

# CITY COUNCIL

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

## AGENDA

1. **INTRODUCTION OF MEETING** and notification that members of the press and public were duly notified in accordance with the Freedom of Information Act.
  - A. Invocation
  - B. Pledge of Allegiance
  - C. Roll Call
2. **READING OF THE JOURNAL OF PREVIOUS MEETING**
  - Special Meeting of January 16, 2018
  - Regular meeting of January 23, 2018
  - Public Hearing of January 23, 2018
  - Special Council Meeting of January 23, 2018
3. **CITIZENS' COMMENTS**
  - Beach Restoration Update – Steven Traynum, Coastal Science and Engineering
4. **REPORTS FROM STANDING COMMITTEES**
  - A. **Ways and Means Committee**
    1. **Consideration of contract awards to Benson Ford Nissan in the amount of \$49,756 (\$24,878 x 2), state contract pricing, for two (2) 2018 Ford Interceptor Sedans** (Page 25, In 112 – Municipal Accommodations Tax Fund, Police Dept. Capital Outlay, \$64,000) **and an award in the amount of \$25,083, state contract pricing, for one (1) 2018 Ford Interceptor Sedan** (unmarked) (Page 28, In 278 – State Accommodations Tax Fund, Police Dept. Capital Outlay, \$32,000)
    2. **Consideration of an agreement with The Palms Hotel for their guests and employees to park in the municipal parking lots**
    3. **Consideration of a Change Order from Phillip Smith Contracting in the amount of \$27,671 relative to the public restrooms and the dune walkover** (pg. 47, In 142 – Capital Projects, Rehab Public Restrooms, State ATAX - \$372,000; Beach Preservation Fee - \$175,000; Plant a Palm/Aisle of Palms Fund - \$18,000 totaling \$565,000 with balance remaining of \$50,520)
  - B. **Public Safety Committee**
    - Update on City's actions taken relative to coyotes
  - C. **Public Works Committee**
    - Recommendation of abandonment of 20-foot drainage easement over property owned by Lowe Wild Dunes Investors
  - D. **Recreation Committee**
  - E. **Personnel Committee**
  - F. **Real Property Committee**
    - Consideration of Charleston County Property Tax notice for the Isle of Palms Marina
5. **REPORTS FROM CITY OFFICERS, BOARDS AND COMMISSIONS**
  - A. **Accommodations Tax Advisory Committee** – no meeting in February
  - B. **Board of Zoning Appeals** – no meeting in February
  - C. **Planning Commission** – minutes attached
6. **REPORTS FROM SPECIAL OR JOINT COMMITTEES** – None
7. **PETITIONS RECEIVED, REFERRED OR DISPOSED OF** – None
8. **BILLS ALREADY IN POSSESSION OF COUNCIL**
  - A. **Second Reading of Ordinance 2017-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 8, Flood Damage Prevention, of the City of Isle of Palms Code of Ordinances to Provide Definition for the Reference Datum to be used for the Base Flood Elevation Shown on the Flood Insurance Rate Maps (FIRM) and to Provide for a Minimum Elevation for Residential and Non-residential Construction**

(Second Reading on Ordinance 2017-08. 2017-09 and 2017-10 is expected to be deferred until the March 2018 meeting.)

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

**9. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS**

- A. **First Reading, by title only, of Ordinance 2018-02 – An Ordinance Amending Title 1, Government and Administration, Chapter 3, Procedures, Committees, Ordinances and Use of Code, Article B, Standing Committees, of the City of Isle of Palms Code of Ordinances to Change the Name of the Public Works Committee to Environmental, Public Works and Infrastructure Committee and to Include Review of Environmental and Infrastructure Matters Under the Described Duties of Such Committee.**
- B. **First Reading, by title only, of Ordinance 2018-04 – An Ordinance Amending Title 9, Offenses, Chapter 2, Offenses Against Public Peace, Section 9-2-5, Noise, of the City of Isle of Palms Code of Ordinances to Change the Hours During Which Pile-drivers and Other Apparatus Attended with Loud or Disturbing Noises may be Operated and to Provide for Exceptions.**

**10. MISCELLANEOUS BUSINESS**

Discussion of Charleston County TST FY18 grant award received by the City on August 25, 2017 to construct a sidewalk on the western side of 28<sup>th</sup> Avenue connecting the Rec Center sidewalk to the sidewalk on Palm Boulevard

Report on attendance at the Moultrie District 2 Constituent School Board meeting

**Next Meeting Date:** 6:00 p.m., Tuesday, March 27, 2018 in Council Chambers

- 11. Executive Session** in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice concerning potential claims related to Wild Dunes drainage easement. Upon returning to open session, Council may take action on matters discussed in Executive Session.

**Executive Session** in accordance with S.C. Code Section 30-4-7(a)(2) to receive legal advice concerning potential claims related to Charleston County tax assessment of City property. Upon returning to open session, Council may take action on matters discussed in Executive Session.

**--Action Item:** Authorization for City Administrator and City Attorney to file a Notice of Objection and to take any other actions necessary for the City to appeal the Charleston County property tax assessment of City property.

**12. CONCLUSION/ADJOURNMENT**

## **SPECIAL CITY COUNCIL MEETING**

4:00 p.m., Tuesday, January 16, 2018

A Special Meeting of City Council was called to order at 4:00 p.m., Tuesday, January 16, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Administrator Tucker, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

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

### **2. Purpose**

Beach Restoration – Discussion of sand losses as a result of Hurricane Irma, consideration of funding the 25% local share (approximately \$500,000) of a possible project to replace the approximately 281,000 cubic yards of sand lost in the storm event and consideration of a change order in the amount of \$1,800,000 to the Great Lakes Dredge and Dock, LLC contract to increase the dredge volume to replace the Irma losses.

Mayor Carroll stated that this meeting was about beach restoration and the project that is currently in progress; he added that sand was pumping as the meeting unfolds. He noted that the beach experienced a loss of two hundred eighty-one thousand cubic yards (281,000 cu. yds.) of sand from Hurricane Irma that would be addressed in this meeting as well as financing the additional volume.

Administrator Tucker stated that this loss of sand in the project area between 53<sup>rd</sup> Avenue and Dewees Inlet was the result of Hurricane Irma. Although the loss was identified in the fall, the decision was to delay any action by Council until the new Council was sworn in. The Administrator said that Steven Traynum of Coastal Science and Engineering would provide a brief overview and summary of where the City was and where it is today.

By way of Introduction, Mr. Traynum gave Council some information about Coastal Science and Engineering (CSE) and about himself and noted that CSE has assisted the City in managing the beach since late in 2007. He stated that CSE has managed many projects in North and South Carolina; he indicated that he was the Assistant Project Manager for the 2008 Restoration Project. CSE has been monitoring the IOP beach once and sometimes twice year since the 2008 project and after storm events. As a result of the monitoring, CSE has a detailed picture of how the sand has been moving around for the past ten (10) years. He told Council that the eastern end of the island was one of the most dynamic areas in the state. Mr. Traynum explained that the sand migrates around the delta, breaks off and attaches to the beach in shoals; these shoals cause very dramatic and fast erosion around them. Although CSE engineers understand the process very well, they cannot predict where the shoals will attach and in what direction the sand was going to go because it is all due to the weather that occurs.

Significant erosion began in 2004 on the eastern end of the island, and, by 2007, action was needed. CSE was then hired by Wild Dunes to do a feasibility study to determine what was the problem and alternatives for restoration of the beach, and they developed a restoration plan. In 2008, the City took over responsibility for overseeing the first offshore dredging project to restore sand to the beach; this project pumped about nine hundred thousand cubic yards (900,000 cu. yds.) of sand onto the beach between 53<sup>rd</sup> Avenue and the 17<sup>th</sup> hole of the Links Course. In 2010, CSE recommended that the City pursue a permit to take sand from the shoal and spread it over the beach, and, in 2010, the City did its first shoal management project to address erosion in the Ocean Club area. Since the shoal was attaching to the beach very slowly, the City had another shoal management project in 2014; after this project, a lot of sand was not available to be transferred. As erosion hot spots developed, certain regimes and property owners in Wild Dunes put in sand bags and a wave dissipation system; as long as those structures were in place, the City could not use its permit. In 2015, the work began on another permit application; it was submitted in 2016; and the permit was issued in 2017, allowing the City to issue an RFB for another offshore dredging project. The bids came back very favorable to the City; the project cost estimates were based on ten dollars (\$10) per cubic yard of sand; the bids came in at six dollars (\$6) per cubic yard. The reasons for the low bid include the project design and allowing the dredger to construct an efficient project so the borrow area was laid out in an efficient manner. The estimated project budget was based on ten dollars (\$10) per cubic yard, a mobilization cost of two and a half or three million dollars (\$2,500,000 - 3,000,000), plus the engineering and monitoring costs and a contingency bringing the total project cost to approximately fifteen million dollars (\$15,000,000). The permit application was based on the 2015 condition of the beach before Hurricane Joaquin, Hurricane Matthew or Hurricane Irma. Because FEMA calculates sand loss including the entire delta, they concluded the beach had not lost sand from Hurricane Joaquin. This measurement ended up being an advantage to the City with Hurricane Matthew; the delta showed significant sand loss so the amount of sand lost to Matthew was determined to be two hundred sixty thousand cubic yards (260,000 cu. yds.). FEMA agreed to reimburse the City for seventy-five percent (75%) of the cost to replace that sand, as well as a prorated share of the mobilization costs. After the project was designed and bid, the City experienced Hurricane Irma, and it took an additional two hundred eighty-one thousand cubic yards (281,000 cu. yds.). FEMA is reviewing the documentation provided and it is expected that FEMA will again agree although it has not given final approval, to cost sharing for the Irma losses. If this quantity of sand was added to the project at the cost of six dollars (\$6) per cubic yard, the City would recuperate all of the sand losses as a result of weather events.

In order for FEMA to participate, the City must have a permit in hand, and CSE has submitted the permit modification application to DHEC and the Corps of Engineers for the additional sand. The regulating agencies have assured CSE that the application will be approved and the permit issued rather quickly.

Mr. Traynum explained that the dredger needs to know as soon as possible so that he can put the sand on the beach before he finishes a section so that they will not finish the project and break down the equipment.

As to the need for the additional sand, an offshore project is preferred because it adds sand to the system, and, with the dredger in place and the favorable bid, CSE recommends that the City add as much sand as it can afford.

He congratulated the City for putting the Beach Preservation Fee in place to serve as a long-term funding source for beach restoration.

Administrator Tucker added that the larger volume of sand will contribute to the longevity of the project, and, since sand drifts to the west, it may benefit other areas of the beach where no funds have been identified for another project.

The Administrator stated that, although the state agreed to pick up the twenty-five percent (25%) local share for sand losses in Matthew, at this time, they have not agreed to pay the local share for the Irma losses. Staff has stopped pushing FEMA for a final decision on Irma until it was confident that the City and the stakeholders were willing to make up the local share, which is approximately five hundred thousand dollars (\$500,000). The Wild Dunes resort has agreed to provide an additional one hundred fifty thousand dollars (\$150,000) toward the local share. The Administrator noted that the City has made it a point to pay its share of restoration projects from tourism funds.

The Administrator commented that members of Council received a schedule from Treasurer Suggs showing that, if it is the will of City Council to move forward with funding the additional volume, the City has the money to fund the additional volume of sand. This could be accomplished by using a portion of the contingency for the project, which is already built into the budget, and using available funds from the Beach Preservation Fee Fund. She did caution Council that the project was in its early stages, and that, if there were to be a problem as the project progresses, Council might have to rethink the sources of funds for the project. She did remind Council that the Beach Preservation Fee Fund replenishes itself from the accommodations tax visitors pay who stay on the island. In addition, an affirmative vote today would not guarantee a quick FEMA response to be able to integrate Irma sand losses into this project.

Mr. Traynum stated that spreading the Irma losses on the beach would add about fifty feet (50 ft.) of beach in the project area; he also noted that the eastern end of the island averages a loss of twenty to thirty thousand cubic yards (20,000 – 30,000 cu. yds.) of sand annually.

When the project budget was built, it contained the possibility of a loan and the debt service of that loan; the City had to borrow for the 2008 project, and it was paid off in the six (6) year term. Today the City is in a better position because it is no longer working from projected costs but with actual costs, and, although no one can predict what will happen in the next three (3) months, staff is committed to completing the project without borrowing money.

The Administrator repeated that the City has not been told that the State would pick up the local share as it did with Hurricane Matthew, but staff does continue to ask since the Isle of Palms is one of several beaches impacted by Hurricane Irma.

When Mayor Carroll asked whether the contingency funds were used in the 2008 project, Mr. Traynum stated that he did not remember using contingency funds from the construction side of the project.

Administrator Tucker recalled that money remained available from that project and that some of it was used for the two (2) shoal management projects. For this project, the budget contains approximately two hundred thousand dollars (\$200,000) held over from previous projects.

Councilmember Bell commented that, with the additional Wild Dunes contribution to the project, the City would now be taking three hundred fifty thousand dollars (\$350,000) from the project contingency fund.

Councilmember Kinghorn asked whether the city knew if any State funds remain available for beach restoration.

The Administrator replied that she thinks funds have been depleted. She noted that Parks, Recreation and Tourism (PRT) has requested additional funding for the coming year, but the request has yet to go through the State's budget cycle; she said that the Executive budget includes eleven million dollars (\$11,000,000) being requested by PRT for recapitalization of their funding.

Councilmember Smith asked what the projected life of the project was without the addition of the Irma sand.

Mr. Traynum responded that the life was expected to be approximately ten (10) years with the manipulation of hot spots. He told the Committee that the permit request was for one point four million cubic yards (1,400,000 cu. yds.) of sand. He stated that additional sand added to the beach extends the life of a project; this project, with the change order, will put about twice as much sand on the beach as the 2008 project. With proper

management and manipulation, this project is projected to have a life of possibly fifteen (15) years. The sand in excess of the losses would be placed in areas with recent erosion.

Responding to Councilmember Moyer's question, Mr. Traynum stated that the sand loss of five hundred thousand cubic yards (500,000 cu. yds.) of sand was concentrated in the area north of 53<sup>rd</sup> Avenue.

When Councilmember Rice asked whether the City would have to continue to have shoal management projects, Mr. Traynum replied that shoal management projects were the cheapest short-term fixes to buy time to reach an accretional cycle.

Councilmember Ward voiced concern over the seventy-five thousand dollars (\$75,000) budgeted from the Beach Preservation Fee Fund for beach monitoring.

Administrator Tucker said that the FY18 projected year-end balance in that fund was projected to be one million one hundred twenty-six thousand dollars (\$1,126,000) with doing the beach monitoring. She added that annually the revenues to the Beach Preservation Fee Fund are approximately one million dollars (\$1,000,000); she also noted that money was included in this project budget for beach monitoring.

Treasurer Suggs explained that, when she calculated the money potentially available for the City share of replacing the Irma sand losses without issuing debt, she deducted the budgeted expenditures, excluding the debt service, from the available balance at December 31, 2017; therefore, the monitoring and legal fees associated with future beach activities have already been subtracted to reach the available funding.

Councilmember Rice asked for clarification between the Beach Maintenance Fund and the Beach Restoration Fund.

The Treasurer stated that the Beach Maintenance Fund was the fund established for the 2008 project and that it will be depleted with this project. The Beach Restoration Fund is where the money is being held for this project.

Since this is such a large project, the City appealed to both State PRT and FEMA to front the grants and to true up late, they agreed, and today the City received the first money from FEMA for the Matthew losses.

**MOTION: Mayor Carroll moved to fund the 25% local share, approximately \$500,000 less the Wild Dunes contribution of \$150,000 for 281,000 cubic yards of sand; Councilmember Rice seconded.**

Councilmember Ward again asked if the City would be borrowing money, and the Administrator would not guarantee not to borrow money, but indicated that everything possible would be done to avoid it.

**VOTE: The motion PASSED UNANIMOUSLY.**

Administrator Tucker stated that Council also needed to approve the change order of one million eight hundred thousand dollars (\$1,800,000) to Great Lakes Dredge and Dock, LLC to dredge the additional volume, and she asked that Council do that at this time. She assured Council that it would only be executed after the City received the final approval from FEMA.

**MOTION: Mayor Carroll moved to approve the change order from Great Lakes Dredge and Dock in the amount of \$1,800,000 for dredging an additional 281,000 cubic yards of sand; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

### **3. Adjournment**

Mayor Carroll adjourned the meeting at 5:50 p.m.

Respectfully submitted:

Marie Copeland  
City Clerk



## CITY COUNCIL

6:00 p.m., Tuesday, January 23, 2018

The regular City Council meeting was called to order at 6:05 p.m. Tuesday, January 23, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Administrator Tucker, Attorney Halversen, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

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

### 2. Election of Mayor ProTem

Councilmember Bell nominated Councilmember Ward to serve as Mayor ProTem, and Councilmember Moye seconded. With no other nominations, Councilmember Ward was unanimously elected Mayor ProTem.

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

Regular Meeting of November 28, 2017

Special Meeting of December 5, 2017

Inauguration of January 2, 2018

Special Meeting of January 2, 2018

**MOTION: Councilmember Ward moved to approve the minutes of the meetings listed above as submitted; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

### 4. Swearing-in of New Employees

**MOTION: Councilmember Rice moved to accept Joshua Key, Weston Smith and Steve Helm as employees of the City of Isle of Palms; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.**

After swearing-in the young men named above, the Mayor welcomed each of them into the IOP family.

### 5. Citizens' Comments

**Consideration of a request for a City-sponsored event by Magilla Entertainment to film an episode of HGTV's "Beach Front Bargain Hunt – Renovation" between February 10<sup>th</sup> and 13<sup>th</sup> and returning in subsequent months for short periods to follow-up on the progress of the renovations**

Administrator Tucker stated that HGTV has again approached the City to film an episode of the series "Beach Front Bargain Hunt – Renovation." Some Councilmembers may remember that a team from HGTV was here in 2016 filming; the process was of low impact to the island, and the

City was very pleased with the end product. Ashton Golembo of Magilla Entertainment was on the phone to explain their project and to answer Council's questions.

Mr. Golembo stated that with him was the show's producer Gabby Levesque; Ms. Levesque explained that the first part of the show features the area and the couple looking at homes available for sale that need a bit of fixing up; they plan to film at different locations on the Isle of Palms, like local restaurants, and on Goat Island as well. The film crew will consist of seven (7) members using two (2) portable cameras and a portable audio mixer all transported in two (2) regular sized minivans. Ms. Levesque stated that the crew will be very unobtrusive and that they will work hard to avoid disturbing regular business and foot traffic. The tentative plan is to film on the island from February 10<sup>th</sup> through February 13<sup>th</sup>; due to the renovation aspect, they will be filming off and on at the selected residence for three or four (3-4) months, using a minimal crew of one to three (1-3) people.

When Mayor Carroll asked how many follow-up trips they expected to make, Ms. Levesque stated that their crews would be on the island two to three (2-3) additional times, depending on the size of the renovation, and those visits usually took one to three (1-3) days.

The Administrator noted that she had informed Mr. Golembo and Ms. Levesque that the only way to get to Boat Island was by boat and that she had also given them contact information for both Charleston County and Goat Island.

**MOTION: Councilmember Kinghorn moved to approve HGTV filming an episode of "Beach Front Bargain Hunt – Renovation" on the island; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

Bob Miller of 3 Fairway Village Lane in Wild Dunes said that he represented a group of six (6) people who came together out of their concern over the coyote situation and that they decided to act as catalysts between the Wild Dunes Community Association (WDCA) and the City to get a more aggressive strategy to reduce the number of coyotes. He stated that they were committed to work with the WDCA and the City; they have two hundred sixty-eight (268) signatures of residents on a petition who support aggressively controlling the coyote population. His presence at tonight's meeting was to ask City Council to work closely with the WDCA with common goals and a coordinated approach. They would like to see the implementation of an aggressive trapping strategy across the entire island and the active engagement of the community to raise awareness and to educate both residents and visitors. He commented that he has not seen any advertising for the coyote forum planned for February 22<sup>nd</sup>; he wanted to get as many people to attend as possible. He stated that the group has a full position paper that he will distribute electronically tomorrow and that the group would make itself available at any time that Council might want to talk or otherwise engage them. One (1) of the positions they set forth was the use of soft, cold leg traps in a quantity that can make a meaningful reduction in the coyote population. Another recommendation was for trappers to meet with people who are out in the environment, such as the grounds keepers for the two (2) Wild Dunes' golf courses since they know where the coyotes run because they see them all of the time, as well as patrol officers who see them as they make rounds on the island at night. Due to the aggressiveness exhibited by the island's coyotes, he stated that co-existing was not a strategy; in his opinion, it is a strategy that has failed and allowed the coyote population and the aggressiveness to increase dramatically in the past two (2) years.

He stated that the group believes that, if left unchecked, the collective would be complicit if anyone, particularly a child, was to be attacked; if not complicit, it would be gut-wrenching to know that something could have been done to prevent it and it was not done.

Judy Gogol of 8 Summer Dunes Lane in Wild Dunes stated that she wanted to reiterate some of the things Mr. Miller had said; she recounted a discussion with a resident who lost her small dog to a coyote four (4) years ago, noting that the coyote problem started four (4) years ago. Over the years, the coyotes have gradually increased in numbers and become more aggressive toward humans. She stated that Justin Miklas, who ran for City Council in the last election, has developed software residents were using to report their coyote sightings directly to him; in November eight (8) sightings were reported and, in December, twenty-four (24) sightings were reported. She commented that more and more people were afraid to go outside or to walk their dogs because of the coyotes; indoor/outdoor cats have been forced to become inside cats only. Ms. Gogol recounted the story about a resident on 23<sup>rd</sup> Avenue whose forty-five pound (45 lbs.) dog was in the yard and began barking; she found that the dog was being chased and, ultimately, was bitten by a large coyote while the resident stood on her porch doing what she had been told would frighten the coyote away. She stated that she was glad that the City was going to have the coyote forum, but that the coyotes are now in their mating season and traps need to be out now, not later. She asked Council if it was willing to do something now in the prime trapping season with soft leg traps.

Adrienne Whaley, 4 West Green Pond, stated that she had sent Council an email and that she wanted to ready it into the record; it said the following:

“I would like Council to look at the construction work times. After living next door to construction now for 14 months and still going, the construction work time of 7 to 7, 7 days a week needs to be adjusted; our own island garbage trucks do not run until 8 a.m.; Delivery trucks arrive before 7 with supplies or dumpster relocation. When confronted, they state, “We don’t take things off the truck until 7.”

This has been an ongoing issue with Southern Lumber, whom we called personally, and nothing has changed. The 7 to 7 hours need to change, in my opinion, to 8 to 6. Last summer I did not sit by my pool one (1) time because of gawking workers, saws, hammers, drills, you name it. I also have a 7 year old son who I did not let play outside alone because I do not have background checks on the workers. I don’t think I should be firing up the grill for dinner when there is still an hour for workers, who always stay later than 7. So an 8 to 6 construction work day would be much more conducive to island life.

If Council would consider Sunday as a no construction day that would be great as well. It would be nice to have a 1 day break.

I also think there needs to be some teeth in the ordinance, i.e. a large fine, no work the next day, but I think it needs go to the builder, not the subcontracts because they are the ones who really need to police the subs and vendors.

I think those who would oppose this have not lived beside a construction site. The island would greatly improve if we went to an 8 to 6 day and only 6 days a work.”

Curtis Kendall, 21 – 42<sup>nd</sup> Avenue, started his comments with a thank you to Councilmember Ward for the golf cart path on Palm Boulevard between 21st Avenue and the shopping center. He stated that, when the weather got nice and he was able to open the windows of his home, the construction work on the rental behind him started. They have scaffolding all the way around the house and only work on Saturdays and Sundays; Monday through Friday nothing is going on. To Mr. Kendall, this means that the owner/worker crew/foreman know that the City's "ordinances are lenient" and that they are allowed to work on Saturdays and Sundays. He stated that no work being done during the week but only on the weekends means that he is not comfortable sitting on his back porch to read the Sunday paper and that they are abusing the system. He asked that Council do something about the situation. He added that, by working on the weekend, there is no one to investigate and he has learned that this particular home does not have a permit to build a deck on the roof.

Mayor Carroll thanked residents for sharing their comments with Council and encouraged everyone to attend the Citizens Forum on February 1<sup>st</sup> at the Recreation Center from 5:30 to 7:00 p.m. He stated that he and Council knew that the citizens were their bosses and that he and Council were anxious to hear what the citizens want to say. He also announced that the City would hold a Coyote Expo on February 22<sup>nd</sup> at the Rec Center.

Administrator Tucker noted that the Chair of the Public Safety Committee has consented to allow amendments to the noise ordinance to be put on the Agenda for the February meeting; therefore, some of the complaints voiced at this meeting will be discussed then. The meeting will be at 4:00 p.m. on Monday, February 5<sup>th</sup>. She also stated that the City is sending out messages on issues related to coyotes and upcoming meetings via electronic media; advertising will be forthcoming on the Coyote Expo and information has already been sent to the Wild Dunes Community Association.

Councilmember Bell stated that several residents had told him that they were not wired into the City electronically, and he suggested that the City needed to do more to inform citizens as to what meetings were going to be about along with the date and time of the meeting.

## **6. Reports from Standing Committees**

### **A. Ways and Means Committee**

Reporting on the meeting of January 16<sup>th</sup>, Councilmember Ward stated that Council reviewed the City's financial position at December 31, 2017, or half way through the fiscal year FY18. At that time, revenue collections were at twenty-eight percent (28%) of budget in the General Fund and overall expenditures were at forty-three percent (43%) of budget in the General Fund. The City had approximately twenty-five million dollars (\$25,000,000) in the bank with ten million dollars (\$10,000,000) earmarked for the beach restoration project currently underway. Municipal Accommodations Fees collected were in excess of sixty-four thousand dollars (\$64,000), compared to fifty-seven thousand dollars (\$57,000) for the same month last year, and are running three percent (3%) ahead year-to-date. The City has received only the first State Accommodations Tax payment, and it has already been reported on. The City has received one (1) check for the Charleston County Accommodations Tax Pass-through, but the Treasurer has been told to expect another check this year. Hospitality Taxes collected were slightly higher than

in FY17, and, year-to-date, collections are running seven percent (7%) ahead of FY17. The Beach Preservation Fee always mirrors the Municipal Accommodations Taxes. The Public Works Wash-down Project has been completed, and the City has paid the final pay application to Hitt Contracting. The Phase II Drainage Project is on schedule, and the Beach Restoration Project is underway. If the City obtains FEMA approval in a timely fashion, the sand loss from Hurricane Irma will be replaced in this project.

1. **Consideration of a contract award to Love Chevrolet in the amount of \$25,370, state contract pricing, for one (1) 2018 Chevrolet Silverado Extended Cab 4x4 to replace the animal control truck** (Page 22, ln 32 - Capital Projects Fund, Police Department Capital Outlay, \$30,000)

**MOTION:** Councilmember Kinghorn moved to award a contract to Love Chevrolet in the amount of \$25,370 for the replacement of the truck used by the Animal Control Officer and detailed above; Councilmember Bell seconded and the motion **PASSED UNANIMOUSLY**.

2. **Approval of up to \$5,000 for the placement of a Checkmate in-line flapper valve for 20<sup>th</sup> Avenue to the outfall** (Page 23, line 51 – Capital Projects Fund, Drainage Contingency, \$35,000)

**MOTION:** Councilmember Kinghorn moved to approve an amount not to exceed \$5,000 for the installation of an in-line flapper valve for 20<sup>th</sup> Avenue; Councilmember Rice seconded and the motion **PASSED UNANIMOUSLY**.

3. **Consideration of a contract award to Jones and Frank in the amount of \$809,591.66 for the removal and replacement of the underground storage tanks at the IOP Marina and the Public Works site, the canopy at the Public Works site and the dock fuel dispensers at the marina** (Page 45, line 90 – Public Works, 50% from Capital Projects, 25% each from MUNI ATAX and State ATAX, \$246,675; Page 45, line 91 – Replace fuel canopy, Capital Projects, \$30,000; Page 48, line 174 – Replace 4 USTs, 1/3 from Hospitality Tax, \$178,250, 2/3 from Marina Fund, \$356,500; Page 48, line 173 - Replace fuel dispensers on dock, Marina Fund, \$25,000)

**MOTION:** Councilmember Kinghorn moved to award a contract to Jones and Frank in the amount of \$809,591.66 for the work detailed above; Councilmember Bell seconded and the motion **PASSED UNANIMOUSLY**.

4. **Consideration of a sole source contract award to Petroleum Equipment Service in an amount not to exceed \$20,000 for the replacement of the monitoring system for the generator at the Public Safety Building** (50% each from PD and FD - Page 22, line 30 and 38 – Capital Projects, PD and FD Maintenance & Service, funds for repairs/maintenance per Hill Report)

**MOTION: Councilmember Kinghorn moved to award a contract to Petroleum Equipment Service in an amount not to exceed \$20,000 to replace the fuel monitoring system to the generator at the Public Safety Building; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

5. **Recommendation for the award of a contract to Martin and Son Contracting, Inc. in the amount of \$250,000 for the IOP Marina bulkhead rehabilitation** (Page 48, line 175 – Marina Fund, Capital Purchases, 1/3 Marina Fund, 2/3 State ATAX, \$356,500)

**MOTION: Councilmember Kinghorn moved to award a contract in the amount of \$250,000 to Martin and Son Contracting, Inc. for the bulkhead rehabilitation at the marina; Councilmember Rice seconded.**

Responding to Councilmember Buckhannon's inquiry, Administrator Tucker stated that the City received three (3) bids for this project, and they were as follows:

|                                |           |
|--------------------------------|-----------|
| Martin & Son Contracting, Inc. | \$250,000 |
| Blutide Marina Construction    | \$284,000 |
| E&D Contracting Services, Inc. | \$810,000 |

The City's consultants, JMT, Inc., evaluated the bids and has recommended a contract award to the lowest bidder Martin & Son Contracting, Inc. in the amount of two hundred fifty thousand dollars (\$250,000).

Councilmember Bell pointed out that, during the campaign, he had stated that the City would continue to make improvements to the marina, and this was an example of a budgeted marina improvement as promised.

**VOTE: The motion PASSED UNANIMOUSLY.**

6. **Consideration of a proposal from The Palms Hotel for use of the municipal parking lot for parking for their guests and employees**

The Administrator reported that the members of Council and the Mayor received a parking proposal from the Palms Hotel less than ten (10) minutes before this meeting began and, therefore, has not had the time to read and study its content to take action on it. In addition, the Administrator has not had an opportunity to study the proposal to make a recommendation to Council on what action it should take.

Mayor Carroll stated that the City staff reached out to the management of The Palms Hotel many times through the weekend asking for this information so it could be included in the meeting's packet.

Councilmember Ward stated that the next Ways and Means meeting would be Tuesday, February 20<sup>th</sup> and again reminded those present about the Citizens Forum on February 1<sup>st</sup>.

## **B. Public Safety Committee**

Councilmember Smith reported on the meeting held Tuesday, January 9<sup>th</sup> and stated that she was elected Chair and Councilmember Bell was elected Vice Chair. Chief Buckhannon reported sixty-three (63) encroachments in the right-of-way were identified in 2017 that needed to be removed; of that number, thirteen (13) remain. One or two (1 - 2) of these owners are working with the Department to determine how they can come into compliance with the City's ordinances and State law. For the few remaining, the City Prosecutor is preparing a letter with a citation of non-compliance. Chief Buckhannon stated that twenty-eight (28) overgrown lots were identified in 2017; currently the City is working with eight (8) property owners to get the lots cleared and one (1) of them has asked for more time to come into compliance. For those who choose not to comply, the City Prosecutor is again working on a letter that will include a citation of non-compliance. The Committee voted its approval of the Animal Control truck purchase and the new fuel monitoring system for the PSB generator. The installation of crosswalks on Waterway Boulevard was discussed as both a need and a way to possibly slow drivers. The announcement of SCDOT's plan to micro-surface Palm Boulevard between 21<sup>st</sup> and 41<sup>st</sup> Avenues in the near future, preferably not during spring break, was also made. Chief Graham reported that for the first time auditors came to the station to audit the Fire Department's spending of one percent (1%) funds, and everything was found to be in order. In 2017, personnel responded to eleven hundred twenty-five (1,125) calls and attended to four hundred eighty-eight (488) patients. Calls of interest in December were untangling a dolphin from a crab pot line, responding to a report of a structure fire caused by electrical issues with a dishwasher, and extinguishing a fire on the sixth hole of the Harbor Course. Twelve (12) fire inspections were done that identified that forty-three (43) violations.

From the Police Department report, Councilmember Smith reported that the island experienced a rash of break-ins in November and December; over the course of a couple of days in November, five (5) vehicles were broken into in the vicinity of 23<sup>rd</sup> Avenue, and several thefts from vehicles were reported between the 100 and 800 blocks of Ocean Boulevard. The majority of vehicles broken into were not secured. For the year of 2017, Communications Specialists took a total of fifty-nine thousand six hundred seven (59,607) calls. Coyote sightings reported were twenty-four (24) in November and thirty-three (33) in December; residents are encouraged to report sightings to the Police Department because they assist the trapper with the most effective areas to place traps. Councilmembers Bell and Chair Smith advocated for an expert to assist the City in getting a count of the coyotes on the island and to provide information about hotspots and habitats. Having met with representatives from DNR about coyotes, City staff is looking at ways to be more aggressive in controlling the coyote population and are planning the Coyote Expo for February 22<sup>nd</sup>.

The Committee discussed at length the issue of overnight parking, specifically non-vehicular parking, at the Recreation Center on 27<sup>th</sup> Avenue and other parking areas on City-owned properties. Chief Buckhannon informed the Committee that to have enforcement of no overnight parking would require an amendment to the parking ordinance and signage at each location.

**MOTION: Councilmember Smith moved to have the City Attorney draft an amendment to the current parking ordinance about prohibiting non-vehicular, parking adjacent to City properties, with the exception of City-owned equipment and Councilmember Bell seconded.**

Attorney Halversen asked whether the Committee wanted to prohibit non-vehicular parking day and night, and Councilmember Smith said the discussion was about overnight parking.

Councilmember Bell asked whether Council thought it was appropriate to have backhoes and boats, etc. parked at the Rec Center interfering with the resident's quality of life and interfering with the use of the Rec Center for recreational purposes. He added that he thought Council, as a whole, should decide how restrictive they want the prohibition to be.

Administrator Tucker explained that, in the meeting, the discussion morphed from the Rec Center to any City properties, and she pointed to the lot next door to City Hall where City equipment is occasionally parked overnight. She said that she wanted to make sure that, in crafting the ordinance, the City would not be in violation of its own ordinance.

Councilmember Rice asked if doing this would equate to spot zoning.

Councilmember Buckhannon opined that this ordinance was directed at him because his triplet sons have a boat and do, sometimes, park it across from their home in spaces at the Rec Center, and apparently his neighbors do not like it. He also stated that the City has ordinances in place to regulate this situation, but the enforcement of certain ordinances was the issue. He also agreed that it would be spot zoning; an amendment directed at specific spots when the problem might be island-wide. Despite the fact that 27<sup>th</sup> Avenue is a City-owned street, the City must manage it according to SCDOT regulations.

Councilmember Bell said that spot zoning was not the Committee's intention.

Councilmember Smith withdrew her motion, and Councilmember Bell withdrew his second.

The Committee also selected projects to submit to the Transportation Sales Tax (TST) Committee for funding.

