



City Council

6:00 p.m., Tuesday, February 27, 2024
Council Chambers
1207 Palm Boulevard
Isle of Palms, South Carolina

Public Comment:

All citizens who wish to speak during the meeting must email their first and last name, address, and topic to Nicole DeNeane at nicoled@iop.net no later than **3:00 p.m. the business day before the meeting**. Citizens may also provide public comment here:

<https://www.iop.net/public-comment-form>

Agenda

1. **Introduction of meeting** and acknowledgement that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.
 - a. Invocation
 - b. Pledge of Allegiance
 - c. Roll Call
2. **Citizen's Comments** – All comments will have a time limit of three (3) minutes [Pgs. 3-14]
3. **Approval of previous meetings' minutes**
 - a. City Council Meeting – January 23, 2024 [Pgs. 15-23]
 - b. Special City Council Meeting Executive Session – January 23, 2024 [Pg. 24]
 - c. Special City Council Meeting Workshop – February 13, 2024 [Pg. 25-28]
 - d. Special City Council Meeting – February 20, 2024 [Pgs. 29-33]
 - e. February Committee Meeting Minutes [Pgs. 34-47]
4. **Special Presentations**

Presentation of request for City sponsored event status for LOWVELO Bike Ride on Saturday, November 2, 2024 - Chris Winn, MUSC Hollings Cancer Center
5. **Old Business** – None
6. **New Business**
 - a. Consideration of change order from The Bastion Group for additional pipe bedding based on revised geotechnical recommendations in the amount of \$83,749 [South Carolina Office of Resilience to cover \$23,000, City's share will be \$60,749] [Pgs. 48-56]
 - b. Consideration of granting easement to Isle of Palms Water and Sewer Commission for new effluent line through marina property adjacent to 41st Avenue ditch [Pgs. 57-67]
 - c. Consideration of 2024 applications for surf instruction on the beach [Pg. 68]
7. **Boards and Commissions Report**
 - a. Board of Zoning Appeals – minutes attached [Pgs. 69-70]
 - b. Planning Commission – minutes attached [Pgs. 71-73]
 - c. Accommodations Tax Advisory Committee – no meeting in February
 - d. Environmental Advisory Committee – minutes attached [Pgs. 74-76]
8. **Ordinances, Resolutions and Petitions**



a. **Second Reading** – None

b. **First Reading** – None

c. **Resolutions and Proclamations**

- i. Resolution 2024-01 To Oppose Bill H3253 and Bill S953 which would restrict municipalities ability to regulate short term rentals [Pgs. 77-78]
- ii. Resolution 2024-02 To Honor Betsy Smiley [Pg. 79]

9. Executive Session – In accordance with S.C. Code Section 30-4-70(a) (2) to receive legal advice regarding SCDHEC v Reedys and Reddys v SCDHEC and City of Isle of Palms. Council may take action on matters discussed in Executive Session upon returning from Executive Session.

10. Adjournment

Public Comment for City Meetings, November 22, 2023 - February 22, 2024

Date Submitted	Name	Address	Comments for Council Meeting	Meeting This Comment is Intended For:
2/20/24	Ronald Vanderham	302 Ocean Blvd, Isle of Palms, South Carolina 29451	<p>The city is exposing itself to masses of liability for the massive property loss at Breach Inlet. So far, the government has failed at all levels to remedy the erosion issue, and now the property owners want to use their funds on their land to protect their property. The proposed ordinance makes it impossible for the property owners to act. Neither option in this ordinance is a viable solution to the problem. If the city blocks property owners from protecting their property, the city will end up in court and likely lose, just like DEHC has lost similar cases. Even if you are against the property owners protecting their property, there is no reason for the city to get between the property owners and DHEC. The city should not tie the hands of property owners and expose the city to the responsibility for correcting the problem.</p> <p>The city should advocate for its citizens and not fight against them. The city should remove all barriers to its citizens protecting their property. If the State wants to fight this battle, let them. But the city should be working in the best interests of its citizens and their property. We request that the city altogether remove this ordinance in its entirety.</p> <p>Respectfully submitted Ronald and Cherylee Vanderham 302 Ocean Blvd Isle of Palms, SC. 29451</p>	City Council

Public Comment for City Meetings, November 22, 2023 - February 22, 2024

<p>2/20/24</p>	<p>Mr Michael Baily</p>	<p>248 Forest Trl, Isle of Palms, South Carolina 29451</p>	<p>I would like to address the proposed rules for the beach erosion issue at the breach inlet area.</p> <p>As a homeowner and tax payer on the island I would ask that IOP gets out of the way of the homeowners who want to protect their property. We are arguing over a few feet of sand landward of the critical line. As the December storm proved, 30 feet of sand can be removed by the ocean in just a few hours. Why should IOP get in the middle of a fight between the homeowners and OCRM. This issue is going to court and there is no reason to tie IOP up in a costly legal battle.</p> <p>As an engineer I would say that the proposed rules have several points that make the walls un-buildable. For instance, sheetpile walls require more than 8 feet of space next to a pool. Those sheetpile walls must be supported with tie backs at the top and those tie backs have to go more than 8' back toward the house. This is just one instance of the rules making protection impractical. I hope IOP is ready to defend their engineering decisions in court.</p> <p>I ask that the council remove IOP from this coming court battle. Let the citizens protect their property and let the council work to get the beach re-established so that any structure added is buried in the sand and never seen again.</p>	<p>City Council</p>
----------------	-------------------------	--	--	---------------------

Public Comment for City Meetings, November 22, 2023 - February 22, 2024

<p>2/13/24</p>	<p>Mrs Mary Jo Hornsby</p>	<p>210 Ocean Blvd, Isle of Palms, South Carolina 29451</p>	<p>Dear Council Members: I was scheduled to speak at the 2/13/24 meeting but got called out of town so I am sending you my comments. For clarification regarding the USACE project, we contacted our US Representative from South Carolina, Nancy Mace. Her field representative, Noah Longest contacted the USACE to clarify what we, as homeowners, could expect from this project. I quote USACE's answer to Mr. Longest, "We will be beneficially placing sand from the AIWW project onto the beach, but it will not be the immediate fix to the erosion that these constituents are likely hoping for. This beneficial use placement is not a full-scale renourishment to construct a dry sand beach like at Folly Beach. Our project will not be an immediate fix to erosive conditions near the breach inlet. Construction will start later this spring." One of Life's lessons you can always count on is "actions speak louder than words." This is no truer than what is happening along the beach on the south end near breach inlet. Every day, I watch the digging of the beach down deeper, lowering it and watching the waves come closer and closer to our homes, bringing the threat of homes washing out to sea. Please stop scraping! To corroborate this, I have an email from Matt Schlagel from DHEC, wherein he states the fact, "Sand scraping lowers the beach elevations and can actually allow tidal land wave action to reach areas higher on the shoreface (closer) to your property. That's one of the reasons that the regulations allow sand scraping only when erosion is within 20 feet of a habitable structure." I have photographic evidence of this on the Isle of Palms. From 4th Ave. toward the city where scraping has not occurred, the waves do not come in as close to the homes. The island's south end toward Breach Inlet has had no beach nourishment since 2011 except a few truckloads of dry sand spread at the Inlet around the 100 block. However, no dry sand has been trucked onto our beach area to create the dry sand beach. OCRM defines beach replenishment as trucking in or adding to compatible sand. Scraping is NOT renourishment. Is the city prepared for the consequences of the damage to all of these homes? The better question is "Is the ATAX money only put aside for projects on the north end of the island? We want to protect our backyards and homes on OUR SIDE of the OCRM line with OUR FUNDS, and you are stopping us from even doing this! With this highly restrictive ordinance, you are strangling homeowners on what they can do with their own private property. We have been pleading with the City to apply for dredging of Breach Inlet. If you look at the success of Seabrook Island, the dredging of Captain Sam's Inlet demonstrated that cost-effective management of migrating tidal inlets can be accomplished. So, to my initial statement, "Actions speak louder than words" we can only take away from these actions- you don't want us to be here, plain and simple. Be careful what you wish for. The ocean will then soon be in your yard.</p>	<p>City Council</p>
----------------	----------------------------	--	--	---------------------

<p>2/12/24</p>	<p>Cherylee Vanderham</p>	<p>302 Ocean Blvd, Isle of Palms, South Carolina 29451</p>	<p>As property owners, we appreciate the efforts made by the City to safeguard our property. However, we strongly urge you to take the necessary step of completely removing the ordinance 5-14-15. Doing so would protect our property rights by allowing us to protect our property and demonstrate your commitment to promoting a fair and just community. At the same time, the City can focus on rebuilding and renourishing the beach and dune system. The ordinance places an undue financial burden on the City, which must allocate funds toward beach renourishment. Moreover, it puts the City in a precarious position of financial responsibility if the ocean consumes any property. By enacting ordinance 5-5-14, the City has stopped owners from protecting their property. IOP is the only coastal community in the State of South Carolina with an ordinance that does not allow property owners to use any protection 250ft. from the mean high tide line going landward. For most homeowners 250ft. is inside their house or on the street. The State of South Carolina had the Beach Management Act as a Retreat. The State of South Carolina Act 173 was passed in 2018, known as the "Beachfront Management Reform Act. This amendment removed the Retreat Policy, and Hold the Line, as it is commonly called, was enacted—section 5. Section 48-39-250 (6) of the 1976 code is amended. Reference to the forty-year retreat policy is removed. The Governor of the State of South Carolina ratified this. (reference: scstatehouse.gov/sess 122 2017-2018/bills) The State removed this by approving the Beach Management Reform Act passed in 2018. What is the difference between Retreat and Hold the Line? "Managed retreat or managed realignment is a coastal management strategy that allows the shoreline to move inland, instead of attempting to hold the line with structural engineering." Dutton Institute 3-education.psu.edu.DHEC's jurisdiction is separate from the City's ordinance 5-4-15 under IOP's Beach management regulations. DHEC does not have jurisdiction landward of the setback line. The impact of this ordinance, which does not allow property owners to protect their properties, affects all homeowners on the Island. Suppose the ocean takes one house due to the City's failure to either protect properties or allow homeowners to protect their property. In that case, insurance companies may refuse to provide coverage to any homeowner on the Island. Homeowners with mortgages and those who rent their homes must have insurance. In December, we were denied coverage by a major insurance carrier because we lost our permanent fence protecting our pool. We urge you to consider our concerns and remove the ordinance. Doing so would allow us to work together towards a more robust, fairer, and just community.</p>	<p>City Council</p>
----------------	---------------------------	--	---	---------------------

Public Comment for City Meetings, November 22, 2023 - February 22, 2024

<p>12/28/23</p>	<p>Julie Nestler</p>	<p>17. 22nd Avenue, ISLE OF PALMS, South Carolina 29451-2370</p>	<p>Tonight, you hold the pivotal responsibility of voting on an issue of utmost importance. I earnestly implore you to carefully peruse the attached documentation, reflecting upon the fact that your decision holds the potential to either safeguard or jeopardize the security of our island. Equally significant, if not more so, is the profound impact on the livelihoods of our city's first responders. Before allocating financial resources, I propose a reconsideration of the manner in which you convey your decisions, out of reverence for those who unhesitatingly and promptly place themselves on the front lines every day, ensuring the safety of our residents and visitors alike. My insight into this matter is derived not solely from research but also from the 16.5 years during which my husband served as a volunteer Captain in the Fire Department. His service was abruptly suspended when he ran for a city council seat, despite the fact that it was a non-partisan race, ultimately leading to the discontinuation of the volunteer program by our city administrator. The current proposed step plan entails a \$500 raise per step, translating to \$12.5 per paycheck. The existing 25-year step plan is impractical. I propose considering a condensed 13-step plan, reaching its maximum at 15 steps. This adjustment aims to expedite personnel reaching their highest earning potential, thereby mitigating high turnover and departures to other municipalities. Have you examined the policy regarding overtime in a pay period? Employees forfeit overtime pay if they utilize a vacation day or need to take a sick day, a scenario that frequently arises when caring for a sick child. Vacation and sick days are integral components of the benefits package; penalizing individuals for availing themselves of these benefits raises ethical concerns. Additionally, does this practice affect their eligibility for merit raises? I urge you to scrutinize the retention rates of departments under consideration, taking into account pay and benefits. Are they grappling with vacancies and retention challenges of their own? The current system seems to foster a cat-and-mouse chase within a flawed framework. In 2013, the fire department, council, and city administrator acknowledged the need for an overhaul of the existing system. Despite this recognition, the compensation plan in 2023 remains unchanged from pre-2013, with only percentage adjustments made. The dialogue from January 2021 echoes the persistence of the same issues. I beseech you to thoroughly investigate all facets of this matter. Consider the myriad responsibilities entrusted to our first responders, who, in some instances, earn less than \$2500 per month, attempting to sustain their families on a monthly basis. Your careful consideration of these issues is paramount.</p>	<p>City Council</p>
-----------------	----------------------	--	--	---------------------

Public Comment for City Meetings, November 22, 2023 - February 22, 2024

12/14/23	Glenda Nemes	3006 Palmetto Blvd., Iop, South Carolina 29451	<p>The recent granting of ATAX dollars to the IOP Chamber of Commerce is definitely NOT appropriate with the unethical political support of City Council Candidates. Our Taxpayers ATAX money should NOT Be given to a group that is clearly NOT acting like a 501c3 but participating in political activity and then asking for money from these same candidates who are are or will be on City Council.</p> <p>Thank you to the 3 Councilpeople who voted against this . And Shame on those of you who did vote for it. The public is watching and it would be unwise to repeat giving any more ATAX money to this private commercial political group. It is also in partnership with the Island Vibes newspaper and so in the future , we should not support our money going to any advertising promotion in this publication though iop chamber. And last, the restaurants on this island collect HOSPITALITY TAX, not ACCOMMODATIONs TAX. They should be asking the City of IOP for this money and not that of the STRs and hotels that collect ATAX. Please use ATAX money to help increase overnight accommodations. Don't be getting confused any more about these two very clear differences.....</p>	City Council
----------	--------------	--	--	--------------

<p>12/5/23</p>	<p>Glenda Nemes</p>	<p>3006 Cameron Blvd., Isle of Palms, South Carolina 29451</p>	<p>Regarding the agenda Item to nominate someone for the CVB Board I would ask you to keep in mind several things.</p> <ol style="list-style-type: none"> 1. Though the city does need a financial watchdog for our money and its use, a sitting City Councilperson would have an ethical conflict a perhaps a financial conflict of interest. 2. CVB is known to give free tickets and other benefits of monetary value worth about \$500 or more to our Councilpeople. They are a service provider just like any we hire through an RFP(though the city has failed to do this process). We do not nominate people to be on their Boards. Nor are we involved in who may be on other Boards receiving receiving ATAX money each year. 3. The people of IOP who know and understand ATAX and CVB’s involvement want to keep it professional. There should be a line drawn where the City interacts with service providers. We need to demand fiscal responsibility for our money, and CEASE inappropriate favoring and stamp YES to what that provider does. 4. If the City of IOP wishes to make a suggestion to CVB for whom they include on their Board, they could choose someone who will be a watchdog while working on their board. The duty of their Board is to protect the interests of CVB, not IOP; with this in mind you can see why no Council Person or ATAX Committee person should be appointed. 5. It appears this nomination became a part of IOP historically....it is like buying a buggy whip for your car-it does not make sense today. No one knows why we do it, but it needs to stop. 6 CVB is not a function of the city legal, never has been and never will be. They are a service provider that State law thought 50 years ago should received our money. This does not make them a City function....as a matter of fact they service about 9 munis in the region making it even clearer they are not IOP government. And they think they have NO fiduciary duty to us. <p>How do we end this practice. Just make a motion when the agenda item comes up to no longer make a nomination for their Board and tell CVB anyone they choose from IOP cannot be on City Council or ATAX Advisory committee. Then second the motion and vote to pass it. The Residents want you to do this I know. Thank you for taking a step to make IOP better.</p>	<p>City Council</p>
----------------	---------------------	--	--	---------------------

