charge." Mr. Kerr felt that the IOPWSC staff was comfortable with the strategy, but they were going to discuss the issue at their upcoming Commission meeting. Additionally, he stated that the City's attorney would be looking at the legality of imposing such fees. The City staff and the IOPWSC staff would verify that the numbers included in the calculations are accurate.

Mr. Kerr stated that he wanted to discuss two points stemming from the meeting with the IOPWSC. The first point was that, in previous discussions, the IOPWSC supported the concept used by the Summerville Commissioners of Public Works (CPW) of expanding sewer to an area when 50% of an area agreed to pay to tie into sewer and charging those that do not tie in a sewer availability fee. He stated that previously the IOPWSC had indicated the monthly fee paid by those who chose not to tie in would cover their pro-rata share of the construction cost spread over 10 years, which, from using earlier examples, appeared to be about \$140 per month. He stated that, in their most recent meeting, the IOPWSC indicated that this monthly fee could be an average sewer bill fee, which would probably be about \$60 per month.

Mr. Mills stated that this approach did not appear to be sustainable in the long run as it would require that the IOPWSC have the capital to fund significant portions of the expansions, which he did not think was viable. Mr. Kerr agreed that only a few small-scale projects could be accomplished in this way, but it would be easier for those owners choosing not to tie in.

The second item he wanted to discuss was how the IOPWSC had historically funded large scale projects and how the new financing scenario would be an aberration of those methods. He stated that, typically when a large-scale sewer project is undertaken, all sewer customers share the cost of those improvements equally. The scenario being analyzed whereby only those owners who do not currently have sewer service would pay for the expansion of the system would represent a change in practice. If this change was to occur, the IOPWSC staff believe that it would be inequitable to make those owners that paid for the expansion of their system then to pay for the improvements necessary to the Wild Dunes system. He explained that this was the reason the May 23, 2016 letter from Chairman Stroud separated out the cost of the relocation of the Wild Dunes treatment facility, which is estimated to cost about \$8M. He stated that the previous funding scenarios for expanding the sewer system included the full \$52M cost, but that this amount should be separated out as \$44M to new sewer customers and \$8M to existing Wild Dunes customers.

Mr. Kerr distributed a revised draft assessment for comments.

Mr. Ferencz suggested adding the provision to require owners constructing new houses within 100 feet of a gravity-operated sewer line to extend the line should be added to the Executive Summary of the assessment. Mr. Kerr answered that he would do this.

The Commission agreed to restructure the section entitled "Planning Commission Recommendations" to have two sections entitled "Viable Options" and "Planning Commission Recommendations".

The Commission agreed that the items included in the "Planning Commission Recommendations" section would be to improve dialogue with the Water and Sewer Commission, monitor grant funding opportunities, monitor water quality data, outreach to residents to better understand public resistance, reduce the allowable size of new houses tying into septic systems, support small incremental expansions of the sewer system, support a new fee charged to owners that have sewer available but choose not to tie in, require new construction or substantial improvement within 100 feet of a gravity-operated sewer line to extend the line, require properties that have gravity sewer available but are not tied in and that sell to tie in, and prohibit new subdivisions of properties unless gravity-operated sewer is available.

The Commission agreed that the items included in the “Viable Options” sections would be two scenarios of island-wide expansion of the sewer lines in the near future. The two scenarios would be to have the bulk of the financing paid by the approximately 1400 owners that currently use septic systems and a second that would spread the cost of the expansion across all owners on the island.

The group agreed to wait for legal research on the fees, an opinion from the IOPWSC on the funding scenario discussed, and refinement of the numbers used in the various funding scenarios. In the meantime, they agreed to work on revising the draft assessment to include the items discussed.

### **DISCUSSION OF NEW FLOOD MAPS**

Mr. Kerr reported that, since the group last met, he had been given data from Mr. Scott and a surveyor who worked extensively on the island at the time of Hugo that confirm that the elevation of the flood waters during Hurricane Hugo were about 12.5 above mean sea level when using the sea level datum of 1929 as the vertical control datum (NGVD 1929).

He stated that ocean-front properties had waves that reached higher elevations, and it was hard to determine exactly where and how high these waves were.

He suggested adding 1.5 feet to 12.5 to come up with a minimum elevation standard requiring that new construction or substantially improved structures be elevated at least 14 feet above sea level (NGVD 1929). He stated that this minimum standard would be proposed at the same time as the new FEMA flood maps. Mr. Kerr stated that, because the new flood maps use a different sea level reference point, NAVD 1988, which established sea level approximately one foot higher, that the requirement would probably be converted to 13 feet NAVD 1988, which is equal to 14 feet NGVD 1929.

Mr. Mills asked why the City would impose a higher standard than what FEMA determines is appropriate. He felt that the owners on the island were capable of assessing these risks and making informed decisions about what elevation they should build. Mr. Kerr stated that, in a disaster when homes have been damaged, they become a strain on the community and the City; therefore, he thought it was in the best interest of the community not to allow people to build to elevations that Hurricane Hugo showed would be severely impacted.

Mr. Gregory questioned the wisdom of making houses become compliant with the flood maps and noncompliant with the City’s higher standard. Mr. Kerr understood that this

Planning Commission Minutes  
April 12, 2017  
Page 4

would add limitations to those properties with the 50% rule, but these structures are already bound by those limitations.

Ms. Safford asked when these changes would take place. Mr. Kerr answered that FEMA is estimating that the new flood maps will become effective in December of 2018, and he would suggest that this amendment be reviewed at the same time as the new maps.

### **ADJOURNMENT**

With there being no further business, the meeting was adjourned at 6:05 p.m.

Respectfully submitted,  
Richard Ferencz, Chairman