**MOTION: Councilmember Smith moved to submit the following two (2) projects to TST for funding consideration:**

- **Intersection improvements to 14<sup>th</sup> Avenue and Palm Boulevard to direct cyclists and pedestrians through Leola Hanbury Park onto Palm Boulevard, and**
- **Regulation bike paths on both sides of Waterway Boulevard from 21<sup>st</sup> Avenue to 41<sup>st</sup> Avenue and regulation bike paths on both sides of Palm Boulevard between 21<sup>st</sup> Avenue and 57<sup>th</sup> Avenue.**

**Councilmember Ward seconded.**

Councilmember Moye stated that it was recommended to the Committee that they pursue these types of projects as they were more likely to receive funding than a request for drainage funding.



As an avid cyclist, Councilmember Kinghorn thanked the Public Safety Committee for these recommendations, but asked that, in the future, the Committee look island-wide for the connectivity of bike paths. He thought that ultimately, with strategically laid connections, the entire island could be interconnected with cycling/pedestrian paths.

**VOTE: The motion PASSED UNANIMOUSLY.**

The next Public Safety Committee meeting will be at 4:00 p.m., Monday, February 5<sup>th</sup> in the Conference Room.

Since the Public Works Committee, the Recreation Committee, the Personnel Committee, and the Real Property Committee delayed electing a chair, Administrator Tucker provided the reports.

### **C. Public Works Committee**

From the meeting of January 11<sup>th</sup>, the Administrator reported that Bill Schupp had informed the Committee that he would continue to provide the beach garbage and recycling removal for the next year, but he was continuing the search for a potential buyer of his business. Director Pitts' monthly report did not contain anything out of the ordinary for November and December 2017. The Committee, with the assistance of David Stevens of Civil Site Environmental (CSE) has been working with a resident regarding the erosion of the drainage ditch serving 32<sup>nd</sup> Avenue; originally, the engineer, Mr. Stevens, was told that the ditch was under the jurisdiction of the Corp of Engineers and any improvements to the ditch would require a permit from the Corps, which normally is a long process. Since that meeting, Mr. Stevens has received a different opinion from the Corps, saying that the ditch is not jurisdictional wetlands and, therefore, forward movement on a resolution to the problem will not be impeded. The Committee was informed that the NPDES Wash-down Project has been completed and that progress continues to be made on the Phase II Drainage Project from 45<sup>th</sup> Avenue to 52<sup>nd</sup> Avenue. The Committee also voted to award the contract for removal/replacement of the underground storage tanks at the marina and the Public Works site to Martin and Sons Contracting. Discussions took place to bring the Committee up-to-date with subjects likely to be discussed in the visioning meeting and the budgeting process, such as the demands on the Public Works team have increased and have widened in scope, leading to the consideration of staffing possibilities for the department. The Committee discussed the name of the Committee, and a change to the Environment, Public Works and Infrastructure Committee was suggested, which led to a discussion of the necessity of an amendment to the City Code to change the name and to augment the duties of the Committee. Another issue discussed by the Committee was the drainage problem on 20<sup>th</sup> Avenue.

The next meeting will be held at 9:00 a.m., Thursday, February 1<sup>st</sup> in the City Hall Conference Room.

Councilmember Buckhannon, noticing that the status of the City compactor was on the Public Works' Agenda, asked what its life expectancy was; he said that he thought the way it was currently being utilized should be discussed by the Committee, as well as possibly relocating it farther away from the businesses.

### **D. Recreation Committee**

Reporting on the meeting of January 10<sup>th</sup>, the Administrator stated that Director Page's report covered both November and December 2017, a time when the Rec Center and Rec personnel were extremely busy. For the new members of Council and of the Committee, the Director went into some depth in describing the programs and classes offered and how the Rec Center functions. The Administrator focused on an upcoming event, i.e. Doggie Day at the Rec is a hugely popular event that is scheduled for Saturday, February 10<sup>th</sup>; Dr. Jose will be on-hand giving vaccinations and micro-chipping the island's dog population, and officers from the IOP Police Department will be selling the annual City dog licenses. Spring events include the Front Beach Fest, featuring *The Tams*, to be held Saturday, March 3<sup>rd</sup>, the annual Easter Egg Hunt on Saturday, March 31<sup>st</sup>, and the annual Yard Sale on Saturday, April 14<sup>th</sup>.

The Recreation Committee will hold its next meeting at 8:30 a.m., Monday, February 5<sup>th</sup> in the City Hall Conference Room.

#### **D. Personnel Committee**

Along with a Part-time Animal Control person, the Police Department has begun the search for Beach Services Officers for the coming season. The Administrator announced that the Safety Sweepstakes winners were as follows:

##### **November**

|  |                               |
|--|-------------------------------|
| Building Department – William Seabrook | Police – Sgt. Sharon Baldrick |
| Fire – Brian Bozman                    | Public Works – Russell Roper  |

##### **December**

|                                      |                              |
|--------------------------------------|------------------------------|
| Building Department – Rhonda Gibbons | Police – Anna Mitchel        |
| Fire – Lynn Golden                   | Public Works – Willie Powell |

From the Personnel Committee meeting of January 10<sup>th</sup>, the Administrator gave the Committee an overview of its activities over the course of a year accompanied by a timeline, such as the selection of recommendations to boards and commission. The Committee was told that staff is reviewing the draft of the revised Personnel Handbook from the City's employment attorney; a final draft will go before the Personnel Committee for approval and recommendation for adoption to City Council. The Committee also discussed the City's tuition reimbursement policy, which has been in place in its present form for a long time, to consider whether changes need to be made; the tuition reimbursement policies of other local municipalities will be reviewed and compared to the City's. According to the Human Resources Officer, Wynette DeGroot, the City currently has twelve (12) employees participating in the program. The Committee took up the discussion of the Continuity Plan, which was initiated in 2017 as the City Administrator's personal goal. The draft presented to the Committee needs additional work and refinement and a discussion ensued about the City Administrator's 2018 personal goal being that additional work and refinement, but a decision was delayed until after Council's visioning meeting and the determination of measurable goals. The Committee discussed and recommended the elimination of the floating holiday for employees and to make Veterans Day a permanent holiday; this action would not increase the number of employee holidays, but replace the floating holiday. The Administrator explained that, for the City, the floating holiday was not a day that each

individual employee could choose, but it was a day receiving the highest number of votes by employees from a list of possibilities.

**MOTION: Councilmember Ward moved to eliminate the floating holiday and to replace it with Veterans Day; Councilmember Moye seconded.**

Councilmember Kinghorn asked if the suggestion had come from department heads, and the Administrator stated that the suggestion had come from the City Clerk. As the person who assembled the list from which employees could choose, the clerk realized that, with the 2015 addition of Christmas Eve and Presidents Day to the list of annual City holidays, few holidays remained. The Administrator continued that, during the peak season which contains two (2) holidays, employees were discouraged from seeking time off, leaving the selection to be between Good Friday and Veterans Day. Good Friday is not a workable choice for the City because the day after is the annual Easter Egg Hunt.

Councilmember Kinghorn rephrased his question to ask if the department heads supported the change of having a set holiday versus the flexibility of choosing, and, as regards the motion on the floor, would department heads oppose it.

Councilmember Moye responded that, for several years running, employees have selected Veterans Day as the City's floating holiday; therefore, without speaking to department heads, the historical evidence would support a 'yes' to his question.

Councilmember Ward noted that the City tries to emulate the County in its selection of holidays, for instance, on Veterans Day, the County-operated landfill would not be open for the City to take its trash.

The Administrator added that residents assume that the City is closed whenever the County is closed; she stated that she did not know if there was opposition to this action, but that no one has spoken to her against it.

**VOTE: The motion PASSED UNANIMOUSLY.**

The Personnel Committee will hold its next meeting at 4:00 p.m., Monday, February 12<sup>th</sup> in the City Hall Conference Room.

#### **F. Real Property Committee**

Reporting on the Real Property Committee meeting of January 9<sup>th</sup>, the Administrator stated that Jay Clarke, owner of Morgan Creek Grill, brought to the Committee his request to re-negotiate a longer term lease for the restaurant and asked that they consider the City's funding of the replacement of the walk-in cooler, as well as assistance with some relief concerning the parking at the marina site. The Committee will address these issues in future meetings. Michael Fiem of TidalWave Watersports explained his concept for "Isle of Palms Adventures," some type of Front Beach location in the City parking lots or housed along with one of the local businesses where residents or visitors to the island could book other activities, particularly at the marina, along with free transportation between Front Beach and the marina. He stated that this was one (1) way to

alleviate some of the parking issues at the marina. In the meeting, Mr. Fiem was informed of the City's prohibition of outdoor sales of goods or services from any temporary or mobile location and that he would have to become a tenant of the City in one of the parking lots or persuade a local business to provide space for him in their establishment or have a permanent structure to operate this business. The discussions about the beach renourishment project focused on the two hundred eighty-one thousand cubic yards (281,000 cu. yds.) of sand lost to Hurricane Irma. In a Special Meeting, City Council acted to authorize City staff to pursue the replacement of that quantity of sand utilizing FEMA funds, if made available, and making accommodation for the source of funds for the City's local match. The Committee was also given the design for new beach access signs that are currently in production for the more heavily travelled accesses on the island, i.e. 5<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 21<sup>st</sup>, 25<sup>th</sup>, 28<sup>th</sup>, 42<sup>nd</sup>, the Sea Cabins and the public restrooms; these signs will be larger and consolidate messages from other signs that will be removed from the path. Discussions also occurred about financial arrangements between The Palms Hotel and the City for its guests and employees to park in the municipal parking lot. The meeting ended with a discussion about RV parking in the marina parking lot; this item came before the Committee as the result of complaints over the holidays about visitors paying to park their RV at the marina when visiting residents of Wild Dunes. The Committee received legal advice regarding this issue related to the marina lease.

**Motion: Mayor Carroll moved to get a clear definition of a RV, a look at RV parking island-wide, and to decide how the City wants to regulate RV parking at the marina and elsewhere; Councilmember Bell seconded.**

Councilmember Buckhannon asked whether the words "island-wide" and "elsewhere" were intended to refer to both private property and City property.

Councilmember Bell explained that the discussion was around City property and the use of City property and, particularly, at the marina; he noted that the Committee could not get a consensus on what constitutes a RV. The City attorney suggested that first the Committee define what it was talking about and then to address where.

Councilmember Kinghorn asked how one would distinguish visitors to the island who live on their boat at the marina from visitors to the island who live in their RV in the marina parking lot perhaps twenty yards (20 yds.) apart.

Councilmember Rice reminded Council that it had recently deliberated using the municipal parking lot for RV and/or boat storage in the off-season as a new revenue source; she said that Council had to be aware of unintended consequences.

Councilmember Bell stated that one (1) RV might be inconsequential, but allowing the practice to grow would be disruptive to other businesses at the marina and detrimental to the limited parking there.

**VOTE: The motion PASSED UNANIMOUSLY.**

The Committee will hold its next meeting at 4:00 p.m., Thursday, February 8<sup>th</sup> in the City Hall Conference Room.

7. **Reports from City Officers, Boards and Commissions**
  - A. **Accommodations Tax Advisory Committee** – no meeting in January
  - B. **Board of Zoning Appeals** – minutes attached
  - C. **Planning Commission** – minutes attached

Mayor Carroll urged Councilmembers to read the minutes from the Planning Commission for the information on drainage it contains.

8. **Reports from Special or Joint Committees** – None
9. **Petitions Received, Referred or Disposed of** – None
10. **Bills Already in Possession of Council**
  - A. **Second Reading of Ordinance 2017-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 8, Flood Damage Prevention, of the City of Isle of Palms Code of Ordinances to Provide Definition for the Reference Datum to be used for the Base Flood Elevation Shown on the Flood Insurance Rate Maps (FIRM) and to Provide for a Minimum Elevation for Residential and Non-residential Construction**

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

To Councilmember Ward's request to send the ordinance to the Planning Commission, Administrator Tucker noted that this ordinance and the others on the Agenda have come to City Council as recommendations from the Planning Commission after months of research, review and discussion; if the ordinances go back to the Planning Commission, Council should also send some guidance on what it wanted changed.

Councilmember Ward stated that he would prefer to have additional time to study these ordinances in light of citizens' comments during the Public Hearing.

Councilmember Kinghorn stated that Council should work to raise the bar not lower it.

Councilmember Bell stated that adopting Ordinance 2017-07 would serve to maintain the status quo; whereas the FEMA recommendation would lower the base flood elevation by a foot and would affect new construction and homes undergoing significant renovation. He indicated that he seconded the motion because he felt that citizens did not understand that the City's adopting the ordinance would not impact their individual flood insurance premiums.

Councilmember Smith voiced interest in knowing how other beach communities were reacting to the new flood maps.

Director Kerr returned to the podium and confirmed earlier statements that adopting Ordinance 2017-07 would not impact the flood insurance premiums for any residents of the Isle of Palms. In regard to what other communities are doing, the Director stated the City already is requiring

one (1) foot higher than the new FEMA standard, but other communities are already requiring two (2) feet and, by virtue of the maps coming out, some communities will be going to three (3) feet. He stated that, in most situations on the island, this ordinance represents a reduction from the requirement that the City currently has; however, it is going to be more restrictive than the FEMA maps are proposing. The Director reiterated that the fourteen (14) foot height requirement was specifically chosen because it was one (1) foot above the level that water reached in Hurricane Hugo.

When Councilmember Buckhannon asked what the benefit to the City was of the fourteen (14) foot elevation, Director Kerr stated that it was a measure to make the City more disaster resistant. With a minimum elevation of this height, the City's resources would spend less time after a storm event dealing with houses that have been knocked off their foundations.

Councilmember Kinghorn stated that Council's Number One responsibility to the citizens of the island was safety, and, in his opinion, all of these ordinance relate to the safety of the residents of the island.

Councilmembers Ward and Bell withdrew the motion and second respectively.

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

The Mayor stated that Ordinances 2017-08, 09, and 10 refer to the sewer, and he thought they warranted further study.

**MOTION: Mayor Carroll moved to defer action of Ordinances 2017-07, 08, 09 and 10 until the February Council meeting; Councilmember Buckhannon seconded.**

Administrator Tucker stated that staff would like to send the three (3) sewer-related ordinances to the IOP Water and Sewer Commission; the City worked with them to craft the ordinances, but they have not seen the most recent changes. As a courtesy, the Administrator wanted to give the Water and Sewer Commission an opportunity to respond to them.

Councilmember Kinghorn asked that Council be informed about comments and/or changes they make.

**VOTE: The motion PASSED UNANIMOUSLY.**

#### **11. Introduction of New Bills, Resolutions and Proclamations**

**Resolution for City to join Federal Court litigation to challenge seismic testing and drilling in the Atlantic Coastal waters**

**MOTION: Councilmember Bell moved to adopt the resolution; Councilmember Moye seconded.**

Councilmember Ward asked for a summary of the contents of the resolution.

Mayor Carroll stated that the South Carolina Environmental Law Project, a non-profit group, is challenging in federal court permitting by the federal government of seismic testing and drilling in the Atlantic coastal waters, including off the South Carolina coast. The resolution is for the City to join other local municipalities who are participating in the litigation; the City will incur no expense if it chooses to participate. At this time, Charleston and Beaufort have signed on, and Folly Beach and Seabrook are addressing it tonight.

**VOTE: The motion PASSED UNANIMOUSLY.**

#### **12. Miscellaneous Business**

Mayor Carroll reminded those present of the Citizens Forum on February 1<sup>st</sup> at 5:30 p.m. at the Rec Center, Doggie Day at the Rec on Saturday, February 10<sup>th</sup> and the Polar Plunge for Special Olympics on Saturday, February 17<sup>th</sup> at the Windjammer.

Next Meeting Date: 6:00 p.m., Tuesday, February 27, 2018 in Council Chambers.

**13. Executive Session in accordance with S.C. Code Section 30-4-7(a)(2) to receive legal advice regarding potential claims related to the Rules of Order and Procedure which pertain to the conduct of Councilmembers, Council and Committee meetings.**

**MOTION: Councilmember Kinghorn moved to go into Executive Session at 8:00 p.m. to receive legal advice as stated above; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

Council returned to regular session at 8:28 p.m., and Mayor Carroll stated that Council had not taken a vote or any action while in Executive Session.

**14. Adjournment**

**MOTION: Councilmember Ward moved to adjourn the meeting at 8:29 p.m.; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk



## **PUBLIC HEARING of CITY COUNCIL**

5:45 p.m., Tuesday, January 23, 2018

A Public Hearing of City Council was called to order at 5:45 p.m., Tuesday, January 23, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the hearing were Councilmembers Bell, Buckhannon, Kinghorn, Moye, Rice, Smith and Ward, Mayor Carroll, Administrator Tucker, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

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

### **2. Purpose**

**Second Reading of Ordinance 2017-07 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, Article 8, Flood Damage Prevention, of the City of Isle of Palms Code of Ordinances to Provide Definition for the Reference Datum to be used for the Base Flood Elevation Shown on the Flood Insurance Rate Maps (FIRM) and to Provide for a Minimum Elevation for Residential and Non-residential Construction.**

**Second Reading of Ordinance 2017-09 – An Ordinance Amending Title 5, Planning and Development, Chapter 4, Zoning, of the City of Isle of Palms Code of Ordinances to Provide That All New Construction or Substantial Improvements shall be Connected to a Public Sewer System Where a Public Sewer Line is Located Within One Hundred Fifty (150') feet and to Reduce the Lot Coverage Requirements and Floor Area Requirements for lots with Septic Systems.**

After reading the titles of the ordinances to be discussed, Mayor Carroll asked Building and Planning Director Kerr to explain these two (2) ordinances. Director Kerr stated that the matter of septic tanks and public sewer were sent to the Planning Commission for study and these two (2) ordinances were a part of the work product from their deliberations. Ordinance 2017-07 deals with the Flood Damage Prevention Code and has come about as a result of the anticipated new flood maps from FEMA at the end of 2018; the maps are currently in the public comment period. In the new maps the required elevation is significantly lower than the City has traditionally had. In 1991, after Hurricane Hugo, the elevation on the flood maps increased dramatically, and the lowest elevation on the island was fourteen feet (14 ft.) and, in some places, the required elevation reached twenty-one feet (21 ft.) above sea level. The new maps show that a large part of the island is no longer in a flood zone, such as, the second and third row from the beach houses, and, therefore, homes could be built at ground level there. The highest flood zone requirements in the new maps are ten and eleven feet (10 - 11 ft.), and during Hurricane Hugo the water rose higher than that.

The Planning Commission's proposal is to create an elevation requirement of fourteen feet (14 ft.) on the island, regardless of what the future FEMA maps say; in other words, no house would be allowed to be built on the Isle of Palms with the lowest floor less than fourteen feet (14 ft.) above sea level.

A confusing part of the flood maps is that FEMA is changing the vertical datum and how they measure elevation from National Geodetic Vertical Datum of 1929 (NGVD29), the old method of

surveying, to North American Vertical Datum of 1988 (NAVD88), which has the effect of changing the elevation by one foot (1 ft.). This change will result in an elevation of fourteen feet (14 ft.) under NGVD29 or thirteen feet (13 ft.) under NAVD88.

The issue of minimizing the number of septic systems on the island also went to the Planning Commission for study, and Ordinance 2017-09 is their recommendation with for dealing with septic systems and potentially extending sewer lines. This ordinance has two (2) companion ordinances, and they are not on the Public Hearing Agenda because they do not fall under the City's Zoning Code that requires all changes to have a Public Hearing. This ordinance proposes three (3) significant changes; the first change would require that all new homes or homes undergoing substantial improvements attach to an available gravity-operated sewer line if a line was within one hundred fifty feet (150 ft.) of the property. The second change reduces the lot coverage from forty percent (40%) to thirty percent (30%) in order to have a septic system, and the third change would reduce the floor area ration of a lot from forty percent (40%) to thirty percent (30%).

Paula Urbano of 704 Palm Boulevard asked why the City was choosing not to follow the recommendations of FEMA's experts on the flood elevation and setting the minimum elevation higher than FEMA.

Jim, Raih, 3904 Cameron Boulevard, voiced the opinion that for the City, or any municipality, to decide it knows more than the experts at FEMA was dangerous. He stated that his understanding of the new flood maps was that they would be more site-specific and based on topographical maps rather than zip codes; therefore, he thought that it might be alright to build at grade on some lots on the island. On the subject of septic tanks, Mr. Raih said that a decision about septic systems was also site-specific since it is based on a soil analysis from the property; in his opinion, either a lot would support a septic system or it would not, but the decision was made by DHEC. Mr. Raih said that, according to DHEC regulations, if a property ever had a septic system, it cannot be denied for a septic tank in the future.

David Cohen, 3504 Cameron Boulevard, stated that DHEC has stated that septic systems are as environmentally safe as municipal sewer systems, and he did not understand why the City was questioning DHEC. After living in several houses on the island, he chose a location on Cameron Boulevard in 1990 to live; he stated that one (1) reason he chose the lot was that it had an on-site sewer system. He noted that, in the thirty (30) years that he has lived on this property, he has had some problems with his system, but he still preferred the septic system to a municipal system. He wanted the decision left to the property owner. Mr. Cohen agreed that decreasing the floor coverage and the impervious lot coverage should be considerations; he suggested that the area covered by the on-site septic system should be considered impervious for the calculation of the current forty percent (40%) calculations. He stated that property owners with septic systems should be allowed to build as big a house as the current regulations allow provided the owner can fit the on-site septic system in the impervious coverage. He, too, did not understand why the City was questioning the decision made by FEMA's experts; he supported the idea that every home owner should be allowed to decide whether to build higher than the minimum flood elevation or lower than the minimum knowing the risk of flooding in the home and higher flood insurance premiums. (The full text of Mr. Cohen's comments is attached to the historical record of the meeting.)

**3. Adjournment**

Since additional residents did not speak, the hearing was closed at 6:03 p.m.

Respectfully submitted:

Marie Copeland  
City Clerk

## **SPECIAL CITY COUNCIL MEETING**

5:00 p.m., Tuesday, January 23, 2018

A Special Meeting of City Council was called to order at 5:00 p.m., Tuesday, January 23, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Kinghorn, Moye, Carol Rice, Susan Hill Smith and Ward, Mayor Carroll, Administrator Tucker, Attorney Halversen, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business. Also in attendance were Jesse Kirchner and Chris Deters of Thurmond, Kirchner, Timbes and Yelverton, PA.

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

### **2. Purpose**

**Executive Session in accordance with S.C. Code Section 30-4-7(a)(2) to receive legal advice concerning settlement of pending claims related to the Public Safety Building. Upon returning to open session, Council may take action on matters discussed in Executive Session.**

**MOTION: Mayor Carroll moved to go into Executive Session for the reason stated above at 5:01 p.m.; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

City Council returned to open session in Council Chambers at 5:23 p.m., and the Mayor stated that no vote and no action were taken in Executive Session

**MOTION: Mayor Carroll moved to authorize the City Administrator to execute a certain settlement agreement as recommended by the City's litigation attorneys and to authorize the litigation attorneys and City Administrator to continue settlement negotiations related to pending claims; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

### **3. Adjournment**

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

Respectfully submitted:

Marie Copeland  
City Attorney

**Ways and Means Committee**  
5:00 p.m., Tuesday, February 20, 2018

The regular meeting of the Ways and Means Committee was held at 5:00 p.m., Tuesday, February 20, 2018 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Buckhannon, Ferencz, Kinghorn, Moye, Rice and Smith, Chair Ward, Mayor Carroll, Administrator Tucker, Treasurer Suggs, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

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

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

**MOTION: Mayor Carroll moved to approve the minutes of the regular meeting of January 23, 2018 as submitted; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.**

**3. Citizens' Comments**

Liz McMillen, 1010 Ocean Boulevard, appealed to the Committee to eliminate vehicular parking on the ocean-side of Ocean Boulevard between J.C. Long and Pavilion and for the area to become loading zones for active deliveries to the eleven (11) restaurants and shops at Front Beach. This action would remove thirteen (13) parking spaces. She stated that, when the existing delivery spaces were filled, drivers stopped in the driving lane to unload their delivery, backing up traffic. She distributed a sketch of her proposal, and a copy is attached to the historical record of the meeting.

Chair Ward stated that her suggestion would be discussed at the March Public Safety Committee meeting at 4:00 p.m., March 5<sup>th</sup> in the City Hall Conference Room.

Joe Petro, owner of Coconut Joes and Island Joes, requested that the City consider a two (2) tiered parking fee structure for the municipal parking lots as opposed to the full day rate of ten dollars (\$10) currently charged. He suggested having an hourly rate between the hours of 8:00 a.m. and 6:00 p.m. as well as a full day rate.

Elizabeth Campsen, 32 Intracoastal Court, spoke to the Committee about a more resident-friendly summary of the City's finances, the use of State ATAX funds for beach renourishment, a more equitable disbursement of Beach Preservation Fee funds and her opposition to the ATM proposal for permitting for marina docks replacement. A copy of the full text of her comments is attached to the historical record of the meeting.

Ted McKnight of 2 Shad Roe stated that he found the article in *The Post and Courier* to be "somewhat hostile" toward the City for considering charging visitors to park on Palm Boulevard. As a short-term rental owner on the island, he stated that he pays large taxes and fees to the City every year, and what visitors would pay to park was miniscule in comparison. He noted that he had spoken to the Public Safety Committee at June 2017 meeting about a safety issue at the 54/55 beach access path; he had stated that the right-of-way was too narrow to allow vehicles to park four feet (4 ft.) from the road and that large SUVs completely eliminated a proper line of sight for pedestrians crossing the street, making it a public safety hazard.

Sarah Parker-Daniel, Oak Harbor Boulevard, recommended an on-line parking system that would allow visitors to the beach to book a parking space before they come to the island; she opined that such a system might eliminate lines on the Connector.

Ron Cooper, 9 – 32<sup>nd</sup> Avenue, stated that he has lived in other areas where one (1) had to pay for the services they receive, including parking; therefore, he thought it reasonable for the City to have a mechanism to pay for parking and to inform off-island beach-goers whether parking was available on the island. He described an app he was familiar with that allows the user to pay for parking and to extend parking time on-line; he opined that this app was easy, simple, fast and painless.

Bill Campbell, 34 – 42<sup>nd</sup> Avenue, stated that he has been away from the island for a month and missed the Citizen Forums held earlier in the month; he recommended that the City have only the minimum number of parking spaces required by law. He added that all parking should be in the municipal lots; the City should not allow parking on the streets by non-residents other than those visiting island residents or renting; the parking restrictions should be in place all year and the City should not allow parking on grass or lawns.

Administrator Tucker informed those present that a link was posted to the City's website to allow residents who were unable to attend the Citizen Forums to add their input for City Council to consider at the upcoming visioning meetings.

**MOTION: Mayor Carroll moved to re-order the Agenda to address Item F under New Business, Discussion of Amendments to the Managed Beach Parking, such as requiring payment to park on Palm Boulevard; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

## **6. New Business**

### **F. Discussion of Amendments to the Managed Beach Parking, such as requiring payment to park on Palm Boulevard**

Councilmember Smith stated that she strongly supported pay-to-park; she reported that she has talked with a sales representative from a pay-to-park app who indicated that it would not require a large upfront infrastructure cost and serve the island's needs. For her, the primary concerns about parking on Palm Boulevard were safety for islanders and visitors, getting a better traffic flow and, possibly, reduce the traffic. The free parking on Palm drives visitors there rather than to the municipal parking lots.

Councilmember Bell asked what the problems were: Was it a safety issue? Was Council trying to reduce the number of visitors coming to the island? Was Council trying to promote the Front Beach businesses? He said that he saw the parking issues as one (1) big organism, and one (1) possible solution to parking on Palm would be to limit Palm to parallel parking on one (1) side of the street or to allow only parallel parking on both sides of the street. Without proper understanding, that would lead to visitors in the neighborhoods as they drive around looking for a place to park. He was in favor of doing what could be done quickly and easily for the 2018 season. He understood Council's job to determine what would be allowable, reasonable and fair.

Councilmember Buckhannon was an advocate for pay-to-park, and he thought that technology has advanced to a point where it would be more affordable and easier to use. He also said that the goal was to drive visitors to the City parking lots, to make that a more attractive option and to charge a higher fee on Palm to discourage parking. If the consensus of the Committee was to pay-to-park on Palm, direction should be given to the Public Safety Committee so they could begin work immediately.

In the past few years, Chair Ward opined that Council's decisions have pushed people away from the municipal lots and onto Palm; he agreed with Councilmember Buckhannon that parking fees for the lots should be lowered and a higher fee charged for parking on Palm. He indicated that the Committee should do more research on two (2) tiered parking fees in the City lots.

Councilmember Rice suggested that staff go back to the recommendations from Stantec, the consultants who assisted with the parking plan, to see what concepts they had offered for Palm Boulevard. She added that she was disheartened that day-trippers would have to work two (2) hours to afford a day at the beach.

Councilmember Ferencz liked the idea of incentivizing visitors to go to the municipal parking lots with a lower fee and would add that residents, with a valid residential sticker, could park for free all year around. She envisioned having parking kiosks, if Council went that route, at each beach access.

Mayor Carroll thanked the Chair for putting this topic on the Agenda for discussion; he recalled from the forums that residents wanted the managed parking plan to be enforced year-round, requiring vehicles to park four feet (4 ft.) from the road on both sides, as well as parallel parking on both sides of Palm Boulevard.

Councilmember Kinghorn stated that steering people to a specific area was going to be difficult, if not impossible; people select an area of the beach that they prefer, whether it be for surfing or sunning, and they tend to always go to that location. And a couple of dollars would not make a difference.

Based on his past experience, Councilmember Bell noted that the City could not afford a real-time data system, but would likely have to use kiosks – simple technology to solve a problem.

Administrator Tucker directed those present to the City's website under City Services/Administration/Parking and Beach Improvements where there is a thorough reverse chronology and history of the meetings, discussions, etc., with the consultants. Also included were the issues Council dealt with such as equal protection issues related to public roads and the inability to make a distinction between residents versus non-residents on a state-owned public right-of-way.

Responding to Councilmember Ferencz' question, the Administrator stated that, while some adaptations might be made for the coming season, the City has already ordered the necessary items for the 2018 season; any significant changes could not be implemented until the season of 2019. She reminded the Committee that the existing managed parking plan took two (2) years to develop and implement.

Mayor Carroll asked that the Public Safety Committee discuss the twenty-five foot (25 ft.) line of sight issue and parking four feet (4 ft.) from the road on the entire island.

Councilmember Moyer suggested that the Public Safety Committee prioritize what the managed parking plan was to achieve.

#### **4. Financial Statements – Treasurer Suggs**

##### **A. Financial Statement**

At the end of January 2018, General Fund revenues were approximately five million dollars (\$5,000,000), or forty-nine percent (49%) of budget, and General Fund expenditures were at fifty-two percent (52%) of budget with a seven (7) month target being fifty-eight percent (58%). Total revenues City-wide were approximately eleven million seven hundred thousand dollars (\$11,700,000) which constituted forty percent (40%) of the FY18 budget; total expenditures City-wide were approximately ten million three hundred thousand dollars (\$10,300,000), or thirty percent (30%) of budget. The Treasurer noted that cash balances continue to be strong, but they will begin to decrease as the City embarks on several large projects.

Chair Ward commented the business license revenue was down slightly, but the deadline was extended to April 30<sup>th</sup>.

##### **B. Tourism Funds**

The Municipal Accommodations Fee and the Beach Preservation Fee were two percent (2%) higher year to date in FY18 than for the same period in FY17. Hospitality Tax collections were five percent (5%) ahead of FY17, and the Treasurer opined that the City has a couple of late payers. The second quarter's State Accommodations Taxes have been received, and the City is running three percent (3%) ahead of FY17. No change has occurred in the collection from the Charleston County Accommodations Tax Pass-through.

##### **C. Projects Worksheets**

The first pay application, which was for mobilization, has been paid to Great Lakes Dredge and Dock for the Beach Restoration Project for approximately one million eight hundred thousand dollars (\$1,800,000); since the schedule was produced, the City has paid pay application #2 for construction in the amount of two million eight hundred thousand dollars (\$2,800,000). The Treasurer reported that the City was holding the one hundred fifty thousand dollar (\$150,000) check from Wild Dunes until the City learns FEMA's decision related to funding the Irma sand losses.

Councilmember Ferencz asked about the mud rollers, balls of red mud, that were tossed on the beach from the dredge site; Administrator Tucker reported that the dredger was instructed to move to a different area of the borrow site as soon as the mud rollers appeared on the beach. Discussion have carried over to this week relative to the beach cleanup; according to the permit, the dredger is responsible for that task. The alternatives are for the City to clean it up or to ask the dredger to clean it up which would lead to an additional expense; the Administrator assured



the Committee that the cleanup process started today as staff located a place to dispose of them. Coastal Science and Engineering is responsible for getting someone to remove the mud rollers from the beach.

In January, little financial activity occurred on the Phase II Drainage Project. The City anticipates covering the project shortfall of approximately sixty-three thousand six hundred dollars (\$63,600) from Contingency Funds.

The Front Beach restroom renovation project has twenty thousand dollars (\$20,000) surplus when comparing the budget to the contract, and the City has not received any construction pay applications to-date.

One (1) new schedule was for the replacement of the underground fuel storage tanks at the Public Works site and the IOP Marina. This project is funded from multiple sources and is expected to be completed on budget. Treasurer Suggs noted that, due to the delay in receiving the tanks, the tanks at the Public Works site will be installed in the spring and the ones at the Marina will be installed after the season.

The second new worksheet was for the Marina Bulkhead Rehabilitation; the comparison between the project budget and the contract shows a surplus in the budget of approximately seventy-six thousand dollars (\$76,000).

The Treasurer also noted that included in meeting packets were the summary and detail balance sheets, as well as the revenue and expenditure report for January 2018.

Treasurer Suggs stated that the fund balance schedules are included with the budget when it is adopted. In these schedules, the FY17 audited fund balances are displayed adding in the FY18 anticipated revenues, subtracting the FY18 expenditures, adding or subtracting the transfers between funds and the reserves for fund balance yielding a projected Fund Balance at the end of FY18. According to the Treasurer, the fund balance schedules are a good way to understand the various “buckets” of funding that have been established, organized by general ledger fund, and within each fund categories exist for projects.

Chair Ward pointed out that all of the money in the General Fund is assigned or restricted except the first column that is designated “Unassigned,” and it was expected to end the year with a Fund Balance of approximately two million seven hundred thousand dollars (\$2,700,000).

**5. Old Business – None**

**6. New Business**

- A. Consideration of contract awards to Benson Ford Nissan in the amount of \$49,756 (\$24,878 x 2), state contract pricing, for two (2) 2018 Ford Interceptor Sedans** (Page 25, In 112 – Municipal Accommodations Tax Fund, Police Dept. Capital Outlay, \$64,000) **and an award in the amount of \$25,083, state contract pricing, for one (1) 2018 Ford Interceptor Sedan** (unmarked) (Page 28, In 278 – State Accommodations Tax Fund, Police Dept. Capital Outlay, \$32,000)

**MOTION: Mayor Carroll moved to award contract to Benson Ford Nissan for the vehicles detailed above; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

**B. Report on a recommendation for an agreement with The Palms Hotel for their guests and employees to park in the municipal parking lots**

Administrator Tucker noted that a sheet was included in meeting packets detailing the components of an agreement, and, since a formal agreement is not ready for approval, no action by the Committee is needed at this meeting. The components are as follows:

- The Palm Hotel will pay the daily rate of eight dollars (\$8) per weekday and ten dollars (\$10) for weekends and holidays for their guests to park in the municipal parking lot from March 1<sup>st</sup> through October 31<sup>st</sup>; if City Council increases the parking fees, the new rates would automatically apply to the agreement.
- Parking will be on a first come first served basis and will not be guaranteed for hotel guests. The Hotel will provide its guests with a hangtag that has been approved by the IOP Police Department and will contain the state, vehicle registration number and the "good-through," or check-out, date.
- Seasonal passes for employees will not be transferable in accordance with existing City regulations; passes can be purchased by the hotel management or individual employees at the Public Safety Building.
- Prior to entering into an agreement, the Hotel will provide to the City a representative monthly report showing the total number of guests who parked in the Municipal Parking Lot, and the report must include a breakdown of the usage between weekdays and weekend days and holidays.
- The City acknowledges that the parking payment will be made in arrears on a monthly basis.