Public Comment for City Meetings, November 22, 2023 - February 22, 2024

<p>11/28/23</p>	<p>Mr. Sean Griffin</p>	<p>4 Marsh Point Lane, Isle of Palms, South Carolina 29451</p>	<p>November 28, 2023</p> <p>Dear IOP City Council,</p> <p>I am unable to attend this evening’s Council Meeting. I understand that the purpose of the hastily called Special Meeting beforehand is to receive a legal update and advice on the claim Wild Dunes LLC v IOP.</p> <p>I implore Council to not take any actions regarding this crucial issue for the island at this time. Residents voted in new council members in November and the current council should not conduct any votes that go against or weaken the five PRD zoning ordinance changes made in 2022.</p> <p>Please include my email in the citizen’s comments.</p> <p>Thank you,</p> <p>Sean Griffin Wild Dunes</p>	<p>City Council</p>
<p>11/28/23</p>	<p>Marcia Clark</p>	<p>18 Hidden Green Lane, Isle of Palms, South Carolina 29451</p>	<p>Dear Council members,</p> <p>I understand you have called for a special council executive session for today Nov 28. One of the topics to be discussed is to receive legal updates and advice on the Wild Dunes LLC vs IOP claim. I am writing to continue my support for the PRD's that were voted into place by this current council. I am asking you to do the same and not modify or negotiate on these ordinances. I respectfully ask that you include this email in the citizens comments. Thank you.</p>	<p>City Council</p>
<p>11/28/23</p>	<p>Tony Santiago</p>	<p>60 Ocean Point, Isle of Palms, South Carolina 29451</p>	<p>I expect that with the new Council starting the first of January 2024 that the current IOP Council will refrain from taking any votes regarding the pending lawsuit between the City and Wild Dunes LLC regarding the passage in 2022 of the 5 ordinances. This should be dealt with by the new council and I am strongly supporting that they stand their ground based on the solid legal position that Mayor Pounds commented based on legal counsels advice prior to the 8 to 1 vote to pass all 5 ordinances in 2022.</p>	<p>City Council</p>

Public Comment for City Meetings, November 22, 2023 - February 22, 2024

11/28/23	Mr. Thom's A. Schmidt	50 Ocean Point Dr., IOP, South Carolina 29451	IOP City Council, It is my understanding that during this evening's Executive Session of the Council Meeting the status of the lawsuit filed by the "Resort" contesting the five (5) ordinances duly enacted by the Council will be discussed. I, with many other of your constituents, strongly urge the Council not to engage in any consideration(s) that may potentially jeopardize the strength & potency of the ordinances. The "Resort" remains built-out as defined in the PDD. Please stand firm on the decisions you made by passing the five ordinances.	City Council
11/28/23	Arlene M Dunn	20 Twin Oaks Lane, IOP, South Carolina 29451	I am requesting that the council take no action to modify or change the PRDs at this time;and that this issue be left for the new council in January .Please include this email in citizens 'comments	City Council
11/28/23	Mrs. LaVanda R Brown	137 Palmetto Bluff Dr, North Charleston, South Carolina 29418	Greetings, It has come to my attention that there are some questions or concerns that the MLK Pre-event reception scheduled for January 10, may not be open to the public. YWCA is an organization whose membership is open to the public, similar to the VFW. Membership includes tickets to events, including the MLK reception, based on membership level. The MLK reception will be limited to 180 due to the venue space. Sincerely, LaVanda Brown	City Council

Public Comment for City Meetings, November 22, 2023 - February 22, 2024

11/28/23	Ms Katie Allen	17 Sandpiper Ct, IOP, South Carolina 29451	<p>As a homeowner and part time resident of Wild Dunes, I am strongly in support of Isle of Palms City Council's amendments passed in November that preserve the green spaces and limit future development. I strongly ask that should it desire to repeal them, Council wait for the new members coming in January to decide the appropriate path forward. As I have a municipal finance background, I am deeply aware of the amount of fees, taxes and revenues that tourism can generate in a municipality such as IOP, particularly through development partners like Wild Dunes. However, it has been increasingly evident that Loews Group and Dart Interests do not have the best interests of the community at heart by choosing profit maximization over compromise and development plans that factor in stakeholder considerations. The cost of infrastructure to support the population density that will be generated through additional development of protected lands will significantly increase taxes, the vast majority of which will be burdened by homeowners and full-time residents, not the renters who visit wild dunes. Further, the environmental impacts of additional development cannot be monetized. I strongly ask that City Council not repeal any amendments and preserve the best interests of the community it serves. I respectfully request that you include this email in the citizens comments.</p>	City Council
----------	----------------	---	---	--------------

Public Comment for City Meetings, November 22, 2023 - February 22, 2024

<p>11/28/23</p>	<p>Deborah Johnson</p>	<p>4 Grand Pavilion Dr, Isle of Palms, South Carolina 29451</p>	<p>Please DO NOT take any action to modify or change the 2022 PRDs Ordinances specifically relating to further development in Wild Dunes. Please leave this issue for the new council in January. Allowing Lowe/Dart to build 330 condos and a 53 room hotel will totally destroy the Grand Pavilion area and Wild Dunes—not only the livability of the residents but also the infrastructure and the beach. Allowing the Sweetgrass Inn to be built has already put a major strain on the livability in Grand Pavilion. During the summer I cannot even drive down Grand Pavilion Dr to get out of Wild Dunes. The throngs of people walking the roads, the bicycles, the speeding golf carts, the multitude of Resort delivery trucks, the towel truck, the laundry truck, the food trucks, etc. It is a safety hazard. All of the trucks coming down my street to turn around makes it impossible to safely back out of my driveway. Palmetto Drive cannot handle any more traffic!! We cannot allow any further development in Wild Dunes. We are at capacity!! Please, Please, PLEASE hold off on any action until January. Please Please PLEASE do not negotiate with Lowe/Dart on any further development in Wild Dunes. Also, please I respectfully request that you include this email in the citizen’s comments.</p>	<p>City Council</p>
<p>11/28/23</p>	<p>Dr Leslie Mark Kutcher</p>	<p>9 Ocean Point Drive, Isle of Palms, South Carolina 29451</p>	<p>I urge the Council not take any definitive or substantive action to modify or change in any way the PRD ordinances that this very Council approved by a 7-1 vote less than 6 months ago. Any such consideration of action in this regard should not be the final act of a lame-duck Council, but should be reserved to the new Council that will be seated in January 2024. I respectfully request that you include this email in the citizen’s comments.</p>	<p>City Council</p>
<p>11/28/23</p>	<p>Todd Murphy</p>	<p>53 Pelican Reach, Isle Of Palms, South Carolina 29451</p>	<p>Regarding the November 28 special City Council executive session, I urge the Council to defer any action until the new Council is in place in January 2024. Please wait one month to ensure the newly elected Council are involved in any decision making that will impact IOP for the next several years.</p> <p>Please include this message in the citizen’s comments.</p>	<p>City Council</p>

Public Comment for City Meetings, November 22, 2023 - February 22, 2024

11/27/23	Rick Horton	23 Dune Ridge Ln, Isle of Palms, South Carolina 29451	On behalf of my wife and I - we ask that you do not take any action on the ordinances to be discussed at the meeting on November 29th - and you wait for the newly elected council to review and discuss it. I respectfully request that you include this email in the citizen's comments. Thank you	City Council
11/27/23	mr Raymond Jenkins	8 Oyster Row Isle Of Palms SC 29451, Isle of Palms, South Carolina 29451	I urge the current city council during the 11-28-2023 meeting not to take any action to modify or change the 2022 PRD ordinances and leave the issue to the newly elected council.	City Council
11/27/23	OWNER DOUGLAS A JACKSON	PORT O CALL A-303, 9000 PALMETO DRIVE, WILD DUNES, South Carolina 29451	i URGE YOU NOT TO TAKE ANY ACTION ON THE PRDs ORDINANCES (that you passed) until the new Board takes office in January. I RESPECTFULLY REQUEST THAT YOU INCLUDE THIS E-MAIL IN THE CITISENS COMMENTS.	City Council
11/27/23	Sally J Kuhn	4 Shad Row, Isle of Palms, South Carolina 29451	Please keep the 5 ordinances that were adopted earlier this year as to limiting short term rentals	City Council



CITY COUNCIL MEETING
6:00pm, Tuesday, January 23, 2024
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Council members Hahn, Bogosian, Anderson, Miars, Pierce, Campsen, Carroll, and Mayor Pounds

Absent: Council Member Ward

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

2. Election of Mayor Pro Tem

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

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

Mayor Pounds nominated Council Member Bogosian for Mayor Pro Tem.

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

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

Nays: Hahn, Carroll

Council Member Pierce will serve as Mayor Pro Tem.

3. Citizen's Comments

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

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

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

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

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

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

5. **Special Presentations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Old Business -- none

7. New Business

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VOTE: A vote was taken with all in favor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Boards and Commissions Reports

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

8. Ordinances, Resolutions, and Petitions

- A. **Second Reading** – none

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

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

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

VOTE: A vote was taken with all in favor.

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

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

Respectfully submitted,

Nicole DeNeane
City Clerk



SPECIAL CITY COUNCIL MEETING
5:30pm, Tuesday, January 23, 2024
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Council members Hahn, Bogosian, Miars, Campsen, Carroll, Pierce, and Mayor Pounds

Absent: Council members Anderson and Ward

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

2. Purpose – Executive Session

MOTION: A motion was made to enter into Executive Session in accordance with SC Code Section 30-4-70(a)(2) to receive legal advice regarding Woody v. Isle of Palms. The motion was seconded. The motion passed unanimously.

City Council entered into Executive Session at approximately 5:30pm.

City Council returned from Executive Session at approximately 5:55pm.

No decisions were made.

3. Adjournment

The meeting was adjourned at 5:55pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



SPECIAL CITY COUNCIL MEETING -- WORKSHOP

5:00pm, Thursday, February 13, 2024

1207 Palm Boulevard and

broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. **Call to order**

Present: Council members Bogosian, Hahn, Anderson, Ward, Miars, Pierce, Carroll, Campsen, and Mayor Pounds

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

2. **Citizens' Comments**

Michael Bailey, 248 Forest Trail, said that government has failed on all levels to protect private property. He said the proposed ordinance on erosion control structures prevents homeowners from protecting their property. He believes the City should advocate for its citizens.

3. **Special Presentations – none**

4. **Dashboard of City Operations and Short-Term Rental Report**

Administrator Fragoso said the City is currently not meeting budget on revenues but indicated it might be a timing issue. She said there are three police officer vacancies with one conditional offer outstanding and five applicants moving through the hiring process. There are still three paramedic vacancies. She said they are evaluating the inclusion of an employee referral incentive as well as being more diligent and intentional about promoting those openings.

Traffic and livability charges are up due to the intentional efforts of the Police Department. Court cases appear to be leveling off to 2022 numbers. There was a 40% increase in Fire Department calls from January 2023. Of the 101 calls in January, 39 were automatic aid calls, and 33 of those were canceled in route. 65% of Fire Department calls were for non-residents last month.

There were no changes to garbage and yard debris collection in January. An increase in Recreation Department registrations is being driven by staff "soliciting and selecting all of the vendors for all 2024 events," something that is normally done throughout the year. No new home permits have been issued. 1,873 short-term rental licenses have been issued.

Council Member Anderson would like to know if any of the 1,873 licenses issues remain unused and would like to see revenues grouped to see how many licenses are truly generating income. Administrator Fragoso said such information could be run at the end of the current license period, which is the end of April.

5. **Departmental Reports** – in the meeting packet
6. **Strategic Plan Policy Initiatives and Priorities**
 - A. **Livability**
 - B. **Environmental**
 - C. **Public Services**

Discussion of easement request from Isle of Palms Water & Sewer Commission for new effluent line through marina property adjacent to 41st Avenue Ditch

General Manager Chris Jordan and Engineer Mark Yodice came before the City Council to present their request for an easement through the Marina property for the placement of the effluent line. Director Kerr explained, “They are requesting an easement that goes through the Marina property adjacent to the ditch that is currently being piped. This easement would be for a new effluent line to take the clean effluent from the plant...out into the Intercoastal Waterway. They have an existing line that has aged. It is across the ditch and an existing easement for their operations. It would benefit them to move that on this side of the ditch which ends up being roughly along the edge of 41st Avenue, and then it continues straight up and through what I think of as the employee parking lot for the marina, and then through a new structure that is getting placed at the outfall at the Intercoastal Waterway.”

Mr. Yodice added that the new line replaces a line that is past its useful life. Additionally, this new line will be ready for the future sewerage of the entire island. He shared a map detailing the requested easement as well as temporary construction easement. They are in the permitting process now and hope to begin work after the season in September and finish in February 2025. He said it is not possible for this work to happen concurrently with the other City projects occurring in the same area. Director Kerr listed the series of projects occurring in the area in their ideal chronological order: completion of the City’s drainage project, placement of the effluent line, Dominion Energy’s undergrounding project, and the finalization of the parking plan.

City Attorney McQuillin said he is working on the language of the agreement with the Water & Sewer Commission’s attorney. Mr. Yodice said they will work closely with the City’s contractor to disrupt the area as little as possible. Mayor Pounds said coordination among the many projects is happening where it can.

- D. **Personnel**
- E. **Other items for discussions**
 - i. **Discussion of proposed emergency ordinance providing emergency procedure to allow installation of erosion control structures**

Administrator Fragoso gave an overview of the draft ordinance, stating that it would allow “property owners to construct a revetment or seawall under certain conditions...outside of the OCRM jurisdiction and within 20’ of an existing structure, either a home or a pool. Some of the other conditions that are included in the ordinance are that the structure be designed by a

registered engineer and certified by them that the structure will not negatively impact adjacent lots or downdrift lots. It establishes a maximum height for the structure. It also requires the owner to notify their adjacent property owners or neighbors that they intend to build this structure. It also requires that the structure be covered with beach-compatible sand whenever it is not currently being hit essentially or exposed by the water to the extent that it is possible. It is constructed contiguously with existing revetments or seawalls in the area. This emergency ordinance would be valid, in place for 60 days. City Council has the ability to extend it for an additional 60 days if it so chooses. Currently the draft version you have in front of you would cover properties between 100 Breach Inlet to 914.”

Director Kerr then gave a presentation explaining OCRM jurisdictional lines, maximum build lines, and setback lines on the beach.

Lengthy discussion ensued about where lines could be drawn to create equity among homeowners and to allow for contiguous erosion control structures to be built. Staff will bring two options for City Council to consider at a Special Meeting on February 20: an ordinance that “gets the City totally out of the way” or “max build line plus some number.”

ii. **Discussion of surf instruction applications for 2024**

Administrator Fragoso said she would speak with the surfing instructors who want to hold their classes on the south end of the island and encourage them to pick more northern locations.

7. **Financial Review**

A. **Financial Statements and Project Worksheets**

Director Hamilton said revenues are at 36% when they should be at 58%. She believes some of this is a timing issue and expects \$2.5 million in property taxes to be received in February. Expenses are at 55%, under the 58% target. Pay increases for Public Safety personnel went into effect in January and in February for all remaining departments.

She said rental license renewals are due on April 30. The City collected just over \$1 million last year in license fees. The City has \$43 million in cash deposits. The City received \$1.5 million in grants last month.

The new tourism schedules show some slowing/stabilizing to pre-Covid numbers. Municipal ATAX was \$51,000 last month but was \$185,000 this same time last year. Administrator Fragoso believes there is a delay in the County processing payments. State ATAX revenues were \$353,000 last month. The City has not yet received the second quarterly County pass-through payment yet. Hospitality taxes were \$63,000 and LOST was \$95,000.

Director Hamilton said that questions about cash needs for capital project requests should be directed to her.

B. Discussion of FY25 budget capital requests

Administrator Fragoso reviewed the department requests in the 10-Capital Plan as well as upcoming changes to the debt service schedule. Council Member Pierce noted “a \$30 million increase in our projected capital budget (over a 9-year period), and I think about 17 of that has to do with the beach renourishment.” He believes Council needs to have a conversation about “how we’re going to come up with those funds.”

8. Procurement**9. Capital Projects Update**

Administrator Fragoso quickly reviewed the capital projects worksheet, highlighting changes from the previous month. She reported that the contractor for the Army Corps of Engineers’ beneficial use project has been selected. Not included on the sheet was the 21st Avenue sidewalk extension. Administrator Fragoso said the County has selected an engineer who is working on the design. She anticipates construction in the first quarter of 2025.