**C. Consideration of a proposal for a sole source contract in the amount of \$24,500 from ATM to begin the permitting process for the replacement of the docks at the IOP Marina** (pg. 48, ln 178 – IOP Marina Special Projects, Marina Fund, (1/3) \$77,572 and Hospitality Tax Fund, (2/3) \$155,143 totaling \$232,715 for engineering and design of upland improvements, a portion of which will be redirected to permitting and design of the docks)

Councilmember Bell explained that this item was borne out of a discussion he had with Marina Manager Brian Berrigan to move the permitting process along for the City to make necessary repairs to the docks since the marina referendum did not pass. In the motion he made at the Real Property Committee meeting, he wanted the Administrator to reach out to ATM to learn whether the City would see a cost savings by working with them for the permitting work since they likely had the relevant information already. He did not intend to have the permitting done for what appeared to him as all the waterside improvements developed in the Marina Enhancement Project, which he repeated, was defeated in November 2017. He opined that what was needed was a better definition of what the Real Property Committee was asking for and to use that as a basis to go out for bid on the necessary work to be done on the docks.

Administrator Tucker commented that her understanding from the Real Property Committee was that she was to get a price from ATM, and that was done. She explained that it appeared on the Agenda as it did because, if it was the desire of the Ways and Means Committee to award a contract, it must appear in this form to note a sole source award and the sources of funding. She continued that her understanding at the Real Property Committee meeting and at this meeting was that, since the permitting process would take up to a year for dock replacements, there was a sense of urgency to start the process as fast and as efficiently as possible, and, since ATM has developed a familiarity with the marina, they would be the best option for the City to accomplish that goal. She asked for guidance for the City staff about whether it was developing an RFP to get permits to replace the docks or was developing an RFP for an engineering firm to evaluate the docks and tell the City what needed to be done to learn – if the docks could be repaired or if they should be replaced.

**D. Consideration of a Change Order from Phillip Smith Contracting in the amount of \$27,671.00 relative to the public restrooms and the dune walkover**  
(pg. 47, In 142 – Capital Projects, Rehab Public Restrooms, State ATAX - \$372,000; Beach Preservation Fee - \$175,000; Plant a Palm/Aisle of Palms Fund - \$18,000 totaling \$565,000 with balance remaining of \$50,520)

The Administrator noted that a letter from Liollo, the project's architects, was included in the meeting packet detailing the work to be done under the change order and Liollo's recommendation on each; the sum total of the recommended work was twenty-seven thousand six hundred seventy-one dollars (\$27,671). She asked that Director Kerr go to the podium to review the work and to describe each one (1) in layman's terms.

Mayor Carroll commented that Liollo was "a great architectural firm," but he was taken aback by the number of changes identified and the cost.

Responding to the Mayor's question of "How did we get here?" Director Kerr said that all but one (1) item was uncovered in the demolition; he stated that one (1) item was an ADA grab rail which, in his opinion, should have been included on the original plans. He then reviewed each of the changes that have a cost attached to them as follows:

- Installation of screening on the back side of the louvers at both ends of the building to keep out insects and small animals at a cost of \$3,740;
- Installation of ADA grab rails down both sides the boardwalk from beginning to end at a cost of \$4,700;
- Re-enforcement of the clips that hold the joists to the roof components at a cost of \$7,965;
- At the back where the concrete sidewalk will interface with the boardwalk; the replacement of the concrete to eliminate a trip hazard at a cost of \$4,048; and
- The addition of gutter drain pipe under the boardwalk to lead rain water toward the beach and away from Coconut Joe's at a cost of \$10,637.50.

**MOTION: Councilmember Rice moved to approve the Change Order from Phillip Smith Contracting in the amount of \$27,671; Councilmember Kinghorn seconded.**

Replying to Councilmember Kinghorn's questions, Director Kerr said that he did support the recommended changes, and he added that it was difficult to get such problems resolved once the

job has been completed and the contractor has left the project. He also noted that the architects have recommended the changes and that he did not expect the project to have any more change orders.

**MOTION: The motion PASSED UNANIMOUSLY.**

**E. Discussion of IOP Procurement Code**

The Administrator stated that the existing Procurement Code allows the following:

- The City's Procurement Agent is authorized to approve purchases up to ten thousand dollars (\$10,000) whether they are budgeted or unbudgeted without Council approval;
- The Purchasing Agent is authorized to approve budgeted purchases between ten thousand dollars (\$10,000) and twenty-five thousand dollars (\$25,000), if the price does not exceed the budget by more than ten percent (10%) and if the total expenditure does not exceed twenty-five thousand dollars (\$25,000); the Purchasing Agent shall report said purchases to City Council;
- All unbudgeted purchases that exceed ten thousand dollars (\$10,000) shall be approved by Council;
- City Council shall approve all purchases greater than twenty-five thousand dollars (\$25,000).

The above changes were made at the request of Council a year or so ago in an effort to streamline the process. If the present Council was not so inclined, the Administrator indicated that she would welcome a team approach to approvals rather than there be any doubt that the City Administrator would spend the City's money in any manner other than what the citizens intended.

**MOTION: Mayor Carroll moved for the City Administrator to have the authority to approve purchases up to \$2,500 without Council approval, and, for purchases between \$2,501 and \$25,000, the approval would be made by a 3-person team composed of the Mayor, the Chair of Ways and Means and the City Administrator; Chair Ward seconded.**

According to the Mayor, this motion was made in an effort to be as transparent as possible.

Chair Ward confirmed that the three (3) person approval would be for budgeted and unbudgeted items.

Councilmember Kinghorn opined that any action should take a more global perspective than be a reaction to one (1) isolated incident; these changes to the Procurement Code were made last year and have worked well. In his opinion, this motion was "foolhardy and going backward."

Councilmember Smith did not understand the reasoning between two (2) members of Council making purchasing decisions over the full Council being allowed to provide input; in the case of the public forum, Council had multiple opportunities to discuss the merit(s) of a facilitator.

Councilmember Buckhannon said that the three (3) person team would not have three (3) votes since the City Administrator did not have a vote; therefore, the approvals would be decided upon

between the Mayor and the Chair of Ways and Means. In his opinion, the cost of the forums was an unbudgeted item for which funds were available in the FY18 budget; it was unfunded in that forums were not a part of the budget discussions and not specifically identified in the budget. He thought that items identified in the budget and under the twenty-five thousand dollar (\$25,000) threshold should be the responsibility of the City Administrator; he stated that he does not think two (2) members of Council should be making such decisions, but they should go before the full Council.

Administrator Tucker commented that the City Attorney has some recommendations for changes to the Procurement Code that relate to other activities of the City and some clean-up items. She expressed confidence that there was a way to solve this dilemma in a way that Council, the community and the City Administrator were comfortable with, and that could be looked at with the City Attorney before the Council meeting. She noted that, if Council goes back to something more restrictive and more cumbersome, they may see after a year why the process takes so much longer; if the old process was still in effect, the City would probably only now be having the first public form by waiting the month until the Council meeting. The goal, to the Administrator's understanding, was to have all of the information from the forums available to Council as it began work on the FY19 budget.

Councilmember Kinghorn expressed the opinion that having two of nine (2 – 9) make the decisions was contrary to the Council form of government what it was designed to achieve.

Councilmember Ferencz stated that, while campaigning, one (1) thing that was stressed to her by citizens was that they wanted a new Council to do things differently from the past one (1), and she interprets resident's comments as "Now you have been elected, what changes are you going to make?" She recalled that she was concerned by the lack of checks and balances when this ordinance was passed last year.

Councilmember Buckhannon expressed concern about FOIA in that, if the two (2) Councilmembers got together to discuss purchases, would it be considered a meeting and would public notice be required? He thought the City Attorney should be consulted for answers to his questions.

For Councilmember Bell, the simple answer was that the City Administrator come to Council with all of the purchases over a designated threshold. He indicated that he was told when the ordinance passed last year that the City was acting against State recommendations for procurement code at that time – the City was doing something different from what other local governments were doing with their procurement code.

**VOTE: The motion FAILED on a vote of 4 to 5 with Councilmembers Buckhannon, Kinghorn, Moye, Rice and Smith casting the dissenting votes.**

**G. Report in accordance with Chapter 20, Purchasing, Section 1-10-3(c), less than \$25,000 and in the budget**

- Laura Varn and Associates, LLC - \$9,000 – Professional Services
  - Visioning – Citizen Forum I \$3,000 complete
  - Visioning – Citizen Forum II \$1,500 complete

|  |         |                |
|--|---------|----------------|
| Session II – 3 Hour Session<br>With City Council | \$2,000 | February/March |
| Session III – ½ day Workshop to<br>Shape Future  | \$2,500 | February/March |

**7. Miscellaneous Business – None**

Dates and times for the Visioning Meetings were set for  
4:00 p.m., Wednesday, February 28<sup>th</sup> in Council Chambers  
2:00 p.m., Wednesday, March 21<sup>st</sup> at an undecided location

Next Meeting Date: 5:00 p.m., Tuesday, March 20, 2018

Administrator Tucker reminded everyone of the Coyote Expo, from 5:30 p.m. to 7:00 p.m., Thursday, February 22, 2018 at the Rec Center

**8. Executive Session – not needed**

**9. Adjournment**

**MOTION: Councilmember Buckhannon moved to adjourn the meeting at 7:12 p.m.; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

AGREEMENT FOR USE  
OF MUNICIPAL PARKING LOT

THIS AGREEMENT FOR USE OF MUNICIPAL PARKING LOT (“Agreement”) is made and entered into this \_\_\_ day of February, 2018, by and between The City of Isle of Palms, South Carolina (“City”) and Charlestowne Hotels, Inc. d/b/a The Palms Oceanfront Hotel (“Hotel”).

WHEREAS, City is the owner of the real property commonly known as the City of Isle of Palms Municipal Parking Lot, (the “Municipal Parking Lot”), and shown as “Lot A, Block 36, Section A” and “New Lot A-2, Block 36, Section A” (together referred to as “Lot A”) on the plat titled “Subdivision of Lot A Block 36 Section” dated March 21, 1991, a copy of which is attached hereto as Exhibit I and made a part hereof by reference; and

WHEREAS, Hotel desires to use the Municipal Parking Lot for Hotel Guest and Employee parking; and

WHEREAS, City agrees to make the Municipal Parking Lot available for use by the Hotel, for parking of Hotel Guest and Employee vehicles only, subject to the terms and conditions set forth below.

THEREFORE, in consideration of the mutual covenants and agreements of the respective parties herein contained, which are expressly agreed to by City and Hotel, the parties hereto, for themselves and their successors, hereby agree as follows:

1. GRANT OF USE: City hereby grants to Hotel a non-exclusive right, privilege and permission, subject to the terms and conditions of this Agreement, to use the Municipal Parking Lot for Hotel Guest and Employee vehicle parking only and for no other purposes.
2. TERM OF AGREEMENT: The initial term of this Agreement shall commence on March 1, 2018 and end on February 28, 2019, unless terminated sooner in accordance with Paragraph 4 of this Agreement.
3. RENEWAL OPTION: Upon the mutual written agreement of the parties, the Term may be renewed for one (1) additional one-year term from March 1, 2019 through February 29, 2020 under the same terms, covenants and conditions set forth in this Agreement. The initial term and any renewal thereof shall be collectively referred to hereinafter as the “Term.”
4. EARLY TERMINATION: The City shall have the right to terminate this Agreement at any time, with or without cause, upon sixty (60) days written notice to Hotel as provided in Paragraph 18 of this Agreement.

5. LIMITATIONS OF AGREEMENT: Hotel's use of the Municipal Parking Lot shall not be exclusive. City retains the right to use the Municipal Parking Lot for its own purposes and for public parking, which uses shall take priority over Hotel's right of use. Public parking at the Municipal Parking Lot is made available by the City to the public on a first-come, first-serve basis and the demand for public parking may exceed the total number of available parking spaces; therefore, the City makes no guarantee that parking will be available for Hotel Guests or Employees at any given time during the Term of this Agreement.
  
6. PARKING RATES:
  - a. Hotel agrees to pay to City parking fees for Hotel Guests in accordance with the public parking rates for the Municipal Parking Lot during the seasonal period from March 1<sup>st</sup> through October 31<sup>st</sup>:  
  
Monday through Friday – Eight (\$8.00) Dollars per vehicle per day  
  
Saturdays, Sundays, and legal holidays – Ten (\$10.00) Dollars per vehicle per day
  - b. Overnight parking by Hotel Guests shall be permitted in the Municipal Parking Lot; however, any Hotel Guest vehicle that is parked in the Municipal Lot after 8:00 a.m. shall be charged the daily rate for that day.
  - c. Hotel agrees that the above referenced public parking rates and seasonal period may be changed by City at any time during the Term of this Agreement. Hotel agrees to pay to City parking fees in accordance with any such amended rates or seasonal period.
  - d. Parking rates shall not apply to lawfully marked vehicles parked in designated handicapped parking spaces at the Municipal Parking Lot.
  
7. PAYMENT OF PARKING FEES: Hotel shall pay to City all parking fees accrued from the use of the Municipal Parking Lot by Hotel Guests on a monthly basis during the seasonal period and in accordance with the rates set forth in Paragraph 6 of this Agreement. Parking fees shall be due and payable to City in arrears on the first (1<sup>st</sup>) day of the month.
  
8. REPORTING: Hotel agrees to provide City with a report on the first (1<sup>st</sup>) day of each month, along with the payment of parking fees, which includes the total number of Hotel Guest vehicles parked at the Municipal Parking Lot during the prior month, a breakdown of the usage on weekdays, weekends and holidays, and any other information as required by the City. The form of the report shall be submitted to City for approval prior to the commencement of the Term of this Agreement.
  
9. PARKING TAGS: Hotel shall provide parking hang tags approved by the City of Isle



of Palms Police Department for Hotel Guest vehicles parking at the Municipal Parking Lot. The hang tags shall include the vehicle registration number, state of vehicle registration, expiration date, and any other information as may be required by the City of Isle of Palms Police Department. The form of the hang tag shall be submitted to City for approval prior to the commencement of the Term of this Agreement.

10. SEASONAL PARKING PASS: Hotel or Hotel Employees may purchase seasonal parking passes for the Municipal Parking Lot from the City at the existing rate of Sixty (\$60.00) Dollars for the seasonal period from March 1<sup>st</sup> through October 31<sup>st</sup>. Seasonal parking passes are issued for individual vehicles, are not transferrable, are subject to the daily hours of operation of 8:00 a.m. to 8:00 p.m., and are subject to the terms and conditions required by the City of Isle of Palms Police Department. Hotel agrees that the rate, hours of operation, and seasonal period for seasonal parking passes are subject to change at any time during the Term of this Agreement and that Hotel or Hotel Employees shall be required to abide by such changes or rate increases.
11. PERMITS AND LICENSES: Hotel agrees to obtain and maintain, at Hotel's sole expense, any governmental permits or licenses as may be required for its use of the Municipal Parking Lot.
12. COMPLIANCE WITH LAWS: At all times during the Term of this Agreement, Hotel shall comply and shall cause its members, agents, employees, guests, licensees or invitees to comply, with all applicable federal, state, and local laws, rules and regulations. Specifically, the Hotel agrees that Hotel and Hotel's members, agents, employees, guests, licensees and invitees shall abide by the City's noise and parking ordinances at all times during the term of this Agreement.
13. INDEMNIFICATION AND INSURANCE: Hotel agrees to hold harmless and indemnify City against any loss or damage, including reasonable attorney's fees and expenses, incurred as a result of any and all claims, demands, causes of action, suits, judgments, fines or penalties (including but not limited to all fees and expenses incurred as a result of death or injury to persons or for loss of or damage to property) arising out of or in connection with the use of the Municipal Parking Lot by Hotel, its members, agents, employees, guests, licensees or invitees. Hotel agrees that at all times it will carry comprehensive general liability insurance coverage in an amount not less than \$1,000,000.00 per person, \$2,000,000.00 per claim, and \$250,000.00 per claim for property damage, with City named as an additional insured through a company licensed in the State of South Carolina. Hotel agrees to furnish a Certificate of Insurance to the City on or before commencement of the Term of this Agreement and prior to any renewal of the Term.
14. ASSUMPTION OF RISK: Hotel acknowledges and agrees that by use of the Municipal Parking Lot, Hotel assumes all risk of loss or damage to property, including, without limitation, property damage, and all risk of personal injury, including, but not limited to, death. Hotel further agrees that it is familiar with the condition of the Municipal

Parking Lot and the suitability of the Municipal Parking Lot for its intended use and accepts the Municipal Parking Lot in its present condition on an “as-is” basis. City makes no representations or warranties to Hotel regarding the condition of the Municipal Parking Lot or its fitness for any particular purpose. City shall not be responsible or liable for loss or damages by reason of fire, flood, theft, collision or any other cause to parked vehicles or their contents. Hotel shall be solely responsible and liable for the safety and security of its members, agents, employees, guests, licensees or invitees and their vehicles while using the Municipal Parking Lot.

15. EFFECT OF WAIVER: No waiver of any default under this Agreement shall constitute or operate as a waiver of any subsequent default hereunder, and no delay, failure or omission in exercising or enforcing any right, privilege or option under this Agreement shall constitute a waiver, abandonment or relinquishment thereof.
16. SUBCONTRACTING AND ASSIGNMENT: Hotel agrees not to enter into any subcontracts, leases, agreements, or assignments pertaining to this Agreement or any interest or right herein, either voluntarily or by operation of law, without prior written approval of City.
17. NO THIRD PARTY BENEFICIARY: This Agreement is not intended and shall not be construed so as to grant, provide or confer any benefits, rights, privileges, claims, causes of action or remedies to any person or entity as a third party beneficiary under any statutes, laws, codes, ordinances or otherwise.
18. NOTICES: All notices, consents, and approvals required by any provision of this Agreement shall be in writing and shall be deemed to be properly given and received when personally delivered to the representatives of each party or when deposited in the United States mail, registered or certified, with return receipt requested, postage prepaid, and addressed to:

City of Isle of Palms:

Representative: Linda Lovvorn Tucker, City Administrator  
Address: PO Box 508, Isle of Palms, SC 29451

Charlestowne Hotels, Inc.:

Representative: Aaron Rowland, General Manager of The Palms Oceanfront Hotel

Address: \_\_\_\_\_

19. BREACH: If any provision of this Agreement is violated in whole or in part by Hotel, the City may pursue any and all remedies at law or in equity, all of which shall be cumulative, and City shall be entitled to a court order restraining and enjoining Hotel

from any such violation without prejudice to any other remedies City may have at law or in equity.

20. GOVERNING LAW; ENFORCEMENT: This Agreement shall be construed and enforced in accordance with the laws of the State of South Carolina. If any provision of this Agreement is held invalid or unenforceable to any extent by a court of competent jurisdiction, the remainder of this Agreement is not affected thereby and that provision shall be enforced to the greatest extent permitted by law. In the event that either party enforces the terms of this Agreement by legal proceedings, the prevailing party in such proceedings shall be entitled to reimbursement from the other party of all costs and expenses incurred by the prevailing party in connection therewith, including reasonable attorney's fees, at all trial and appellate levels.
21. SECTION HEADINGS: The headings of sections or paragraphs used in this Agreement have been inserted for convenience only and are not to be used in determining the contents contained herein.
22. BINDING AGREEMENT: This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.
23. ENTIRE AGREEMENT; AMENDMENT: This Agreement contains the entire understanding of the parties hereto. There are no oral understandings, terms or conditions and neither party has relied upon any representation, express or implied, not contained in this Agreement. All prior understandings, terms, or conditions are deemed merged into this Agreement. This Agreement may be amended only by a written agreement signed by both parties.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, by and through the undersigned agents, as of the date stated above.

WITNESS:

\_\_\_\_\_  
(as to City)

The City of Isle of Palms, S.C.

By: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
(as to Hotel)

Charlestowne Hotels, Inc. d/b/a The Palms  
Oceanfront Hotel

By: \_\_\_\_\_

Title: \_\_\_\_\_

EXHIBIT I  
(Attach Plat of Municipal Parking Lot)

DRAFT

Charleston South Carolina  
Office of Register Mesne Conveyance

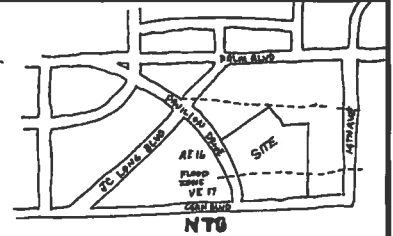
Plat recorded this 14 day of May 1991 at  
8 o'clock in Plat Book 06 Page 199, and tracing cloth  
copy filed in File 2 Drawer 4 Folder 19 Drawing  
No. 49 Original plat (outside print) delivered  
to Jack Mauldin

*Robert N King*  
Register Mesne Conveyance

WESLEY S WALL  
& LEONARDENE WALL  
TM 288-12-00-299

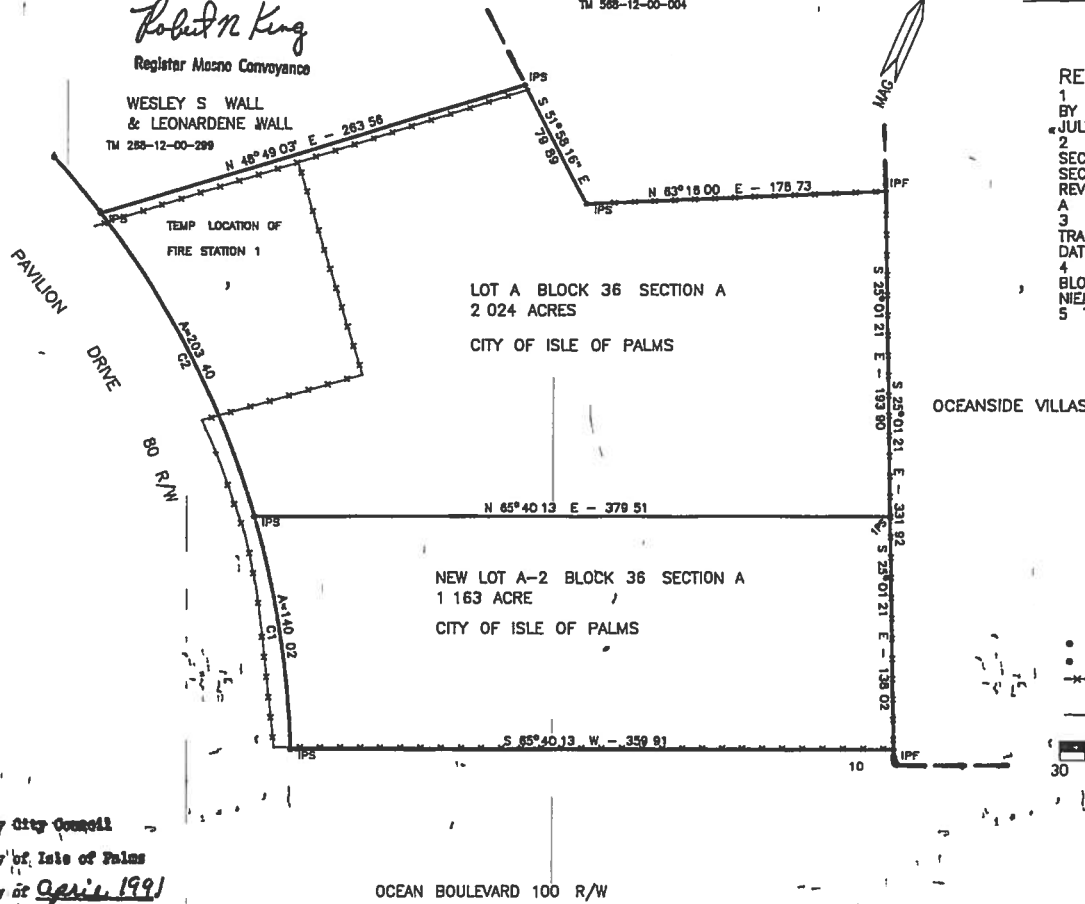
BK R 202PC003

CITY OF ISLE OF PALMS  
WATERWORKS  
TM 568-12-00-004



REFERENCES

- 1 PLAT OF LOT 04 BLOCK 37 DONE BY HERBERT A. NIEMYER JR DATED 18 JULY 1986
- 2 PLAT OF LOT A BLOCK 36 SECTION 'A' AND PARCEL 1 BLOCK 33 SECTION 'A' DATED 6 APRIL 1987 AND REVISED 26 AUGUST 1987 BY HERBERT A NIEMYER
- 3 PLAT OF ISLE OF PALMS WATER CO TRACT BY E.M. SEABROOK JR INC DATED 16 JULY 1990
- 4 PLAT SHOWING CREATION OF LOT A-1 BLOCK 36 SECTION A BY HERBERT A NIEMYER JR DATED 16 AUGUST 1988 5 TM 568-12-00-08



- IPS=IRON PIPE SET
- IPF=IRON PIPE FOUND
- X — FENCE
- LOT LINE



Approved by City Council  
of the City of Isle of Palms

this 15 day of April 1991

*Melvin S McRuffie*  
Clerk

OCEAN BOULEVARD 100 R/W



CURVE TABLE

| ARC | DELTA ANGLE   | RADIUS   | ARC LENGTH | CHORD BEARING      | CHORD LENGTH |
|-----|---------------|----------|------------|--------------------|--------------|
| 1   | d=14° 35' 10" | R=550.00 | A=140.02   | CB=N 33° 05' 27" W | C=139.64     |
| 2   | d=21° 11' 20" | R=550.00 | A=203.40   | CB=N 50° 58' 45" W | C=202.24     |

I, David Eugene Huff a registered land surveyor of the State of South Carolina do hereby certify that I have surveyed the property shown hereon that this plat shows the true dimensions of the lots that all necessary markers have been installed and that the precision of the survey is 1:10,000

*David Eugene Huff*  
DAVID EUGENE HUFF R L S

DAVID EUGENE HUFF R L S

P O BOX 78 ISLE OF PALMS SOUTH CAROLINA 29451  
PHONE 803-828-8911 SOUTH CAROLINA REG 8100

|                                       |  |
|---------------------------------------|--|
| SUBDIVISION OF LOT A BLOCK 36 SECTION |  |
| DRAWN BY                              | D HUFF   |
| DATE                                  | MAR/21/1991  |
| APPROVED BY                           | A CITY OF ISLE OF PALMS<br>CHARLESTON CO SOUTH CAROLINA<br>CITY OF ISLE OF PALMS OWNER |
| SCALE                                 | 1 INCH = 60 FEET   |
| SHEET                                 | 1 OF 1   |
| PROJECT NO                            | CITY-100-12  |

## **PUBLIC SAFETY COMMITTEE**

4:00 p.m., Monday, February 5, 2018

The regular meeting of the Public Safety Committee was held at 4:00 p.m., Monday, February 5, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell and Ward, Chair Smith, Administrator Tucker, Fire Chief Graham, Police Chief Buckhannon, Assistant Administrator Fragoso and Clerk Copeland; a quorum was present to conduct business.

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

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

**MOTION:** Chair Smith moved to approve the minutes of the regular meeting of January 9, 2018 as submitted; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.

### **3. Citizens Comments**

**Consideration of Making Strides Against Breast Cancer Walk, Saturday, October 27<sup>th</sup>, 2018 as a City-sponsored event – Mandy Oglesby, Community Development Manager, American Cancer Society**

Ms. Oglesby stated that the Making Strides Walk is the American Cancer Society's signature community event and that all of the funds raised go toward their various initiatives. For the past three (3) years, the event has been held at the North Charleston River Front Park, for 2018 they wanted to feature the beach at the Isle of Palms. The anticipated number of participants is between eight hundred and one thousand (800 – 1,000) people.

Administrator Tucker explained that the City has a list of approved annual events, meaning that the various groups do not have to go before City Council each year for approval. Council took the action to limit events to those on this list several years ago because the City gets numerous requests to hold walks, runs, etc. on the beach from very worthwhile groups. This event is not on the list, but Council could add it to the list or approve it for this year; for events that are approved, the sponsor of the event must provide a certificate of insurance naming the City as an additional insured.

Other happenings on the island around the date of the Cancer Society plans to hold this event are the Connector Run the first Saturday in October, Ghostly Tide Tales that will be the week before and the Halloween Carnival on the 31<sup>st</sup>, and all require significant involvement by the Police and Fire Departments.

Ms. Oglesby confirmed that they would like to have Ocean Boulevard closed from the County Park entrance to the beach access path at 9<sup>th</sup> Avenue for a period of thirty to forty-five (30 – 45) minutes as the race begins.

The Administrator noted that they would have to get a permit from SCDOT to close the section of road right in front of the Park and the section of Ocean between 10<sup>th</sup> Avenue and the 9<sup>th</sup> Avenue beach access.

When asked for her recommendation, the Administrator replied that she preferred not to add any new events to the approved list, and she acknowledged that it was difficult turning away such worthy causes. The Administrator stated that City Council frequently approves occasions when a request is made by a reputable group to film on the island because they happen sporadically, last only a couple of days and seldom require City resources.

Ms. Oglesby stated that they wanted to leave North Charleston and would hope that, if the 2018 event was successful, it could be repeated annually here on the island.

When Councilmember Ward asked if they had asked Mount Pleasant about holding their event, Ms. Oglesby replied that they wanted a beach walk.

Councilmember Ward agreed with the City Administrator about keeping the list as it is.

Councilmember Bell stated that he struggled with turning away the American Cancer Society and would be more comfortable with a decision made by the full Council.

**MOTION: Councilmember Bell moved to take the Cancer Society walk to City Council to decide about granting City-sponsored status; Chair Smith seconded.**

Councilmember Bell added that to turn them away could have a serious downside in terms of negative publicity.

**VOTE: The motion PASSED on a vote of 2 to 1 with Councilmember Ward casting the dissenting vote.**

Administrator Tucker told Ms. Oglesby that the Council meeting would be at 6:00 p.m., Tuesday, February 27<sup>th</sup> in Council Chambers on first floor.

Councilmember Ward suggested that the City should have a waiting list of events in case any should come off the list for whatever reason.

Curtis Kendall, 21 – 42<sup>nd</sup> Avenue, asked that the Committee consider prohibiting contractors from working on Sundays; he believes that the noise generated by the contractors was “negatively affecting the quality of life” for residents. He opined that the contractors are showing up on Sundays because the City’s ordinances are not strong enough and they have learned how to get around them. In his particular case, it was the third weekend before he realized that no work was being done during the week and to place a call to the Building and Licensing Department of the City when he learned no permit has been issued. According to Mr. Kendall, the contractor is generating trash on the weekend that he is leaving on the street rather than hauling away.

Mr. Kendall stated that 42<sup>nd</sup> Avenue does not get the four foot chalk line like Palm Boulevard, but parking has picked up on 42<sup>nd</sup> and down through Wild Dunes. These parked cars are blocking the line of sight for residents as they try to pull out of their driveways.

Mr. Kendall reported from a newspaper article about legislation being considered for short-term rentals in the City of Charleston that stated owners of new homes will not be allowed to rent them for the first five (5) years it is occupied. He stated that owners of the large homes being built on the island are financing the loans based on the future earnings from renting the property; if the City were to adopt similar legislation as the City of Charleston, possibly fewer of the large residences would be constructed on the island.

#### **4. Old Business**

##### **A. Consideration of coyote control measures**

Administrator Tucker initiated her comments with an invitation to everyone to the City-sponsored Coyote Expo from 5:30 p.m. to 7:00 p.m., Thursday, February 22<sup>nd</sup> at the Rec Center; representatives from DNR, USDA Wildlife Services, trappers and other resources will provide information and answer questions.

The Administrator reported that the City's trapping efforts have increased and that the City is no longer using the box traps; the City is now using the soft leg traps, which do not cause injury to fur-bearing animals, and five (5) have been deployed in three (3) locations including cameras to verify sightings and to identify locations with increased coyote activity. The traps are checked on a daily basis.

Chief Buckhannon stated that activity is currently concentrated along Waterway Boulevard. The Department is working with Wild Dunes relative to the sightings they have had. Councilmember Bell stated that Wild Dunes has not been very successful in their trapping efforts.

Chair Smith commented that the City is using a company different from the one (1) in Wild Dunes, and they were optimistic about success because of the location of their traps since they have seen evidence of the coyotes nearby.

Administrator Tucker informed the Committee that staff has opened a dialogue with Dr. Kilgo, an expert and a federal employee out of the Savannah River Plant; he has done a lot of work with wildlife management. Informal discussions have occurred about finding someone from a research group, not necessarily Dr. Kilgo, to come to the island to study the island's coyote population and determine some quantifying data. He appears to be very interested, but he may not be able to attend the Expo.

In addition, the Administrator has spoken with the USDA Wildlife Services about a coyote hunt; accepting that would be a radical step, they do not advise that course of action. They said that a hunt was very complicated in an urban area because trespass agreements must be obtained from citizens because a coyote might be injured in one (1) location but actually die on private property. The person with whom the Administrator spoke was clear that they would charge the City whether they were successful or not and the minimum charge would be around five thousand dollars (\$5,000).



The City's trapping efforts so far have cost four thousand eight hundred eighty dollars (\$4,880), and the camera cost eight hundred seventy-two dollars (\$872). It works out to be around a thousand dollars (\$1,000) a month.

Chief Buckhannon added that the removal/disposal fee for fur-bearing animals, not just coyotes, was two hundred dollars (\$200) each.

According to Councilmember Bell, the Wild Dunes Community Association (WDCA) is not likely to continue their trapping efforts, and, if that turns out to be true, any efforts the City puts forth will fail because the entire island is not being addressed.

**B. Update on efforts to remove encroachments from rights-of-way**

Chief Buckhannon reported that three (3) more lots have been added to the list, bringing the total to sixty-three (63); officers are working with the owners of twelve (12) locations to bring them into compliance.

**C. Status of clearing overgrown lots**

Chief Buckhannon stated that one (1) more unkempt lot has been identified, bringing the total to thirty (30); officers continue to work with nine (9) property owners.

**D. Discussion of improved cyclist access**

Chair Smith indicated that she wanted to discuss improved cyclist access as it related to the City's TST requests. She told the Committee that she spoke with an island resident who is familiar with the TST grants, and he stated that the City would have a better chance to receive project funding if the City included some amount of funding for it.

This resident also asked the Chair if the City had an island-wide plan for cycling like Charleston County.

Administrator Tucker stated that the Council of Governments (COG) has been working for about a year to create biking trails where there is connectivity throughout the County, including the Isle of Palms. The Bike to the Beach program has a designated path on the island; it goes from Breach Inlet to Ocean Boulevard and on to 14<sup>th</sup> Avenue across Palm and to Waterway Boulevard.

In the past, the City has been successful in getting funding from both the Transportation Sales Tax Committee (TST) and the County Transportation Committee (CTC) when funds were identified on the budget for project requests, but the City has also been relatively successful when it did not contribute funding. Although the City does not have any future plans for bike paths on the island, the Administrator voiced the opinion that the more the City can direct cyclists to bike lanes and out of the lanes of traffic the safer the island will be.

**E. Discussion of parking at the Rec Center and consideration of an amendment to the parking ordinance related to "No Overnight Parking" for locations adjacent to and within City-owned properties**

Councilmember Bell stated that, since the last meeting, he has studied current ordinances and definitions and has learned that the subject of parking at City-owned properties is already addressed; in his opinion, the discussion needs to be about enforcement. He stated that he found nothing in the code that allows for construction vehicles or recreational vehicles to park on public property overnight, but he does know of several locations where the ordinances are not enforced. He voiced a desire to discuss with Council where the responsibility lies; he indicated that he does not believe that it belongs under livability, and he does not think having the Police Department tackle it was an issue – he said that it might be as simple as instructing officers to write citations when they see violations.

The Administrator stated that some things could be better enforced if there was signage so people would know that they cannot do what they are doing, and another complication to enforcement is, when people move the vehicle or boat or RV around, they have found a way to work around the law.

Councilmember Bell did not understand why a sign was needed when an ordinance was in place, and Chief Buckhannon said that the public has the expectation to know the South Carolina laws, but the public has no expectation to know the laws of the Isle of Palms.

## **5. New Business**

### **A. Consideration of a change to the City's noise ordinance related to construction hours and days of the week**

Chair Smith said that she spoke with several contractors on the island who gave her their perspective on the issue of the days of the week and hours they are allowed to work.

In Councilmember Bell's opinion, the City was very lenient in that construction is allowed on the island seven (7) days a week from 7:00 a.m. to 7:00 p.m.; he thought that to mimic the construction days and hours that Sullivan's Island has adopted, i.e. 8:00 a.m. to 6:00 p.m. Monday through Friday, 10:00 a.m. to 4:00 p.m. on Saturday and no work on Sunday, would be a logical change.

**MOTION: Councilmember Ward moved to change construction days and hours for contractors to 8:00 a.m. to 6:00 p.m. Monday through Friday, 10:00 a.m. to 4:00 p.m. on Saturday and no work on Sunday and to ask the City Attorney to draft an ordinance; Councilmember Bell seconded.**

Although it falls to the police Department to enforce the noise ordinance, Director Kerr confirmed that construction that does not generate noise, such as painting, would not be prohibited under the change proposed.

Chief Buckhannon added that the noise ordinance is enforced in Wild Dunes the same way it is enforced elsewhere on the island.

Councilmember Bell noted that the change would not affect do-it-yourself projects by homeowners; the change was intended for permitted contractor work.

Councilmember Ward told the Committee that the existing construction days and hours ordinance was adopted after Hugo when people were trying to get back into their homes.

From her discussions with contractors, Chair Smith reminded the Committee that the contractors were working either for current City residents or for future City residents, and that the 7:00 a.m. start time allowed their workers to get to the job site without dealing with rush hour traffic. For these reasons, she had no objections to the 7:00 a.m. start and a 6:00 p.m. end to the day Monday through Friday.

Councilmember Bell voiced the understanding that the workers arrive at 7:00 a.m. to set up for the day; the issue is one of noise control, noise creating disturbance before 8:00 a.m.

**Amendment: Councilmember Bell moved to amend the motion to allow construction by contractors from 7:00 a.m. to 6:00 p.m. Monday through Friday, 10:00 a.m. to 4:00 p.m. on Saturday and no work on Sunday; Chair Smith seconded.**

Councilmember Ward stated that he has a problem with telling people what they can do, particularly when they have bank loans and are trying to meet deadlines.

The Administrator reported that the City gets few complaints about construction noise, and the two (2) current complaints are more about having a break from the construction than the actual construction noise.

Councilmembers Bell and Ward withdrew the amendment and second, respectively.

**Amendment: Chair Smith moved to amend the motion to allow construction by a contractor from 7:00 a.m. to 6:00 p.m., Monday through Friday, 8:00 a.m. to 6:00 p.m. on Saturday and no work on Sunday.**

The amendment failed for lack of a second.

**Amendment: Councilmember Bell moved to allow construction by a contractor from 7:00 a.m. to 7:00 p.m., Monday through Friday, 8:00 a.m. to 6:00 p.m. on Saturday and no work on Sunday; Councilmember Ward seconded.**

Director Kerr pointed out that the most frequent problems with construction noise are the City's projects, for instance dredging, beach restoration, paving, etc. – some of which run twenty-four (24) hours a day – and he asked that the Committee keep that in mind as they work through this issue.

**VOTE on the AMENDMENT: The amendment PASSED UNANIMOUSLY.**

**VOTE on the AMENDED MOTION: The amended motion PASSED UNANIMOUSLY.**

**B. Discussion of seasonal traffic routing**

The Chair chose to delay this discussion for the March meeting

- C. Consideration of contract awards to Benson Ford Nissan in the amount of \$49,756 (\$24,878 x 2), state contract pricing, for two (2) 2018 Ford Interceptor Sedans (Page 25, In 112 – Municipal Accommodations Tax Fund, Police Dept. Capital Outlay, \$64,000) and an award in the amount of \$25,083, state contract pricing, for one (1) 2018 Ford Interceptor Sedan (unmarked) (Page 28, In 278 – State Accommodations Tax Fund, Police Dept. Capital Outlay, \$32,000)**

**MOTION: Chair Smith moved to award contracts to Benson Ford Nissan in an amount totaling \$74,839 for 3 2018 Ford Interceptor sedans; Councilmember Ward seconded.**

Chief Buckhannon stated that each of the vehicles has over one hundred thousand (100,000) miles and they are six (6) years old.

**VOTE: The motion PASSED UNANIMOUSLY.**

## **6. Highlights of Departmental Reports**

### Fire Department – Chief Graham

On January 3<sup>rd</sup>, Fire Department personnel responded to an auto accident on Palm Boulevard at 6<sup>th</sup> Avenue; the accident was the result of icy road conditions, and no one was injured. On January 22<sup>nd</sup>, personnel responded to a report of an outside fire at the Sea Cabins beside the pool area; the fire in the pine straw, which was caused by a wire with worn sheathing, was quickly extinguished and the property management company was notified. During the month of January, personnel responded to sixty-five (65) calls; of that number, sixteen (16) were EMS calls. Sixteen (16) fire inspections were performed that found forty-one (41) violations. Personnel averaged approximately thirty (30) hours of training in January. Among the more expensive vehicle maintenance items were the annual pump tests for all of the trucks at thirteen hundred seventy-five dollars (\$1,375); extensive work to the ladder truck estimated at over sixteen thousand dollars (\$16,000) and all but one thousand dollars (\$1,000) paid by the insurance company; and brake work to Rescue 1008 at approximately fourteen hundred dollars (\$1,400).

Chief Graham reported that an RFB has been advertised for the replacement of the 2003 model seventy-five foot (75 ft.) ladder truck; bids will be opened on Monday, March 5<sup>th</sup>. The truck recently passed the bladder test, but significant defects were found; to repair them will cost in the neighborhood of one hundred thousand dollars (\$100,000); the work must be done at the factory in Florida and will be out of service nine to twelve (9 – 12) months. Dealing with a reputable broker, the City was offered one hundred fifteen thousand dollars (\$115,000) for the truck a year ago when the problem was unknown, but, with the truck now needing one hundred thousand dollars (\$100,000) in repairs and the City being without a truck for nearly a year, the numbers are much less favorable. The City has been offered twenty-five thousand dollars (\$25,000) for the truck as is with the buyer making the repairs.

For the benefit of the new Councilmembers, Administrator Tucker explained that the City's policy is to budget for funds to be set aside, or reserved, each year so that the purchase of large vehicles, such as fire trucks and garbage trucks, can be accomplished without financing of any kind. In the

ten-year plan, this fire truck was not scheduled to be replaced in this fiscal year, but because of the condition of the truck, it has been moved up in the replacement schedule, and the truck originally scheduled for replacement will be deferred a year. Typically, once ordered, the manufacturer takes approximately a year to produce a new fire truck. The estimated cost of a new truck is between eight hundred twenty-five thousand and eight hundred fifty thousand dollars (\$825,000 – 850,000).

Chief Graham recounted that, when this truck was purchased in 2003, the City did not have a fire station, and the trucks were constantly exposed to the elements because they were stored out in the open and later moved into tents, which provided minimal protection. The electronics on the trucks were damaged from the salt air.

When Councilmember Ward asked if the City had accumulated the full eight hundred thousand dollars (\$800,000), the Administrator replied that the FY18 budget reserved two hundred thousand dollars (\$200,000) for the down payment, but the balance would be available when the truck was delivered in FY19.

When the fire equipment is housed inside, the useful life should be about twenty (20) years, but, with the impact of the salt air, the useful life is closer to fifteen (15) years. Battalion Chief Eagle stated that the engines get a lot of wear and tear because they sit stationary with the engine running for long periods of time; the trucks do not have a lot of miles on them, but they have a lot of hours on them.

#### Police Department – Chief Buckhannon

On January 11<sup>th</sup>, nine (9) vehicles were entered illegally in the area of 20<sup>th</sup> to 22<sup>nd</sup> Avenues and the next evening another car was entered and a checkbook was stolen; all of the vehicles were unlocked; residents and visitors need to be more vigilant about locking vehicles and homes. In the month of January 2018, officers wrote one hundred seventy-three (173) “Property Security Check Notices,” as well as nineteen (19) “You Could Have Been the Victim of a Crime” notices. The Communications Specialists answered a total of four thousand two hundred thirty-eight (4,238) calls, and, of that number, three thousand seven hundred fifty-four (3,754) calls were for the Police Department. Officers made a total of three hundred twenty-five (325) traffic stops, and sixty-six (66) of the stops resulted in tickets; officers responded to fifty (50) reports of livability violations. Of the seventeen (17) arrests in the month, five (5) were for narcotics violations; the Animal Control Officer wrote four (4) citations. The bulk of the overtime in the month was for providing security to the Beach Renourishment Project that occurs during the daylight hours seven (7) days a week. Twenty-four (24) coyote sightings were reported in the month.

#### **7. Miscellaneous Business – None**

Next Meeting Date: 4:00 p.m., Monday, March 5<sup>th</sup>, 2018 in the Conference Room.

#### **8. Executive Session – Not necessary**

**9. Adjournment**

**MOTION: Councilmember Ward moved to adjourn the meeting at 5:43 p.m.; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

**PUBLIC WORKS COMMITTEE**  
9:00 a.m., Thursday, February 1, 2018

The regular meeting of the Public Works Committee was held at 9:00 a.m., Thursday, February 1, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Buckhannon, Kinghorn and Rice, Administrator Tucker, Public Works Director Pitts, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

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

**2. Election of Chair and Vice Chair**

Before nominations, Councilmember Kinghorn commented that the people with the most local government experience were appointed to the Public Works Committee; although he thought they would have been spread throughout the committees, he concluded that Council must have decided that the Public Works Committee was the most important committee. He stated that, as he had proposed at the January Special Council Meeting, he thought it would be beneficial for each Committee member to provide some background along with what he/she wanted to do as Committee chair before a decision was made. He stated that, if members wanted reform and fewer meetings to allow staff more time to get things accomplished, he would be the best candidate; if supported, he said that he wanted “to pursue some reforms aggressively designed to help the process,” and to help the citizens. He added that he wanted the full support of the other members, especially in taking recommendations to City Council, including renaming the Committee. For background information, Councilmember Kinghorn stated that he has forty (40) years of experience in working with all of the governments in South Carolina and he was a liaison for the state’s local governments in Washington. Councilmember Buckhannon commented that he was new to the Committee in this term and that, when on Council previously, he served as Chair and worked on drainage initiatives; currently he indicated that he was not looking to serve as Chair or Vice Chair. Councilmember Rice stated that she has never served on the Public Works Committee; she said that she wants to see the Department get the staffing it needs, and she would like to see a second hazardous materials/shred day in the fall. She stated that she has seen many little things over the years that she would like to see corrected or eliminated and she would be happy with whatever leadership decision the Committee made.

Councilmember Buckhannon nominated Councilmember Kinghorn as Chair and Councilmember Rice as Vice Chair; Councilmember Rice seconded. With no other nominations, the vote was unanimous to support Councilmembers Kinghorn and Rice, respectively.

**3. Approval of Previous Meeting’s Minutes**

**MOTION: Councilmember Buckhannon moved to approve the minutes of the regular meeting of January 11, 2018 as submitted; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.**

**4. Citizens’ Comments**

As a policy, Chair Kinghorn asked that Citizens’ Comments be limited to three (3) minutes and that citizens should be encouraged to submit their comments in writing. The Chair also

recommended that the Committee respond in kind to citizens who do speak or, otherwise, submit comments to the Committee with an acknowledgement of their participation in writing about their issue, providing a record of the Committee's actions on the matter.

Jim Raih, 3904 Cameron Boulevard, stated that he has spent his career attending civic meetings not only at the Isle of Palms, but also in Mount Pleasant and at Charleston County. He noted that he recently attended a Mount Pleasant Public Works Committee meeting where they approved a new trash truck with a side pickup reducing their manpower on the streets. He suggested that the City should also look at the equipment it has for use in emergency situations and the equipment used for picking up debris after a storm.

#### **5. Department Reports for January 2018 – Director Pitts**

The Director stated that in January personnel worked a full eight-hour (8 hr.) shift to complete the weekly cycle from 30<sup>th</sup> Avenue through Wild Dunes that was interrupted by the snow event. The trash compactor pad missed one (1) weekly pressure washing due to the storm as well. The garbage collections were a little higher overall, but lower than January 2017. Debris collections were lower but he thought the reduction was due to the snow storm.

Director Pitts told the Committee that the City's garbage is taken from the island to the Carolina Waste transfer station and then taken to the Bees Ferry Landfill via cooperative efforts between Carolina Waste and Charleston County.

The Vehicle Maintenance Report was generated through the new BS&A software with the click of only a couple of buttons; previously the Director manually tracked maintenance expenses through the month on an Excel spreadsheet. The new report identifies the vehicle, the work done and the cost while keeping a running balance of budgeted funds. Seven (7) months into the fiscal year, approximately fifty-four thousand dollars (\$54,000) remains in the vehicle maintenance budget of eight-five thousand dollars (\$85,000).

The Administrator pointed out that this is one way that Department Managers were able to access current budget information for their department; for Administrator Tucker, this report is further evidence that the City is streamlining and consolidating financial information.

Chair Kinghorn commented that he preferred that reports be kept brief and, if possible, kept to a one (1) page dashboard overview containing the important items. He has been told that the new software has the ability to produce dashboard reports.

The Administrator stated that all department managers have been told that the City is moving in that direction.

The Chair also questioned that the members need five years' of information on the volumes of garbage and debris collected; he thought one year's data was sufficient.

For Director Pitts, having five years' data side-by-side made identifying a trend easier; in addition, the volumes were also relevant to accommodations taxes and hospitality taxes.



Chair Kinghorn then repeated a belief he has stated on multiple occasions, i.e. he wants the City's committees to be less involved with oversight and more involved in setting policy.

## **6. Old Business**

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

The Administrator acknowledged that Jim Burke, the property owner, was very frustrated with the length of time it has taken the City to be responsive to a problem he brought to the Committee about a year ago. She stated that the City has been working in two (2) directions, i.e. 1) not to do anything that would compromise the drainage system elsewhere on the island and 2) not to propose something or allow the property owners, Mr. Burke and Mr. Opoulos, to do something within the drainage system that would result in the imposition of a fine because the boundaries of a regulatory body were overstepped and/or allow them to do something that the City did not have the ability to give because it was not within the City's easement. Although staff has an idea on a proposed solution, the City does not have a complete answer about the ownership of the easement of the area where Mr. Burke would like the work to be done. The initial answer was that the easement fell under the County's jurisdiction; therefore, permission for work to be done must be approved by the County. However, Mr. Burke believes that the easement was turned over to the City, but the City needs something from the County to verify that they turned it over to the City or, if it is the County's, the City must get them to sign off on the proposed solution.

Administrator Tucker explained the City's solution as two-fold; first the City would get a survey and clean the ditches in the drainage basin in that area. The City will move forward with the survey work and then provide that survey to Eadie's for them to re-shape the open ditch downstream from Mr. Burke's property. Currently there is no flow in the ditch because it is blocked.

Displaying a map of the drainage basin involved, David Stevens of Civil Site Environmental further explained that portions of this drainage system are piped, but much is an open ditch; analyzing the ditch, they found a big clog in it at one (1) spot and silting throughout. He added that the ditch is higher at the end than at the beginning. He stated that, when an open ditch was piped, volume storage was lost, which would, in turn, effect downstream unless the ditch and pipe were kept clean. If the desire was to pipe it, Mr. Stevens' opinion was to install a lower profile pipe to get the water through quicker.

The Administrator noted that the recommendation was not to pipe the ditch.

Mr. Stevens added that the ditch needed to be cleaned with proper elevations put on it and then verified. He also recommended that the ditch be cleaned six inches (6 in.) lower than the inverts to hold sediment.

Councilmember Buckhannon asked if the material in the ditch was washout material or debris that homeowners were throwing into it.

Mr. Steven responded that the debris was leaves, branches, sediment, etc.

In summary, the Chair stated that the problem has been identified and several actions items have been developed related to a plan for a solution.

Mr. Stevens told the Committee that the Corps of Engineers has reversed its decision and the ditch is not under its jurisdiction, and a request has been submitted asking for something in writing to confirm this.

The Administrator added that the City would need this documentation before any digging could happen.

Mr. Steven explained that, when the Administrator referred to surveying, she was referring to staking the offset so that Eadie's has direction to know how much to dig and verify.

According to Mr. Burke, the problem behind his house "accelerated several years ago when Eadie's started coming through with their big vacuum trucks sucking the dirt out of the ditch." Now the water stands and seeps out of his yard; sink holes have appeared in his yard and a corner of the foundation of his home is exposed. He opined that his problem would not be solved by cleaning out the ditch, but he agreed that cleaning was the correct first step. Mr. Burke said that the estimate he got for piping the ditch included rebuilding his yard to make it level again, to cover the foundation and to fill in the sink holes.

Mr. Stevens was concerned that a dirt-covered twenty-four inch (24 in.) pipe would not let the water in because it would be at a low point; he proposed using smaller pipes, likely dual pipes, to lower the profile; to do that would not allow standing water in the yards.

In the Chair's opinion, the resolution to this problem was two (2) phased with Phase I being the survey work for Eadie's to clean the ditch and, in the interim, the Committee has the other issues to assess. He suggested that Phase I begin immediately and for Mr. Stevens and staff to come to the next meeting with recommendation for the other issues.

The Administrator stated that Mr. Stevens and staff had discussed dual eighteen inch (18 in.) pipes once the City resolves the easement issue with the County. The next issue would be how the City wanted to handle paying for the work; she explained two (2) different scenarios as follows:

- 1) For the City to enter into an agreement with Mr. Burke and his neighbor whereby the City would design and do the work, and Mr. Burke and the neighbor would reimburse the City; or
- 2) For the City to allow Mr. Burke to hire a civil engineer to design the project and construct it, and then Mr. Burke would turn over the ditch to the City for maintenance.

Chair Kinghorn recounted that, in his years on City Council, he has always heard that an open ditch was better than a piped ditch; he, therefore, asked that the Administrator and Mr. Stevens reconcile why installing pipes in this instance was best and to come to the next meeting with a recommendation. If it appeared that the recommendation would be a costly one, he asked that the City seek out funding opportunities from the County, the state or otherwise.

Pursuant to a conversation with Chris Wannamaker, Stormwater Civil Engineer for Charleston County, Mr. Stevens learned that the 2017 LIDAR (a new surveying technology that measures distance by illuminating a target with a laser light) will be introduced soon; if it is good, Mr. Stevens thinks it will be a very good tool for the City everywhere on the island.

Councilmember Rice informed the Committee that the process has begun in Columbia to allow accommodations taxes to be used for drainage; the bill unanimously passed in committee yesterday.

#### **B. Status of Phase II Drainage Project Construction**

Mr. Stevens reported that the first outfall box has been set in the first pond on the Links Course beside the outfall, and several more boxes have been delivered. He said that he would now be getting daily visual updates on the progress being made.

Responding to Chair Kinghorn's question, Assistant Fragoso said that the new completion date was the first or second week in June. Since the Rural Infrastructure Grant has a time frame specified in it, she is now in the process of gathering the documents needed in the application for an extension of time, which she is confident will be approved.

With the tourist season fast approaching, the Chair asked if any complications with the construction process could be foreseen such as traffic patterns and/or interruptions, and the Administrator stated that a conflict could occur at 45<sup>th</sup> and Palm as the work moves across the street. Mr. Stevens added that, once the construction crosses Palm, he does not anticipate any major problems.

Councilmember Rice inquired whether the construction on the Links Course would be complete by spring; Mr. Stevens said that the work there has been nearly completed now.

#### **C. Continued discussion of needs in Public Works Department related to increased demand**

Chair Kinghorn recalled that City Council received a briefing on the Continuity Plan that included immediate and future personnel needs in the Public Works Department.

Administrator Tucker commented that the situation in the Public Works Department has not changed since the Continuity Plan was distributed; she stated that decisions have to be made about additional staffing, and she has not had the opportunity to talk with Director Pitts about the idea brought forward by Jim Raih. She repeated that no one is doing the administrative side of Public Works and being responsive to citizens; the other duties of Public Works, including making sure signs are appropriately maintained, overseeing the work being done to the drainage ditches, etc. are being done when time allows or by employees of other departments.

The Chair stated that his intent was for the Committee not to meet until April, but he also acknowledged that the City was moving into its budget cycle.

Discussions have taken place that Director Pitts needs management level people to insure that these things are being handled, as well as some administrative staff; talk about sharing this person has also taken place, possibly the part-time person assisting with receptionist duties in the summer months in City Hall. The administrative person could ensure that follow-up phone calls were made, to make sure that tasks are being assigned and completed on a timely basis. The Director also needs someone responsible for drainage, responsible for general maintenance items throughout the City, responsible for supervising those with whom the City has contract to perform work on the island. Currently everything falls to Director Pitts, as well as managing the Department, and the extraneous items are spread over the City with some being done by the Administrator, some by Director Kerr, some by Rec personnel, etc.

In the Chair's opinion, this discussion has morphed into the next Agenda item because it is representative of what staff is doing anyway.

**D. Continued discussion of name of the Committee and its jurisdiction**

The Chair stated that the City was deeply involved with the environment, but it also dealt with infrastructure; he suggested that they could rename the Committee to the EPIC Committee, (Environment, Public Works and Infrastructure Committee). If the name were changed to EPIC Committee, it would institutionalize what is taking place already; he thought that Director Kerr could be responsible for the environmental piece. He asked the Administrator if the ladies in the Building Department would have the time to assist as well.

If the Committee were supportive, the Chair asked that staff get together to devise a plan to be presented at the April meeting representative of his suggestions. If staff could spread some the responsibilities around, and depending on where they were needed, tell the Committee to include in budget discussions.

Councilmember Rice indicated that she kept thinking of the continuity plan, and she was aware that Director Pitts does not have anyone who could possibly step in for him if necessary; no one else in the City has the credentials to do the DHEC testing on the underground storage tanks. She did not think that the Committee had begun to consider those things. She agreed that the Director needed a part-time, administrative person; in her opinion, the issues were clear and someone was needed to check on all of the City's contractors.

The Chair agreed with Councilmember Rice on the continuity issue and stated that the plan requested for the March meeting be comprehensive. As to the continuity plan, he suggested that the Administrator look into what the City outsources in terms of engineering oversight issues and determine when it would become cost effective for the City to bring that function in-house.

Assistant Fragoso stated that they have talked with HR Officer DeGroot about what kind of positions to present to this Committee; therefore, staff would like to get some guidance about what the Committee would support. She added that she worried about not having a meeting until April, because the budgeting process begins this month; she thought the City would be too far into the budgeting process to be recommending new positions to Council.

In the interim month, the Chair suggested that the Committee receive Director Pitts' report; and, if it contains worrisome data, a Special Meeting could be called. Chair Kinghorn stated that he plans to end each meeting with specific action items, who was responsible to do what and the target date when it was due.

The Chair stated that staff already has some analysis of what the additional needs are and the lack of continuity in the Department; he thought that a part of the analysis related to a technical person to help both Director Pitts and Director Kerr would be to make a business case for the position.

Councilmember Buckhannon confirmed that infrastructure for Public Works referred to the ditches, the roads, rights-of-ways, etc.

Chair Kinghorn stated that the action item here was a master plan for the Public Works Department to include the things discussed.

When the Chair asked the Committee members for their thoughts on the proposed name change, Councilmember Rice thought that the word "infrastructure " should not be included because she thought it would generate push-back.

Director Pitts commented that the infrastructure on the island came under multiple jurisdictions, and some are not under the City's control; he noted that, when residents have problems with any infrastructure, they will call Public Works for resolution. If it is not under the City's jurisdiction, Director Pitts notifies the appropriate agency.

Councilmember Buckhannon stated that he thought the change better defined what the Committee does; from campaigning, he stated that he found the Number One concern of residents to be drainage on the island. He agreed that infrastructure should be a part of the name.

**MOTION: Councilmember Buckhannon moved to recommend to City Council renaming the Public Works Committee to the Environment, Public Works and Infrastructure Committee; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.**

When asked about the process of changing the Committee's name, Administrator Tucker commented that the names of standing committees were set in the City Code; therefore, Council must pass an ordinance which would require two (2) reading. She suggested that the City not engage the City Attorney to draft a motion until Council has indicated that they would be supportive.

Chair Kinghorn stated that he did not want to introduce the subject to City Council without the specificity; without a draft of an ordinance, the process will take an additional thirty (30) days. He said that he preferred to have a draft ordinance explaining why the change was being put forth and what the recommendation was so that second reading could be in April.

## **7. New Business**

**A. Discussion of containment of trash**

Councilmember Rice stated that she had asked that this be put on the Agenda, because, as she travels on the island, she has seen where people are emptying out houses and putting the contents on the street, everything from furniture to clothes to books to pots and pans, etc.; none of which is in any type of container. She opined that such actions should be illegal and the City should force people to contain their trash in some manner.

Director Pitts said that an ordinance would be needed to specify the types of miscellaneous garbage included. He added that Public Works is required to pick up the miscellaneous garbage except for specific items excluded in the existing ordinance.

Councilmember Buckhannon stated that, when someone empties a house or otherwise creates a pile of trash, by ordinance he is supposed to notify Public Works. He asked how an ordinance like that could be enforced.

The Chair's opinion was that the City has spoiled its residents, but he noted that, since the City has picked up the miscellaneous trash for years, how does it now become more restrictive?

The Administrator suggested researching how other local governments deal with the problem.

Director Pitts stated that the same thing happens in Mount Pleasant and the City of Charleston, particularly in the spring when the college students are moving out of their apartments.

Councilmember Rice asked if the City has any regulations about putting materials on the street when a house is being gutted and the contractor did not get a dumpster.

Director Pitts stated if, if the work was being done by a contractor, he was required to have a dumpster; if the work was being done by the homeowner, Public Works would pick up the materials removed from the house and left on the street as long as they were not hazardous.

Councilmember Rice questioned that homeowners should also be required to get a dumpster when gutting a house.

Chair Kinghorn suggested a public education campaign via the City's website and social media.

**B. Discussion of abandonment of unnecessary drainage easement**

Administrator Tucker explained that, when the City did the Phase I Drainage Project, it had an easement where it thought the drain pipe would go, but, when the construction took place, the drainage pipe was put in another location. Therefore, an easement bisects the development of the next phase in Wild Dunes, and they have asked that the un-used easement be abandoned. Since the City has no reason to use that easement, staff is recommending that the Committee recommend for the City to abandon it.

The only legal implication of abandoning the easement would be if the City needed it in the future, but that is not the case.

The Phase I drainage infrastructure must be repositioned when the construction of the new phase is started; Wild Dunes will relocate the drainage line at its expense and give the City the easement in the new location. Wild Dunes is currently getting the financing in order for their new construction, and having this easement will help that along.

**MOTION: Councilmember Rice moved to recommend to City Council that the City abandon an unnecessary drainage easement in Wild Dunes; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Chair Kinghorn asked what the City would get for abandoning the easement and what would happen if the City did not abandon the easement.

Administrator Tucker stated that the City was receiving the easement where the Phase I drainage would be relocated, and she thought that they could decide not to pay for the relocation of the Phase I drainage if the City refused to abandon the un-used and unnecessary easement.

When asked when construction would begin, the Administrator replied that she did not know. She indicated that she has tried to get them to make a presentation to Council about the new phase as they did for the Planning Commission, but they continue to say they are not ready.

Anticipating complaints once construction does begin, Chair Kinghorn encouraged City staff to be proactive by providing residents with plenty of notice and then progress reports via the City's website and social media sites.

## **8. Miscellaneous Business**

### **Status of City compactor**

Councilmember Buckhannon asked to be sent the minutes from earlier meetings when the compactor was discussed.

Since those initial meetings, the City has introduced a more aggressive effort to maintain the compactor and its surroundings. Director Pitts reported that the pad is being pressure washed each week and the compactor can be pressure washed when it is taken off island by Carolina Waste.

In discussing the next meeting date, the Chair stated that he would prefer not to meet in March, but wait until April to free up staff time to work on the action items from this meeting. In March he suggested that staff prepare a progress report for the Committee and, if necessary, call a Special Meeting. Chair Kinghorn asked the staff members present if they would find their time better spent in a meeting or working in their offices.

The Administrator voiced her agreement with the Chair, but she was concerned about the staffing plan, and, possibly, a meeting should be scheduled with staffing as the sole item on the agenda. She said that staff could present a more solid plan at the next meeting and get an impression of the Committee's reaction to learn what tweaks need to be made to it.

Chair Kinghorn said that the March meeting should be a Special Meeting for the purpose of discussing a strategic plan related to the staffing needs of the Public Works Department.

Next Meeting Date: 8:00 a.m., Thursday, March 1, 2018

The Chair stated that his intention for meetings was for draft agendas to go out before hand and to keep the meetings to under one (1) hour; regarding the staffing plan, the Committee was most interested in recommendations and justifications; history was unnecessary. He also plans to end each meeting with a recap of the action items from the meeting; for this meeting, the action items were a March 1 meeting to address staffing and to put forward to Council the renaming of the Committee. In addition, he stated that he would like staff to think about limiting the number of staff members attending meetings in terms of the reorganization and functional activity of the Committee; he stated that he finds it objectionable for more staff members than Councilmembers to be in attendance. With the expanding role of the Committee, he recommended that the agenda be organized in such a way as to allow people to move in and out; for example, in the first twenty (20) minutes, Director Pitts would give his reports and deal with any agenda items where his input would be needed, and, if Director Kerr was to handle the environmental aspects of the Committee, he would follow with a report and stay for any environmental issues on the agenda. Limiting staff time attending meetings is a sign of respect for the job each does; he added that he does not see the need for both the Administrator and Assistant Administrator to attend this Committee's meetings. He reminded the Director that he wants one-page reports as discussed earlier. When residents come to a meeting to voice their opinions, concerns, problems, he wants the City to respond to each one with a letter thanking them for their time and noting any action items that came from the discussion of their issue.

In drafting an ordinance for Council's consideration of the name-change for the Committee, Chair Kinghorn thought it should include the reason for the proposed change; he also suggested that the Administrator review the City Code relative to the existing Committee description that would validate it or add to it.

When the Chair then asked to go into Executive Session, the Administrator stated that the purpose of the Executive Session should have included the appropriate language on the Agenda for the sake of transparency. She added that, if it was the will of the Committee to go into Executive Session, a motion must be made to add an Executive Session to the agenda using the language from the January meeting, and it must pass on a two-thirds ( $\frac{2}{3}$ ) vote of the Committee.

**9. MOTION: Councilmember Rice moved to add to the Agenda an Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice concerning a potential claims related to IOPWSC; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

**MOTION: Councilmember Rice moved to go into Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice concerning a potential claims related to IOPWSC; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.**



The Committee went into Executive Session at 10:30 a.m. and returned to open session at 10:40 a.m.; the Chair stated that the Committee had not taken a vote or other action while in Executive Session.

**10. Adjournment**

**MOTION: Chair Kinghorn moved to adjourn the meeting at 10:41 a.m.; Councilmember Rice seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**TERMINATION OF 20'  
DRAINAGE EASEMENT**

The undersigned City of Isle of Palms, South Carolina, a South Carolina municipal corporation as the holder of that certain 20’ Drainage Easement encumbering (i) New Lot Area Parcel 6 and New Lot Area Parcel A as depicted on that plat recorded at Plat Book EJ at Page 361, (ii) Parcel 6, Parcel 7 and Parcel 8 as depicted on that plat recorded at Plat Book BS at Page 179 and (iii) New Parcel 6A1 and Parcel A as depicted on that plat recorded at Plat Book L13 at Page 0201, each in the Office of the Register of Deeds of Charleston County, South Carolina (the "20’ Easement") hereby terminates, extinguishes and relinquishes the 20’ Easement and all of the rights, title and interest granted or created under the 20’ Easement.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed by its duly authorized officer to be effective as of the \_\_\_\_\_ day of February, 2018.

WITNESS:

The City of Isle of Palms, South Carolina

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

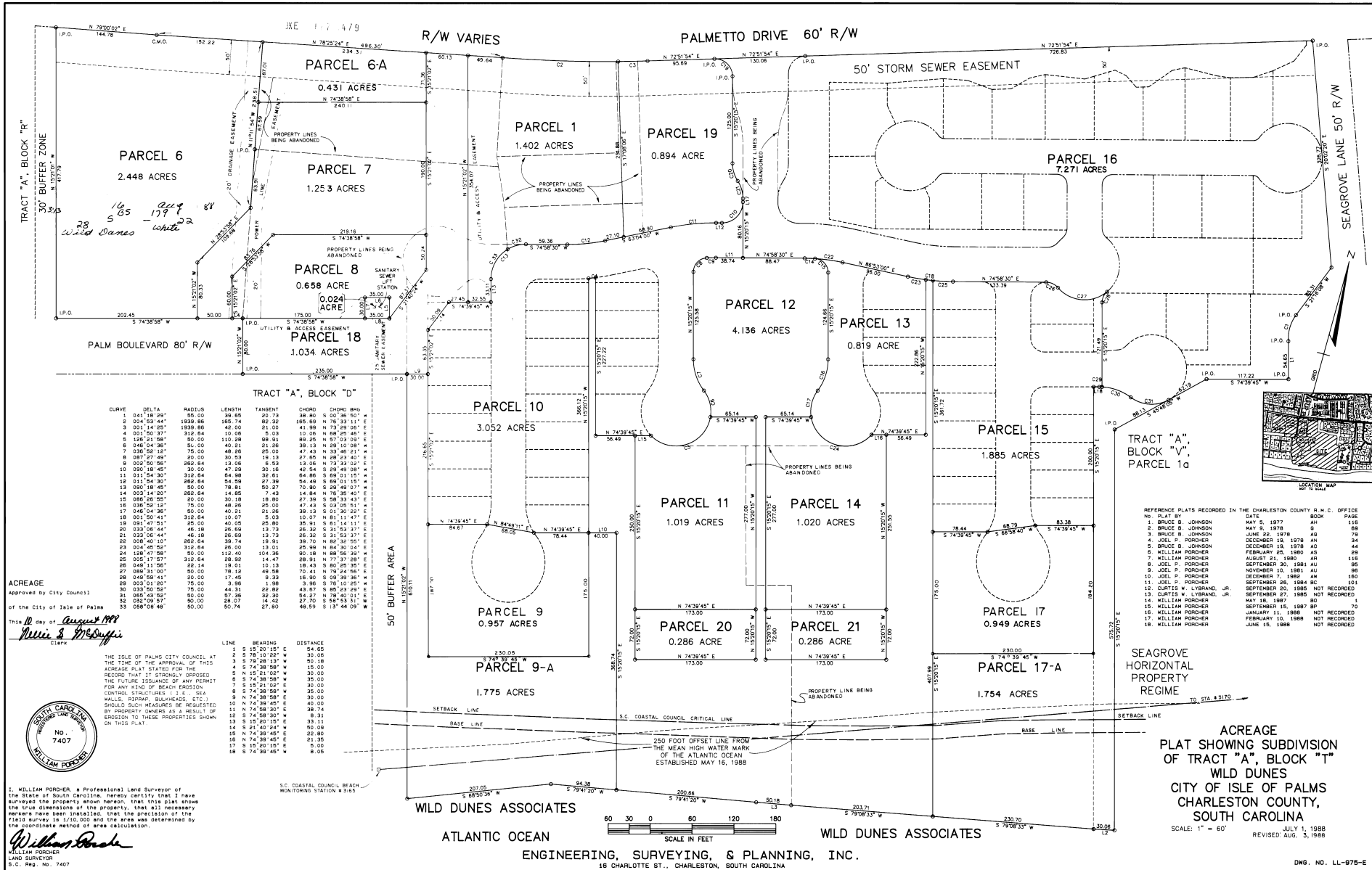
Title: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**ACKNOWLEDGMENT**

I, a Notary Public for the State of South Carolina, do hereby certify that the above named City of Isle of Palms, S.C., by and through the above-named officer, personally appeared before me this \_\_\_ day of February, 2018, and acknowledged the due execution of the foregoing instrument.