10. Legislative Report

Mayor Pounds said the key takeaway from the recent legislative days in Columbia was MASC’s strong opposition to the short-term rental bill that is coming up later this year. He said Council may need to pass another resolution expressing their opposition. He also expressed concern and disappointment about the \$7 million included in the State budget for beach funding.

11. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Hahn seconded the motion. The meeting adjourned at 7:47pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



SPECIAL CITY COUNCIL MEETING
5:30pm, Tuesday, February 20, 2024
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Council members Hahn, Ward, Anderson, Bogosian, Miars, Campsen, Carroll (via Zoom), Pierce (via Zoom), and Mayor Pounds

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

2. Purpose – Discussion and consideration of Emergency Ordinance permitting residents between 100 and 914 Ocean Boulevard to install a revetment or seawall outside of the State’s jurisdiction for erosion control

Administrator Fragoso explained, “We were tasked with drafting two different options. One that included the allowance of hard erosion control structures outside of the State’s jurisdiction, no limitation on where the seawall or the revetment would be able to be built as long as it is outside of the area that is claimed by the State as having jurisdictional authority over. The other option, we were asked to measure the distance of all of the pools that are in that area that is covered by the emergency ordinance, and we have done that. We will walk through those distances. I think that there was a desire of understanding what areas would be protected if the allowance for hard erosion control structures was tied to the maximum building line. As you all know, emergency protective measures include habitable structures and pools. So I think that Council wanted to see what that distance would be that would cover at least, if not all, of the pools that are already in that area.”

They mapped out a proposed 35’ from the maximum build line which includes protection for all but 24 pools. Additionally, they mapped out the two jurisdictional lines, the baseline and the setback line from OCRM.

She noted that Section 1, subsection I is the only difference from the last meeting. That subsection includes the two distinctions of allowing structures outside of the State’s jurisdiction or allow it within a distance from the maximum building line.

Director Kerr, using Google Earth aerial images of the homes between 100 and 914 Ocean Boulevard, explained the logic of the 35’ setback line. He said, “We are trying to balance being farther back. If you will remember, that was Stephen Traynum’s goal was to have these walls be as close to the house as possible feeling that if they are closer to the houses they are less likely to be exposed. When they are less likely to be exposed, they are less likely to cause problems for

the beach. So we are trying to balance being back, but at the same time, giving protection to the houses and also trying to make it so that we can also give protection to each of these pools.”

He said that an adjustment needs to be made for the pools, and “the way that we have written that option is to allow pools that exist today to have a protrusion in the wall of up to 8’, and 8’ was chosen after speaking with the designers of these seawalls as to how tight they could design a seawall that would give meaningful protection to those pools and be able to be installed, but still be, again, as far landward as feasible.”

He said both proposed ordinances require OCRM to come to the property and mark their jurisdictional line. The City believes the 35’ line creates a fairly uniform, contiguous line except for the 24 pools.

Council Member Bogosian said that building a seawall or revetment 8’ from a pool is not possible without harming the pool. In addition, it would be extremely difficult to get the necessary equipment onto the property to build the structure. Director Kerr said the City had spoken with an engineer who said it is possible to build a think structure there.

City Attorney McQuillin pointed out that if homeowners opt to build an erosion control structure and the critical line set by OCRM moves during construction, OCRM will require the homeowner to move the structure.

Director Kerr believes there are approximately 10 homeowners who have engaged civil engineers to discuss the building of an erosion control structure, most of them in the 2nd and 3rd blocks of Ocean Boulevard.

Director Kerr said of the second ordinance: “We think the beach’s critical area would be most limiting in this area [Breach Inlet] up to 5th, 6th, 7th, somewhere up in that area.”

Council Member Miars said, “If we just step out, we are going to have, in addition to pools that are out too far, we are going to have walls, too. I think that the very least we can do is try to make these walls as close to houses as possible. The maximum build line was put there, what 40-some-odd years ago, and it was put there for a reason.”

Council Member Campsen added, “I am with Douglas, I think, and Katie, where they are in that what we are looking at tonight, in my opinion, is an emergency ordinance attempting to provide emergency relief in an emergent situation to some homeowners who are being impacted by the cycle we are in. I always viewed this as step one in a perhaps a multi-step process that gets us to the discussion about full revocation of that 250’ line, which is where we all think we want to be at least in the discussion process. But that takes time. That is nothing we can do this evening. And from my perspective, I am comfortable with coming off of a set building line because we know that is going to be the more consistent of the two options. The two bad options, frankly, to kind of tide us over and to provide some relief to the people who are willing and able to take it and to get us to a point where we can start having a more robust discussion around the 250 and what that means for this entire island really.”

Council Member Hahn reminded Council members that they swore an oath to uphold the laws of the State, and the State said that no erosion control structures can be built on the beach. He said anything built needs to be built as far landward as possible. He believes the building of any seawall has disastrous unintended consequences. He agreed with Council Member Miars' sentiment that removing all restrictions will create chaos on the beach. He believes there is a compromise in allowing people to build as close as possible to their homes to protect the foundations.

Council Member Pierce said he cannot support either ordinance as the "mechanics and implementation" do not work.

Council Member Campsen agreed that neither are great options, but the City is attempting to provide relief from existing legislation.

Administrator Fragoso said, "The concern that we have with 20' is right now the State allows emergency protective measures which is what we have been doing for the past few months to be done using a measurement of 20' between either a habitable structure or a pool. So a lot of the work we have been doing for the past several months has been looking at that distance to protect, in some instances, areas where there are pools. So there would, I guess, an inconsistency potentially by having the emergency ordinance be applied in a way that would not include pools."

Administrator Fragoso said that the Army Corps of Engineers' project is now slated to begin the first week of April. She said Mr. Traynum has a meeting Wednesday "with OCRM to discuss if recent conditions have changed our understanding of the permit that is necessary for the work that the City wants to do. We talked about us enhancing the project from the Army Corps of Engineers by speeding up the movement of some of that sand onto the dune system and into the dry sand beach. Our understanding so far is that the City can operate under the Army Corps of Engineers' permit. We will be confirming that and what, if anything, would we need to do between now and when they get started. So we would be talking about a few more months of work that, as you know, has taken up all of the time that Douglas and I have, and has been for the past several months."

She also pointed out that the City is close to spending all the money City Council allotted for sand scraping, trucking in sand, and sand bags.

Regarding risk, City Attorney McQuillin said, "I think to Katie's point, I do not think there is a risk with carving out pools and going closer to the house. Just because OCRM considers that an emergency that does not mean necessarily that we have to. There is an argument potentially that could be made about people that have pools further out that we are putting them in a better position or not treating them equally with people that don't have pools. Sort of an equal protection type argument, and there are some risks there."

He said of homeowners that build seawalls, "If you have a hard erosion control device, even if it is outside of OCRM's jurisdiction, they will not issue a permit to allow emergency protection measures such as scraping or sandbags funded by the City or State or otherwise. And on top of

that, if you build it, if you are just starting to build it and the critical area comes up to where they flagged it in the middle of your construction, they are going to make you move it back further out. There are sort of two potential issues with building as close to the critical line as you can knowing that the tide may come up and get up to your wall and you have to remove it. And then two, once it is installed, they are not going to allow those emergency permits to apply to your house.”

Mayor Pounds said, “We are dealing with an emergency ordinance tonight to give some relief.”

City Attorney McQuillin explained that as an emergency ordinance, whatever Council adopts this evening will go into effect immediately without having to have a Second Reading, Public Hearing, or consideration of the Planning Commission. The two options presented tonight were based on Council’s feedback from the February 13 meeting, but there are other options.

MOTION: Mayor Pounds made a motion to adopt the ordinance that is 35’ from the maximum build line. Council Member Campsen seconded the motion.

MOTION: Council Member Hahn made a motion to amend the ordinance to move the line from 35’ to 20’. Council Member Ward seconded the motion.

City Attorney McQuillin pointed out the ordinance must pass by a super majority to go into effect.

Director Kerr said, “The original ordinance that we forwarded to you last week had a provision that clarified that the allowable protection for pools only applied to pools that existed at the time of adoption. That was not put into this draft, and that was an unintentional omission. We think that it should not allow an owner to go at some date in the future build a pool well out and then protrude a seawall around it. That is the first amendment we think it needs. The other is really a housekeeping revision that OCRM contact Mac this afternoon and asked that we add a provision that indicates that the seawall construction would have to be compliant with the NPDES land disturbance requirements of the Clean Water Act.” He asked that both of those amendments be added to the ordinance.

City Attorney McQuillin quoted the exact language provided by OCRM: “Prior to obtaining a permit from the City, the resident shall comply with all applicable State and Federal laws in procuring any additional permits require prior to construction including a National Pollution Discharge Elimination System (NPDES) permit and a Coastal Zone Consistency Review from the State, if applicable.” He did not believe it will be applicable in most instances, but OCRM asked that it be put in the ordinance.

Director Kerr said both of these issues are “standard housekeeping issues.”

VOTE: A vote was taken on the amendment as follows:

Ayes: Campsen, Anderson, Ward, Miars, Hahn, Carroll, Pounds

Nays: Pierce, Bogosian

The motion passed 7-2.

MOTION: Council Member Miars made a motion to amend by adding the additional language mentioned by Director Kerr and City Attorney McQuillin and making necessary grammatical changes. Council Member Hahn seconded the motion. A vote was taken on the amendment as follows:

Ayes: Campsen, Anderson, Ward, Miars, Hahn, Carroll, Pounds
Nays Pierce, Bogosian

The motion passed 7-2.

VOTE: A vote was taken on the ordinance as amended as follows:

Ayes: Campsen, Anderson, Ward, Miars, Hahn, Carroll, Pounds
Nays Pierce, Bogosian

The motion passed 7-2.

3. Adjournment

Council Member Ward made a motion to adjourn. Council Member Anderson seconded the motion. The meeting was adjourned at 6:55pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Administration Committee Meeting
Thursday, February 1, 2024, 4:30pm
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Council members Bogosian, Campsen, and Carroll

Staff Present: Administrator Fragoso, Director Kerr

2. Approval of Previous Meetings' Minutes

The minutes of the January meeting will be voted on at the next meeting.

4. Citizen's Comments – none

5. Old Business

Review of applicants for Accommodation Tax Advisory Committee vacancy

Administrator Fragoso said she received two new applications for the opening on the ATAX Committee. One applicant is eligible for the lodging position and the other applicant could fill the at-large position.

After a brief discussion, the Committee asked Administrator Fragoso to reach out to Ms. Nelms who had previously applied and been interviewed. Interested applicants will be interviewed by the Committee at their March meeting.

6. New Business

A. Discussion of City Code section 1-3-13 which regulates public participation during council meetings

Administrator Fragoso said she has heard that citizens want more clarity on what they can address to City Council at Council meetings. She pointed out that the City is not statutorily required to allow for citizens' comments during a meeting. She also shared that comments could be placed at the end of the meeting and not at the beginning.

Council Member Bogosian agreed there needs to be clarity on how citizens can address Council members. He said that naming a Council member does not necessarily mean equate to a personal attack on that person. Both Council members Campsen and Bogosian agreed that citizens can address Council on issues that do not appear on the current agenda.

Discussion ensued as to the order people speak during Citizens' Comments. Administrator Fragoso will prepare a draft ordinance that prioritizes speakers by residents, property owners, business license holders, and those speaking to items on the agenda. She will also remove Section E as discussed. These changes will be brought to the March meeting for further discussion and also be added to the March Council workshop agenda.

B. Discussion of City Code section 5-4-138 (d) which regulates placement of political signs in the public right of way

Administrator Fragoso said that the City is one of the few municipalities that allows political signage in the public right of way. They are permitted 30 days in advance of an election. She said that other municipalities allow political signs on private property and do not allow them in the public right of way as it is considered visual clutter.

Council Member Campsen said she received citizen feedback in favor of the political signage. Council Member Carroll asked if changing the ordinance would limit candidates' ability to get their message to voters, especially those who may be newer to the island. Council Member Bogosian would like time to discuss the issue with citizens. This item will be on the March agenda for further discussion.

7. Miscellaneous Business

The Administration Committee will have its next meeting on Thursday, March 7, 2024 at 4:30pm.

8. Adjournment

Council Member Bogosian made a motion to adjourn, and Council Member Carroll seconded the motion. The meeting was adjourned at 5:20pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Public Safety Committee Meeting
11:00am, Tuesday, February 13, 2024
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Council members Ward, Anderson, Bogosian

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

2. Citizen's Comments -- none

3. Approval of Previous Meeting Minutes – January 16, 2024

The minutes of the January meeting will be voted on in March.

4. Old Business

A. Discussion and consideration of changes to the noise ordinance

Council Member Bogosian said he would like the March meeting to focus on finalizing changes to the noise ordinance so that it can be discussed at the March Council workshop. He would like to have an ordinance passed by May. Administrator Fragoso said the next quarterly meeting with the business community will be on Friday, and she will bring their feedback to the Committee in March.

Director Kerr pointed out that the new draft of the ordinance removed the reference to dropping the decibel levels by 5 dbas for voice and music, “and then to counterbalance that are increasing by five all of the noise levels.” Council Member Ward said he has heard from business owners that the proposed decibel level for GC-2 is too low. Council Member Bogosian intends to discuss the matter with Mr. Ross, Chief Cornett, and Wild Dunes before the next meeting.

Noise monitoring devices in short-term rentals was briefly discussed.

Discussion ensued about making distinctions between violations in residential versus commercial areas. Chief Cornett noted that the person committing a violation in a rental property is issued a ticket and the property gets a strike against it as a founded complaint.

Administrator Fragoso said she would like to find a way for the City to treat short-term rental license violations differently than violations against a commercial establishment. Council Member Bogosian would like penalties that will deter non-conforming behaviors. Administrator

Fragoso cautioned again against removing the City's ability to pull a business license in light of repeated violations.

B. Update on outsourced parking management transition

Administrator Fragoso said the transition with Municipal PCI is going well. She said they will have a 24/7 call center, a dedicated website, and new signage to reflect all changes. She said the City and Municipal PCI will use this year to educate residents on securing residential parking passes so that Municipal PCI can fully take over and digitize the process next year. Municipal PCI will also be pursuing unpaid parking tickets older than 90 days. They will begin working on March 1, 2024 and will have an office in the Public Safety Building.

Administrator Fragoso said the City will still hire 2-3 BSOs to focus on beach services for the season. She also reported that two new parking kiosks have been purchased recently taking only cards. The goal is to move away from cash to a text-based parking system.

5. New Business

A. Discussion of amendments to the short-term rental ordinance to list type of violations that could trigger license revocation

Administrator Fragoso shared a list of violations and penalties found in the City of Folly Beach's short-term rental ordinance. Council Member Bogosian suggested that staff bring a list back to the next meeting of major and minor offenses.

Discussion ensued about lowering the number of complaints that trigger the license revocation process. Director Kerr pointed out that several properties do get 3 complaints per year. Chief Cornett added that they work with the properties to help them to be proactive and comply with the City ordinances.

Director Kerr said, "We'll go through this list to try to kind of categorize each and come up with a policy that adds clarity but that doesn't change how we've historically operated. That that would be a starting point for you all to say okay, let's modify" the number of strikes potentially.

B. Review of Police and Fire Department's 10-year capital plan

Administrator Fragoso shared that the Public Services & Facilities Committee asked for an additional column on the 10-year capital plan that shows the FY25 request as currently envisioned in FY24 and what changes were made from last year's version to the current request."

She then reviewed the capital requests from the Police Department which included vehicle replacement purchases, radios, taser upgrades, half the cost of the access control system for the Public Safety Building, and technology upgrades to the MEOC/training room.

The Fire Department is requesting approval for a letter of intent to purchase a new ladder truck in FY26. The trucks take two years to build. Chief Oliverius explained the need for the new truck and how current trucks are used in light of the need for this replacement. Administrator Fragoso pointed out that no capital outlay is needed at this time and the money is due upon delivery of the truck. Chief Oliverius said they could trade in the old truck to help reduce costs.

Administrator Fragoso reviewed Fire Department capital requests for FY 25, which includes 25% of a rescue boat. The remaining 75% of the cost will be covered by a FEMA grant. The City will also pursue cost sharing options with the County on the 25% portion. Chief Oliverius said that several of the water rescues they conducted last year could have benefitted from such a boat. The boat will also increase the City's fire suppression capability. The boat will be in the water at all times. The current boat could be sold or given to the Police Department.

6. Miscellaneous Business

The next meeting of the Public Safety Committee will be Tuesday, March 5, 2024 at 11:00am unless jury trials will be taking place that week.

7. Adjournment

Council Member Anderson made a motion to adjourn, and Council Member Bogosian seconded the motion. The meeting was adjourned at 12:27pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Public Services & Facilities Committee Meeting
9:30am, Tuesday, February 13, 2024
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Council members Miars, Hahn, Pierce

Staff Present: Administrator Fragoso, Director Kerr, Director Pitts, Director Ferrell

2. Citizen's Comments -- none

3. Approval of Previous Meeting's Minutes – January 11, 2024

MOTION: Council Member Hahn made a motion to approve the minutes of the January 11, 2024 meeting. Council Member Pierce seconded the motion. The motion passed unanimously.

MOTION: Council Member Miars made a motion to amend the agenda to allow for a discussion of an easement request from the IOP Water & Sewer Commission under New Business. Council Member Pierce seconded the motion. The motion passed unanimously.

4. Old Business

Discussion of parking reconfiguration layout options for the Intracoastal side of marina parking lot

Council Member Miars said the restaurant has been unable to confirm their preference for parking lot layout and suggested this item be continued to the March agenda.

Administrator Fragoso said, "In your packets we've included the latest layout that the restaurant folks came up with working with Matt Kline who's been developing these concepts. Last month, we discussed a layout that Matt Kline drew up after hearing some of our feedback and what we think the City would like to see in the new reconfiguration of that parking layout. The restaurant, at that time, had requested the opportunity to review and make some suggestions and changes to a plan that they would be supportive of. So this is what you have in your packet is that plan they developed with Matt Kline...but it is still kind of a work in progress from both sides."

Council Member Miars asked if the ditch along 41st Avenue would allow for trailer parking when it is covered. That space would not be amenable to trailer parking since it would have to be parallel parking.

5. **New Business**

A. **Discussion of easement request from the IOP Water & Sewer Commission**

General Manager Chris Jordan and Engineer Mark Yodice came before the Committee to present the Water & Sewer Commission's request for an easement to allow for the extension of the 16" effluent water line to the waterway. Mr. Yodice distributed a colored map indicating the easement area being requested as well as the space needed for a temporary construction easement while the line is being placed. He anticipates the work to begin after the coming beach season, possibly September and then completed in February 2025. Director Kerr explained that it will not be possible for this work to occur concurrently with the City's work on the ditch.

Director Kerr explained, "The attorneys requested that this happen now, this kind of engineering, feasibility analysis from all the engineers. So that is happening now. The next step once they have all kind of said yes we can do it, here are conditions by which we think it should happen. The next step will be this easement agreement. Things that we have been bouncing back and forth, who is going to pay for what, if something happens who pays for that. So that kind of level of detail will get worked through. The other challenge is the parking. We have never really been able to identify an agreeable parking plan. So we have wanted to kind of maintain some flexibility. Mark talked about there is a dumpster, can a dumpster go into this easement. If it is necessary to put the dumpster there in order to work successfully through an agreement with the parking plan, just a lot of moving pieces in this corridor." He envisions all of the work in this area being completed next winter.

Administrator Fragoso added, "Our plan was to have a parking layout agreed upon this winter so that it would be incorporated into the construction timeline after the Waterway Boulevard where the drainage project was completed. That is not going to be possible. We are already in mid-February. We don't have a parking layout, and then this request is also making us adjust that timeline."

Language will be included in the contract requiring the Water & Sewer Commission to return the space to pre-construction conditions. General Manager Jordan said that he does not anticipate needing to make many, if any, repairs to the line once it is installed.

Administrator Fragoso said, "This is another reason why having a new layout that gives the City control of that corner lot seems to be a very practical path for the City because there is just so much happening in that corner, that not having to include in the conversations, which we would have to now, the restaurant because they do have a lease for that corner lot. It would add a level of complication that hopefully if we agree on a new layout we can mitigate."

B. **Review of 10-year capital plan for Public Works Department, Recreation Department, Drainage, Front Beach, Beach, and Marina**

Administrator Fragoso reviewed the new additions to the 10-year capital plan for each department. She anticipates an increase in the cost of the Waterway Boulevard project because the City would like to increase the protection from 6' to 6 1/2'.

She said, “The main drivers of the change [in the 10-year capital plan] is we have moved the timeline of the purchase of our big pieces of equipment for garbage collection to FY26. We do anticipate needing an approval for a letter of intent due to the 18-month lead time in construction and also the drainage projects. There is some shifting there.”

The Recreation Department needs to replace some of the older playground equipment and upgrade the material under the equipment. Director Ferrell said some of equipment purchases can be deferred or phased in over a few years, if necessary. Additionally, the flooring in the High Tide Room needs replacing.

The City will need to resurface the City-owned portion of Ocean Boulevard between 10th and 14th avenues. Construction of two ADA walkovers is being funded by a grant from the State.

Administrator Fragoso noted that the construction of the emergency access path at the County Park will be moved to FY25 and the City’s cost will be more than \$200,000.

She pointed out the need for large scale nourishment projects at both the north and south ends of the island as seen in FY27 projections. Council Member Pierce said it would be important to address City spending in FY25 and FY26 to anticipate those projects.

Administrator Fragoso said, “That’s the most important conversation I think we need to have as part of this process. We are planning for the worst, right. We have this Army Corps of Engineers project happening this year. We are also in the permitting process and preparing for the application of a shoal management project down on the north end. What we anticipate is those two projects giving us some time between being able to do this as a small, medium-term solution between now and having to execute a larger-scale project. Conditions, those seem to indicate that what we in the past had anticipated, maybe four or five years of timing between a shoal management project and a larger-scale project, that that timing is shrinking just because of the sea level rise and just ongoing storms and abnormal high tides. We don’t know yet. It would be ideal that this Army Corps project would give us a few years breathing room to go through the permitting process and conceptualize the project both on the north, and at the same time, hopefully it is not FY27. Maybe we can push that into FY28. But we are trying to be proactive and thinking worst case scenario for the shoal management project.”

She also noted that costs of beach monitoring will need to be revised depending on beach activity.

6. Miscellaneous Business

The next regular meeting of the Public Services & Facilities Committee will be Tuesday, March 5, 2024 at 9am.

7. Adjournment

Council Member Miars made a motion to adjourn and Council Member Pierce seconded the motion. The meeting was adjourned at 10:49am.

Respectfully submitted,
Nicole DeNeane
City Clerk



Beach Preservation Ad Hoc Committee Meeting
Friday, February 9, 2024, 9:00am
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

Present: Cindy Solomon, Dan Slotchiver, Andrew Vega, Tim Ahmuty, Council members Pierce, Miars, and Campsen, Mayor Pounds, Administrator Fragoso, Director Kerr, Stephen Traynum

After introduction, Mayor Pounds restated the goals of the Committee: review beach restoration policies and practices and provide recommendations; develop recommendations for a more proactive response to beach erosion; and develop recommendations for new, consistent, and sustainable funding mechanisms to fund future needs and projects.

Director Kerr reviewed the beachfront jurisdictional and setback lines. He said the baseline, last set in 2018, is set every 7-10 years. Mr. Traynum added more details as to how OCRM sets the baseline and how it changes due to storm and or erosion activity.

Mr. Traynum then gave an overview of the City's beach preservation efforts since 1983 as well as the effects of the natural processes of erosion and accretion during that period. He stated that the past decade has seen more named storms that have affected the South Carolina coastline. In addition, the sea level has risen 5"-6" over the last 10-15 years. He said the island has lost more than a half million yards of sand over the past year, which is more than the previous 12 years. He shared how large-scale beach renourishment projects are considered.

Council Member Pierce asked if the City could be more proactive in the permitting process for future projects. Mr. Traynum said conversations about the next large-scale project are already underway. He said there does not need to be a need for renourishment to apply for a permit. He added, "The way we typically approach a project like that is to have triggers in place in the permit that would only allow the work to be completed should the beach reach a certain condition. So it kind of gives them some certainty that we're not just going to go move sand around for the heck of it. It is actually needed."

Mr. Traynum then reviewed the recent (2021-present) erosion activity in and around Breach Inlet. He shared that the low bidder for the Army Corps' project is currently working in Murrell's Inlet. He is unsure if they will need to complete that project prior to starting work at the Isle of Palms. If they must finish their work at Murrell's Inlet first, then the project on the Isle of Palms will be delayed for another month or two.

Committee members discussed who they would like to hear from and what they would like to discuss in future meetings. Administrator Fragoso said she would like to discuss “what we could pursue quicker today concurrently hopefully with the Army Corps’ project so that we are in a position to be able to execute a project” should the Army Corps’ project not last as long as expected.

Mr. Traynum shared, “A couple of years ago, we knew that for this next round of permitting, a large-scale project, we wanted to have an area where we focused on the south end, whether it needed it or not. So we had already kind of outlined what work would need to be done for identifying a new borrow area that was closer to the south end of the island. Right now, it is feasible to use the borrow areas that we know about on the east end of the island should we have the SHPO coordination we need. But it would be much more economical if there was a new borrow area further south. So part of our work we are doing is going to be looking at the opportunities for sand there, which would also require a lot of coordination with SHPO. So any permanent application that we have for nourishment would include both ends of the island regardless of really the sand source, and we actually did that on the last permit we had, too. We had a fill option for the south end if the condition hadn’t restored itself before the project was done, but the accretion kind of was going on there.”

He also suggested the option of installing a terminal groin but added that requires a lot of analysis and a renourishment project. He said dredging the inlet is not a good option because of the cost of mobilization and the lack of guarantee of the sand staying on the beach.

Council Member Pierce asked what, if anything, the City could do to protect the homeowners from 314 Ocean to 8th Avenue should the Army Corps’ project be delayed. Mr. Traynum said there is little that can be done other than sand scraping, trucking in sand, and adding sandbags.

Committee members would like to hear from someone at OCRM and to discuss the City’s finances with regards to beach preservation.

The Committee agreed to meet weekly on Friday mornings and taper off to every other week as needed.

The meeting was adjourned at 10:15am.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Beach Preservation Ad Hoc Committee Meeting
Friday, February 16, 2024, 9:00am
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

Present: Cindy Solomon (via Zoom), Dan Slotchiver (via Zoom), Andrew Vega, Tim Ahmuty, Council Member Campsen, Mayor Pounds, Administrator Fragoso, Director Kerr, Director Hamilton

Absent: Council Members Pierce and Miars

1. Call to Order

2. Approval of previous meeting's minutes – February 9, 2024

MOTION: Council Member Campsen made a motion to approve the minutes of the February 9, 2024 meeting. Mr. Vega seconded the motion. The motion passed unanimously.

3. Review of Beach Preservation Fee Fund

Director Hamilton reported that the Beach Preservation Fund has received \$914,000 year to date. When asked if the City knows how much ATAX money is generated by Wild Dunes' properties versus the rest of the island, Administrator Fragoso said she believed it is fairly evenly split, 51%/49%, but she would check again and report back to the Committee.

Administrator Fragoso explained that the Beach Preservation Fee is a 1% tax levied on all sleeping accommodations on the island whether it is a hotel or an AirBNB. She added, "The City is allowed by State law to levy essentially a 2% municipal accommodations tax. 1% the City has in a separate fund. It's called the Municipal Accommodations Tax Fund. By State law, it has to be spent on tourism-related expenditures. A few years ago, the State law authorized municipalities to choose of the 2% that you can levy on municipal accommodations taxes to have 1% be dedicated for beach preservation, beach renourishment funding, and that is what the City does. So our Beach Preservation Fee is restricted for beach preservation and beach renourishment."

She said the City has spent that money on nourishment projects on the north end of the island, a shoal management project, and on the installation and repair of beach walkover paths. The City is able to use ATAX funds for beach renourishment as it is a tourism-related expense. The City receives approximately \$5 million each year in tourism funds and much of that is used for City services related to tourism, such as Public Safety and Public Works.

4. Discussion of Beach Funding Needs

Referencing a table in the meeting packet, Administrator Fragoso explained the breakdown of funding sources for previous large-scale renourishment projects in 2008 and 2018. She said, “I think the goal of this group is thinking long term what kind of funding mechanism, funding structure we need to start embracing and thinking to ensure we have a sustainable funding source to be able to fund these projects.” She also pointed out that the bulk of the costs of any nourishment project is the mobilization of the dredging equipment.

Mr. Ahmuty asked why the State does not support beach renourishment more out of the tourism funds it receives. Director Kerr said the need for such financial support was the reason for the formation of the Beach Advocates Group. He said that lobbying for beach renourishment funds is a “hard sell” to those representatives who do not live along the coast.

Mr. Vega asked about how to capture ATAX monies from other municipalities whose residents visit the beaches. Mayor Pounds suggested a conversation about a tri-county accommodations tax.

Administrator Fragoso reviewed the 10-year Capital Plan for beach maintenance, monitoring, and access. Council Member Campsen asked about the possibility of additional beach monitoring, and Administrator Fragoso said it has been discussed.

Discussion ensued about the possibility of becoming a federally funded beach and allowing the federal government to decide and fund beach nourishment projects. It was decided to have someone from the Army Corps of Engineers speak to the group about the pros and cons of becoming a federally funded beach.

Administrator Fragoso said, “What other communities have done is implemented municipal or special tax purpose districts where residents of the island are taxed a certain amount every year that is used to supplement the fund that is paid for by accommodation taxes. Different places have done it different ways. You can establish different districts along the island where the people that are benefited more directly pay a higher rate and then that amount goes away as you get farther away from the beach.” She said such a tax has been implemented in Dare County, North Carolina. She pointed out that the south end of the island does not have a nourishment funding mechanism like the north end (Wild Dunes).

5. Next Steps

The meeting on February 23 will include Stephen Traynum of Coastal Science & Engineering and a representative from OCRM to discuss regulatory issues. Mayor Pounds would like to see if someone from Explore Charleston could attend a meeting to discuss their lobbying efforts. Administrator Fragoso will see if she can have someone from Dare County, North Carolina speak to the group in the near future. Council Member Campsen suggested that the City Attorney and or the bond attorney be present for the conversation about the special tax districts.

6. Adjournment

The meeting was adjourned at 10:02am.

Respectfully submitted,

Nicole DeNeane
City Clerk

**CONSTRUCTION CONTRACT
 CHANGE ORDER**

Project: Isle of Palms Stormwater Infrastructure Construction Contract: Contract I
 Change Order Number: 3

Owner: City of Isle of Palms Date Issued: February 21, 2024

Contractor: The Bastion Group, LLC Engineer's Project Number: 27670.0009

The Contract is changed as follows:

- Change in scope of pipe bedding based on revised geotechnical recommendations due to unforeseen field conditions

Not valid until signed by the Owner, Engineer, and Contractor.

Adjustments in the Contract Sum:

The original Contract Amount was.....\$ 2,692,269.00
 Net change by previously authorized Change Orders\$ 529,032.00
 The Contract Amount prior to this Change Order was.....\$ 3,221,301.00
 The new Contract Amount will be (**increased**) (~~decreased~~) (~~unchanged~~)
 by this Change Order in the amount of\$ 83,749.00
 The new Contract Amount including this Change Order will be\$ 3,305,050.00

Adjustments in the Contract Time:

Original Substantial Completion Date 07/30/2024
 Sum of Previously Approved Increases and Decreases (0) days
 Date of Substantial Completion prior to this Change Order..... 07/30/2024
 The Contract Time will be (~~increased~~) (~~decreased~~) (**unchanged**) by (0) days
 The date of Substantial Completion as a result of this Change Order therefore is 07/30/2024

ENGINEER RECOMMENDATION

Hillary Aton, P.E.
 ENGINEER


 SIGNATURE

2/21/24
 DATE



February 21st, 2024

Hillary Aton
Thomas and Hutton

Re: **IOP Phase 3 Drainage Improvements – Potential Change Order #3 – Additional Bedding Material**

Hillary,

This is the proposed scope for potential change order for the required additional bedding material.