\_\_\_\_\_  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: \_\_\_\_\_ (Seal)



TRACT "A", BLOCK "D"

| CURVE | DELTA      | RADIUS  | LENGTH | TANGENT | CHORD  | CHORD BRG     |
|-------|------------|---------|--------|---------|--------|---------------|
| 1     | 041°18'29" | 55.00   | 38.95  | 29.73   | 38.80  | S 20°36'50" E |
| 2     | 004°53'44" | 1939.86 | 185.74 | 82.92   | 169.89 | N 76°33'11" E |
| 3     | 001°14'24" | 1939.86 | 42.00  | 21.00   | 42.00  | S 79°29'59" E |
| 4     | 001°50'37" | 112.84  | 10.06  | 5.03    | 10.06  | S 69°25'46" E |
| 5     | 001°14'24" | 1939.86 | 102.00 | 60.91   | 99.28  | S 72°52'59" E |
| 6     | 046°04'38" | 50.00   | 40.21  | 21.26   | 39.13  | N 20°10'08" E |
| 7     | 001°14'24" | 1939.86 | 102.00 | 60.91   | 99.28  | S 72°52'59" E |
| 8     | 087°29'49" | 20.00   | 8.82   | 4.41    | 8.82   | S 45°48'08" E |
| 9     | 000°50'56" | 282.84  | 13.06  | 6.53    | 13.06  | N 73°33'02" E |
| 10    | 000°18'45" | 30.00   | 47.28  | 23.67   | 45.54  | S 29°48'08" E |
| 11    | 011°54'30" | 312.84  | 84.98  | 39.81   | 84.86  | S 69°01'15" W |
| 12    | 011°54'30" | 312.84  | 54.59  | 27.39   | 54.49  | S 69°01'15" W |
| 13    | 086°18'40" | 50.00   | 78.81  | 50.27   | 70.90  | S 29°49'07" E |
| 14    | 003°14'20" | 282.84  | 14.86  | 7.43    | 14.84  | N 76°35'40" E |
| 15    | 086°26'55" | 20.00   | 30.18  | 16.80   | 27.39  | S 58°33'07" E |
| 16    | 036°50'15" | 75.00   | 48.26  | 25.00   | 47.43  | S 33°05'51" E |
| 17    | 046°04'38" | 50.00   | 40.21  | 21.26   | 39.13  | S 21°30'22" E |
| 18    | 001°50'41" | 312.84  | 10.07  | 5.03    | 10.07  | N 81°11'47" E |
| 19    | 091°47'51" | 25.00   | 40.05  | 25.80   | 36.91  | S 81°14'11" E |
| 20    | 030°08'44" | 46.18   | 26.69  | 13.73   | 26.32  | S 31°53'37" E |
| 21    | 030°08'44" | 46.18   | 26.69  | 13.73   | 26.32  | S 31°53'37" E |
| 22    | 006°40'10" | 282.84  | 36.74  | 18.37   | 36.70  | N 82°50'50" E |
| 23    | 004°45'52" | 312.84  | 26.00  | 13.01   | 26.99  | N 84°30'04" E |
| 24    | 126°47'08" | 50.00   | 112.40 | 104.36  | 90.18  | N 68°56'39" E |
| 25    | 005°17'57" | 312.84  | 28.92  | 14.47   | 28.91  | N 77°37'08" E |
| 26    | 045°17'06" | 22.14   | 19.01  | 10.13   | 19.45  | S 80°25'39" E |
| 27    | 089°31'00" | 50.00   | 79.12  | 49.58   | 70.41  | N 79°24'56" E |
| 28    | 045°17'06" | 22.14   | 19.01  | 10.13   | 19.45  | S 80°25'39" E |
| 29    | 003°01'20" | 75.00   | 3.96   | 1.98    | 3.96   | S 76°10'25" W |
| 30    | 033°08'50" | 75.00   | 17.45  | 8.72    | 17.45  | S 76°10'25" W |
| 31    | 065°43'55" | 50.00   | 57.36  | 32.30   | 54.27  | N 79°40'01" E |
| 32    | 033°08'50" | 75.00   | 39.07  | 14.42   | 37.70  | S 58°53'31" W |
| 33    | 058°08'48" | 50.00   | 50.74  | 27.80   | 48.59  | S 13°44'09" E |

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| 1    | S 15°20'15" E | 54.65    |
| 2    | S 79°10'20" W | 30.06    |
| 3    | S 79°28'13" W | 50.18    |
| 4    | S 74°38'58" W | 15.00    |
| 5    | S 15°21'02" W | 35.00    |
| 6    | S 74°38'58" W | 35.00    |
| 7    | S 15°21'02" E | 30.00    |
| 8    | S 74°38'58" W | 35.00    |
| 9    | N 74°38'58" E | 40.00    |
| 10   | N 74°38'58" E | 40.00    |
| 11   | N 74°38'58" E | 38.74    |
| 12   | S 74°38'58" W | 6.31     |
| 13   | S 15°20'15" E | 33.11    |
| 14   | S 74°38'58" W | 50.00    |
| 15   | N 74°38'58" E | 26.80    |
| 16   | S 74°38'58" W | 21.29    |
| 17   | S 15°20'15" E | 5.00     |
| 18   | S 74°38'58" W | 8.05     |

THE ISLE OF PALMS CITY COUNCIL AT THE TIME OF THE APPROVAL OF THIS ACREAGE PLAT STATED FOR THE RECORD THAT IT STRONGLY OPPOSED THE FUTURE ISSUANCE OF ANY PERMIT FOR ANY KIND OF BEACH EROSION CONTROL STRUCTURES (I.E. SEA WALLS, RIPRAP, BULKHEADS, ETC.) SHOULD SUCH MEASURES BE REQUESTED BY PROPERTY OWNERS AS A RESULT OF CROSSING TO THESE PROPERTIES SHOWN ON THIS PLAT.

REFERENCE PLATS RECORDED IN THE CHARLESTON COUNTY S.W.C. OFFICE

| NO. | PLAT BY                | DATE               | BOOK         | PAGE |
|-----|------------------------|--------------------|--------------|------|
| 1   | BRUCE B. JOHNSON       | MAY 5, 1977        | 48           | 116  |
| 2   | BRUCE B. JOHNSON       | MAY 9, 1978        | 5            | 68   |
| 3   | BRUCE B. JOHNSON       | JUNE 22, 1978      | 42           | 79   |
| 4   | JOEL P. PORCHER        | DECEMBER 10, 1978  | AN           | 34   |
| 5   | BRUCE B. JOHNSON       | DECEMBER 19, 1978  | AD           | 44   |
| 6   | WILLIAM PORCHER        | FEBRUARY 20, 1980  | AS           | 28   |
| 7   | WILLIAM PORCHER        | AUGUST 21, 1980    | AR           | 115  |
| 8   | JOEL P. PORCHER        | SEPTEMBER 30, 1981 | AU           | 86   |
| 9   | JOEL P. PORCHER        | NOVEMBER 10, 1981  | AU           | 89   |
| 10  | JOEL P. PORCHER        | SEPTEMBER 27, 1982 | AM           | 101  |
| 11  | JOEL P. PORCHER        | SEPTEMBER 26, 1984 | BC           | 101  |
| 12  | CURTIS W. LYBRAND, JR. | SEPTEMBER 20, 1985 | NOT RECORDED |      |
| 13  | CURTIS W. LYBRAND, JR. | SEPTEMBER 27, 1985 | NOT RECORDED |      |
| 14  | WILLIAM PORCHER        | MAY 15, 1987       | SD           | 1    |
| 15  | WILLIAM PORCHER        | SEPTEMBER 15, 1987 | BP           | 70   |
| 16  | WILLIAM PORCHER        | JANUARY 31, 1988   | NOT RECORDED |      |
| 17  | WILLIAM PORCHER        | FEBRUARY 10, 1988  | NOT RECORDED |      |
| 18  | WILLIAM PORCHER        | JUNE 15, 1988      | NOT RECORDED |      |

APPROVED  
 Approved by City Council  
 of the City of Isle of Palms  
 This day of August 1988  
 Willie S. McNeill  
 Clerk



I, WILLIAM PORCHER, a Professional Land Surveyor of the State of South Carolina, hereby certify that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property, that all necessary markers have been installed, that the precision of the field survey is 1/10,000 and the area was determined by the coordinate method of area calculation.

WILLIAM PORCHER  
 LAND SURVEYOR  
 S.C. REG. NO. 7407

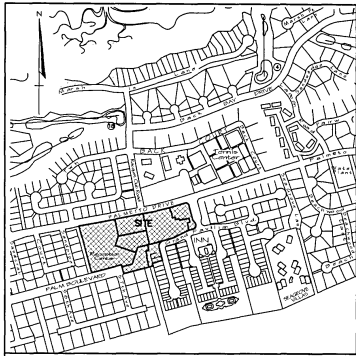
SEAGROVE HORIZONTAL PROPERTY REGIME  
 TO STA. #3170

ACREAGE  
 PLAT SHOWING SUBDIVISION  
 OF TRACT "A", BLOCK "R"  
 WILD DUNES  
 CITY OF ISLE OF PALMS  
 CHARLESTON COUNTY,  
 SOUTH CAROLINA  
 SCALE: 1" = 60'  
 JULY 1, 1988  
 REVISED AUG. 3, 1988

WILD DUNES ASSOCIATES  
 ATLANTIC OCEAN  
 WILD DUNES ASSOCIATES

ATLANTIC OCEAN  
 SCALE IN FEET  
 60 30 0 60 120 180  
 ENGINEERING, SURVEYING, & PLANNING, INC.  
 16 CHARLOTTE ST., CHARLESTON, SOUTH CAROLINA

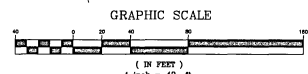
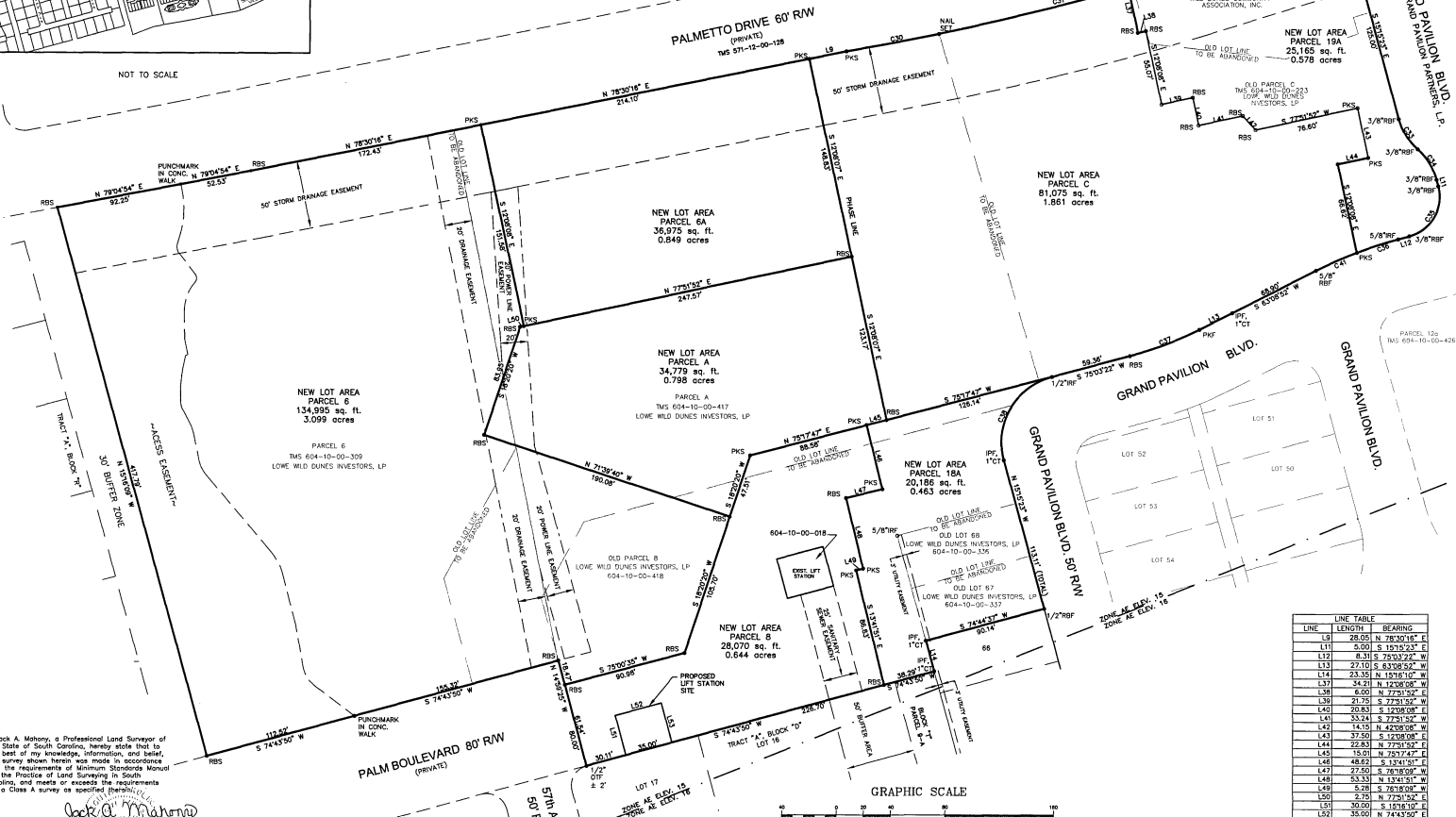
DWG. NO. LL-975-E



APPROVED BY CITY OF ISLE OF PALMS  
ON THIS 20 DAY of November 2005  
By: *Doreen Boyd*  
TITLE: Plat of a Subdivision  
Charleston, South Carolina  
Office of Register-Measure Conveyance  
Not recorded this 14th day of November, 2005 at  
2:56 o'clock in PM Book LL Page 361 and tracing cloth  
copied in File # Dover No. 10 Drawing No. 46  
Original plot (AMHE Print) delivered to Stantec Consulting Serv.  
*Chris French*  
Register Measure Conveyance

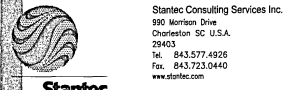
| CURVE | LENGTH | RADIUS  | TANGENT | CHORD  | BEARING         | DELTA     |
|-------|--------|---------|---------|--------|-----------------|-----------|
| C20   | 89.17  | 1939.86 | 34.59   | 89.17  | N 78°32'00" E   | 202°52'   |
| C21   | 143.07 | 2020.07 | 71.54   | 143.04 | N 78°32'00" E   | 433°00'   |
| C22   | 40.00  | 25.00   | 25.00   | 35.41  | N 61°09'10" W   | 81°42'21" |
| C23   | 28.69  | 46.18   | 13.13   | 28.52  | S 23°48'50" E   | 330°44'   |
| C24   | 28.69  | 46.18   | 13.13   | 28.52  | N 37°48'40" S   | 330°44'   |
| C25   | 11.29  | 30.00   | 30.00   | 42.54  | S 79°53'20" W   | 308°54'   |
| C26   | 32.10  | 372.84  | 16.11   | 32.17  | S 79°53'20" W   | 308°54'   |
| C27   | 54.59  | 282.84  | 27.99   | 54.30  | N 60°30'00" W   | 115°50'   |
| C28   | 28.81  | 50.00   | 49.37   | 70.80  | S 28°23'30" W   | 80°46'41" |
| C29   | 16.96  | 50.00   | 9.03    | 16.46  | S 29°52'20" W   | 48°32'35" |
| C40   | 43.18  | 2020.07 | 22.59   | 43.18  | N 72°27'43.1" E | 175°50'   |
| C41   | 32.79  | 372.84  | 16.41   | 32.78  | S 66°02'10" W   | 83°00'36" |

NOT TO SCALE



| LINE | LENGTH | BEARING        |
|------|--------|----------------|
| L1   | 29.05  | N 85°04' E     |
| L11  | 8.00   | S 19°12' 23" E |
| L12  | 26.38  | N 25°03' 22" W |
| L13  | 27.10  | S 83°58' 56" W |
| L14  | 23.35  | N 19°11' 10" W |
| L37  | 34.21  | N 72°52' 59" W |
| L38  | 6.00   | N 72°52' 59" W |
| L39  | 21.75  | S 77°52' 59" W |
| L40  | 20.83  | S 12°08' 08" E |
| L41  | 33.24  | S 72°52' 59" W |
| L42  | 14.15  | N 82°08' 08" W |
| L43  | 37.50  | S 12°08' 08" E |
| L44  | 22.83  | N 77°52' 59" E |
| L45  | 15.01  | N 78°17' 42" E |
| L46  | 48.63  | S 34°15' 11" E |
| L47  | 27.50  | S 78°50' 00" W |
| L48  | 53.33  | N 13°43' 51" W |
| L49  | 37.91  | N 72°52' 59" W |
| L50  | 37.75  | N 72°52' 59" E |
| L51  | 30.00  | S 18°18' 10" E |
| L52  | 38.00  | N 74°43' 50" E |
| L53  | 30.00  | S 18°18' 10" E |

I, Jack A. Mahony, a Professional Land Surveyor of the State of South Carolina, hereby state that to the best of my knowledge, information, and belief, the survey shown herein was made in accordance with the requirements of Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein.  
*Jack A. Mahony*  
JACK A. MAHONY  
LAND SURVEYOR  
S.C. Reg. No. 16816  
1164  
7164  
A. ELLIOTT



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Consultants  
Legend  
Notes

- OW - GUY WIRE
- IMP.CT - IRON PIPE FOUND, CRIMPED TOP
- IMP.OI - IRON PIPE FOUND, OPEN TOP
- LP - LIGHT POLE
- PP - POWER POLE
- CMF - CONCRETE MONUMENT FOUND
- IMP.OI - IRON PIPE FOUND, OPEN TOP
- RFB - IRON PIPE FOUND
- PBF - 2 1/2" REBAR SET
- RF - RK RAIL FENCE

| PLAT BY          | DATED             | BOOK | PAGE |
|------------------|-------------------|------|------|
| WILLIAM PORCHER  | DECEMBER 12, 1988 | BU   | 69   |
| WILLIAM PORCHER  | JULY 14, 1988     | EC   | 701  |
| BRUCE B. JOHNSON | JULY 14, 1988     | CD   | 69   |
| WILLIAM PORCHER  | OCTOBER 22, 1984  | EA   | 183  |
| WILLIAM PORCHER  | MARCH 1, 1994     | BE   | 77   |
| WILLIAM PORCHER  | NOVEMBER 6, 1984  | IS   | 179  |
| WILLIAM PORCHER  | FEBRUARY 21, 1994 | CS   | 72   |
| WILLIAM PORCHER  | AUGUST 3, 1988    | BS   | 179  |
| WILLIAM PORCHER  | JANUARY 12, 1988  | BD   | 119  |
| DAVID L. GRAY    | JANUARY 9, 2001   | EE   | 592  |

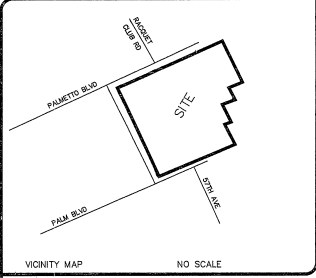
| Revision | By | Appd. | YYMMDD |
|----------|----|-------|--------|
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|          |    |       |        |
|          |    |       |        |
|          |    |       |        |
|          |    |       |        |
|          |    |       |        |



Client/Project  
WILD DUNES, CHARLESTON COUNTY  
SOUTH CAROLINA

Title  
SUBDIVISION PLAT OF  
THE VILLAGE AT WILD DUNES  
CITY OF ISLE OF PALMS, SC

Project No. 170304067 Scale 1"=40'  
Drawing No. Sheet Revision

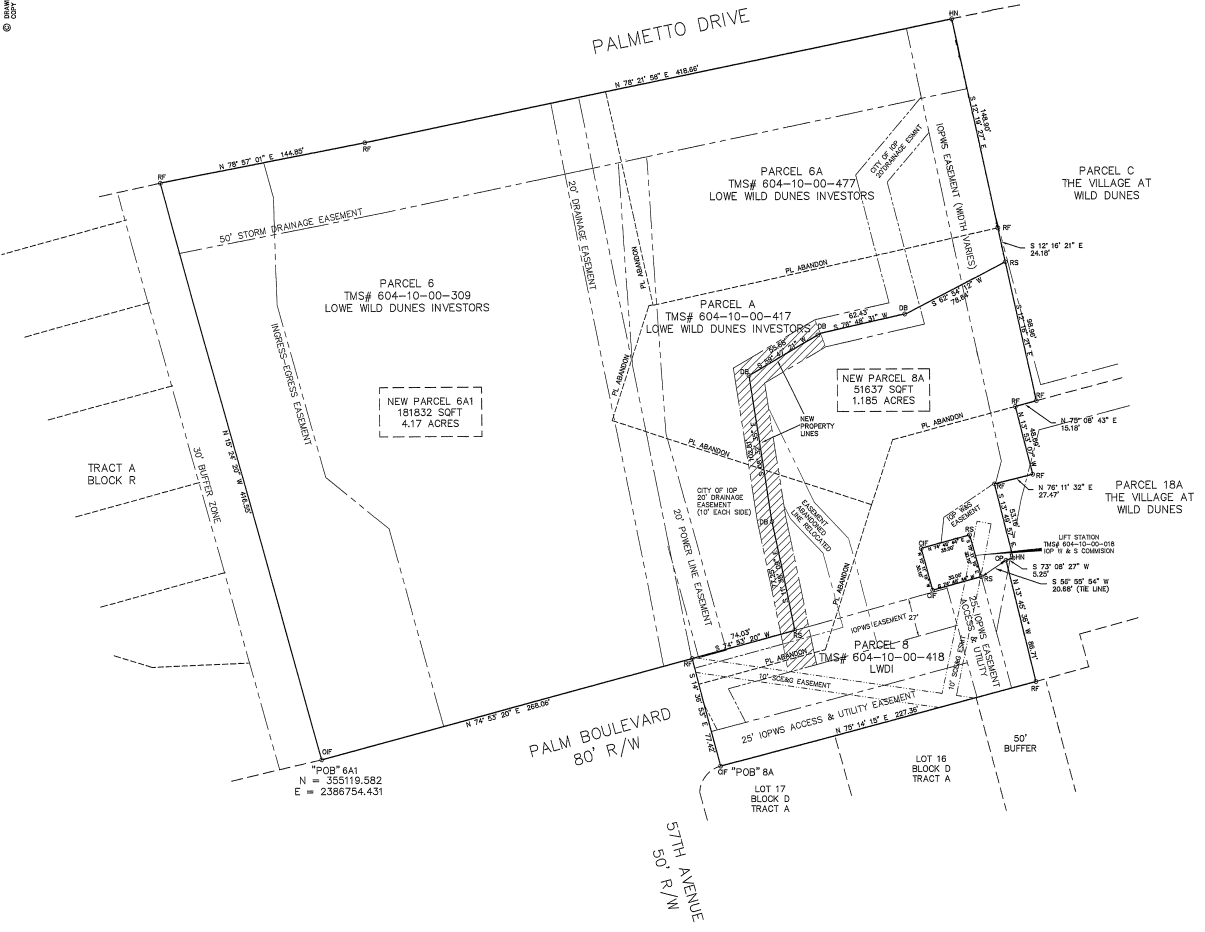
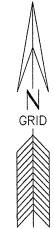


THIS SURVEY IS BASED ON THE REFERENCES SHOWN AND DOES NOT CONSTITUTE A TITLE SEARCH. THE BEARINGS SHOWN ARE MAGNETIC (UNLESS STATED OTHERWISE) AND ARE SUBJECT TO LOCAL ATTRACTION. ANYTHING SHOWN OUTSIDE THE PRESCRIBED BOUNDARIES IS FOR DESCRIPTIVE PURPOSES ONLY.

**RECORDED**  
 DATE: June 13, 2013 TIME: 3:02:12 PM  
 Book/Page: L-13 - 6291 Desc/Type (Large Plat)  
 Charlie Lybrand, Registrar, Charleston County, SC

|            |           |  |
|------------|-----------|--|
| Record Fee | 12.00     | By: BELSON MULLINS HALEY & SCOWBOROUGH     |
| Range      | 1         |  |
| TOTAL      | 12.00     | POST OFFICE BOX 868<br>CHARLESTON SC 29405 |
| Drawer     | Sheet 4   |  |
| Class      | LR        |  |
| Location   | PALM BLVD |  |

© 2013 MULLINS HALEY & SCOWBOROUGH



APPROVED BY CITY OF ISLE OF PALMS  
 ON THE 14<sup>TH</sup> DAY OF APRIL 2014  
 BY: *Domenec Lopez*  
 TITLE: *PLAT OF PROPERTY*  
 THIS APPROVAL IS LIMITED TO  
 REDESIGNATION OF PROPERTY LINES

WE ACCEPT THE EASEMENTS SHOWN HEREIN PURSUANT  
 TO THE TERMS AND UNDER WHICH THEY WERE GRANTED.  
*Erick Dyer* 5/23/12  
 CITY OF ISLE OF PALMS DATE

WE ACCEPT THE EASEMENTS SHOWN HEREIN PURSUANT  
 TO THE TERMS AND UNDER WHICH THEY WERE GRANTED.  
*[Signature]* 4/6/13  
 ISLE OF PALMS WATER & SEWER COMMISSION DATE

BY THE RECORDING OF THIS PLAT WE DEDICATE  
 THE EASEMENTS SHOWN HEREIN TO THE ENTITIES  
 DESIGNATED HEREIN. ANY REMOVAL OR RELOCATION  
 OF UTILITIES OR DRAINAGE LINES WILL ABANDON AND/OR  
 RELOCATE SAID EASEMENTS.  
*Mark Mink* 4/6/13  
 LOWE WILD DUNES INVESTORS DATE

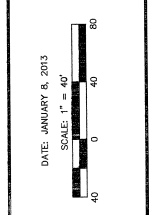
- NOTES:
- 1) TMS# 604-10-00-416, 417 & 477
  - 2) REFERENCE PLAT: EA-005, Q-089
  - 3) SURVEY REQUESTED BY LOWE WILD DUNES INVESTORS
  - 4) FLOOD ZONE AS ELEV 15 & 16 FIRM 45019C-0581-J NOVEMBER 17, 2004

- LEGEND:
- OF 1" OPEN IRON FOUND
  - CF 1" CRIMP IRON FOUND
  - RF #5 REBAR FOUND
  - RS #5 REBAR SET
  - NF PK NAIL FOUND
  - NS PK NAIL SET
  - DH DRILL HOLE
  - CP COMPUTED POINT
  - HN HEAVY NAIL
  - DB PROPERTY CORNER FALLS ON DRAIN BOX

I HEREBY GIVE NOTICE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE ABOVE DESCRIBED PARCELS ARE UNENCUMBERED AND ACCORDING WITH THE REQUIREMENTS OF THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, I AM PROVIDING THIS SURVEY AS REPRESENTATIVE FOR A CLASS OF SURVEYS AS REQUIRED BY THE SOUTH CAROLINA SURVEYING BOARD.

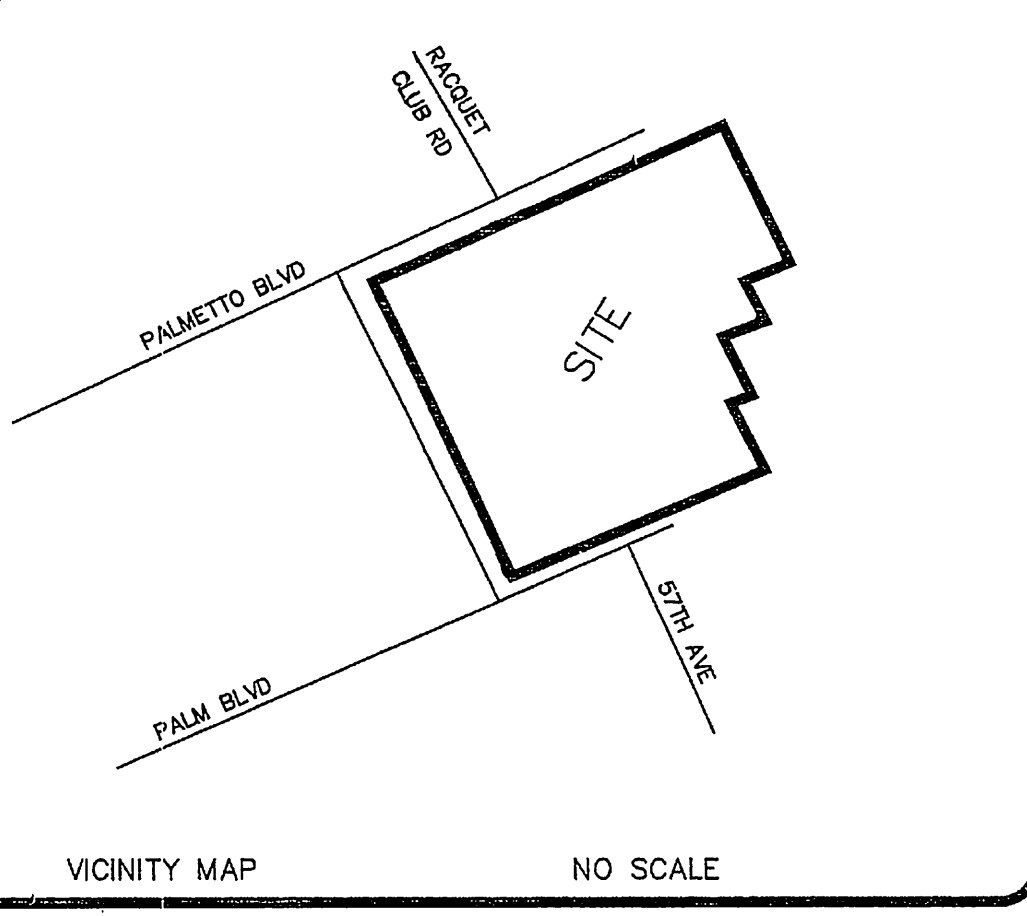
*[Signature]*  
 JOHN E. WADE JR., RLS  
 750 S. 185<sup>TH</sup> AVE. #202

PROPERTY LINE ADJUSTMENT  
 @ 3 PARCELS OF LAND  
 OWNED BY  
 LOWE WILD DUNES INVESTORS  
 CITY OF ISLE OF PALMS  
 CHARLESTON COUNTY  
 SOUTH CAROLINA



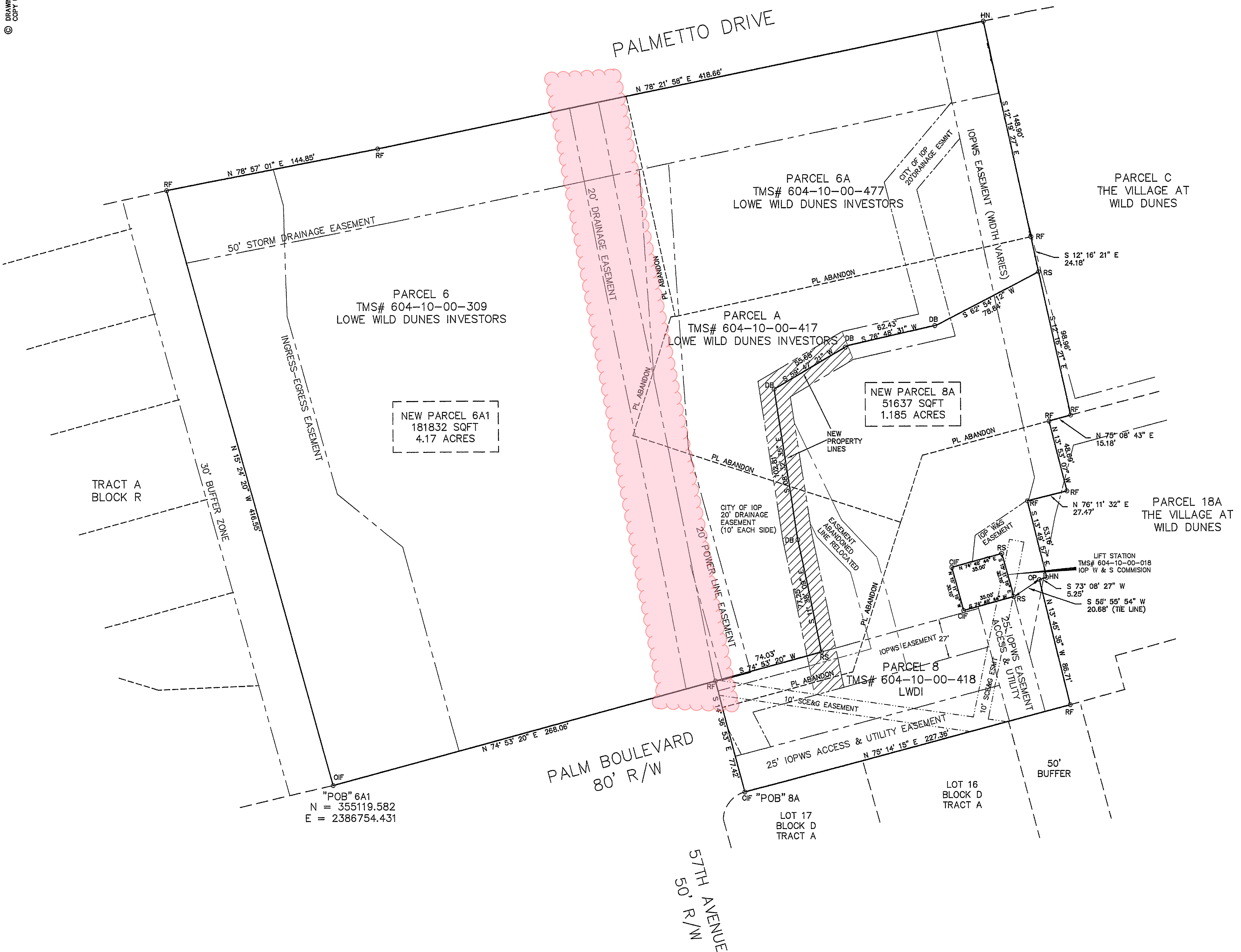
JOHN E. WADE JR., RLS  
 POST OFFICE BOX 866  
 ISLE OF PALMS  
 SOUTH CAROLINA  
 29451  
 (843) 886-6262  
 FILE #176-11C

THIS SURVEY IS BASED ON THE REFERENCES SHOWN AND DOES NOT CONSTITUTE A TITLE SEARCH. THE BEARINGS SHOWN ARE MAGNETIC (UNLESS STATED OTHERWISE) AND ARE SUBJECT TO LOCAL ATTRACTION. ANYTHING SHOWN OUTSIDE THE PRESCRIBED BOUNDARIES IS FOR DESCRIPTIVE PURPOSES ONLY.



| RECORDED   |                           |
|--|---------------------------|
| DATE: June 13, 2013                              | TIME: 3:02:12 PM          |
| Book Page: L13                                   | DocType: Large Plat       |
| Charlie Lybrand, Register, Charleston County, SC |                           |
| Filed By: NELSON MULLINS RILEY & SCARBOROUGH     |                           |
| Record Fee: \$ 10.00                             | POST OFFICE BOX 1806      |
| Postage: \$ -                                    | CHARLESTON SC 29402 (BOX) |
| TOTAL: \$ 10.00                                  |                           |
| Drawer: LRR                                      |                           |
| Clerk: LRR                                       |                           |
| Location: PALM BLVD                              |                           |

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APPROVED BY CITY OF ISLE OF PALMS  
ON THIS 16<sup>th</sup> DAY OF APRIL 2014  
BY: Domenico Lopez  
TITLE: Dir. of Planning  
THIS APPROVAL IS LIMITED TO  
ADJUSTMENT OF PROPERTY LINES

WE ACCEPT THE EASEMENTS SHOWN HEREIN PURSUANT TO THE TERMS AND UNDER WHICH THEY WERE GRANTED.  
Eily Day 5/23/12  
CITY OF ISLE OF PALMS DATE

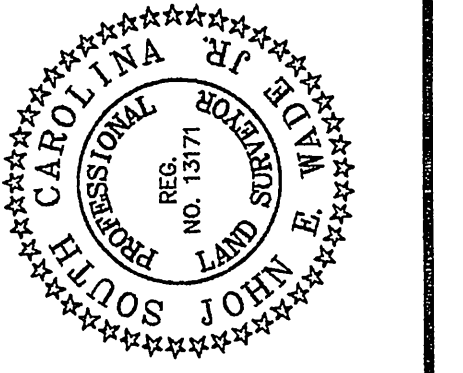
WE ACCEPT THE EASEMENTS SHOWN HEREIN PURSUANT TO THE TERMS AND UNDER WHICH THEY WERE GRANTED.  
W. H. H. H. 4/11/13  
ISLE OF PALMS WATER & SEWER COMMISSION DATE

BY THE RECORDING OF THIS PLAT WE DEDICATE THE EASEMENTS SHOWN HEREIN TO THE ENTITIES DESIGNATED HEREIN. ANY REMOVAL OR RELOCATION OF UTILITIES OR DRAINAGE LINES WILL ABANDON AND/OR RELOCATE SAID EASEMENTS.  
Mark Mink Halle  
LOWE WILD DUNES INVESTORS DATE

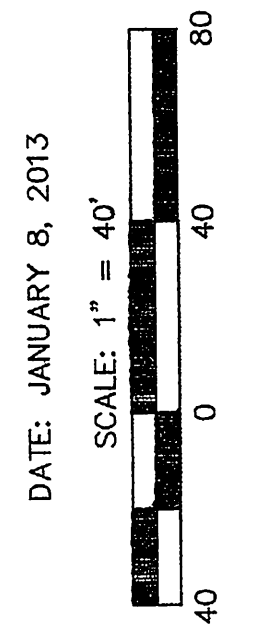
- NOTES:
- 1) TMS# 604-10-00-418, 417 & 477
  - 2) REFERENCE PLAT: EJ-605, Q-069
  - 3) SURVEY REQUESTED BY LOWE WILD DUNES INVESTORS
  - 4) FLOOD ZONE AE ELEV 15 & 16 FIRM 45019C-0561-J NOVEMBER 17, 2004

- LEGEND:
- OIF 1" OPEN IRON FOUND
  - CIF 1" CRIMP IRON FOUND
  - RF #5 REBAR FOUND
  - RS #5 REBAR SET
  - NF PK NAIL FOUND
  - NS PK NAIL SET
  - DH DRILL HOLE
  - CP COMPUTED POINT
  - HN HEAVY NAIL
  - DB PROPERTY CORNER FALLS ON DRAIN BOX

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE ACCURACY OF THIS SURVEY IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA. I AM A LICENSED PROFESSIONAL SURVEYOR AS SPECIFIED THEREIN.  
JOHN E. WADE JR., R.L.S.  
S.C. REG. NO. 18341



PROPERTY LINE ADJUSTMENT  
@ 3 PARCELS OF LAND  
OWNED BY  
LOWE WILD DUNES INVESTORS  
CITY OF ISLE OF PALMS  
CHARLESTON COUNTY  
SOUTH CAROLINA



JOHN E. WADE JR., RLS  
POST OFFICE BOX 686  
ISLE OF PALMS  
SOUTH CAROLINA  
29451  
(843) 886-6262  
FILE #176-11C

**RECREATION COMMITTEE**  
8:30 a.m., Monday, February 5, 2018

The regular meeting of the Recreation Committee was held at 8:30 a.m., Monday, February 5, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Buckhannon, Moye and Smith, Administrator Tucker, Recreation Director Page, Assistant Administrator Fragoso, Assistant Recreation Director Ferrell and City Clerk Copeland; a quorum was present to conduct business.

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

**2. Election of Chair and Vice Chair**

Councilmember Moye nominated Councilmember Buckhannon to serve as Chair of the Committee; Councilmember Smith seconded and the vote was unanimous for Councilmember Buckhannon.

Councilmember Smith nominated Councilmember Moye to serve as Vice Chair; Chair Buckhannon seconded and the vote was unanimous for Councilmember Moye.

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

**MOTION: Chair Buckhannon moved to approve the minutes of the regular meeting of January 10, 2018; Councilmember Smith seconded and the motion PASSED UNANIMOUSLY.**

4. **Citizens' Comments – None**

**5. Departmental Report for January 2018 – Director Page**

Athletics at the Rec are going strong with youth basketball; adults are registering for softball, 6vs6 soccer, table tennis and volleyball, and youth are registering for baseball. Since the retractable basketball goals will be installed in March, the gym will be closed in March until such time as the installation is complete, but the Cardio Room will be open. One (1) the reason the retractable goals are needed is that the portable goals are very heavy and damage the floors; the replacement of the gym floor will be included in the FY19 budget. The Keenagers will meet on Wednesday, February 7<sup>th</sup> when they will hear stories about Charleston from Eric Lavender. The City also has an Employee Wellness Program where employees are allowed to attend exercise classes at no cost to them; the classes offered are Core & More, Semi-personal Training, Total Body Challenge, Fit Body in 50, Yoga, Boot Camp and Zumba. Upcoming events include the Performance Workshop that will perform a short play on April 19<sup>th</sup> at 5:30 p.m.; Cupid's Card Shop will be Wednesday for youth to make Valentines for ones they love; Doggie Day at the Rec is happening on Saturday, February 10<sup>th</sup> at 9:00 a.m.; the Front Beach Fest on March 3<sup>rd</sup> from noon until 4:00 p.m.; the annual Easter Egg Hunt will be Saturday, March 31<sup>st</sup> at 10:00 a.m. sharp and the annual Yard Sale on Saturday, April 14<sup>th</sup> from 8:00 a.m. til noon will close out the spring.

On the subject of the usage of the Cardio Room, the Director noted that the total number of participants in January 2017 was two hundred eighty-eight (288) compared to three hundred

eighty-five (385) in January 2018; in addition, the average daily participation has increased to eighteen (18) from twelve (12) in January 2017. Director Page commented that she is also seeing a younger age bracket coming to the Rec – not all participants are fifty (50) and older.

Councilmember Smith said that she would like for the Rec to hold a one (1) day self-defense class. Director Page said they had held a self-defense class in the past, but could try it again.

**6. Old Business – None**

**7. New Business**

**A. Discussion of potential Farmers' Market Changes for 2018**

Councilmember Smith agreed with the Chair that the Farmers' Market in the late summer and fall of 2017 was a huge success; she also stated that she has talked with the volunteers, Rebecca, Jessica and Lewis, regarding possible changes that could be made in 2018 to make the market more successful and sustainable for the vendors. Chief components of Councilmember Smith's suggestions were to move the Farmer's Market to one (1) of the municipal parking lots or to Front Beach and, possibly, to close Ocean Boulevard from 14<sup>th</sup> to 10<sup>th</sup> Avenue and the second suggestion was to hold the market once a month from April to September on a weekday, maybe Thursdays. She envisioned the City having an event like Second Sunday in Downtown Charleston, but on a much smaller scale. A major complaint from shoppers about the 2017 market was that parking in the County Park was not free, and free parking in the municipal lots did not appease many residents.

Benefits cited by Councilmember Smith were as follows:

- Easier parking options could increase attendance;
- Drawing residents to Front Beach would make it more of a community focal point;
- Continuing to draw off-islanders to the market would make it more sustainable for the vendors;
- Increasing local traffic to businesses on a slower day of the week;
- Holding the market monthly would make it more of an event;
- Providing an avenue for young professional residents to connect;
- Spreading the work out might make the market more doable for volunteers and City staff; and
- The long term benefit to businesses to build better connections with residents.

Councilmember Smith did voice the need to discuss the idea with other Front Beach businesses to know if they would be supportive of the changes.

Chair Buckhannon thought that the Councilmember had some good ideas, but he wanted to hear about the problems or issues the market experienced last summer.

Assistant Fragoso stated that next week she will meet with with Rebeca, Jessica and Lewis, the market volunteers for an after-action meeting of the 2017 Farmers' Market. Issues that she was



familiar with were the pay-to-park in the County Park and the fact that it was getting dark by 7:00 p.m. toward the end of October and people were leaving the market between 6:00 p.m. and 6:30 p.m.

Administrator Tucker explained that one (1) reason that the County Park was selected as the site for the market was because of the amenities there, particularly electricity, that are not available elsewhere in the Front Beach area.

The Administrator recalled that, from the initial discussions, the Recreation Department was clear that they did not have the time to take on the market along with all of the summer activities and camps. As a result, a good deal of work was required of Assistant Fragoso as a liaison between the volunteers and the City; additionally, police officers were used on the days the market was held to mark off the spaces in the County Park for each vendor. Logistically, she also noticed that the vendors on the east side had the glaring sun in their faces and, therefore, less traffic than the vendors on the west side.

Assistant Fragoso recalled that the IOP Farmers' Market drew fifty (50) vendors, so there was a good bit of duplication of offerings; therefore, she would recommend fewer vendors to eliminate the duplication and to generate more business for those selected.

Based on her experience with street events, Director Page stated that putting on street events was very difficult, beginning with telling people that they must move their vehicles, and what is being proposed is putting on an event once a month using a lot of City resources. If the market was done once a month, it would begin to compete for attendees at annual City events, like the Front Beach Fest.

Chair Buckhannon and Councilmember Smith agreed that the large municipal parking lot would be a suitable alternative to the street, but she said she has also heard people mention holding a farmers market at the Rec Center.

Director Page stated that there is no space at the Rec to hold it since vehicles cannot be on the athletic fields.

Chair Buckhannon stated that, if some financial arrangement could be made with the County Park, it was the best location for the market.

Assistant Fragoso told the Committee that the County Park was not interested in setting any kind of precedent relative to free parking.

Councilmember Moye suggested paying the County Park some type of event fee in exchange for free parking for those attending the Farmers' Market.

Another factor that swayed the volunteers to choose the County Park was to introduce residents to it and the amenities it offers.

For Councilmember Smith, the motive for these changes was to make the market sustainable for the vendors.

**B. Discussion of opening the Rec Center on Sunday afternoons**

Director Page stated that the Rec Center has been open on Sunday's before; for a while the adult volleyball games were played on Sunday. The Sunday opening was stopped because of problems with staffing availability; currently the Rec has five (5) part-time, year-round employees. These employees keep the scores for the games, help supervise the building on Tuesday nights and Saturdays, etc. She recalled that the previous Saturday, one (1) of the five (5) employees had the flu, another was at a band competition and one (1) was taking the SAT, so she had to work the games on Saturday because she did not have enough people to supervise the building and work the basketball games. She stated that she does have some applicants, but that does not mean that they have the qualities needed to supervise the building. If someone comes in to register for a class, the person supervising the building must know how to operate the Rec Department software to register and take the money. Another issue with Sundays would be that no one shows up use the facilities, but two (2) people are working.

According to the Director, the Rec Center is open approximately four hundred (400) hours a month; in the evenings, the Rec may close at 10:00 p.m. or it may close at 7:00 p.m. In her opinion, the Rec Center is open enough.

Responding to Councilmember Smith's questions, Director Page said that the gym was open during the day every day, but either classes or games were held in the gym in the evenings. Open gym time is on Saturdays between 1:00 p.m. and 5:00 p.m.

Since basketball season is in full swing, open gym time is minimal, not just at the Isle of Palms, but throughout the County. The Director added that, once the weather gets nice, the gym gets very little use.

Councilmember Smith stated that her husband plays basketball with a group of men, many of whom are residents, on the outdoor courts on Saturday mornings and they would like to reserve the gym for an hour or so to play full-court basketball on Sundays as well. To have the Rec Center open on Sunday afternoons would be a way of maximizing the use of the facility, and there must be a way to solve the staffing issue; she opined that some people who live on the island would like to work on Sunday afternoons.

To Councilmember Moye, two (2) situations were at play, i.e. one (1) was the staffing challenge and the other was a question of would the Rec Center be utilized, and, if the facility was not utilized, the staffing challenge was irrelevant.

Director Page stated that, when someone does not come to work, she must work because the Rec Department does not have an overtime budget to pay any of her full-time personnel to work on Sunday. When the Department has a special event, everyone is expected to work, and that means that Rec employees must juggle their work schedule to come in late or leave early to compensate for the Saturday hours worked.

Councilmember Moye asked if anything has changed that has increased the demand for Sunday usage of the Rec Center and how it could be determined; he also asked if the desire for Sunday hours had a seasonal component. He asked the Director is she knew of a way to determine the

demand. If the demand was great, the possibility that some people who were capable and responsible would volunteer to work on Sundays was good.

Director Page said that being open on Sunday could be started in the fall for the winter months, but she did not think there would be a great demand. Although volunteers were a great asset, she noted that the person working must be knowledgeable of CPR, aware of the building to know when something was amiss to call the Police Department, trained on the Rec software to register people for classes and collect the class fee, etc. She thought she could use the part-time, year-round employees to work on Sunday afternoons; they are a smart group of young men who have proven to be very responsible, but they, too, are involved with school activities, like sports and band, that also demand their time after school or on the weekends.

When Councilmember Smith asked if the Department could add more staff to make the Sunday opening a reality, the Director commented that these young people had to get enough hours to make working at the Rec worthy of their time. Currently the part-time, year-round employees work about twenty (20) hours a week.

Chair Buckhannon asked the Director to go back to her daily usage logs from the period when the Rec was open on Sunday to see what the demand had been then.

Director Page shared an additional bit of information that the Rec has rules for the use of the gym, and one (1) of them does not allow for playing full-court basketball. Although the rules could be changed, this rule allows two (2) groups to use the basketball courts at one time.

Councilmember Smith then asked, if the gym were to be open on Sunday afternoons, could a group reserve the gym; to which the Director responded that the City's policy is not to rent out space at the Rec Center, but the Rec does have a men's basketball league.

On the overtime issue, Administrator Tucker acknowledged that some employees like working overtime for the additional money and that funds for overtime could be put into the FY19 budget. She estimated that, if the gym were to be open on Sunday year-round, the cost would be approximately ten thousand dollars (\$10,000),

For the next meeting, Director Page will have a report on the usage of the Rec Center when it was open on Sundays in the past and whether the usage was seasonal.

**8. Miscellaneous Business - None**

**Next Meeting Date 8:30 a.m., Tuesday, March 6, 2018 in the Conference Room**

**9. Adjournment**

**MOTION: Chair Buckhannon moved to adjourn the meeting at 9:24 a.m.;**  
**Councilmember Moyer seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:  
Marie Copeland, City Clerk

## **PERSONNEL COMMITTEE**

4:00 P.M., Monday, February 12, 2018

The regular meeting of the Personnel Committee was held at 4:00 p.m., Monday, February 12, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Moye, Rice and Ward, Administrator Tucker and City Clerk Copeland; a quorum was present to conduct business.

1. Administrator Tucker called the meeting to order because the Committee will not have its full complement of members until the Special Election is held on Tuesday, February 13<sup>th</sup>. She acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

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

**MOTION:** Councilmember Rice moved to approve the minutes of the regular meeting of January 10, 2018 as submitted; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments – None**

4. **Old Business**

#### **A. Update on Personnel Handbook**

Administrator Tucker stated that staff had nothing new to report at this meeting, but a draft copy with the revisions would be available for the March meeting.

#### **B. Continued discussion of Administrator's Personal Goal for 2018**

Subsequent to the January meeting, Councilmember Moye asked for and was sent a copy of the evaluation form for department managers and the City Administrator's form that shows where the Administrator's personal goal is identified. At the same meeting, Administrator Tucker suggested continuing the development of the continuity plan as her 2018 goal, but Councilmember Moye wanted the goal selected to have a clear and measurable means by which to evaluate it.

Councilmember Moye stated that what he wanted was an objective and clear delineation of what the personal goal was to be and how Council could objectively say that it was or was not accomplished. He indicated that he would, for instance, like for the goal to be in tune with the continuity plan and the things that are important to City Council with the addition of measurability and specificity.

Councilmember Rice stated that she was fascinated with the differences between government and the corporate world in that many things that work in the corporate world do not translate into government and vice versa. She said that she did not know if a s.m.a.r.t. (specific, measurable, attainable, realistic and timely) goal was possible since so much of what local government does is to provide services. She then asked Councilmember Moye if he had a suggestion for a measurable goal.

Councilmember Moye said that a hypothetical goal could be for the Administrator to make recommendations on the three (3) top priority positions; this would be measurable in that by the end of the year, she would have made recommendations to City Council on these positions.

The Administrator thought it interesting that a personal goal was included in her evaluation because her work plan for any year was the plan laid out in the annual budget, but, in any given fiscal year, interruptions or deviations occur to that plan, which might be the will of the people, the will of Council or a weather event. Administrator Tucker recalled one (1) year when Council eliminated the personal goal from the evaluation form because the City had experienced so many interruptions. In addition, she stated that if Council were to choose a goal that needed to be included in the budget, they would need to do so in the next two or three (2 or 3) months.

Councilmember Moye commented that he was not ready to make a recommendation to change the entire evaluation process, but he was thinking about some of the challenges and about the current performance trends whereby companies are moving to more frequent performance evaluations, quarterly or monthly or weekly. The evaluations are much smaller in nature and scope and much less time-consuming, but more useful because the purpose of an evaluation is to continuously improve. If that was the goal, i.e. to set a goal for the end of the year, he understood the challenge; he said that he would fully support revamping the system the City was using to evaluate what would work better for the City and the employees. He suggested that one (1) huge goal for the end of the year might be replaced with goals that are in-line with the City's vision and have micro evaluations as completed.

According to publications the Administrator reads in her field, the move is away from annual evaluations all together because they are not as meaningful. Although the City goes through the exercise of annual evaluations, the Administrator believed that, in all departments, when something is going well or something needs to be tweaked or something is not going well, it is handled in the moment. If the City were to go to a more frequent evaluation, Administrator Tucker said that the City would have to define how they come together to make decisions on increases.

Councilmember Moye assured the Administrator that the challenge of compiling the smaller evaluations into a single number for the determination of wage increases has been solved by several companies; this process also eliminates recency bias. He did not think that this would replace the current system, but would augment it.

Human Resources Director DeGroot wholeheartedly agreed with Councilmember Moye; she indicated that the department managers have discussed and were considering more frequent evaluations. In her opinion, they would be more effective and much easier for the department heads to evaluate personnel bit by bit than to collect or try to remember an entire year.

Councilmember Rice stated that she was not comfortable making a motion at this time, but she also did not want to set a goal to be accomplished in a year and allow less than a year for its completion.

Councilmember Moye contended that the Administrator would not be judged on an annual goal that was identified in June.

In light of what has been said, Councilmember Moyer thought the discussion could go two (2) ways; the first would be to take the continuity plan and develop a measurable objective behind it, and the second, which would not be mutually exclusive, would be to try to implement some type of more frequent performance evaluations.

Administrator Tucker stated that to change the evaluation frequency for City employees would take a year; therefore, she preferred not to pair the two (2).

Speaking freely, the Administrator said that, in terms of achievement and what she feels she has given to the City in calendar 2018, getting the beach renourishment project underway should have been the “fantastic goal” achieved. She commented that the behind the scenes work was “monumental” – working with the stakeholders, juggling all of the state and federal agencies involved, etc. She would have named starting the fifteen million dollar (\$15,000,000) renourishment project as the Administrator’s Personal Goal and she would mark it achieved. In her opinion, the City does not celebrate the victories enough; the City should not take them in stride. She added that these goals should not be set just for the sake of setting a goal or to make more work to be able to say at the end of the year that the goal was met when the work plate was already full and overflowing. Based on its importance to the City, the Administrator still felt that refinement and completion of the continuity plan was a worthwhile personal goal.

Councilmember Moyer agreed with the continuity plan being the focus of the Administrator’s 2018 Personal Goal if it were something like to identify and to rank the prioritization of positions to be filled and to provide a plan for the top three (3) positions. He could support such a goal and would be comfortable taking it to City Council as the best goal by stating that the continuity plan was essential to the City and these three (3) things could be done to resolve issues with these critical positions.

### **C. Continued discussion of the City’s Education Reimbursement Policy**

Administrator Tucker expressed two (2) areas of concern with the education reimbursement policy, and they are as follows:

- Situations where employees receive a scholarship or grant but are not compelled to disclose it to the City when filing for reimbursement so that the City only pays the net balance; or
- Situations where the City is not protected when employees receive tuition loan forgiveness for the job they do for the City, and the City has no way to track or monitor the tuition forgiveness.

Councilmember Rice asked about paying the institution rather than the employee, but the Administrator reminded her that the City’s policy is reimbursement; there is also the fact that not all employees make excellent grades to be reimbursed one hundred percent (100%) of their tuition investment.

HR Director DeGroot stated that the goal was to tighten up the language of the policy, as well as the request for tuition reimbursement forms.

The Administrator wanted Council to be aware of the policy change because employees who are already in the City's program might push back against it.

Councilmember Rice voiced her understanding that, with the new tax plan, tuition reimbursement would be considered taxable income.

As an accountant, Councilmember Ward said that he was unfamiliar with this and that he would do some research on it.

#### **D. Continued discussion of the Continuity Plan**

Administrator Tucker stated that, in the upcoming year, she sees three (3) critical areas to be addressed and the first is the Public Works Department. The Public Works Committee, Directors Kerr and Pitts, along with HR Director DeGroot have been working together to devise a plan that will help the Department to function better with its expanded areas of responsibility. Currently, the Public Works Department is the only department where the Assistant Director functions more as a superintendent than a true assistant who could step in when the Director was absent. She noted that the Public Works Committee was going to hold a Special Meeting to discuss the staffing needs before budget work begins.

Director Pitts confirmed the needs in his department; he stated that his primary concern was the lack of backup to monitor the underground storage tanks at a time when the regulatory agencies are increasing and tightening up on their regulations. The City needs to be proactive with drainage, and he acknowledged that the City has a plan, but it is a plan. He expressed the belief that someone should be walking the City's drainage ditches daily.

Another critical personnel concern was that Chief Buckhannon serves a dual function as Chief of Police and IT Manager; the Administrator stated that a loss in either position would be very costly for the City. She noted that the City was still in the process of getting out the RFP for IT services that was included in the FY18 budget; in her opinion, an outside source would be the temporary fix. She explained that the City has evolved with a network of computers attached to servers that has become "Chief Buckhannon's child." As a result, whenever someone has a real computer issue, the call goes out to the Chief, and he goes into his room, does his magic, and the problem is solved, showing that the City's employees have become very accustomed to having an on-site person who responds quickly. She opined that outsourcing IT services would not work permanently for the City unless the company was right across the Connector to respond quickly. The ideal situation would be to have an individual or a company on-board before the Chief decides to retire to begin to absorb his body of knowledge. IT is another critical area of the City that has no backup.

Seeking clarification, Councilmember Moye asked if staff was looking to add the supervisors to Public Works because they could play the assistant role or was staff also looking to add an assistant.

Administrator Tucker stated that she believes that the Department needs a true assistant as well as the supervisors, particularly one (1) over drainage. She envisions the supervisors as being empowered to make recommendations and get things done, to stay abreast of projects until they

are completed, as well as to give the Director and Assistant Director feedback so that they can provide updates to the Administrator and/or governing body, and to identify problems.

Providing additional information about the existing Assistant Public Works Director, Director Pitts stated that the role of Public Works has changed with the changes to life on the island, and, although Joe Washington is the Assistant Director, he has specific manual duties that are not supervisory, but he can juggle a route if needed, he could direct the Caterpillar to go to a certain location. On the other hand, if equipment suffers a breakdown, he will call Director Pitts even if he is a thousand (1,000) miles away. Mr. Washington can do the tasks that are directed at him, but he has not been trained to take anything upon himself, other than straightening a street sign or picking up trash. The position has evolved to a point that the Public Works Director cannot be the hands-on, on-site supervisor one hundred percent (100%) of the time; for him, the Assistant would delegate assignments and follow-up on them to completion.

Director Pitts acknowledged that Council has increased the ditch maintenance on the island from a five-year (5 yr.) cycle to a three-year (3 yr.) cycle. The Director told the Committee that, less than one (1) year ago, the County was on the island and cleaned the ditch at 32-32<sup>nd</sup> Avenue; now that ditch has become like a bowl that holds water. The supervisor in charge of drainage must become intimately knowledgeable about the island's ditch drainage system.

The Director wants someone who can manage people, is capable of dealing with other agencies, such as Charleston County, DHEC, NPDES, etc., and be capable of being trained as the UST backup resource on the island.

Councilmember Ward voiced concern over the anticipated increases to the budget and pondered over where the additional funds would come from.

Councilmember Rice reminded the Committee that the City would only have the services of Mr. Schupp for beach trash and recycling removal for one (1) year.

**5. New Business – None**

**6. Miscellaneous Business – None**

Next Meeting Date: 4:00 p.m., Monday, March 12, 2018 in the City Hall Conference Room.

**7. Executive Session – not needed**

**8. Adjournment**

**MOTION: Councilmember Rice moved to adjourn the meeting at 4:45 p.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk



**REAL PROPERTY COMMITTEE**  
4:00 p.m., Thursday, February 8, 2018

The regular meeting of the Real Property Committee was held at 4:00 p.m., Thursday, February 8, 2018 in the City Hall Conference Room, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bell, Moye and Ward, Administrator Tucker, Assistant Administrator Fragoso and City Clerk Copeland; a quorum was present to conduct business.

1. Administrator Tucker called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act. She explained that this Committee has one (1) temporary member and that the seat will be filled as a result of the Special Election on Tuesday February 13, 2018.

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

**MOTION: Councilmember Moye moved to approve the minutes of the regular meeting of January 9, 2018 as submitted; Councilmember Bell seconded and the motion PASSED UNANIMOUSLY.**

**3. Citizens' Comments**

Chris Crolley, owner and operator of Coastal Expeditions, informed the Committee that he has operated out of the IOP Marina since 1992 and that he conducts kayak tours and provides environmental education. He stated that, along with the other marina tenants, he was looking forward to and lobbied for the marina redevelopment that was defeated in a referendum in November. He expressed his desire to continue operating his business at the marina and asked that the City consider adding his business as a tenant at the marina, in the same way that TidalWave Watersports is a City tenant. He stated that he does not wish to sour any relationships at the marina, but to become a tenant of the City makes more business sense for him. He also recalled that, with the marina redevelopment plan, the decision was made to relocate TidalWave to become Coastal Expedition's neighbor; he stated that such a move would not benefit either business, i.e. kayaks and jet skis should not be mixed. He further stated that he would consider swapping locations with TidalWave to be a quiet neighbor to the neighboring residents and to assist residents with storage and launching their kayaks. He concluded that he would also prefer not to work out of a trailer and would appreciate a permanent structure.

When Councilmember Moye asked whether Mr. Crolley was making a single request to become a City tenant and to move to a different area or was making two (2) requests.

Mr. Crolley replied that he was "simply starting the discussion;" he repeated that relocating TidalWave so close to Coastal Expeditions was not good for either business. He also stated that he thought he could have a longer term lease with the City and that, possibly, his rent would be lower and he would get more support in providing upgraded amenities and building a permanent structure.

Councilmember Bell stated that, since the referendum failed, the City has no master plan for the marina or how the City will deal with individual leases or leased dock space, etc.; he assured Mr. Crolley that the City would move forward to make the necessary repairs. And, on the subject of

a separate lease, Councilmember Bell noted that all unassigned dock space was included in Mr. Berrigan's lease.

#### **4. Comments from Marina Tenants**

Carla Pope, Operations Manager for Morgan Creek Grill, read comments from Jay Clarke, restaurant owner, into the minutes of the meeting; a copy of the comments is attached to the historical record of the meeting. Administrator Tucker took issue with the statement "it was indicated to us that alternate, convenient and similar number of spaces would be provided;" she stated that, as the minutes confirm, the City did not obligate itself to provide an equivalent number of dock spaces as were removed from the Morgan Creek Grill in its lease renewal.

With regards to the property tax bill the City has received for the marina, Michael Fiem of TidalWave asked that he be kept abreast of actions or decisions. Mr. Fiem also announced that the TidalWave safety and training handbook that was developed with the assistance of the Department of Natural Resources and the Coast Guard has been adopted by the Watersports Industry Association of America and Lloyds of London to use as a baseline for all training of watersports companies around the world.

#### **5. Old Business**

##### **A. Consideration of a proposal from The Palms Hotel for parking in the municipal parking for their guests and employees**

The text of the hotel's proposal to the City is attached to the historical record of the meeting; Administrator Tucker addressed each point in the proposal with the City's recommendations that were decided upon by Chief Buckhannon, City Treasurer Suggs, Assistant Fragoso and the Administrator.

On the subject of the daily rate for guest parking, the City will accept the current daily charge of eight dollars (\$8) per weekday and ten dollars (\$10) per day on the weekends and holidays from March 1<sup>st</sup> through October 31<sup>st</sup>. Parking will be on a first come, first served basis, and will not be guaranteed for hotel guests. If City Council were to increase the daily parking rates, the new rates would automatically apply to the agreement between the City and The Palms Hotel. The Hotel will provide its guests with a hangtag that has been approved by the IOP Police Department and will contain the state, vehicle registration number and the "good-through," or check-out, date.

The Administrator stressed that the daily rates were consistent with the rates paid by customers of other Front Beach shops and restaurants.

Seasonal parking passes will not be transferrable in accordance with the existing City regulations associated with the management of seasonal parking passes; the passes can be purchased by the hotel management or by individual employees at the IOP Public Safety Building at the current rate of sixty dollars (\$60).

Prior to entering into an agreement, the Hotel will provide to the City a representative monthly report showing the total number of guests who parked in the Municipal Parking Lot, and the report must include a breakdown of the usage between weekdays and weekend days and holidays. Any guests staying at the Hotel with handicap placards will park at no charge.

The City acknowledges that the parking payment will be made in arrears on a monthly basis, and discrepancies that cannot be resolved will be decided in favor of the City.

Councilmember Bell emphasized the need for consistency between all of the business on Front Beach and that he has no problem with payment in arrears.

**MOTION: Councilmember Ward moved to recommend to Ways and Means that the City draw up an agreement with the terms stated above between The Palms Hotel and the City of Isle of Palms relative to the parking of guests and employees of the Hotel in the municipal parking lots; Councilmember Bell seconded.**

Councilmember Moye said that he would like to see an estimate of the volume the City might expect and what kind of administrative work would be required for reconciliation on a monthly basis.

Administrator Tucker explained that the City did not have any historical records related to the volume of parking in the past since the hotel was in an agreement with Bill Schupp who was leasing the parking lot from the City.

Councilmember Moye also inquired about having a single rate across all days of the week because it could make the reconciliation easier and less time consuming.

Councilmember Bell commented that The Palms Hotel has no parking without the City lots, and the agreement would be for a year, not long-term; the City was only trying to make a deal to accommodate a business.

Mr. Cunningham, Area Manager for Charlestowne Hotels, stated that he could provide any historical data back to 2012 the City might need. He also informed the Committee that he has located another vendor who would be willing to lease both municipal lots and to manage them for the City. He stated that his goal was to make the process as easy and painless as possible for his guests and the City. The peak year for parking was 2015 when just over twelve thousand (12,000) guests' vehicles were parked in the lots at six dollars (\$6) per day for a total of seventy-two thousand five hundred dollars (\$72,500). He asked that the City allow guests to stay in the lot until the 11:00 a.m. to 12:00 p.m. check-out time on the day of departure.

After Mr. Cunningham stated that he had not experienced any discrepancies when dealing with Mr. Schupp, Councilmember Ward voiced his dislike for the stipulation that all unresolved discrepancies would be decided in favor of the City and that he wanted to see it removed from the agreement.

**Amendment: Councilmember Ward moved to remove the section of the agreement on discrepancies; Councilmember Bell seconded.**

**VOTE on the Amendment: The amendment PASSED UNANIMOUSLY.**

**VOTE on the Amended Motion: The amended motion PASSED UNANIMOUSLY.**

**B. Update on the removal/replacement of the underground storage tanks**

The Administrator stated that staff would be meeting with the affected marina business owners, Director Pitts, and the contractor tomorrow morning regarding the delay in receipt of the replacement tanks. The RFB had stressed the need to remove and replace the tanks at the marina before the start of the season; with the news of the delay, the discussion will center on replacing the tanks at the Public Works site before the season starts and delaying the installation of the tanks at the marina until after the season. This reversal would mean that the project will be spread over two (2) fiscal years, and the funds not spent in FY18 will be re-budgeted into FY19; it will also mean above ground fuel for a longer period of time.

**6. New Business**

**A. Discussion of changes to parking at the Front Beach lots**

A member of Council that does not serve on this committee asked that this item appear on the Agenda; he had a family member who worked at the parking lot in the County Park and has offered suggestions to the City for changes and/or improvements relative to the City's parking lots. He has suggested that the City might need additional staffing at the lots to increase efficiency; the City currently staffs the parking lot on peak days, i.e. Memorial Day weekend and July 4<sup>th</sup>. Employees from all departments are selected to work the lots on an overtime basis. This Councilmember also advocated for improving the lots, possibly reconfiguring them and improving the condition. The City does not have the level of irrigation that exists at the County Park.

Councilmember Bell opined that the parking lots were a piece of a bigger discussion of parking all over the island; problems exist on Palm, the marina overflow issue, directing day-trippers to the parking lots, etc. He advocated that Council stop treating individual situations, but develop a comprehensive parking plan to encompass the entire island. He recommended that a more comprehensive discussion be initiated before the start of the season.

The Administrator responded that she thought this would be a topic of the discussion at the upcoming visioning meetings.

**B. Discussion of request by Michael Fiem to operate Isle of Palms Adventures**

Administrator Tucker invited Director Kerr to the meeting to explain what ordinance changes would be necessary for Mr. Fiem's plan to move forward as presented.

Director Kerr recalled that, in the past year, Council passed an ordinance not to allow outdoor sales or sales from anything temporary or mobile; a permanent structure would be required. If Council were to make the ordinance changes to allow Mr. Fiem to go forward, an approval from the Board of Zoning Appeals (BOZA) would be necessary for any type of outside activities.

One (1) solution would be to operate from an existing, permitted building, which he did not think was considered as part of the business plan.

Another provision in the existing code is a temporary exception for City-sponsored events that states that the law would be suspended for a day or two (2) for events like the 50<sup>th</sup> anniversary celebration, the street fests, the tree lighting, etc. The particular situation being discussed would not be for a day or so; therefore, the statute would not apply.