The bid basis for the project was the Terracon Geotechnical report dated May 26th, 2020 (Terracon Project No. EN185223). On page 5 the pipe bedding considerations were listed as in-situ soils or 6" of No. 57 stone (see below).

Pipe Bedding Considerations

We understand that RCP sections will be installed as part of this project. If the site has been prepared in accordance with the requirements noted in the **Earthwork**, the proposed RCP sections can be supported on properly prepared and compacted in-situ soils or on 6 inches of No. 57 stone.

If unsuitable soils are encountered at the pipe or culvert bearing elevation, or if conditions encountered vary from those described in this report, the geotechnical engineer should be notified in order to provide an evaluation and supplemental recommendations, if needed.

Figure 1: Excerpt from Terracon Report.

In full transparency our original bid price included 6" of rock due.

The 2.16.24 Terracon Field report has updated the recommendation with 12-16" of rock with fabric on each side and geo-fabric all around both sides of the rock (see figure 2).

EARTHWORK OBSERVATION REPORT

Report Number: EN231207.0011
Service Date: 02/16/24
Report Date: 02/16/24
Task: Soils Construction



1800 Reynolds Ave
 North Charleston, SC 29405-7871
 843-884-1234

Client

South Carolina Department of Resilience (SCOR)
 Attn: Amy Azarias
 632 Rosewood Dr
 Columbia, SC 29201

Project

Isle of Palms Stormwater Infrastructure
 41st avenue
 Isle of Palms, SC 29451

Project Number: EN231207

Services Requested By: Keane Steele of the Bastion Group and Hillary Aton of Thomas & Hutton

Observation Location: Stormwater pipe installation just south of the intersection of Wildwood and 41st Avenue

Observation Results: Terracon was onsite to observe the soil bedding surface of the storm drain installation. Soft saturated soil was observed at the pipe bedding elevation. Terracon recommends over excavating the unstable soil and placement 12 to 16 inches of #57 stone or similar material. To limit the migration of fines, Terracon would recommend fully wrapping (top, bottom, and sides) of the stone with nonwoven geotextile fabric prior to pipe installation if undercut depth is 12 or more inches. These recommendations were discussed onsite with Murray of Seewee Construction.

Figure 2: Terracon 2.16.24 Observation

The total potential change includes (addition of 10" of stone), additional 10" of muck and material removal, and fabric required to wrap the stone.

Please see attached build up and calculations attached.

Direct Subcontractor Costs:

Add 10" Rock (560 tons), muck to replace, and fabricate	\$70,377.00
P&P Bonding (2%)	\$1,408.00
GC OHP (17%)	\$11,964.00
TOTAL:	\$83,749.00

Thank you for the opportunity for The Bastion Group to be of service to you. If you should have any questions while reviewing this Change Order, please feel free to contact me.

Thank you,

Keane Steele, PE



Cost Estimate for: **IOP 41st Drainage Project (Change Order #3)**
 Project Number: **23.147**
 Project Name: **IOP Drainage Project**
 Revision: **0**

Project Phase	Description	Unit	Bare Cost				Quantity		Total Cost	Comments
			Material	Labor	Equip.	Total	Estimated	Unit		
Earth Work										
Muck and Removal		CUYD	\$ -	\$ 8.14	\$ 50.86	\$ 59.00	311.00	CUYD	\$ 18,349.52	*Haul Included in Equipment
Geofabric Wrap		SQFT	\$ 0.12	\$ 0.12	\$ -	\$ 0.24	19036.5	SQFT	\$ 4,647.66	
10" Stone Bedding	Additional for 16" TOT	TON	\$ 55.95	\$ 10.17	\$ 10.17	\$ 76.30	621.00	TON	\$ 47,379.35	*Haul Included in Material
			\$ -	\$ -	\$ -	\$ -			\$ -	
								Earth Work	\$ 70,376.53	
Basic Labor & Material Subtotal									Subtotal = \$ 70,376.53	Does not include Overhead & Profit
Percentage Based Mark Ups										
P&P Bonding	Percentage of subtotal@	2%							\$ 1,407.53	
Project Development	Percentage of subtotal@	17%							\$ 11,964.01	

Change Order Sub-Total =	\$ 83,748.07
Change Order Sub-Total =	\$ 83,748.07

Notes:

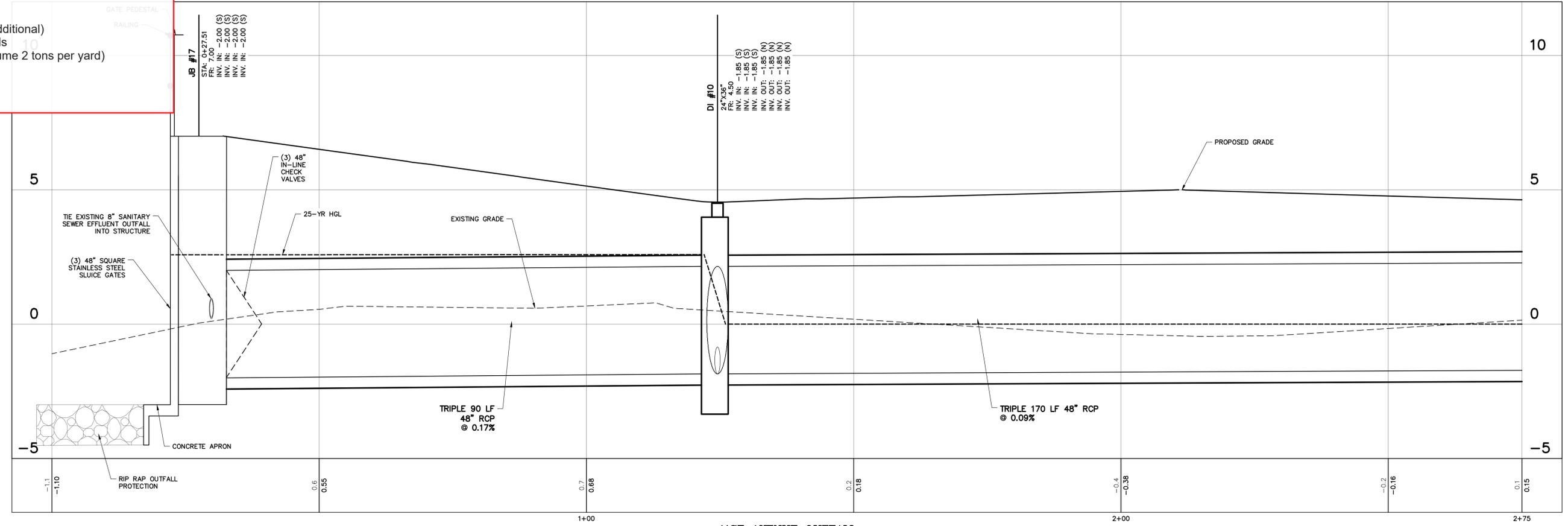
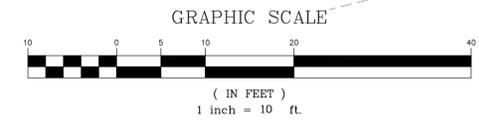
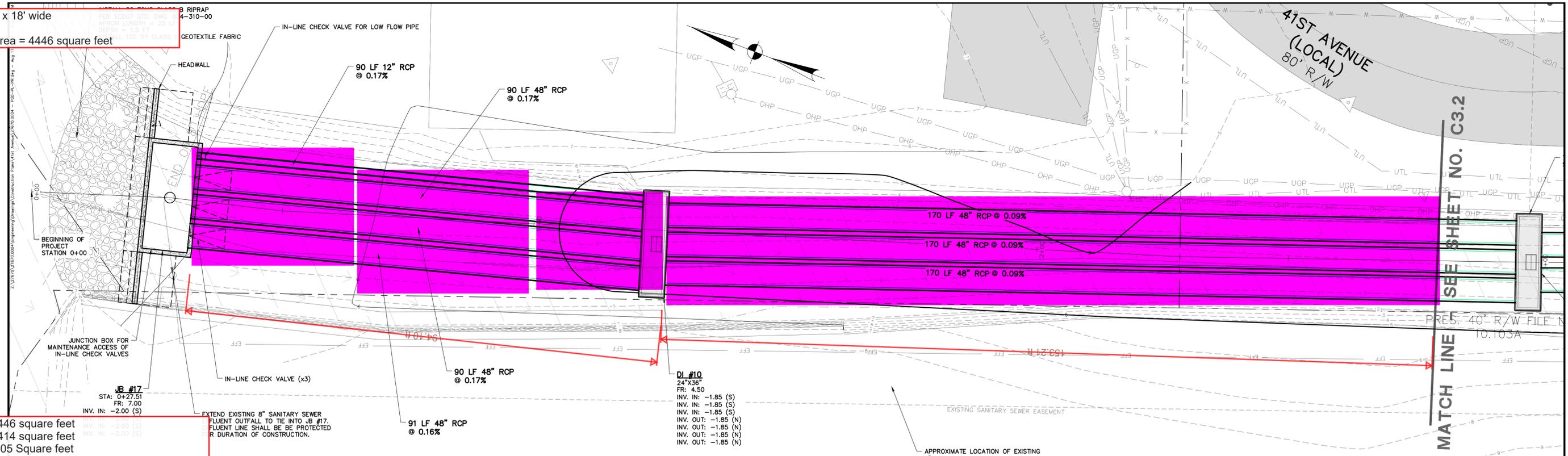
Material prices can escalate over time. This estimate considers current material costs.

247 LF x 18' wide
Total Area = 4446 square feet

C3.1 = 4446 square feet
C3.2 = 3414 square feet
C3.3 = 2205 Square feet
Total = 10,065 square feet

BID BASIS:
@6" Deep
- 186 cubic yards
- 373 Tons (assumed 2 tons per yard)

ADDITIONAL:
@16" Deep (10" additional)
- 311 cubic yards
- 621 tons (assume 2 tons per yard)



41ST AVENUE OUTFALL
STATIONS: 0+00 - 2+75
SCALE: HORIZ: 1" = 10'
VERT: 1" = 2'

THOMAS & HUTTON ENGINEERING
Professional Engineer
No. 18837
RICHARD E. HUTTON

NO.	REVISIONS	BY	DATE

THOMAS & HUTTON
50 Park of Commerce Way
Savannah, GA 31405 • 912.234.5300
www.thomasandhutton.com

CITY OF ISLE OF PALMS
ISLE OF PALMS, CHARLESTON COUNTY, SOUTH CAROLINA
PHASE 3 DRAINAGE IMPROVEMENTS
PLAN & PROFILE

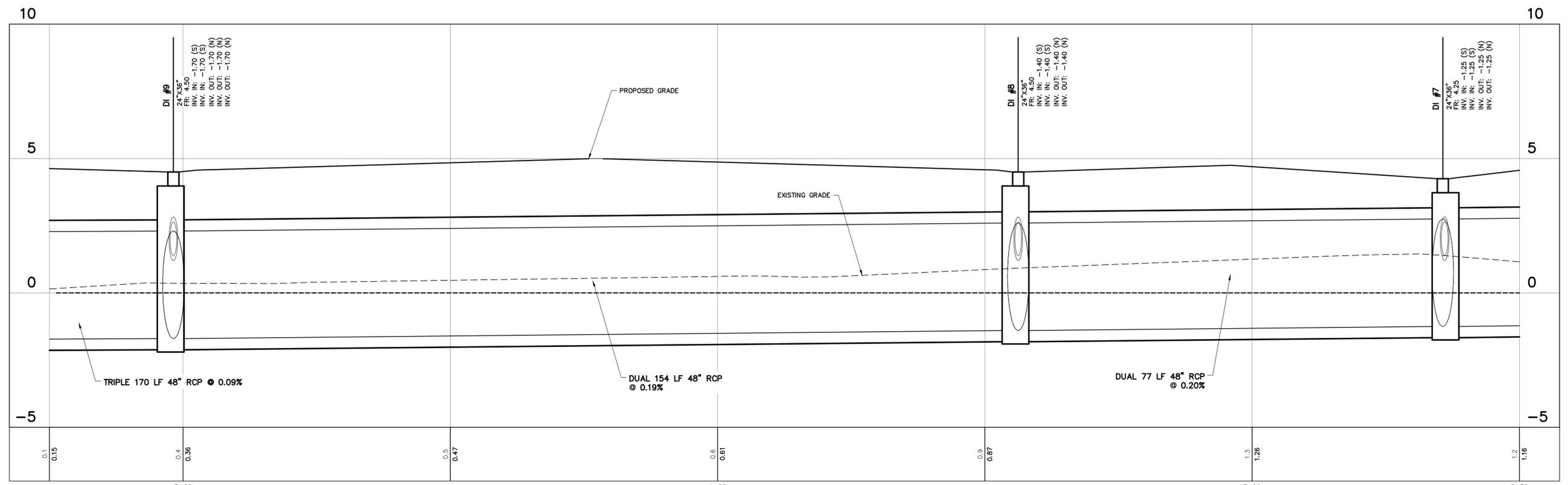
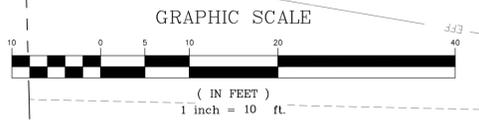
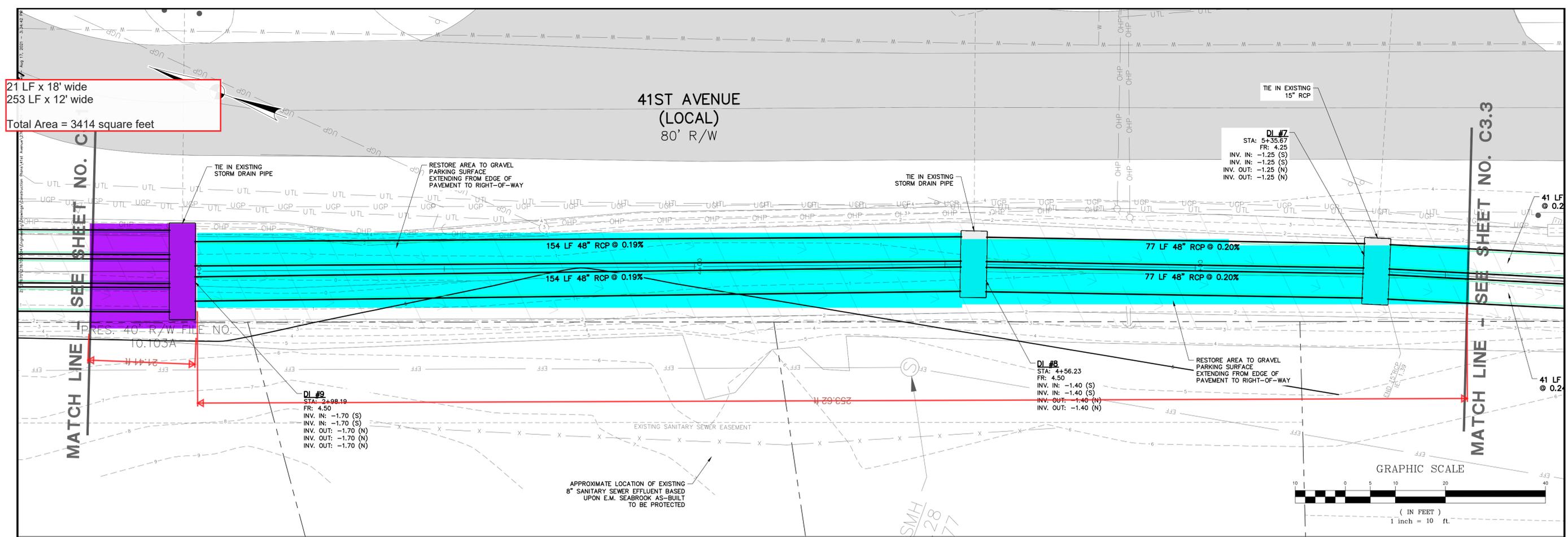
JOB NO:	J-27670.0004
DATE:	10/09/19
DRAWN:	HEA
DESIGNED:	HEA
REVIEWED:	RPK
APPROVED:	RPK
SCALE:	AS NOTED