According to Councilmember Bell, the discussion at the January meeting ended with the Committee charging Mr. Fiem to talk with the Front Beach businesses about space inside their businesses from which IOP Adventures could operate. He commented that he understood Mr. Fiem's concept as a way for them to gain more business and potentially to help solve the parking density issues at the marina, but he again thought that marina parking should be one (1) piece in comprehensive planning for the City. He stated that he was unclear what problem the Committee was trying to solve; he did not understand what the impact to the marina would be in terms of usage by promoting for more people to come there.

Mr. Fiem agreed that a comprehensive plan was needed, but he also thought that it would be made up of multiple, different solutions. He stated that he saw this concept as helping parking overall; he said that he thought IOP Adventures would help the City with minimal cost. As to occupying space in another business, he stated that to be successful, this business must be visible.

Councilmember Bell noted that, with the challenges in the Code, including the BOZA process, this plan could not possibly be in place for this year's beach season; he added that he had no idea if Council would want to entertain changes to ordinances.

Councilmember Ward stated that he would not be in favor of any changes to ordinances; in his opinion, the City Code was what held the island together and controlled the City's future. He also stated that he supports the "brick and mortar" businesses on the island.

Councilmember Bell indicated that Council could not support changes to the City Code for one (1) business.

Director Kerr opined that Council could change the Code to eliminate the need for outdoor activities to be approved by BOZA if they chose to do so, but the need to construct a permanent building would still exist.

Councilmember Moye commended Mr. Fiem with wanting to work with the City, but he agreed with Councilmember Bell that this new Council needed time to establish a path to the future. He also voiced agreement that changing existing City ordinances was unlikely.

Although Mr. Fiem urged the Committee to send his proposal to the Ways and Means Committee for discussion, Administrator Tucker explained that the Committee was not of a mind to do that.

**C. Consideration of submitting documents regarding permitting of the IOP Marina dock replacement**

Administrator Tucker stated that, from working with ATM on the marina enhancement project, staff learned that permitting from OCRM and the Corps of Engineers for the replacement of the docks could take a year to obtain. Since the docks are in poor condition and are continuing to deteriorate, staff's question to the Committee was whether to engage the services of a consultant to compile and submit the permit documents to begin the permitting process. If the Committee wants to proceed, staff would want guidance on whether the Committee wanted to continue with ATM since they have the body of work up to this point or to advertise an RFP to attract other consulting firms that do this type of work.

Responding to Councilmember Ward's question, the Administrator said that staff would need about a month to produce the RFP, bidders would be given a couple of weeks to respond, and staff would need another couple of weeks to evaluate the bids. Staff should be able to make a recommendation in about two (2) months.

Councilmember Bell opined that ATM probably already has the work done and, therefore, should come forward with a modest fee; he preferred that the City approach them first to get a price for the work.

Mr. Berrigan, marina manager, agreed the City should go to ATM for a price, but he added that he could wait for a few months for an RFP to get the right team. He also stated that he thought that ATM has done a professional job and that they know what they are doing.

Administrator Tucker stated that, if the Committee wanted her to reach out to ATM, she thought they could give her a price in time for the February Ways and Means Committee meeting.

**MOTION: Councilmember Bell moved to recommend to Ways and Means that the City begin the permitting process for the replacement of the docks at the marina and should reach out to ATM for a proposal for that purpose; Councilmember Moyer seconded.**

Councilmember Moyer asked how much leeway the City would have with the design of the docks once the permits were issued.

The Administrator explained that the permits could be amended, but the basic things could not be changed because they were agency regulations.

Councilmember Bell commented that the permits would be good for five (5) years, and Mr. Berrigan noted that they could also be extended.

**VOTE: The motion PASSED UNANIMOUSLY.**

**D. Discussion on unattended Intracoastal Waterway docks**

The Administrator reminded the Committee that the prior Council had removed the docks dedicated to Morgan Creek Grill (MCG) when the lease was renewed; she explained that the reason the action was taken was because the docks were not policed and were under-used. In addition, the removal of the docks from the lease gave the City more flexibility as it developed the Marina Enhancement Plan. When that action was taken, the understanding was that, as the Enhancement Project moved forward and the future of the restaurant was looked at, attempts would be made to accommodate the boating customers of Morgan Creek Grill, but that the likelihood was that fewer slips would be made available to them than were in the lease. What exists today is docks that are in an unattended section of dockage; anyone coming up in a boat could dock there which is problematic on issues of liability and maintenance. Additionally, the City has a tenant at the marina site whose business is to lease dock space, and a portion of that income comes to the City; these unattended docks mean that the City is allowing dock space for free. The Administrator continued that a decision needed to be made about these docks at least to get through the season.

Councilmember Bell recounted that he had been in attendance at meetings when the MCG docks were discussed, and there was no agreement on whether the docks were under-utilized. The docks were removed when Council renewed the lease on the contention from several Councilmembers who said the docks were not utilized properly. Discussion also took place at that time about giving the docks to Mr. Berrigan without a return to the City for them, and the statement was made that to do so would mean an amendment to the marina lease. He stated that now the City has “an Intracoastal restaurant with no definitive agreement with the marina operator to provide dock space.” He opined that the City has two (2) options;

- 1) To revert to the old lease terms with MCG for the 2018 season with the addition that the docks are to be policed and maintained by MCG or
- 2) To put the docks under the purview of the marina manager for the 2018 season.

Chris Crolley of Coastal Expedition questioned that the slip management would go to the restaurateur, and not to the marina manager.

Councilmember Bell noted that these docks would not bring additional revenue to the City unless they were addressed in a separate lease with the marina manager. His concern was for the restaurant to have an agreement in place with the marina manager to provide dock space to MCG for the summer of 2018.

Mr. Berrigan reiterated that he has not proposed for the City to give him the purview over Morgan Creek docks. If he were to manage these unattended docks, he would seek a separate lease with the City for one (1) year with the City receiving a percentage of the rent. He recalled that, prior to the referendum, a topic of discussion was that residents should have access to more dock space at the marina; Mr. Berrigan said that, if these docks were his to manage, he would make them available for rent exclusively by IOP residents.

Administrator Tucker voiced a plan that would benefit all parties involved; the plan would be to craft a short-term lease, ending maybe on December 2019, with either Marina Joint Ventures or MCG, that the City receive a percentage of the rent of those docks to be used by residents and

MCG customers – possibly two (2) spaces dedicated to the restaurant; the lease could be renewed annually until such time as the City makes a decision on the configuration of all of the docks. This would accomplish having the docks managed and maintained on a short-term basis. The Administrator stressed that the docks were for the use of customers to Morgan Creek Grill and not for the restaurant owner or employees; although this did not represent a violation of the lease, it was not the intent of the lease.

Although he did not attend the Real Property Committee meeting where taking the docks out of the MCG lease was discussed, Councilmember Moye did attend the Council meeting when the action was taken, and he recalled that MCG had been late with its request to renew the lease and that the missed deadline had been used to open the door to removing the docks from the lease. He hypothesized that, if the renewal request had been made on a timely basis, the Committee would not have this discussion. He asked if MCG had received anything to compensate it for the loss of the docks, and the Administrator responded that she would need to review the lease renewal to be sure; she opined that the restaurant had been given the opportunity to renew.

For Councilmember Moye, the issue was one (1) of fairness and “what kind of City the Isle of Palms wanted to be in terms of working with the businesses that serve the residents.” He stated that he would like to see Mr. Berrigan and Mr. Clarke work together to come to a mutually beneficial agreement.

Since Mr. Clarke was unable to attend the meeting due to a bad case of flu, Ms. Pope approached the Committee stating that she thought it was important for Mr. Clarke to comment before the Committee took action on the docks. Ms. Pope added that her memory was that the marina tenants were told they would have to give up something to make the master plan work and that the restaurant gave up the docks while other tenants were being moved around. She again contended that the docks are not under-utilized from March through August and are very much an asset to MCG.

The Committee agreed to delay action until they heard from Mr. Clarke.

## **7. Miscellaneous Business**

Administrator Tucker reported that all tenants' rent was current.

**Next Meeting Date: 4:00 p.m., Thursday, March 8, 2018 in the Conference Room.**

**8. Executive Session – not needed**

**9. Adjournment**

**MOTION: Councilmember Ward moved to adjourn the meeting at 5:30 p.m.; Councilmember Moye seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:  
Marie Copeland  
City Clerk



MAIL TO:  
**Charleston County**  
 ASSESSOR'S OFFICE  
 3875 FABER PLACE DRIVE, SUITE 100  
 NORTH CHARLESTON, SC 29405-8547  
**DO NOT FAX, DO NOT EMAIL**



(843) 958-4100 8:30-5:00 M-F  
 OR GO TO  
[www.charlestoncounty.org](http://www.charlestoncounty.org)



**NOTICE OF OBJECTION - TAX YEAR 2017**

PLEASE FULLY COMPLETE ONE FORM FOR EACH PARCEL FOR WHICH YOU ARE FILING AN OBJECTION

PERMANENT MAILING ADDRESS CHANGE ONLY

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CITY OF ISLE OF PALMS  
 PO BOX 508  
 ISLE OF PALMS SC 29451-0508

| PROPERTY CLASSIFICATION                            | VALUE            | X | RATIO | = | ASSESSMENT *   |
|--|------------------|---|-------|---|----------------|
| OWNER OCCUPIED RESIDENCE                           |                  | X |       | = |                |
| OTHER REAL PROPERTY                                | 6,287,000        | X | 0.06  | = | 377,220        |
| AGRICULTURAL USE VALUE                             |                  | X |       | = |                |
| <b>TOTAL TAXABLE (CAPPED)<br/>VALUE/ASSESSMENT</b> | <b>6,287,000</b> |   |       |   | <b>377,220</b> |

|  |
|--|
| <b>PARCEL ID NO.</b><br>5710800007                                       |
| <b>FOR INFORMATION ONLY</b><br>MARKET VALUE WITHOUT 15% CAP<br>6,287,000 |
| AGRICULTURAL MARKET VALUE<br><b>WITH 15% CAP (CAPPED VALUE)</b>          |

If you disagree with the Appraisal & Assessment, you must file written objection with the Assessor on/or before 05/03/2018.

|                     |                           |
|---------------------|---------------------------|
| OFFICE USE          |                           |
| TAX DISTRICT<br>2-4 | NOTICE DATE<br>02/02/2018 |

**REASON FOR CHANGE:** Property Status Changed From Exempt To Taxable

**The Assessor's Office is no longer located in downtown Charleston.  
 The office has moved to 3875 Faber Place Drive, Suite 100, North Charleston SC 29405-8547**

**GROUND FOR OBJECTION:** (PLEASE BE SPECIFIC - ATTACH ADDITIONAL PAGES IF NEEDED)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Owner's Name: CITY OF ISLE OF PALMS

**SIGNATURE and CONTACT INFORMATION IS REQUIRED**

Signature: \_\_\_\_\_  
 CHECK ONE, I am the:  Owner OR  Representative  
 (Representatives Must provide an original signed Power of Attorney)  
 Print Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Owner's Estimate of Value: \_\_\_\_\_  
 Daytime Phone: \_\_\_\_\_  
 Cell / Alternate Phone: \_\_\_\_\_

- I WISH TO OBJECT TO THE:
- VALUE  6% ASSESSMENT
  - VALUE & 6% ASSESSMENT
  - AGRIC. USE REMOVAL/DENIAL
  - NOT AN ATI  OTHER

PARCEL ID NO. 5710800007

Code of Laws of South Carolina 1976 Annotated  
Title 12. Taxation (Refs & Annos)  
Chapter 37. Assessment of Property Taxes  
Article 5. Liability for Taxes; Returns

Code 1976 § 12-37-950

§ 12-37-950. Valuation of certain leasehold estates as real estate.

[Currentness](#)

When any leasehold estate is conveyed for a definite term by any grantor whose property is exempt from taxation to a grantee whose property is not exempt, the leasehold estate shall be valued for property tax purposes as real estate.

**Credits**

HISTORY: 1962 Code § 65-1649.1; 1957 (50) 89.

[Notes of Decisions \(1\)](#)

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Code 1976 § 12-37-950, SC ST § 12-37-950

Current through the 2017 session, subject to technical revisions by the Code Commissioner as authorized by law before official publication.

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394 S.C. 21

Supreme Court of South Carolina.

CLARENDON COUNTY, South Carolina,  
through the CLARENDON COUNTY  
ASSESSOR, Respondent/Appellant,  
v.  
TYKAT, INC., Appellant/Respondent.

No. 27025.



|  
Heard May 25, 2011.|  
Decided Aug. 15, 2011.**Synopsis**

**Background:** County petitioned for contested case hearing after county board of assessment appeals found leasehold interest in real property taxpayer leased from Public Service Authority for use as campground was not taxable. Parties moved for summary judgment. The Administrative Law Court, Richland County, [John D. McLeod, J.](#), granted county's motion, and denied taxpayer's motion. Taxpayer appealed, and county cross-appealed.

**Holding:** The Supreme Court, [Kittredge, J.](#), consolidated appeals, and held that taxpayer's leasehold interest was not exempt from ad valorem taxation, regardless of whether taxpayer used that interest for public purpose.

Affirmed.

West Headnotes (1)

- [1] **Taxation**  
 [Transfer of exemption or of property exempt](#)  
**Taxation**  
 [Interests less than fee in general; leasehold interests](#)

Provision of state constitution did not operate to exempt taxpayer, a private, for-

profit entity, from ad valorem taxation on real property taxpayer leased from the Public Service Authority for use as a campground; provision of statute governing valuation of certain leasehold estates as real estate unambiguously required that taxpayer's leasehold estate "be valued for property tax purposes as real estate," and it made no mention of exemption if leasehold estate was used for public purpose. [Const. Art. 10, § 3; Code 1976, § 12-37-950.](#)

[1 Cases that cite this headnote](#)

**Attorneys and Law Firms**

**\*\*306** [Ian S. Ford](#), of Green Ford & Wallace, of Charleston, and [William C. Coffey, Jr.](#), and [Ray E. Chandler](#), of Coffey Chandler Kent & McKenzie, P.A., of Manning, for Appellant/Respondent.

[David W. Epperson](#), of Manning, and [Michael E. Kozlarek](#) and [Walter H. Cartin](#), of Parker Poe Adams & Bernstein, LLP, of Columbia, for Respondent/Appellant.

**Opinion**Justice [KITTRIDGE](#).

**\*22** This is a consolidated appeal from an ad valorem tax assessment. Tykat, Inc., appeals the Administrative Law Court's decision upholding Clarendon County's tax assessment on real property Tykat leased from the South Carolina Public Service Authority. Tykat contends the leased property was exempt from tax because the South Carolina Public Service Authority is constitutionally exempt from paying taxes and because Tykat's use of the property may be classified as a public purpose. Clarendon County (through its Assessor) cross-appeals the Administrative Law Court's denial of its request for attorneys' fees and costs. We affirm the order of the Administrative Law Court.

**\*23 I.**

The Clarendon County Assessor presented Appellant/Respondent Tykat, Inc., with an ad valorem tax assessment notice covering three estates in real property.

Two of the properties were held by Tykat in fee simple, and those properties are not in dispute. The third property was owned in fee simple by the South Carolina Public Service Authority (“Authority”) and leased by Tykat for use as a campground. The value of this leasehold interest was included in the tax notice sent to Tykat. The leasehold interest is the subject of this appeal.

Tykat appealed the assessment to the Clarendon County Board of Assessment Appeals (“Board”), and the Board found the leasehold interest was not taxable. Clarendon County petitioned for a contested case hearing before the Administrative Law Court (“ALC”). Tykat moved to dismiss the petition. The parties then filed cross-motions for summary judgment. The ALC granted Clarendon County's motion and denied Tykat's motion, and Tykat now appeals. Because the ALC denied Clarendon County's request for attorneys' fees and costs, the county also appeals.

We consolidated the appeals and granted Clarendon County's motion to certify the matter to this Court pursuant to [Rule 204\(b\), SCACR](#).

## II.

Summary judgment is appropriate when “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” [Rule 56\(c\), SCRC](#).

### A. Tykat Appeal

[Article X, section 1 of the South Carolina Constitution](#) permits the General Assembly to “provide for the ad valorem taxation by the State or any of its subdivisions of all real and \*24 personal property.” [Article X, section 3](#) then provides, in relevant part:

There shall be exempt from ad valorem taxation:

- (a) all property of the State, counties, municipalities, school districts and other political subdivisions, if the property is used exclusively for public purposes;

....

The parties do not dispute that the South Carolina Public Service Authority is a tax-exempt political subdivision. Rather, they dispute whether [article X, section 3](#) operates to exempt Tykat—a private, for-profit entity—from ad valorem taxation on property leased from the Authority. As explained by the American Law Reports:

**\*\*307** Where land is leased to another, the original and traditional procedure ... is to assess the entire value of the land to the owner of the reversion. Such an assessment covers the value of the leasehold, as well as the reversionary interest, the sum of the two being comprised in the value of a complete ownership of the land. But where the owner of the fee is exempt from taxation, that method cannot be followed, and the question arises whether the leasehold interest of the tenant may be taxed separately against him.

Maurice T. Brunner, Annotation, *Comment note: availability of tax exemption to property held on lease from exempt owner*, 54 A.L.R.3d 402 § 15, 513 (1973).

In South Carolina, this question has been answered by [section 12–37–950 of the South Carolina Code](#) (2000), which provides:

When any leasehold estate is conveyed for a definite term **by any grantor whose property is exempt from taxation to a grantee whose property is not exempt**, the leasehold estate shall be valued for property tax purposes as real estate.

(Emphasis added).

Despite the plain language of [section 12–37–950](#), Tykat attempts to extrapolate a rule from our decisions in *South Carolina Public Service Authority v. Summers*, 282 S.C. 148, 318 S.E.2d 113 (1984), and *Charleston County Aviation Authority \*25 v. Wasson*, 277 S.C. 480, 289 S.E.2d 416 (1982), that would extend the [article X, section 3](#) tax exemption to lessees of property owned by a tax-

exempt entity so long as the lessees use the property for a public purpose. We are constrained to reject this approach because the cases relied on by Tykat do not address the tax status of lessees and because the plain language of [section 12–37–950](#) precludes the result Tykat desires.

The precedents relied upon by Tykat address whether a **tax-exempt owner in fee simple** retains its tax exemption when it leases real property to a private entity. These cases make no mention of a tax exemption for a lessee. See *Summers*, 282 S.C. at 150, 318 S.E.2d at 114 (“The Authority paid the taxes under protest and instituted this action to recover them....”); *Taylor v. Davenport*, 281 S.C. 497, 316 S.E.2d 389 (1984) (holding, in a dispute between Greenwood County and the counties of Newberry and Laurens, that property owned by Greenwood County and leased to a private entity was exempt from taxation); *Wasson*, 277 S.C. at 483, 289 S.E.2d at 418 (“The Authority, excepting to the assessor's determination, sought review ....”); cf. *Quirk v. Campbell*, 302 S.C. 148, 151–53, 394 S.E.2d 320, 322–23 (1990) (holding that, because a property was owned by Richland County and used for a public purpose, a fee in lieu of taxes agreement concerning the property did not violate constitutional provisions requiring uniformity in ad valorem tax rates).

By contrast, [section 12–37–950](#) is directly on point. [Section 12–37–950](#) unambiguously requires that Tykat's leasehold estate “be valued for property tax purposes as real estate,” and it makes no mention of an exemption if the leasehold estate is used for a public purpose. Tykat has not argued [section 12–37–950](#) runs afoul of [article X, section 3](#). Accordingly, we are bound by the plain language of the statute. See *Wynn ex rel. Wynn v. Doe*, 255 S.C. 509, 512, 180 S.E.2d 95, 96 (1971) (“Where the language of [a] statute is plain and unambiguous ... the court has no right to look for or impose another meaning.”). Thus, our holding is limited to Tykat's effort to apply the *Summers–Wasson* line of cases to lessees of real property where the grantor is exempt from taxation. Applying [\\*26](#) the plain language of [section 12–37–950](#), we hold that Tykat's leasehold interest was not exempt

from ad valorem taxation, regardless of whether Tykat used that interest for a public purpose.<sup>1</sup>

For these reasons, we affirm the order of the ALC as to the issues raised in Tykat's [\\*\\*308](#) appeal.<sup>2</sup> We turn now to the appeal by the county.

### B. County Appeal

While the county concedes that Tykat's argument on appeal is not frivolous, it contends Tykat presented additional arguments that were frivolous, and therefore, the ALC erred in failing to award attorneys' fees and costs to the county under the Frivolous Civil Proceedings Sanctions Act, [S.C.Code Ann. § 15–36–10 \(2005 & Supp.2010\)](#). We disagree. The county focuses on certain of Tykat's arguments below and characterizes them as frivolous. We have reviewed the ALC's denial of an award of attorneys' fees and costs under the Frivolous Civil Proceedings Sanctions Act, and we affirm pursuant to [Rule 220\(b\)\(1\), SCACR](#).

### \*27 III.

We affirm the decision of the ALC. Based on the limited challenge raised by Tykat, its leasehold interest was subject to ad valorem taxation under the plain language of [section 12–37–950](#). Thus, we are bound to apply the statute as written. Our *Summers–Wasson* line of cases does not alter this result. Further, we affirm the denial of Clarendon County's request for attorneys' fees and costs.

**AFFIRMED.**

PLEICONES, Acting Chief Justice, [BEATTY](#), [HEARN](#), JJ., and Acting Justice [JAMES E. MOORE](#), concur.

**All Citations**

394 S.C. 21, 714 S.E.2d 305

### Footnotes

<sup>1</sup> We note that pending legislation, if adopted, would alter the application of [section 12–37–950](#). Specifically, Senate Bill 844, 119th Gen. Assemb., Reg. Sess. (S.C.2011), would amend [South Carolina Code section 12–37–220 \(2000 & Supp.2010\)](#) to provide that, “[n]otwithstanding the provisions of [Section 12–37–950](#), a leasehold interest conveyed by

the South Carolina Public Service Authority, regardless of the use made of the leasehold interest," is exempt from ad valorem taxation. This pending legislation does not alter the resolution of Tykat's appeal.

- 2 Tykat has argued in the alternative that summary judgment was premature and that additional discovery was needed. However, Tykat filed a cross-motion for summary judgment wherein it asserted there were no genuine issues of material fact in this case. Accordingly, Tykat cannot now be heard to assert that summary judgment was premature. In addition, the ALC did not rule on this issue, and Tykat did not file a [Rule 59\(e\), SCRPC](#), motion seeking a ruling thereon. See [Home Medical Systems, Inc. v. S.C. Dep't of Revenue, 382 S.C. 556, 562–63, 677 S.E.2d 582, 585–86 \(2009\)](#) (finding issue preservation rules and [Rule 59, SCRPC](#), were applicable to proceedings before the ALC); Rule 29(D), SCRALC (permitting a party to “move for reconsideration of a final decision of an administrative law judge ... to alter or amend the final decision, subject to the grounds for relief set forth in [Rule 59, SCRPC](#)”).

**MINUTES OF THE ISLE OF PALMS  
PLANNING COMMISSION MEETING  
February 14, 2018**

The Isle of Palms Planning Commission met in the City Hall conference room, 1207 Palm Boulevard on February 14, 2018 at 4:30 p.m. Members attending included Ron Denton, Richard Ferencz, Bill Mills, Lisa Safford and Phillip Pounds; the Director of Planning Douglas Kerr was present as well. Vince DiGangi and Lewis Gregory were absent. Mr. Ferencz acknowledged that the press had been notified of the meeting and the agenda for the meeting was posted in City Hall and the Building Department to comply with the Freedom of Information Act.

**PUBLIC COMMENTS**

Mr. Rick Roberts explained that he was the owner of 2305 Waterway Boulevard and he had concerns that the subdivision request on the agenda for 2401 Waterway Boulevard violated the restrictive covenants for the property. He distributed copies of the property record card from the County records as well as a 1966 deed for 2401 Waterway Boulevard and stated that he believed that the restrictions contained within the deed (book B86 page 211) prohibited the requested division.

**APPROVAL OF MINUTES**

Mr. Ferencz explained that the next item on the agenda was the approval of the January 10, 2018 minutes. Mr. Mills made a motion to approve the minutes as submitted and Mr. Denton seconded the motion. The vote was unanimous in favor of the motion.

**SUBDIVISION REQUEST FOR 2401 WATERWAY BOULEVARD**

Mr. Kerr explained that historically municipalities did not enforce restrictive covenants, but several years ago the State code was revised (SC Section 6-29-1145) to require cities to be given confirmation from the applicant that the restrictive covenant has been released when the city has been given notice that a restriction prohibits a subdivision.

Mr. Denton stated that it was his belief that the applicant had already provided a release of the restriction from the Beach Company. Mr. Kerr responded that this was correct, so it may only be a matter of the applicant providing confirmation that the appropriate steps have been taken, but prior to Mr. Roberts comments the City did not have notice of the covenant, as described in the SC code.

Mr. Ferencz made a motion to defer action on the request until the applicant satisfies the SC code requirements as they pertain to restrictive covenants and subdivisions. Ms. Safford seconded the motion and the vote was unanimous in favor of the motion.

## **DISCUSSION WITH SCDOT REGARDING STORMWATER**

Mr. Kerr explained that at the last meeting, the Commission expressed an interest in meeting with a representative of SCDOT to discuss stormwater issues on the island and Mr. Arnold Blanding was present to discuss these issues. Mr. Kerr gave a brief overview of the Planning Commission's work so far and what had been discussed in previous meetings.

Mr. Kerr asked what Mr. Blanding's opinion was of the percentage of the island's stormwater system that is maintained by SCDOT and what could the City do within the SCDOT system without having to take over ownership the system. Mr. Blanding answered that he did not know the percentage, but that it included most of the roadside ditches on the island.

Mr. Blanding stated that when he started in his position last year, he noticed that historically the SCDOT would only work directly in the area of a complaint, but they were not looking upstream to find the problems causing the issues. He explained that he tries to find the source of the problem upstream and fix the problem so the entire system functions properly.

Mr. Blanding explained that SCDOT has a system that begins tracking response time on solving complaints and a goal of dealing with complaints within 30 days of them coming in. However, many of the calls that he takes transition from a complaint call to a project call. He stated that his coworker, Kevin Mitchell, is the SCDOT staff member that organizes the major projects that get done.

Ms. Safford asked what process the City should follow when trying to get work done. Mr. Blanding responded that any residents that have a problem should submit a work request through the SCDOT online system. He said that for the larger scale projects that the Planning Commission is considering, he would ask that the Planning Commission give him a list of the top three drainage priorities they identify and he can begin working on resolving those. He explained that he has to deal with limited resources and multiple agencies asking for work, but he could prioritize the SCDOT workload to deal with the top priorities over time.

Mr. Kerr explained that he perceived that a lot of the problem areas he could think of did not have any stormwater system in place, so what would the SCDOT response be to this type of issue. Mr. Blanding explained that these would have to be looked at on a case-by-case basis, but he was hopeful that something could be done. He gave an example of a project he recently undertook on Pettigrew Street on Sullivan's Island where a foot of water was standing in the roadway and it took about two weeks of work



and a creative solution, but ultimately, they were able to get the water off the road. Mr. Kerr asked who developed the solution to the problem on Pettigrew Street and Mr. Blanding answered that he and his work foreman came up with the solution.

Mr. Pounds asked how the SCDOT prioritizes the Isle of Palms' problems against other communities. Mr. Blanding answered that he is the person that handles the prioritization and he considers multiple factors when prioritizing different projects, but he tries to systematically address each communities' issues.

Mr. Mills asked if he believed that maintenance of the system is a major problem with the Isle of Palms system. Mr. Blanding answered that he believed it was a problem, but sometimes the SCDOT's hands are tied, because they will get to a point where the drainage system feeds into a system outside of SCDOT's control.

Mr. Mills asked if the SCDOT has an issue with other agencies doing improvements to their system. Mr. Blanding answered that there is not a problem, but they ask that an encroachment permit be obtained for any improvements.

The Commission thanked Mr. Blanding and explained that they would be back in touch with their top three priorities in the near future.

Mr. Kerr explained that the Commission had previously discussed meeting with David Stevens, who has historically been the engineer the City has used to design improvements to the stormwater system. The group agreed that it would be useful to discuss matters with Mr. Stevens and Mr. Kerr indicated that he would contact him and request that he come to the next meeting.

Mr. Ferencz stated that he would also like to start working on identifying the top three priorities to work through. Mr. Kerr answered that he would provide some information on the top priorities identified by the staff at the next meeting.

## **DISCUSS IMPERVIOUS SURFACE REQUIREMENTS**

Mr. Kerr explained that in the packet was a draft of the City's stormwater regulations with sections of the Sullivan's Island regulations inserted. He explained that the requirements included more detail on when a stormwater plan would be needed and that these requirements would require them for all new houses, when currently they are only required when a lot is filled. He said that the Sullivan's Island limit also establishes a maximum amount of fill at one foot above existing grade. Currently, there is no limit on the height of the fill, if the design professional certifies that the fill will not adversely impact the neighbors. He explained that the other major change is that this draft would

establish a minimum amount of the lot to be left vegetated at 50%. He explained that this was suggested by the Planning Commission when the lot coverage provisions were originally adopted, but City Council did not adopt the provision.

The Commission generally discussed the changes. Mr. Kerr explained that he knew there should be more detail of what qualifies as pervious and he was not sure if he failed to forward everything or if the draft was not complete.

The Commission agreed to look at the matter again at the next meeting and Mr. Kerr stated that he would circulate examples of lot coverage calculations from projects on the island for the next meeting.

#### **ADJOURNMENT**

With there being no further business, the meeting was adjourned at 6:10 p.m.  
Respectfully submitted, Richard Ferencz, Chairman

## Q & A Flood

**Why does the City feel it necessary to make this change to 14 feet or base flood elevation whichever is higher?**

Answer: The new preliminary flood maps have been released by FEMA, and they are in alarming contrast with the current maps. The technology on which the new maps are based is different from the technology on which the current maps are based.

**Why are the new maps concerning to the Isle of Palms?**

Answer: If the Isle of Palms does not make an ordinance change, the results of new preliminary maps, when adopted, will allow construction to occur either at much lower elevations than currently allowed today and, in some cases, would allow construction at grade. New houses could be constructed at elevations that would have sustained major damage during Hurricane Hugo.

**What makes the City of Isle of Palms feel as though its determination regarding the elevation of structures is superior to the federal government's determination.**

Answer: The City does not feel its determination to be superior, just more conservative with respect to the risk of catastrophic damages. The City of Isle of Palms had Hurricane Hugo in 1989 providing an actual frame of reference for the effects of a catastrophic hurricane on the island. One key frame of reference is the amount of flooding that occurred from storm surge.

**If an owner wanted to build a new home to an elevation that would be prone to damage in a storm event, what interest does the City have in preventing this?**

Answer: The recovery from a storm is an enormous burden on the City's budget, staff and resources. This burden can be reduced by building structures that are more resilient to storm damage. Additionally, the City has an interest in the safety of its residents and owners of newer, code-compliant homes have an expectation that their home is safe.

**Will this ordinance change affect my flood insurance premiums?**

Answer: No. This ordinance change would have no effect on your flood insurance premiums. Insurance companies base flood insurance rates on the elevation as determined by the federal flood maps. The City's having a stricter, more conservative elevation will not affect flood insurance premiums, but will facilitate less risky construction when it comes disaster preparedness.

**If I have a house that is lower than 14', will this ordinance require that I raise my home to at least 14'.**

Answer: No. This ordinance amendment would only affect new construction or substantially improved homes (work having a value of more than 50% of the value of the existing home).

## Q & A Flood Page Two

### **Why is this ordinance amendment necessary?**

Answer: Without this ordinance amendment, over time, the City's resilience to flood losses may be compromised. Some areas on the Isle of Palms which are identified in the preliminary (new) flood maps are not in a flood zone at all meaning properties would not be required to have flood insurance and new homes could be built at grade.

### **Where can I learn what my current elevation and zone is and compare it to what the preliminary maps show it will be when these maps are adopted?**

Answer: A useful tool has been created that allows you to input your address and see the current elevation and zone and what the preliminary or new elevation and zone would be. Here is the link to that tool:

<http://chascogis.maps.arcgis.com/apps/View/index.html?appid=33df503a50284fcf8c4564930741a1b1>

To view the different flood zones, click on the arrow to the right of "FEMA 2016" in the "Layers" box and check either "prelim flood zone" or "current flood zone."

### **How much study went into determining that 14 feet is a sound number?**

Answer: City Council requested that the Planning Commission study the potential effects of the preliminary flood maps. The Commission met six times to research this answer, and they concluded that additional elevation should be considered. The basis for their recommendation of 14 feet is that this elevation is one foot above the flood waters associated with Hurricane Hugo.

**ORDINANCE 2017-07**

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

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

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

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

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

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

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

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

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## **EXHIBIT A**

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

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

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

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

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

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

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

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

#### Sec. 5-4-154. - Objectives.

The objectives of this article are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

- (6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas;
- (7) To encourage notification to potential real property buyers that a property is located in a special flood hazard area.

Sec. 5-4-155. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

*Fair market value of a structure* means:

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

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

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

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

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

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

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

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

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

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

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

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

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

*National Geodetic Vertical Datum (NGVD), as corrected in 1929*, means a vertical control used as reference for establishing varying elevations within the floodplain elevation reference points set by National Geodetic Survey based on mean sea level.

*National Geodetic Vertical Datum (NGVD), as corrected in 1929 North American Vertical Datum of 1988 (NAVD 88)*, means a vertical control used as the reference datum on new Flood Insurance Rate Maps.

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

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

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

*Recreational vehicle* means a vehicle which is:

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

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

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

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

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

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

*Substantial improvement* means any combination of repairs, reconstruction, alteration, additions or improvements to a structure occurring within a continuous period of five (5) years, measured from the date of the start of construction of improvement in which the cumulative cost equals or exceeds fifty percent (50%) of the fair market value of the structure before the start of construction. The term "substantial improvement" does not, however, include either:

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

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

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

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

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

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

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

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

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

Sec. 5-4-159. - Compliance.

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

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

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

Sec. 5-4-161. - Interpretation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a) *Permit*: Application for a building/zoning permit shall be made to the Building Official on forms provided by him, prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:
- (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
  - (2) Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
  - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 5-4-171(b).
  - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- b) *Certifications*:
- (1) During Construction - A floor elevation or floodproofing certification is required after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Official a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest habitable floor, whichever is applicable, as built, in relation to the mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) calendar day period and prior to submission of the certification shall be at the permit holder's risk. The Building Official shall review the floor elevation survey date submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and

prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby may result in the issuance of a stop work order for the project from the Building Official.

- (2) As-built Certification - Upon completion of the development a registered professional engineer, land surveyor or architect, in accordance with SC law, shall certify according to the requirements section that the development is built in accordance with the submitted plans and previous pre-development certifications.

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

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

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

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

- (a) The City's Board of Zoning Appeals shall hear and decide appeals and requests for variances hereunder.
- (b) The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirements, decisions, or determinations made by the Building Official in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the Board may appeal such decision to a court of competent jurisdiction as provided by law.
- (d) Notwithstanding any other provision in this article to the contrary, variances may be issued for repair or rehabilitation of historic structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a finding by the Board that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (e) In considering appeals or request for variances, the Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article and:
  - (1) The danger that materials may be swept onto other lands to the injury of others;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) The importance to the community of the services provided by the proposed facility; (5) The necessity to the facility of a waterfront location, where applicable;
  - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the comprehensive plan and flood plan management program for that area;
  - (9) The safety of access to the property during floods for emergency and nonemergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (f) The Board may attach such conditions to the granting of a variance hereunder as it deems necessary to further the purposes of this article.
- (g) Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (h) Requirements for variances.
  - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (2) Variances shall only be issued upon:

- (i) A showing of good and sufficient cause;
  - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Any applicant to whom a variance is granted shall be given written notice by the Board that the issuance of a variance to construct a structure below the base flood level will result in substantially increased premium rates for the flood insurance as specified by the Federal law.
- (4) The City Clerk shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) as required by law.