C3.1

FINAL DRAWING - NOT RELEASED FOR CONSTRUCTION

21 LF x 18' wide
 253 LF x 12' wide
 Total Area = 3414 square feet

41ST AVENUE
 (LOCAL)
 80' R/W



41ST AVENUE OUTFALL
 STATIONS: 2+75 - 5+50
 SCALE: HORZ.: 1" = 10'
 VERT.: 1" = 2'

THOMAS & HUTTON ENGINEERING
 PROFESSIONAL ENGINEERING CERTIFICATE
 RICHARD E. HUTTON, P.E.
 No. 18837

NO.	REVISIONS	BY	DATE

THOMAS & HUTTON
 50 Park of Commerce Way
 Savannah, GA 31405 • 912.234.5300
 www.thomasandhutton.com

CITY OF ISLE OF PALMS
 ISLE OF PALMS, CHARLESTON COUNTY, SOUTH CAROLINA
 PHASE 3 DRAINAGE IMPROVEMENTS
 PLAN & PROFILE

JOB NO:	J-27670.0004
DATE:	10/09/19
DRAWN:	HEA
DESIGNED:	HEA
REVIEWED:	RPK
APPROVED:	RPK
SCALE:	AS NOTED

C3.2

FINAL DRAWING - NOT RELEASED FOR CONSTRUCTION

175 LF x 12' wide
35 LF x 3' wide
Total Area = 2205 square feet



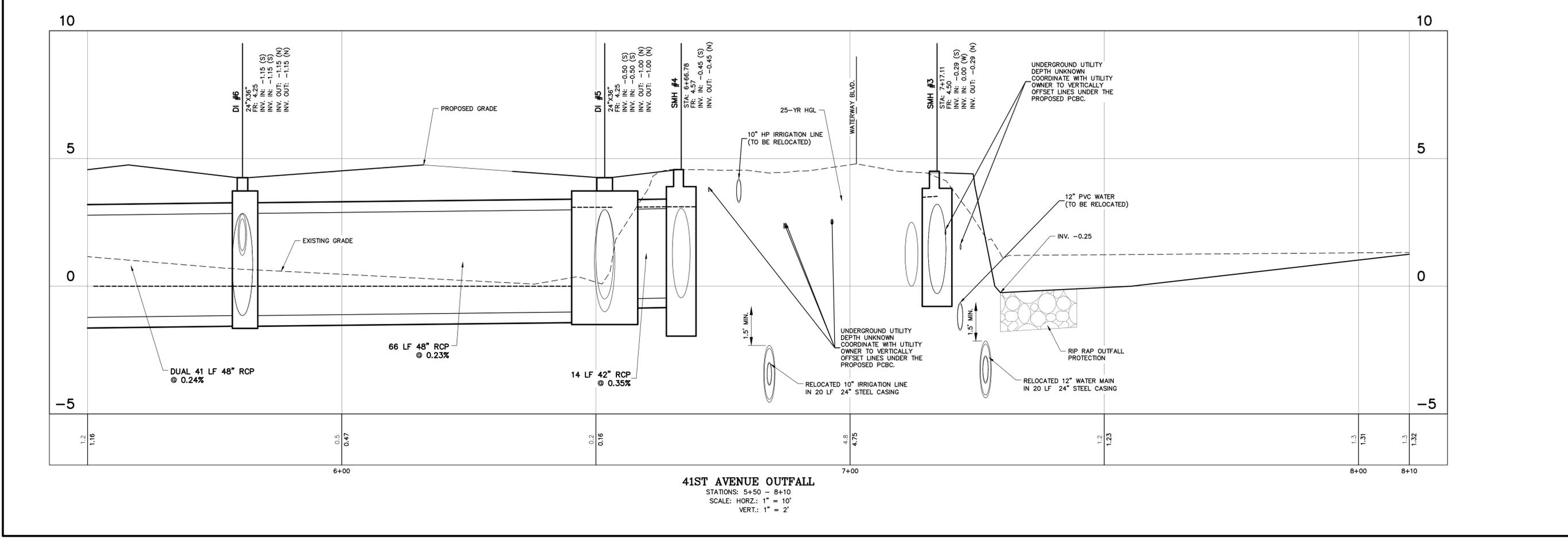
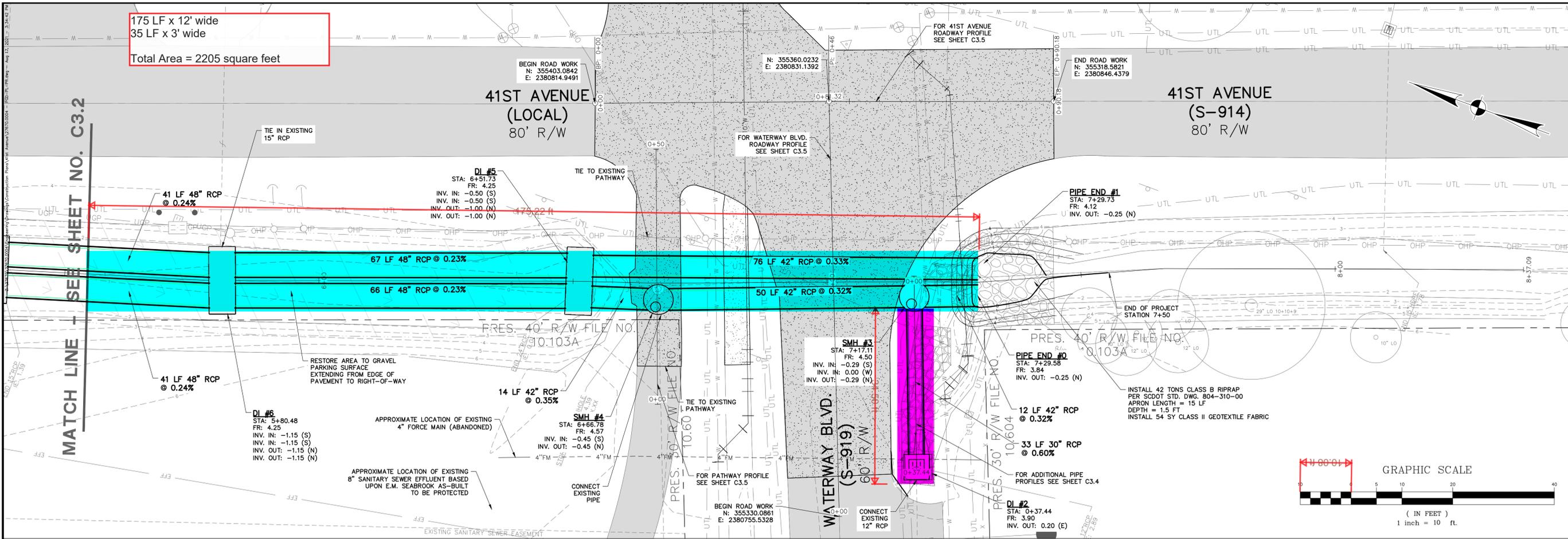
NO.	REVISIONS	BY	DATE

THOMAS & HUTTON
50 Park of Commerce Way
Savannah, GA 31405 • 912.234.5300
www.thomasandhutton.com

CITY OF ISLE OF PALMS
ISLE OF PALMS, CHARLESTON COUNTY, SOUTH CAROLINA
PHASE 3 DRAINAGE IMPROVEMENTS
PLAN & PROFILE

JOB NO: J-27670.0004
DATE: 10/09/19
DRAWN: HEA
DESIGNED: HEA
REVIEWED: RPK
APPROVED: RPK
SCALE: AS NOTED

C3.3



41ST AVENUE OUTFALL
STATIONS: 5+50 - 8+10
SCALE: HORZ.: 1" = 10'
VERT.: 1" = 2'

EARTHWORK OBSERVATION REPORT



Report Number: EN231207.0011
Service Date: 02/16/24
Report Date: 02/16/24
Task: Soils Construction

1800 Reynolds Ave
North Charleston, SC 29405-7871
843-884-1234

Client

South Carolina Department of Resilience (SCOR)
Attn: Amy Azarias
632 Rosewood Dr
Columbia, SC 29201

Project

Isle of Palms Stormwater Infrastructure
41st avenue
isle of palms, SC 29451

Project Number: EN231207

Services Requested By: Keane Steele of the Bastion Group and Hillary Aton of Thomas & Hutton

Observation Location: Stormwater pipe installation just south of the intersection of Wildwood and 41st Avenue

Observation Results: Terracon was onsite to observe the soil bedding surface of the storm drain installation. Soft saturated soil was observed at the pipe bedding elevation. Terracon recommends over excavating the unstable soil and placement 12 to 16 inches of #57 stone or similar material. To limit the migration of fines, Terracon would recommend fully wrapping (top, bottom, and sides) of the stone with nonwoven geotextile fabric prior to pipe installation if undercut depth is 12 or more inches. These recommendations were discussed onsite with Murray of Seewee Construction.

Seewee Construction has implemented sump pumps to remove excess water, the dewatering efforts should continue to be implemented as construction proceeds.



Seewee Construction installing #57 stone and sump pumps to install pipes in wet soil conditions.

Services:

Terracon Rep.: Sylvan Jennings

Reported To:

Contractor:

Report Distribution:

See attached distribution list.

Reviewed By:

rvw2: kls

Sylvan Jennings

Project Manager

The tests were performed in general accordance with applicable ASTM, AASHTO, or DOT test methods. This report is exclusively for the use of the client indicated above and shall not be reproduced except in full without the written consent of our company. Test results transmitted herein are only applicable to the actual samples tested at the location(s) referenced and are not necessarily indicative of the properties of other apparently similar or identical materials.

Distribution Page

Report Number: EN231207.0011
Service Date: 02/16/24
Report Date: 02/16/24
Task: Soils Construction



1800 Reynolds Ave
North Charleston, SC 29405-7871
843-884-1234

Distribution List

- (1) South Carolina Department of Resilience (SCOR), Amy Azarias
- (1) Bastion Retinue, Chuck Layton
- (1) Bastion Retinue, Keane Steele
- (1) City of Isle of Palms SC, Craig Oliverous
- (1) City of Isle of Palms SC, Douglas Kerr
- (1) City of Isle of Palms SC, Robert Asero
- (1) South Carolina Department of Resilience (SCOR), Pamela Kendrick
- (1) South Carolina Department of Resilience (SCOR), Shauna Webb
- (1) Terracon Consultants, Inc., Kyle Turner
- (1) Thomas & Hutton Engineering Co, Bill Fellers
- (1) Thomas & Hutton Engineering Co, Hillary Aton

an emergency, the Commission agrees to give fifteen (15) days' notice to the City prior to cutting or removing trees.

(b) The Commission agrees that it will repair or replace asphalt pavement and concrete sidewalks, curb and gutter within typical South Carolina Department of Transportation standards. For clarity, the Commission shall not be responsible for repairing or replacing any other finishes, including granite or decorative materials.

2. The City agrees to keep the Commission informed of the plans for the development of the Property, including the Easement area. Under no circumstance shall any renovation, paving, landscaping or other work undertaken by or on behalf of the City interfere with the Commission's use of or access to the Easement area or jeopardize the integrity of its infrastructure located within the Easement area or otherwise adversely affect any of the Commission's rights under the Easement or this Agreement.

3. The City and the Commission agree to work together in a good faith effort to coordinate the location of any other utilities within the Easement area, subject to industry standards and best practices for the colocation of underground utilities, provided such other utilities do not conflict with the Commission's infrastructure. Each party shall be responsible for locating all underground utilities prior to commencement of any work within the Easement area by or on behalf of it or subject to its approval.

4. Except in the case of an emergency, each party agrees to notify the other party fifteen (15) days prior to commencement of any construction, development or landscaping work, including maintenance and repairs, within the Easement area and agrees to coordinate any such work within the Easement area. Except in the case of an emergency, the parties agree to coordinate any future repair work to occur during non-peak times for minimal disruption, when reasonably practicable.

5. If either party damages the property of the other party, the party who damaged the other party's property shall be liable to the other party for the repair or replacement of the damaged party and shall be responsible for all costs associated therewith.

6. This Agreement is a contract made under the laws of the State of South Carolina and for all purposes shall be governed by, and construed in accordance with, the laws of the State of South Carolina.

7. This Agreement may not be orally modified, but only modified or amended in writing, which must be signed by the parties to this Agreement.

8. It is the intention of the parties that the provisions of this Agreement are severable so that if any provision, condition, or part hereof shall be invalid or void under any applicable federal, state, or local law, the remainder shall be unaffected thereby.

9. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same instrument.

10. This Agreement is solely for the benefit of the City and shall not be recorded.

11. This Agreement shall not merge into the recorded Easement, it being understood by the parties that the recorded Easement and this Agreement shall be read and interpreted together as part of a single transaction between the parties.

IN WITNESS WHEREOF, the parties hereto have duly approved this Agreement and their respective representatives have duly signed and delivered this Agreement, as of the date first set forth above.

CITY OF ISLE OF PALMS

COMMISSIONERS OF PUBLIC WORKS OF
THE CITY OF ISLE OF PALMS, d/b/a Isle of
Palms Water and Sewer Commission

By: _____
Phillip Pounds, Mayor

By: _____
Jay Leigh, Chairman

EXHIBIT A

(Grant of Easements)

January 8, 2024, and recorded in Plat Cabinet _____ at slide _____ in the ROD Office for Charleston County, South Carolina. Said strip of land has such size, shape, dimensions, butting and boundings, courses and distances as will by reference to said plat more fully appear (hereinafter referred to as the “Permanent Easement”).

Together with the right to lay, construct, locate, install, operate, maintain, inspect, repair and replace drainage and utility lines, valves, fittings, manholes, service lines, controls, devices, equipment and other usual appurtenances within the Permanent Easement.

TOGETHER with all the rights and privileges necessary or convenient for the full enjoyment or use thereof.

2. A non-exclusive 15’ temporary construction easement for a commercial utility purpose over, under and across a strip of land designated “15’ TEMPORARY CONSTRUCTION EASEMENT” as shown on a plat entitled “PLAT OF A NEW ISLE OF PALMS WATER & SEWER COMMISSION EASEMENTS THROUGH PROPERTY OF THE CITY OF ISLE OF PALMS,” prepared by F. Elliott Quinn III, SCPLS No. 10292, of Thomas & Hutton Engineering Co., dated January 8, 2024, and recorded in Plat Cabinet _____ at slide _____ in the ROD Office for Charleston County, South Carolina. Said strip of land has such size, shape, dimensions, butting and boundings, courses and distances as will by reference to said plat more fully appear (hereinafter referred to as the “Temporary Easement”).

Together with the right to lay, construct, locate, install, operate, maintain, inspect, repair and replace drainage and utility lines, valves, fittings, manholes, service lines, controls, devices, equipment and other usual appurtenances within the Temporary

Easement. The Temporary Easement may be used for any and all purposes related to the construction by the Commission of the sewer outfall line within the Permanent Easement. The Temporary Easement will automatically terminate when the Commission completes the construction of the sewer outfall line within the Permanent Easement and such line is placed in service.

TOGETHER with all the rights and privileges necessary or convenient for the full enjoyment or use thereof.

It is further agreed that:

(1) The Grantee will have the right of ingress, egress, and access to and from the Permanent Easement and the Temporary Easement across and upon such lands of the Grantor as may be necessary or convenient for purposes connected with the Permanent Easement and the Temporary Easement. Also, Grantee shall have the right from time to time to trim, cut or remove trees, underbrush and other obstructions that are over, under or upon the Permanent Easement and the Temporary Easement. Grantor may landscape the Easement area, provided the landscaping does not materially change the existing grade of the Easement area or unreasonably interfere with the underground outfall line and other underground infrastructure. The Grantor will not include large diameter trees or vegetation with large or deep root systems within the Easement area.

(2) The Grantor and Grantor's successors and assigns, will have full use of the surface area of the Permanent Easement and the Temporary Easement, provided, however, that neither Grantor nor its successors or assigns shall construct, build or place any permanent structure over the surface of the Permanent Easement and the Temporary Easement, it being the purpose of the Grantee to protect the integrity of the drainage and

utility lines and other utility infrastructure which will be located on or below the surface, and to allow reasonable access to the drainage and utility lines and utility infrastructure to facilitate repairs. Without limiting the foregoing, the Grantor shall not place any lighting, fencing, posts or other features that penetrate the ground within the Easement area more than 18".

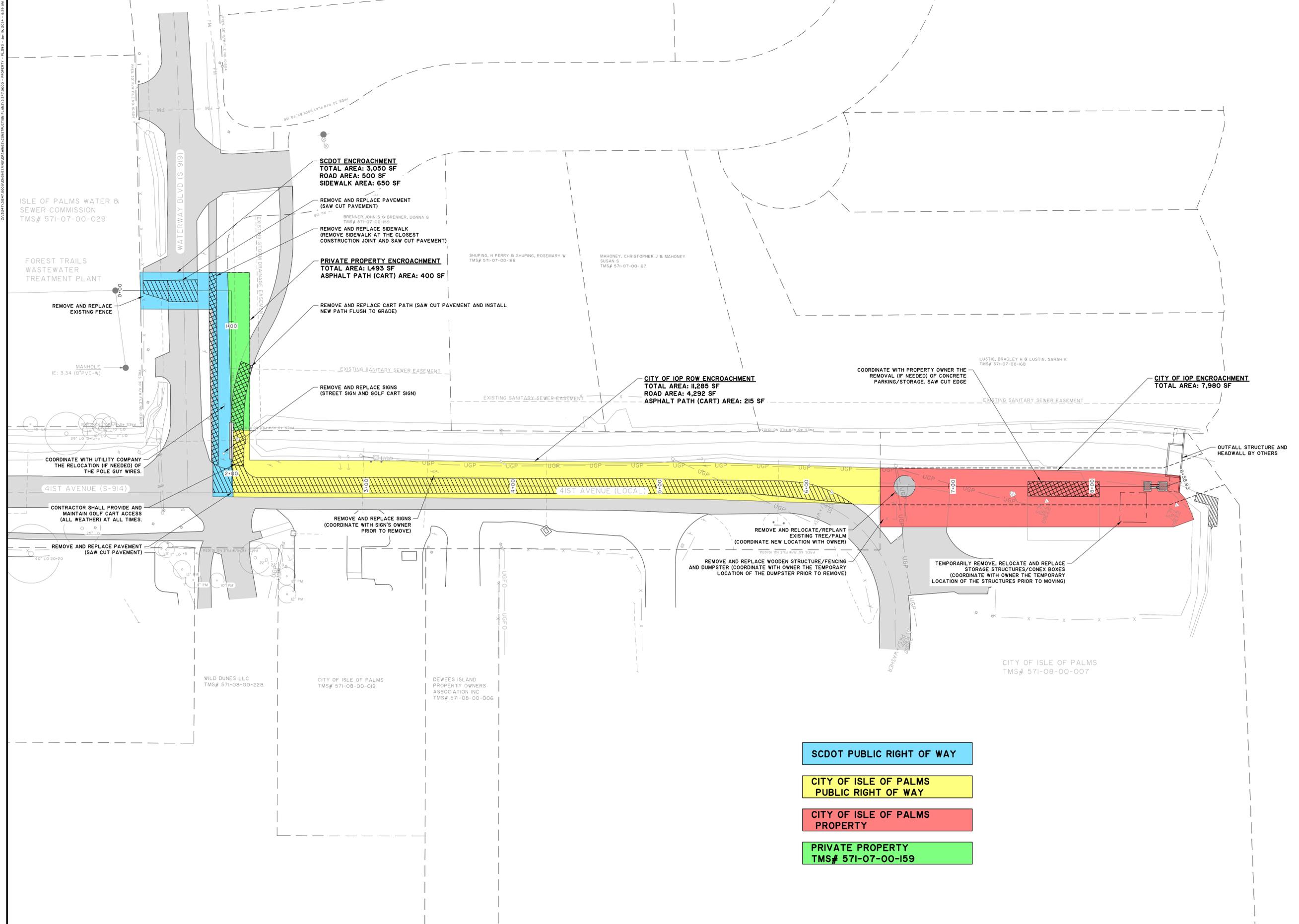
(3) The Permanent Easement and the Temporary Easement will run with the land and continue to exist so long as it is used for utility purposes. In the event the Grantee should determine to abandon the Permanent Easement written notice will be given to the then owners of the property subject to the Permanent Easement stating that the Grantee has given up all rights in the easement being abandoned.

(4) The Permanent Easement and the Temporary Easement granted herein is for a commercial purpose and may be transferred and assigned by the Grantee and its successors and assigns.

(5) The agreements contained herein shall be binding upon the Grantee and the Grantor and their respective successors and assigns.

TO HAVE TO HOLD, all and singular, the easements rights and privileges above described unto the Grantee, its successors and assigns forever.

[Remainder of Page Blank]



NOTES:

SCIP GRANT NO. A-23-C089

KEY PLAN



THOMAS & HUTTON

682 Johnnie Dodds Blvd. • Suite 100
Mt. Pleasant, SC 29464 • 843.849.0200
www.thomasandhutton.com

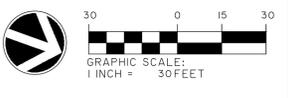
NO.	REVISIONS	DATE

PROPERTY INFORMATION

EFFLUENT OUTFALL LINE REPLACEMENT
FOREST TRAILS WWTP

PROJECT LOCATION:
41ST AVENUE
WATERWAY BLVD

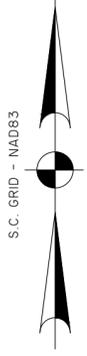
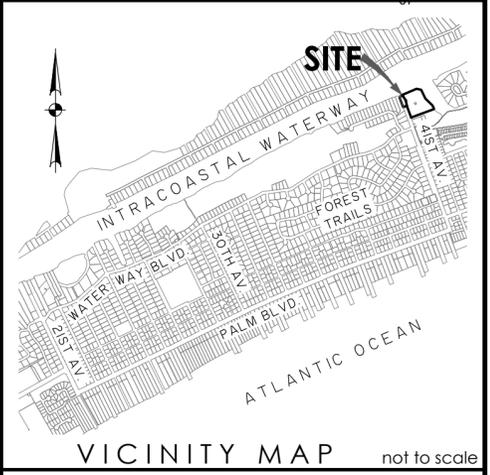
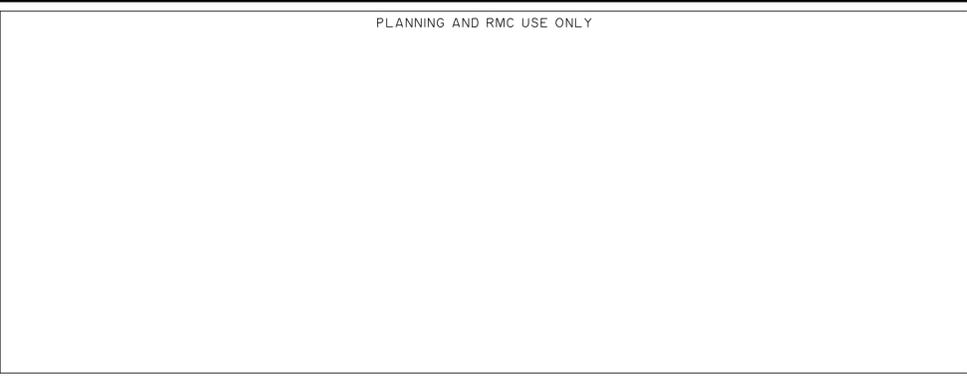
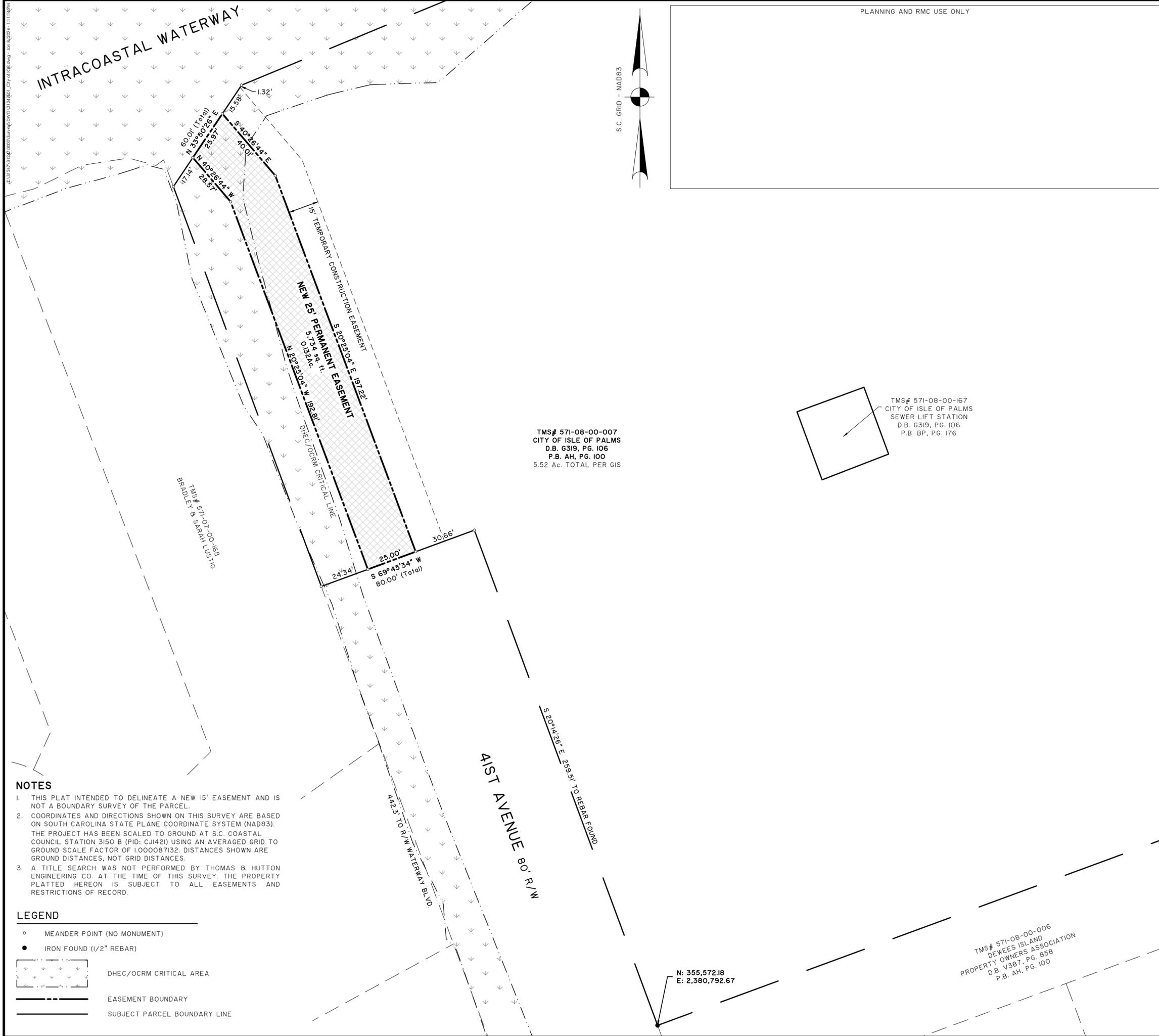
CLIENT/OWNER:
ISLE OF PALMS WATER & SEWER COMMISSION
CHARLESTON COUNTY, SOUTH CAROLINA
1300 PALM BOULEVARD
ISLE OF PALMS, SC 29451
CHARLESTON COUNTY, SOUTH CAROLINA



DATUM: HORIZ.: NAD83 VERT.: NAVD88

JOB NO: 31247.0000
DATE: JAN. 2024
DRAWN: MKP
DESIGNED: MKP/CGB
REVIEWED: MFK
APPROVED: MFK
SCALE: 1" = 30'

C1.2



PLANNING AND RMC USE ONLY

VICINITY MAP not to scale

This document and all reproducible copies of this document are the property of Thomas & Hutton. Reproduction of this document is not permitted without written consent of Thomas & Hutton unless this document becomes a matter of public record. ALTERATIONS TO THIS DOCUMENT ARE NOT PERMITTED.

FOR REVIEW

THOMAS & HUTTON ENGINEERING CO. No. 0292
 No. C00285 01/08/2024

F. ELLIOTTE QUINN III
 SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR
 LICENSE NO. 10292

I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE MANUAL FOR SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN.

PLAT OF A
**NEW ISLE OF PALMS
 WATER & SEWER
 COMMISSION EASEMENTS
 THROUGH PROPERTY OF
 THE CITY OF ISLE OF PALMS**

CITY OF ISLE OF PALMS
 CHARLESTON COUNTY, SOUTH CAROLINA

prepared for
**ISLE OF PALMS
 WATER & SEWER COMMISSION**

No.	Revision	By	Date
1	Revise Easement	feq	01/08/24

THOMAS & HUTTON

682 Johnnie Dodds Boulevard • Suite 100
 Mt. Pleasant, SC 29464 • 843.849.0200
 www.thomasandhutton.com

30 0 30 60

1 INCH = 30 FEET

plat	drawn	reviewed	field	crew
10/25/23	cww	feq	09/25/23	bp

job 31274 SHEET 1 OF 1

- NOTES**
- THIS PLAT INTENDED TO DELINEATE A NEW 15' EASEMENT AND IS NOT A BOUNDARY SURVEY OF THE PARCEL.
 - COORDINATES AND DIRECTIONS SHOWN ON THIS SURVEY ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD83). THE PROJECT HAS BEEN SCALED TO GROUND AT S.C. COASTAL COUNCIL STATION 3150 B (PID: CJ421) USING AN AVERAGED GRID TO GROUND SCALE FACTOR OF 1.000087132. DISTANCES SHOWN ARE GROUND DISTANCES, NOT GRID DISTANCES.
 - A TITLE SEARCH WAS NOT PERFORMED BY THOMAS & HUTTON ENGINEERING CO. AT THE TIME OF THIS SURVEY. THE PROPERTY PLATTED HEREON IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

- LEGEND**
- MEANDER POINT (NO MONUMENT)
 - IRON FOUND (1/2" REBAR)
 - [Dashed line with arrows] DHEC/OCRM CRITICAL AREA
 - [Dashed line] EASEMENT BOUNDARY
 - [Solid line] SUBJECT PARCEL BOUNDARY LINE

TMS# 571-08-00-007
 CITY OF ISLE OF PALMS
 D.B. G319, PG. 106
 P.B. AH, PG. 100
 5.52 Ac. TOTAL PER GIS

TMS# 571-08-00-167
 CITY OF ISLE OF PALMS
 SEWER LIFT STATION
 D.B. G319, PG. 106
 P.B. BP, PG. 176

TMS# 571-08-00-006
 DEWEES ISLAND
 PROPERTY OWNERS ASSOCIATION
 D.B. V387, PG. 858
 P.B. AH, PG. 100

N: 355,572.18
 E: 2,380,792.67

City of Isle of Palms, SC
2024 Applications for Surf Instructions

Name	Business Name	Location where lessons will be provided
Kai Peter Dilling	Sol Surfers Surf Camp, LLC	27th Avenue
Philip Antman	SaltMarsh Surf	21st -23rd Avenue
Brycen Marshall DePass	IOP Surf Lessons	26th Avenue
Kyle Busey	Carolina Salt LLC	6th and Ocean Boulevard or 25th Avenue
Shane Granigan	Isla Surf School	8th Street or 25th Avenue



BOARD OF ZONING APPEALS
4:00pm, Tuesday, February 6, 2024
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Ted McKnight, Glenn Thornburg, Ellen Gower, Robert Miller, Susie Wheeler, and Zoning Director Simms

2. Approval of Previous Meeting's Minutes

MOTION: Mr. Thornburg made a motion to approve the minutes of the October 3, 2023 meeting, and Ms. Wheeler seconded the motion. The minutes passed unanimously.

3. Swearing in of applicants

Mr. Thornburg swore in the applicants.

4. Home Occupations

A. 9 27th Avenue

Zoning Director Simms said that the applicant, Douglas Hatler, is requesting a special exception to allow for the establishment of a consulting business at his home. The applicant has indicated that the home will be used for office work only, that there will be no business-related traffic coming to the residence and that there will be no employees working in the residence other than family members that live in the home.

Mr. Hatler confirmed he would only be doing office work at home. None of his clients are local. There will be no signage to indicate a business.

MOTION: Ms. Gower made a motion to approve, and Mr. Miller seconded the motion. The motion passed unanimously.

B. 25 31st Avenue

Zoning Director Simms said that the applicant, John Beall, is requesting a special exception to allow for the establishment of a property management business at his home. The applicant has indicated that the home will be used for office work only, that there will be no business-related traffic coming to the residence and that there will be no employees working in the residence other than family members that live in the home.

Mr. Beall, who has been in property management since 2005, said all of his work will be internet-based.

MOTION: Ms. Wheeler made a motion to approve, and Ms. Gower seconded the motion. The motion passed unanimously.

C. 25 Edgewater Alley

As the applicant was not present at the meeting, this request will be moved to the next meeting.

D. 130 Sparrow Drive

Zoning Director Simms said the applicant, Jessica Blaszcak, is requesting a special exception to allow the establishment of a pet sitting and dog walking business at her home. The applicant has indicated that the home will be used for office work only, that there will be no business-related traffic coming to the residence and that there will be no employees working in the residence other than family members that live in the home.

Ms. Blaszcak said there will be no pets at the house at any time and there will be no outward indication of a business on the property.

MOTION: Mr. McKnight made a motion to approve, and Ms. Gower seconded the motion. The motion passed unanimously.

Mr. McKnight suggested that Zoning Director Simms add the possibility of outward signs of a business be included in his presentation of a request.

5. Election of Chair and Vice Chair

Mr. McKnight nominated Mr. Thornburg for Chair of the Board of Zoning Appeals. Ms. Gower seconded. A vote was taken with all in favor of Mr. Thornburg as Chair of the Board of Zoning Appeals.

Mr. McKnight nominated Mr. Miller for Vice Chair of the Board of Zoning Appeals. Mr. Thornburg seconded. A vote was taken with all in favor of Mr. Miller as Vice Chair of the Board of Zoning Appeals.

6. Miscellaneous Business

7. Adjournment

Mr. Miller made a motion to adjourn and Ms. Gower seconded the motion. The meeting was adjourned at 4:28pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Planning Commission Meeting
4:00pm, Wednesday, February 14, 2024
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Sue Nagelski, Sandy Stone, David Cohen, Ron Denton, Rich Steinert, Tim Ahmuty

Absent: Jeffrey Rubin

Staff present: Director Kerr, Zoning Administrator Simms

2. Approval of minutes

Director Kerr explained that the recording of the January meeting was cut off at 48:27 and there was no recording of the meeting. The minutes will reflect that interruption. Director Kerr said that scope of work the Commission requested of Davis & Floyd in that meeting has been received.

MOTION: Ms. Nagelski made a motion to approve the minutes as amended. Mr. Stone seconded the motion. The motion passed unanimously.

3. Election of Chair and Vice Chair

Mr. Stone nominated Mr. Denton as Chair of the Planning Commission. There being no other nominations, a vote was taken with all in favor of Mr. Denton as Chair of the Planning Commission.

Ms. Nagelski nominated Mr. Cohen as Vice Chair of the Planning Commission. There being no other nominations, a vote was taken with all in favor of Mr. Cohen as Vice Chair of the Planning Commission.

Mr. Denton will serve as Chair and Mr. Cohen will serve as Vice Chair of the Planning Commission.

4. **Citizens' Comments**

Mr. Wallace Bonds spoke to the Commissioners about the proposed stormwater regulations. He would like to see stronger words used in place of “may” or “should.” He would like to see “will,” “must,” or “shall” be used in the appropriate places. He prefers the stronger wording in these regulations to prevent what happened to his property from happening to others.

Zoning Administrator Simms said he would prefer “shall” be included when discussing the submission of as-builts as that is the current administrative practice.

5. **Old Business**

Stormwater Recommendations

Director Kerr reviewed the Commission's request from the previous meeting: “We left our last meeting having had discussions with Davis & Floyd engineers about what we have in here now and we talked a little bit about the fact that the way we are currently worded we are very much letting the preconstruction conditions drive the design. We asked them to do a little bit of work in terms of trying to figure out a kind of design standard. We talked about a little bit about a 10-year storm over a longer duration or a higher storm over a shorter duration.”

He said that Davis & Floyd sees this as an additional scope to their work and have provided an estimate of \$15-\$20,000 to complete these sorts of calculations. Because that will require Council approval, he asked the Commissioners if they felt that expense was warranted or if there might be another way to come up with the standard they are seeking.

He said, “We are asking of Davis & Floyd is there kind of a magic number that we could universally apply across the island that says something to the extent like you have to retain, you have to design your drainage plan to retain the first 30 minutes of a 10-year storm, and then after that it can leave at X rate.”

After lengthy discussion of how such a calculation could be reached and parameters to consider when making such a calculation, Director Kerr said that he and Zoning Administrator Simms will try to find a civil engineer to hire for a few hours of work, including coming to the next Planning Commission meeting, to see if they can draft some simple language for a design standard that will trigger the need for a drainage plan.

6. **New Business**

7. **Miscellaneous**

The next meeting of the Planning Commission will be Wednesday, March 13, 2024 at 4:00pm.

8. **Adjournment**

Mr. Stone made a motion to adjourn, and Ms. Nagelski seconded the motion. The meeting was adjourned at approximately 5:33pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



ENVIRONMENTAL ADVISORY COMMITTEE

4:00pm, Wednesday, February 21, 2024

1207 Palm Boulevard, Isle of Palms, SC

and broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Sandra Brotherton, Mary Pringle, Belvin Olasov, Todd Murphy, Laura Lovins, Doug Hatler, Dane Buckout, Lucia Spiotta

Absent: Jordan Burrell

Staff Present: Director Kerr, Zoning Administrator Simms, Council Member Miars

2. Citizen's Comments -- none

3. Approval of previous meeting's minutes

MOTION: Mr. Murphy made a motion to approve the minutes of the January 17, 2024 meeting, and Ms. Lovins seconded the motion. The motion passed unanimously.

Dr. Brotherton asked the new members, Laura Lovins, Dane Buckout, Todd Murphy, and Lucia Spiotta, to introduce themselves to the Committee members.

4. Old Business

A. Wildlife

Ms. Pringle said a purple martin house has been put on the property at 7th and Palm. The site preparation for the garden will be February 29 and the planting will be on March 14.

Dr. Brotherton corrected the date for Sharlene Johnson's class on butterflies at the Recreation Center to Tuesday, February 27.

Director Kerr shared that the Water & Sewer Commission approved of the Committee's plan to install a native plants and grasses garden on their property at 7th and Palm. He is waiting on their attorney to send the licensing agreement.

Zoning Director Simms said the grant to help pay for the plants in the garden at 7th and Palm and for Sharlene Johnson's classes at the Recreation Center has been submitted.

B. Litter

Dr. Brotherton reported that she and Susan Smith spoke with Dennis at the Harris Teeter about offering higher quality belly boards instead of the ones that are made of Styrofoam. He was

receptive to not stocking the lower quality belly boards, but he needs to sell the ones that have already been sold (about 2-3 weeks' worth). Ms. Smith has been in contact with the beach shop on the Connector to speak with them about the same issue.

C. **Water Quality**

Mr. Hatler reviewed the efforts and current goals of the Water Quality Subcommittee for the benefit of the new members. Referencing the proposal he sent to Committee members, he proposes requesting City Council for the funds for one round of water quality testing to establish a baseline of the chemicals found in the island's stormwater runoff. Based on the outcome of that testing, he would like to speak with DHEC about how to manage those outcomes that may indicate higher levels of some chemicals. He believes the \$8,000 cost is minimal to understand the water quality coming off the island. He asked Committee members for their feedback on the proposal. He will make any necessary edits and present the final proposal to the Committee next month for their recommendation to City Council.

Discussion ensued about septic tanks and the long-term plan to sewer the entire island. Ms. Lovins and Mr. Hatler shared they had each spoken with Chris Jordan of the Water & Sewer Commission about the Commission's current work and future plans and could craft a presentation to share with the Committee.

D. **Climate Action**

Zoning Administrator Simms said he should hear about the solar panels grant in about 3 months. Committee members discussed the Solid Waste Grants being offered by DHEC. Zoning Administrator Simms will reach out to Katie McKain for some clarity on the grant. The deadline is April 5, 2024.

Ms. Pringle said more educational outreach is needed about the City's glass recycling and food composting programs. She suggested additional training sessions and home composting bins for food composting.

Ms. Lee said the City will host a Shred Day on April 23. Charleston County will no longer send a truck for hazardous waste recycling, but residents can drive those materials to the recycling center in Awendaw.

Mr. Hatler suggested that perhaps the Solid Waste Grant could be used to hire someone with a truck to collect and properly dispose of the hazardous wastes.

Ms. Pringle asked what the Committee is intending to do as part of Sullivans Island's Earth Day celebration on April 27. Dr. Brotherton asked Committee members to review the 2023 Accomplishments List and send her any revisions or additions. This document can be part of what is handed out at the Earth Day celebration. Ms. Lovins said she will be there with information about the shorebirds. Director Kerr said he will contact Sullivans Island about securing a table for the Committee.

E. Update on Sea Level Rise Adaptation RFP

Director Kerr said there is no update on this plan.

F. Breach Inlet Update

Director Kerr said City Council enacted a 60-day emergency ordinance last night allowing hard erosion control structures 20' from a home. He explained the ordinance was done as an emergency ordinance so that relief could be provided to homeowners immediately without having to go through the longer process of approving a zoning ordinance. He expects that there will be a discussion in the future about a permanent change to that part of the City code.

Mr. Olasov expressed concern about the worsened erosion conditions for those that do not put up a seawall. Council Member Miars said the City does not want seawalls along the beach either, but they also don't want homes in the ocean.

Director Kerr shared the beach monitoring efforts of the City that have been ongoing for many years. He also said the newly formed Beach Ad Hoc Committee is discussing the City's future needs regarding beach preservation and how to fund such efforts. He also explained that homeowners who opt to install a seawall must get a permit and have OCRM come mark their property before any work is done. He said that anyone who builds a seawall is no longer able to request emergency sand scraping or sand placement in front of their home.

5. New Business

6. Miscellaneous Business

Dr. Brotherton asked about the creation of a repository-type space on the City's website that can house information created and shared by the Committee. Director Kerr suggested reaching out to the City's PR Officer directly about that webpage.

Ms. Pringle said Cyndy Ewing would like to make a presentation at next month's meeting.

Ms. Lovins shared information about a talk the Sierra Club is giving next month on septic conflicts in the Lowcountry.

7. Adjournment

The next meeting of the Environmental Advisory Committee is tentatively scheduled for Thursday, March 14, 2024 at 4pm.

Mr. Hatler made a motion to adjourn, and Mr. Murphy seconded the motion. The meeting was adjourned at 5:47pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

RESOLUTION NO. R-2024-01**A RESOLUTION TO OPPOSE THE IMPLEMENTATION OF BILL H3253 AND S953.**

WHEREAS, Bill H3253 was filed in the House of Representatives of South Carolina General Assembly, on March 29, 2023 by Rep. Lee Hewitt, and co-sponsored by Representative Kilmartin, Representative Oremus, Representative May, Representative Atkinson, Representative Hayes, Representative Connell, Representative Hager, Representative Kirby, Representative Bailey, Representative Schuessler, Representative Haddon, Representative Robbins; and

WHEREAS, Bill H3253 is a Bill to amend the Code of Laws of South Carolina, 1976, by adding Section 6-1-195 so as to provide that a governing body of a municipality, county, or other political subdivision of the state may not enact or enforce an ordinance, resolution, or regulation that prohibits the rental of a residential dwelling to a short-term guest and to provide penalties for doing so; and

WHEREAS, Bill S953 was filed in the Senate of the South Carolina General Assembly, on January 11, 2024 by Senator Brian Adams and co-sponsored by Senator Hutto, Senator Senn, Senator Reichenbach, Senator Kimbrell, Senator Talley and Senator Turner; and

WHEREAS, Bill S953 is a Bill to amend the Code of Laws of South Carolina, 1976, by adding Section 6-1-2100 so as to provide that a local governing body of a city, municipality, county, or other political subdivision of the state may not restrict the use of or regulate short-term rentals based on their classification, use, frequency, or duration; or enact or enforce a law, ordinance, regulation, or plan that regulates or prohibits short-term rentals; and

WHEREAS, while short-term rentals are a part of community's tourism related economy, local governments must retain the ability to regulate them to protect the health, safety, and interests of owners, neighbors, and visitors; and

WHEREAS, short-term rentals may have adverse impacts on surrounding neighborhoods including, but not limited to, increased noise, garbage, litter, and traffic changes to the private residential character of the neighborhood, the uncertainty and instability of the identity of the occupants of neighboring properties, a decline in the shared sense of community, and increased demands on water and wastewater, and on code enforcement, police, fire and emergency services; and

WHEREAS, the City of Isle of Palms previously adopted regulations to address short-term rental uses of dwellings in 2007, prior to the proposed enactment of Bill H3253 and Bill S953's statutory preemption; and

WHEREAS, maintenance of the character and integrity of residential neighborhoods is an essential local government purpose implemented through local zoning and licensing regulations, representing a substantial local governmental interest; and

WHEREAS, short-term rental periods of a few days to weeks for transient occupants is a use that is more commercial in nature, and that is best regulated as already set forth in the City of Isle of Palms Code, Title 5, Article 9; and

WHEREAS, local government regulation of short-term rentals protects visitors and the residents of the City of Isle of Palms; and

WHEREAS, the City of Isle of Palms finds it to be in the best interest of the residents of the City to oppose Bill H3253 and Bill S953 and urge the South Carolina Legislature and the Governor to oppose Bill H3253, and any legislation which infringes on local governments' home rule authority or in any way restricts local governments' ability to regulate short-term rental uses within their neighborhoods a uniquely local function.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council this 27th Day of February 2024 that the City of Isle of Palms, South Carolina strongly opposes Bill H3253 and Bill S953 which the city views as being in violation of the Home Rule Act and urges the South Carolina Legislature and Governor Henry McMaster to oppose Bill H3253 and Bill S953.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE 27TH DAY OF FEBRUARY 2024.

Phillip Pounds, Mayor

Nicole DeNeane, City Clerk

RESOLUTION 2024-02

RESOLUTION HONORING BETSY SMILEY

WHEREAS, Elizabeth “Betsy” Russell Smiley passed away peacefully on February 14, 2024, after a courageous battle with Alzheimer’s dementia; and City Council wants to reflect on her life and service to the Isle of Palms community; and

WHEREAS, Betsy had lived on the Isle of Palms since 1971; and

WHEREAS, Betsy served three terms as an elected Isle of Palms City Council member from 1978 to 1990; and

WHEREAS, during her time on City Council, Betsy was a tireless and outspoken advocate for the community, particularly during the recovery efforts following Hurricane Hugo; and

WHEREAS, Betsy lived a life devoted to service as she volunteered with East Cooper Meals on Wheels for over 20 years, delivering meals to homebound Isle of Palms and Sullivan’s Island residents; and

WHEREAS, her sense of humor, kindness, energy, compassion and graciousness has enriched those fortunate enough to know her;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, this 27th of February 2024, that the Isle of Palms community honors the memory of Betsy Smiley, celebrates her legacy and remembers her service as a City Council member and as a volunteer for East Cooper Meals on Wheels; and

BE IT FURTHER RESOLVED that the City Council extends its sincerest condolences to her husband Jim Smiley, and her son James Smiley and the rest of her family; and

BE IT FURTHER RESOLVED that the Isle of Palms community recognizes with great admiration and appreciation the contributions of Betsy Smiley over the course of her life.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, ON THE 27th DAY OF FEBRUARY 2024.

Phillip Pounds, Mayor

Nicole DeNeane, City Clerk