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

In all areas of special flood hazard the following provisions are required:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (c) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (f) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (g) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this article, shall meet the requirements of new construction as contained in this article.
- (h) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during flooding.
- (i) Public utilities and facilities are constructed so as to minimize flood damage and provide adequate drainage.

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

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 5-4-157, or section 5-4-168(11), the following provisions are required:

- (a) *Residential construction.* New construction, substantial improvement or the repair of substantial damage of any residential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation **or 14 feet NGVD (13 feet NAVD 88), whichever is higher.** Where permitted, solid foundation perimeter walls used to elevate a structure shall have openings sufficient to facilitate the unimpeded movements of floodwater. The elevation of the lowest floor shall be documented and provided to the Building Official using an elevation certificate in accordance with section 5-4-167(b).

- (b) *Nonresidential construction.* New construction, substantial improvement or the repair of substantial damage of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the level of the base flood elevation **or 14 feet NGVD (13 feet NAVD 88), whichever is higher.** Structures located in A zones may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall document and certify to the Building Official that the standards of this subsection are satisfied, using a certificate in accordance with section 5-4-167(b).
- (c) *Enclosed areas below the base flood elevation.* New construction and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation that are usable solely for the parking of vehicles, building access, or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
1. A minimum of two (2) openings having a total net area of not less than one (1) square inch per square foot of enclosed area subject to flooding shall be provided. For the purpose of compliance with this article, windows are not included.
  2. The bottom of all opening shall be no higher than one foot (1') above grade.
  3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the unimpeded entry and exit of floodwaters.
  4. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
  5. Only the portions of openings that are below the base flood elevation (BFE) can be counted towards the required net open area.
  6. Fill placed around foundation walls must be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
- (d) *Temporary structure.* No temporary structures shall be placed in a floodway or coastal high hazard area, or in any area of special flood hazard within the corporate limits of the City unless a permit is obtained from the Zoning Administrator. No such permit shall be issued unless the latest FEMA guidelines regarding such structures are met.
- (e) *Coastal high hazard areas (V zones).* Located within the areas of special flood hazard established in section 5-4-157 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave-wash; therefore, the following provisions shall apply:
1. All new construction and substantial improvement shall be located landward of the reach of the mean high tide, first line of stable natural vegetation, and comply with all applicable Department of Health and Environmental Control (DHEC) Ocean and Coastal Resource Management (OCRM) setback requirements.
  2. All new construction and substantial improvement shall be elevated so that the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns) is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of flood and wave action and in accordance with subsection (e)8 of this section.

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



## Q & A Sewer

### **Why is the City considering ordinances related to expanding the public sewer service?**

Answer: In the last three years, the area has experienced a series of storms, Joaquin, Matthew and Irma. These storms caused significant flooded conditions throughout the island. Due to septic tank malfunctions, which release raw sewage into the environment, there have been concerns about the possibility of fecal coliform contamination to the environment.

In January 2016, the Public Works Committee of City Council adopted a goal of providing public sewer to every property on the Isle of Palms and tasked the Planning Commission with developing strategies to achieve this goal.

While the Planning Commission saw many advantages to expanding the public sewer system and eliminating septic systems on the island, the hurdles of financing and a negative public perception in providing public sewer to every property on the Isle of Palms were thought to be too great to recommend such a program now.

The provisions of the recommended ordinances intend to promote small, incremental expansions of the system when major private investments occur such as, building a new house, subdividing land or selling a property.

### **Why is the City considering an Ordinance that would require residences within a 150' of public sewer to be connected to the public sewer system?**

Answer: This requirement is a means to promote small, incremental expansions of the public sewer system when a major investment is planned that will already include a major expense to address wastewater.

### **How much will it cost if my property is within 150' of the public sewer, I expand or re-build and, therefore, I am required to connect the structure's plumbing to the public sewer?**

Answer: The cost will vary depending on the length of the pipe; however, if remodeling or building, often these types of expenses are included in the overall budget and/or financing. By way of example, a recent extension of the public sewer system around Merritt Boulevard cost \$98,000 to make sewer available to six properties.

### **How long has the City been considering the change to require that connection to the public sewer be made if a structure is within 150' of the public sewer system?**

Answer: Recent efforts began in 2017; however, a study to sewer the entire island was complete as far back as 1990 and, in 1999, the City attempted ordinance changes through a different approach from what is being proposed now. Therefore, the City has long recognized the need and benefits of expanding the public sewer system. Recent flooding events catapulted the study to a high priority.

## Q & A Sewer Page Two

### **Why is the City considering an Ordinance that would reduce the size of homes and reduce the impervious surfaces for homes tied into a septic system?**

Answer: The reduction in house size and impervious surfaces are a means to ensure there is adequate pervious surface for a septic tank drain field to function and to ensure homes are not constructed at a square footage whose occupancy could promote septic tank failure.

### **Why is the City considering an Ordinance that would require houses that have a sewer line in front of them to tie in when they sell?**

Answer: This provision was intended to promote the slow expansion of the public sewer system and reduce the number of septic systems and grinder pumps on the island.

Currently, this provision would only affect a few properties (less than five) when those properties sell. However, if other measures being adopted lead to the slow expansion of the system, it could be that this provision has more impact in the future.

### **How long has the City been considering the change to require that connection to the public sewer be made if a structure is sold with the public sewer system adjacent to the property?**

In October 2015, the Planning Commission was tasked with researching the issue of requiring all future owners to tie into the sewer system. At the time, it was contemplated that this provision would give the Isle of Palms Water and Sewer Commission (IOPWSC) the ability to borrow money to expand the sewer system island-wide. It was discovered that this provision would not satisfy bonding agencies. Therefore, this is a much less ambitious provision aimed at the overall goal of expanding the public sewer system.

### **Why are ordinances like these necessary?**

Answer: Currently there is no incentive to connecting plumbing into the public sewer system. There is currently nothing in the Isle of Palms Water and Sewer Commission regulations or the City Ordinances to enforce connection to the public sewer if it is available.

### **How much of the island is served by public sewer?**

Answer: Only about one third of the island's homes are served by the public sewer system. The remaining ones are either served by individual septic tanks or grinder pumps.

### **Why are these ordinances being considered now?**

Answer: With the predicted rise of flood waters, the likelihood of more frequent flooding and septic tank malfunctions releasing harmful bacteria into homes, yards and ditches is real. This has been proven with the three recent storms. Fecal coliform, which leaches into the ditch system and then into the waterways, is bacteria that is potentially harmful both to humans and to the marine life. After rain and/or flood events, the SC Department of Health and Environmental Control (SCDHEC) may close shellfish beds to harvesting. This occurs when there are high coliform bacteria in the water, rendering shellfish unfit for consumption.

## Q & A Sewer Page Three

### **Which is a superior means of wastewater treatment, sewer, septic tanks or grinder pumps?**

Answer: All three of these methods are an acceptable means of the treatment of wastewater. However, septic tanks have specific concerns. They may not be maintained properly, may be leaching into the drainage system, may be undersized for a structure that has been renovated or re-constructed and could back up or bubble up in flood conditions. Grinder pumps require continued maintenance and, with proliferation, can become unsightly. Public wastewater treatment systems are capable of malfunction also; however, they are highly regulated, by SCDHEC and the Environmental Protection Agency (EPA), and levels of effluent being treated and bacteria being produced are monitored daily.

### **What are fecal coliforms?**

Answer: Coliforms are bacteria that are present in the digestive tracts of animals, including humans, and are found in their waste. Coliforms are part of the normal intestinal flora of humans and animals and, as such, perform a good function in our biology. However, there can be harmful bacteria and viruses present which can be spread by contaminated water.

### **What types of illness might occur if exposed to quantities of fecal matter:**

Answer: Diarrheal illnesses from bacterial and viruses, types of hepatitis, other viral infections, and even parasitic infections.

### **I have a septic system. How will these ordinances affect me?**

Answer: These ordinances will not affect you unless: your home is within 150' of a sewer line and you construct a new home or substantially improve your existing home; you have a gravity operated public sewer line (not a grinder pump line) in front of your property and you sell (the buyer would be required to tie the residential plumbing into the system); or you subdivide your property.

### **I have an undeveloped lot. How will this ordinance affect my property when it is developed?**

Answer: If you decide to build on your lot and public sewer is within 150' of your property, the new structure will be required to be connected to the public sewer system as opposed to treating the wastewater with a septic system or grinder pump.

ORDINANCE 2017-08

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 5, LAND DEVELOPMENT REGULATION, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO REQUIRE THAT ALL SUBDIVISIONS OF LOTS BE CONNECTED TO THE PUBLIC SEWER SYSTEM AND TO REQUIRE CERTAIN INFORMATION RELATED TO SEWER CONNECTION FOR THE SUBDIVISION APPROVAL PROCESS.

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

SECTION 1. That Paragraph (b) of Section 5-5-1, "Subdivision approval required," is hereby amended to state as follows:

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

*Subdivision* means any division of a lot, tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots or record. However, the following exceptions are included within this definition only for the purpose of requiring that the Planning Commission be informed and have a record of the subdivisions:

(1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter;

(2) The division of land into parcels of five (5) acres or more where no new street is involved and plats of these exceptions must be received as information by the Planning Commission, which shall indicate such fact on the plat; and

(3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

*Public sewer* means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems as defined in section 5-4-2."

SECTION 2. That Paragraph (c)(9) of Section 5-5-3, "Conceptual plan," is hereby amended to state as follows:

"(9) Existing and proposed methods of wastewater disposal."

SECTION 3. That Paragraph (c)(2)(9)(a) of Section 5-5-4, "Preliminary plat," is hereby amended to state as follows:

“(9) Accompanying data as listed in subsection (9)(a) of this section:

- (a) The preliminary plat shall be accompanied by:
  - 1. a statement from the Isle of Palms Water and Sewer Commission stating that public sewer capacity is available to serve the proposed lots; and
  - 2. a statement from the owner agreeing to provide public sewer service to the proposed lots.”

SECTION 4. That Paragraph (c)(2)(8) of Section 5-5-6, “Final plat,” is hereby amended to state as follows:

“(8) In subdivisions where existing public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).”

SECTION 5. That Paragraph (b)(2) of Section 5-5-8, “Required improvements,” is hereby amended, and Paragraph (b)(3) is hereby deleted, and the remaining Paragraphs shall be renumbered accordingly as follows:

- “(1) Utility, drainage and street improvements shall be as required by and in conformance with the standards and specifications of the latest edition of the County Road Code.
- (2) The owner shall install public sewer lines and connect to the public sewer system operated and maintained by the Isle of Palms Water and Sewer Commission.
- (3) Street name signs in accordance with the requirements of the current edition of the County Road Code shall be installed. Should another type be desired, exceeding these standards, plans shall accompany the preliminary plat for approval.
- (4) All required drainage facilities shall be properly constructed in accordance with the standards and specifications of the latest edition of the County Road Code.
- (5) All lots not exceeding two hundred (200') feet in depth shall be provided with means for positive drainage and shall have a slope of not less than 0.70 percent to an approved swale, ditch, gutter or other type of approved drainage facility. Larger tracts of land shall either meet this standard or provide for adequate drainage by using one or more of the techniques contained in OCRM stormwater guidelines and approved by the Building Official and Public Works Department as consistent with the drainage patterns for surrounding properties.”

SECTION 6. That Section 5-5-10, “Exceptions,” is hereby renamed and amended to state as follows:

“Sec. 5-5-10. – Exception to preliminary plat review process.

For a proposed subdivision, or modification of an existing lot or subdivision, which does not involve the construction or improvement of any street or drainage system, an owner may submit the following information to the Zoning Administrator in lieu of the preliminary plat requirements:

(1) The information required for review of a conceptual plan, as set forth in section 5-5-3.

(2) A letter confirming the availability of public sewer service from the Isle of Palms Water and Sewer Commission and a statement from the owner agreeing to provide public sewer service to the proposed lots.

(3) In subdivisions where existing public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).

Review shall follow the procedures set forth for final plats in section 5-5-6; provided, however, that if the Building Official determines that street or drainage system modifications are required, the application shall be construed as one for issuance of a preliminary plat pursuant to section 5-5-4.”

SECTION 7. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 8. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 9. That this Ordinance take effect and be in full force immediately.

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

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)

Attest:

*Passed First Reading on 10/24/17  
Revised 1/18/18 for Second Reading*

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

Action Item from Planning Commission:  
Require future subdivisions of a lot(s) to have gravity sewer.

Revised 1/18/18

TITLE 5 – PLANNING AND DEVELOPMENT  
CHAPTER 5. - LAND DEVELOPMENT REGULATION

**Sec. 5-5-1. - Subdivision approval required.**

Approval of any subdivision of property within the City shall be required as set forth hereinbelow. These requirements shall be referred to as the "Land Development Regulations" of the City.

- (a) *Scope.* Regarding real property in the City, no subdivision shall be made, platted, or recorded for any purpose, nor shall parcels resulting from such subdivisions be sold or offered for sale, unless such subdivision meets all requirements of these regulations.

- (b) *Subdivision defined/Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*The term "subdivision"/Subdivision* means any division of a lot, tract or parcel of land into two (2) or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets and includes resubdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots or record. However, the following exceptions are included within this definition only for the purpose of requiring that the Planning Commission be informed and have a record of the subdivisions:

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- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of this chapter;
- (2) The division of land into parcels of five (5) acres or more where no new street is involved and plats of these exceptions must be received as information by the Planning Commission, which shall indicate such fact on the plat; and
- (3) The combination or recombination of entire lots of record where no new street or change in existing streets is involved.

*Public sewer* means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems as defined in section 5-4-2.

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- (c) *Compliance with zoning requirements.* All applications for subdivision must also meet all of the applicable requirements of title 5, chapter 4, pertaining to zoning.
- (d) *Plats required to be stamped.* All plats for the subdivision of property within the City shall bear the stamp of the City Planning Commission and an authorized signature as a condition precedent to recording at the County RMC Office, or its successor office.

**Sec. 5-5-2. - Subdivision approval process.**

The procedure for obtaining subdivision approved by the City is as follows:

- (a) Conceptual plan: Submission and review are optional.
- (b) Preliminary plat: Submission, review and approval are required.
- (c) Conditional plat: Submission, review and approval are optional.



(d) Final plat: Submission, review, approval and recording are required.

Subsection (a) of this section is optional, at the discretion of the owner. Subsection (b) of this section shall be completed prior to land clearing, grading or making any street or other improvements, including utilities. Either subsection (c) or (d) of this section shall be completed prior to commencement of building construction and/or sale of any lots within the proposed subdivision. Subsection (d) of this section shall be completed prior to the occupancy of any structure.

**Sec. 5-5-3. - Conceptual plan.**

- (a) *Purpose.* Conceptual plans are encouraged but are not required. The purpose of conceptual plan review is to assist the owner in demonstrating compliance with this chapter prior to extensive site planning and expenditures.
- (b) *No rights granted by conceptual plan review.* Conceptual plan review is solely advisory in nature. Conceptual plan review does not involve any interpretation or approval and it creates no vested right or right of reliance on the part of the owner.
- (c) *Information required for review.* Conceptual plans shall contain at least the date, be legibly drawn to scale, but not necessarily showing exact dimensions, and include the following:
  - (1) North arrow, written and graphic scales, and a location map showing the relationship between the proposed subdivision and the surrounding area.
  - (2) Tract boundaries and total acreage.
  - (3) Significant topographical and physical features including the location of all critical areas, wetlands, watercourses within and abutting the tract, flood hazard areas and designation of flood hazard zone.
  - (4) The location, names and rights-of-way widths of existing streets.
  - (5) Tentative street and lot arrangement showing acreage, proposed minimum lot size and the number of lots.
  - (6) Existing and proposed land uses throughout the subdivision.
  - (7) Zoning classification and TMS numbers.
  - (8) Existing and proposed drainage and utility easements.
  - (9) Statement for Existing and proposed methods of sanitary sewerage wastewater disposal.
  - (10) The location of the critical area as defined by OCRM, and delineation of the marsh setback required by section 5-4-18. All wetland areas under the jurisdiction of the OCRM or the U.S. Army Corps of Engineers shall be shown.
  - (11) Flood hazard zone, the OCRM critical line, baseline and construction setback line and the City's zoning beach front jurisdictional setback line shall be shown; if applicable.
  - (12) The tree survey required in section 5-4-61.
  - (13) Owner's name, address and telephone number.
- (d) *Review process.* The applicant may submit a proposed conceptual Plan to the Zoning Administrator, who shall forward the plan to the City Building Official and the Planning Commission for advisory review. The Planning Commission shall provide the applicant with the advisory and nonbinding results of its review within forty-five (45) days following submission of the plan. City Council hereby delegates to the Planning Commission the review of any conceptual plan pursuant to any PDD zoning district requirement.

**Sec. 5-5-4. - Preliminary plat.**

- (a) *Required.* Submission and approval of a preliminary plat is the first formal stage of a subdivision application review. Preliminary plat approval is required before site improvements may commence.
- (b) *Rights afforded by approval.* Issuance of a preliminary plat authorizes the owner to proceed with the installation of site improvements and with the preparation of final plats. Preliminary plat approval does not authorize the sale or transfer of lots, or the commencement of construction of improvements.
- (c) *Information required for review.*

- 1. Preliminary plats shall be drawn to scale no smaller than 1" = 200'. Where large areas are being platted, they may be drawn on one (1) or more sheets not to exceed twenty-two inches (22") by thirty-four inches (34") in size. For small areas being platted, a scale of 1" = 100' shall be used, provided the drawing does not exceed twenty-two inches (22") by thirty-four inches (34") in size.
- 2. In addition to the information required for conceptual plans in section 5-5-3(c), the following information shall be required:
  - (1) The courses and distances of the perimeter of the subject property shall be shown.
  - (2) References to a known point such as street intersections and railroad crossings.
  - (3) Zoning classifications, total acreage and total number of lots.
  - (4) The County Tax Map System (TMS) identification numbers of adjacent properties, and street names where known or available, and all intersecting boundaries or property lines shall be shown.
  - (5) Proposed divisions to be created shall be shown, including the right-of-way widths, roadway widths, easement widths, and names of streets; the location of proposed utility installations, lot lines; and sites reserved or deeded for public uses.
  - (6) The title, scale (including graphic scale), north arrow (magnetic, grid or true), date, name of the subdivider and the name of the licensed professional who prepared the plat, together with his South Carolina Registration Number and seal shall be shown on each sheet.
  - (7) Drainage features shall be shown.
  - (8) When required by the City Building Official or other requirements, a drainage plan showing profiles, plans and drainage specifications for existing and/or proposed on-site stormwater drainage facilities and off-site facilities to be used to carry stormwater from the site.
  - (9) Accompanying data as listed in subsection (9)(a) of this section:

(a) The preliminary plat shall be accompanied by:

- 1. either a statement from the Isle of Palms Water and Sewer City Water and Sewer sewer capacity is available to serve the proposed lots; and
- 2. or where a sewer line does not abut the property or public sewer capacity is not lots.

(e) *Review process.*

- (1) The owner shall submit a proposed preliminary plat to the Zoning Administrator, who shall forward the application to the Planning Commission, the City Building Official and all other applicable City departments and consultants for review. Complete applications submitted more than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission will be placed on the Commission's agenda for review; complete applications submitted within fourteen (14) days of a regularly scheduled Commission meeting shall be placed on the agenda of the following regularly scheduled meeting. Twelve (12) copies of the plat and two (2) copies of the required supplemental material shall be submitted.

- (2) Fees set by City Council pursuant to section 5-5-12 must be paid by the applicant at the time of submission of a proposed preliminary plat.
  - (3) The Planning Commission shall take action to approve, disapprove, or approve with specified conditions the preliminary plat within the sixty (60) days after receipt of a complete application and all required information. Failure to act within the sixty (60) day period, unless extended by agreement, shall be deemed to constitute approval and a certificate to that effect shall be issued by the Planning Commission on demand. The owner shall be notified in writing of the actions taken.
  - (4) A record of all actions on all plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained by the Planning Commission as a public record.
- (f) *Duration.* Approval of a preliminary plat is valid for one (1) year from the date of approval. Where a subdivision is being developed in sections, the one (1) year shall be measured from the date of the most recent final approval granted to a portion of the subdivision. Prior to the expiration of a preliminary plat, the developer may apply for a one (1) year extension of time by the Planning Commission. There is no right to receive an extension, and the Planning Commission has the discretion to require the subdivider to apply for a new preliminary plat; the Planning Commission shall consider the applicant's progress or lack thereof in proceeding with the development and any change circumstances and restrictions in deciding whether to grant an extension.

**Sec. 5-5-5. - Conditional plat.**

- (a) *Submittal.* Submission and approval of the conditional plat is an optional second formal stage of the subdivision regulation process. Approval authorizes the sale of lots and the construction of structures before site improvements are made, provided that adequate financial guarantees are provided to the City to ensure that all required improvements will be completed.
- (b) *Rights afforded by approval.* Issuance of a conditional plat authorizes the subdivider to proceed with the sale or transfer of lots and with the preparation of final plats. Further, structures may be approved and constructed, pursuant to the requirements of this title, on lots covered by a conditional plat. However, no certificate of occupancy shall be issued for any structures until approval and recording of a final plat is obtained by the owner.
- (c) *Information required for review.* In addition to the information required for review of a preliminary plat submission, the following information is required:
  - (1) The applicant shall submit a bond or other financial guarantee meeting the criteria set forth in section 5-5-9.
  - (2) The following conditions shall be conspicuously noted on the plat:
    - a. "This is a conditional plat. No final approval from the City has been obtained. Final plat approval is contingent upon completion and approval of all required improvements. No property shown on the preliminary plat may be occupied in any manner until a final plat is approved by the City. No building permits will be issued until the road base and water system are installed."
    - b. "It shall be the duty of any attorney, real estate agent or broker involved in the subdivision process to give notice of these conditions of approval to all prospective purchasers of any parcels shown thereon."
- (d) *Criteria for review.* The application for conditional plat approval must contain all required elements. Incomplete applications shall be returned to the applicant without review. All rejected applications shall be accompanied by a letter from the Planning Commission stating the reason for the rejection.
- (e) *Review process.* The application for conditional plat shall follow the same process set forth for the approval of a preliminary plat pursuant to section 5-5-4.
- (f) *Duration.* In the event required improvements are not completed within one (1) year from the date of approval of a conditional plat, the City shall have the right to invoke the applicable financial guarantees

and complete construction of the required improvements. The developer may apply for an extension of time of up to one (1) year by the Planning Commission to complete the required improvements, provided that adequate financial guarantees are so extended; however, no more than two (2) such extensions may be granted, and the Planning Commission has the right to invoke the applicable financial guarantees rather than grant an extension.

**Sec. 5-5-6. - Final plat.**

- (a) *Required.* Submission and approval of the final plat is the final stage of the subdivision approval process. Such approval is required before a certificate of occupancy will be issued.
- (b) *Rights afforded by approval.* Approval of a final plat authorizes the owner to sell or transfer lots, and to commence construction of structures provided all necessary permits have been obtained therefor, and further authorizes issuance of a certificate of occupancy upon compliance with all requirements of section 5-4-101.
- (c) *Information required for review.*
  - 1. The final plat must be recordable at the County RMC Office, drawn on sheets not exceeding twenty-two inches (22") by thirty-four inches (34"), with a scale of 1" = 100' or larger, and not less than eight and one-half inches (8½") by eleven inches (11"). Where necessary the plat may be on several sheets accompanied by an index sheet or key map insert showing the entire subdivision.
  - 2. In addition to the information required for review of the preliminary plat in section 5-5-4, the following information shall be required:
    - (1) All information required on the preliminary plat, with the exception of topographic data.
    - (2) All property lines with distances, accurate bearings or deflection angles. If a control traverse is run between any two (2) points on any property lines, then it shall be noted. For property lines which are curves or are in part curves, the arc length and radius shall be shown.
    - (3) Curve data for all curves shall consist of the following: The Delta angle, the degree of the curve, the tangent distance, the length of curve by arc method, and the radius. This information should be calculated along the centerline or other defined traverse line for the entire curve, beginning to end as one (1) set of data.
    - (4) The location of all points of curvature and tangency.
    - (5) The location of points of intersection where circular curves are not used.
    - (6) Lot and block numbers suitably arranged by an easily understood system.
    - (7) Certificate of accuracy. A certificate of accuracy shall be lettered or printed on the face of the final plat. The signature, seal and certification of a State-registered professional land surveyor to the effect that the final plat accurately reflects a Class A survey, that all monuments shown thereon actually exist and their position is accurately showing, and that all dimensional details are correct.
    - (8) In subdivisions where existing ~~public water and~~ public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).
    - (9) A statement as follows: "This plat is subject to all applicable easements, reservations and restrictive covenants of record."
    - (10) Accurate location, material and description of monuments and markers. Monuments to be placed after final street improvements shall be designated as "future."
    - (11) Certificates, as follows:

- a. A surveyor's certificate as to accuracy of survey and plat.

"I, [name of surveyor], a registered surveyor of the State of South Carolina, do hereby certify that I have surveyed the property shown hereon, that this plat shows the true dimensions of the property and that all necessary markers have been installed and the precision is 1: \_\_\_\_\_ [state actual precision]."

The unadjusted field measurement of lots and blocks shall be accurate within the standards set forth in the minimum Standards Manual of the State Board of Engineering Examiners.

- b. A statement of dedication by the property owner of any streets, rights-of-way, easements, or other sites for public use. If any change in ownership is made subsequent to the submission of the plat and prior to the granting of final approval, the statement or dedication shall be amended accordingly.
  - c. The signature and seal of the registered land surveyor in accordance with the current Minimum Standard Manual for the Practice of Land Surveying in South Carolina.
  - d. The date of the field survey upon which final plat is based.
- (d) *Criteria for review.* The application for final plat approval must contain all required elements. Incomplete applications shall be rejected and returned to the applicant without review. All rejected applications shall be accompanied by a letter from the Planning Commission stating the reason for rejection.
- (e) *Review process.*
- (1) The applicant shall submit a proposed final plat to the Zoning Administrator, who shall forward the application to the Planning Commission, the City Building Official and all other applicable City departments and consultants for review. Complete applications submitted more than fourteen (14) days prior to the next regularly scheduled meeting of the Planning Commission will be placed on the Commission's agenda for review; complete applications submitted within fourteen (14) days of a regularly scheduled Commission meeting shall be placed on the agenda of the following regularly scheduled meeting. Twelve (12) copies of the plat and two (2) copies of the required supplemental material shall be submitted.
  - (2) The Planning Commission may request additional information or documentation to make an application complete and eligible for review.
  - (3) The Planning Commission shall take action to approve, disapprove, or approve with specified conditions the final plat within sixty (60) days after receipt of a complete application and all required information. Failure to act within sixty (60) days, unless extended by agreement, shall be deemed to constitute approval and a certificate to that effect shall be issued by the Planning Commission on demand.
  - (4) A record of all actions on all plats with the grounds for approval or disapproval and any conditions attached to the action must be maintained by the Planning Commission as a public record. In addition, the owner must be notified in writing of the actions taken.
  - (5) When the Planning Commission approves a final plat after all requirements of these regulations are met, it shall cause its action, including any conditions, to be noted on the face of the original final plat.
  - (6) The City reserves the right to require that the following statement be placed upon the plat:  
"The approval of this plat does not obligate the City of Isle of Palms in any way to accept the maintenance any of the streets, roads, accesses or easements shown hereon."
  - (7) No property may be sold or transferred prior to the approval and recording of the final plat, except pursuant to a conditional plat issued under section 5-5-5.

- (8) No certificate or occupancy pursuant to section 5-4-101 shall be issued prior to the approval and recording of a final plat.
- (9) Fees as set forth in section 5-5-12 will be levied to defray expenditures associated with processing of applications. These fees are due upon submission of an application.

**Sec. 5-5-7. - Development standards.**

- (a) *Location.* Critical area, land subject to flooding by normal tides, freshwater wetlands and other areas subject to periodic inundation shall not be subdivided for residential use, unless provisions are made for satisfactory drainage in accordance with the requirements of OCRM, U.S. Army Corps of Engineers and other applicable State and Federal regulatory agencies. All drainage system shall be designed and constructed in accordance with the requirements of the OCRM and the latest edition of the County Road Code.
- (b) *Easements and dedications.*
  - (1) Easements for drainage, water or sewer, may be required along rear and side property lines where necessary. Redesign of the lot may be required to address drainage conditions.
  - (2) Drainage easements shall be provided and dedicated in accordance with the requirements of the OCRM and the latest edition of the County Road Code.
  - (3) Easements shall center along or be adjacent to a common property line where practical.
  - (4) No subdivision shall block or obstruct the natural drainage of the adjacent area.
  - (5) Existing natural drainage shall be retained or adequately relocated.
  - (6) Dedication of streets, schools sites, or recreational areas may be required.
- (c) *Lots.* Lot requirements are contained in sections 5-4-32 through 5-4-40, with special requirements and exceptions contained in additional sections of this title.
- (d) *Flood prevention.*
  - (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
  - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than fifty (50) lots or five (5) acres.
- (e) *Other requirements.*
  - (1) All land subdivisions in the City shall be in accordance with (Class A) Urban Land Surveys as promulgated by S.C. Code 1976, title 40, ch. 22, as amended, and as described in the Minimum Standards Manual For the Practice of Land Surveying in South Carolina.
  - (2) Beachfront property. All plats for beachfront property shall contain the following note:

"The City of Isle of Palms, at the time of the approval of this plat, prohibits the issuance of any permits for any kind of hard beach erosion control structures or devices (i.e., sea walls, revetments, rip-rap, bulkheads, groins, large sandbags, etc.) within the area landward of the OCRM critical area and within a 250-foot radius of the mean high water mark of the Atlantic Ocean, Breach Inlet, or Dewees Inlet, and strongly opposes the issuance of any permits for hard beach erosion control structures elsewhere in the City.
  - (3) The Planning Commission shall approve and authorize the name of a street or road laid out within property over which it has jurisdiction. Also, it may, after fifteen (15) days' notice published in a

newspaper having general circulation in the City, change the name of a street or road within the City pursuant to S.C. Code 1976, § 6-29-1200, as amended.

- (4) No land development plan, including subdivision plats, shall be approved unless all land intended for use as building sites can be used safely for building purposes without danger from flood or other inundation or from other menaces to health, safety or public welfare.
- (5) Stormwater management. No land development plans, including subdivision plats, shall be approved unless the property meets all requirements contained in title 3, chapter 3, pertaining to stormwater regulations.

**Sec. 5-5-8. - Required improvements.**

(a) *Markers.*

(1) Markers shall be placed as specified below:

- a. A marker shall be set on the right-of-way line at the ends of the block for every block length of street. When blocks occur that have a curve in them, markers shall be set on both sides of the street at the ends of tangents. Markers shall also be set on rights-of-way (on each side of the centerline) at angle points when curves are not used. All interior lot corners shall be marked.
- b. Markers shall be one of the following:
  1. A reinforced concrete marker with a brass or copper pin in the top. Concrete markers shall be a minimum of three feet (3') long and have a minimum cross sectional area of nine (9) square inches. They shall protrude above the ground not less than two inches (2") and not more than six inches (6").
  2. An iron pipe having a minimum diameter of three-fourths ( $\frac{3}{4}$ ) inch hollow or one-half ( $\frac{1}{2}$ ) inch solid steel. Such iron pins will be a minimum of two feet (2') in length and shall extend above the ground at least one inch (1").

(2) Markers shall be installed prior to the submission of and approval of the final plat.

(3) The location and type of all markers used shall be indicated on the final plat.

(b) *Utility, drainage and street improvements.*

(1) Utility, drainage and street improvements shall be as required by and in conformance with the standards and specifications of the latest edition of the County Road Code.

~~(2) The owner shall install public water lines where public water service is available within five hundred feet (500') of the property.~~

~~(43)~~ Street name signs in accordance with the requirements of the current edition of the County Road Code shall be installed. Should another type be desired, exceeding these standards, plans shall accompany the preliminary plat for approval.

~~(54)~~ All required drainage facilities shall be properly constructed in accordance with the standards and specifications of the latest edition of the County Road Code.

~~(65)~~ All lots not exceeding two hundred (200') feet in depth shall be provided with means for positive drainage and shall have a slope of not less than 0.70 percent to an approved swale, ditch, gutter or other type of approved drainage facility. Larger tracts of land shall either meet this standard or provide for adequate drainage by using one or more of the techniques contained in OCRM stormwater guidelines and approved by the Building Official and Public Works Department as consistent with the drainage patterns for surrounding properties.

**Sec. 5-5-9. - Financial guarantees.**

- (a) In lieu of completing the required improvements listed hereinabove, a no-contest, irrevocable bank letter of credit, or performance and payment bond underwritten by an acceptable State-licensed

corporate surety, or a bank cashier's check, all in favor of the City, to ensure that in the event of default by the developer funds will be available to install the required improvement at the expense of the owner, may be accepted by the Planning Commission; provided that the City Attorney has in each instance reviewed each letter of credit or bonding agreement and has given an opinion in favor of the City that the interests of the City are fully protected. Where a cashier's check for the full cost of the improvements is utilized, opinion of counsel may be waived. The amount of the bond shall be set by the Planning Commission, and shall be not less than one hundred twenty-five percent (125%) of the projected cost of the improvements, with a minimum of \$2,000.00, if completed two (2) years after the date of the bond.

- (b) Upon completion of the improvements as required by this section, written notice thereof shall be given by the subdivider to the bond holder, who shall cause an inspection of the improvements to be made. The bond holder will within thirty (30) days of the date of notice, authorize in writing the release of the security given, provided improvements have been completed in accordance with the required specifications. Should the improvements not be completed in accordance with the required specifications by the date originally stipulated in writing by the bond holder, the funds derived from said bond or cashier's check will be used by the bond holder to complete the improvements according to required specifications, at the earliest reasonable time. Where it appears that the bond was insufficient to finance the required improvements after the subdivider has defaulted, City Council will assess the individual subdivider the cost of the improvements over and above the surety amount.
- (c) In no instance will the bond holder be authorized to extend for the subdivider the completion date originally stipulated.
- (d) Pro-rata refunds based on a percentage of overall completion shall not be authorized, with the exception of an irrevocable bank letter of credit. The Planning Commission, may at its discretion, refund no more than ninety percent (90%) of the original estimated completion cost of that portion of the project requested by the developer.
- (e) The Planning Commission shall review, approve, or reject each acceptance of surety in lieu of completion of improvements. In making its determination it shall give due consideration to the commitments made by the subdivider to individual purchases.

**Sec. 5-5-10. ~~Exception to preliminary plat review process.~~**

For a proposed subdivision, or modification of an existing lot or subdivision, which does not involve the construction or improvement of any street or drainage system, an owner may submit the following information to the Zoning Administrator in lieu of the preliminary plat requirements:

- (1) The information required for review of a conceptual plan, as set forth in section 5-5-3.
- ~~(2) County Health Department approval for lots that will utilize on-site sanitary sewerage disposal Commission and a statement from the owner agreeing to provide public sewer service to the proposed lots.~~
- ~~(3) In subdivisions where existing public sewer systems have been extended and/or a new system installed, the applicant shall submit: (i) a letter of operation and maintenance agreement for the system from the Isle of Palms Water and Sewer Commission and (ii) certifications of inspection from the State Department of Health and Environmental Control (SCDHEC).~~

Review shall follow the procedures set forth for final plats in section 5-5-6; provided, however, that if the Building Official determines that street or drainage system modifications are required, the application shall be construed as one for issuance of a preliminary plat pursuant to section 5-5-4.

**Sec. 5-5-11. - Variances.**

- (a) Where extraordinary hardship may result from strict interpretation of these regulations, the applicant may apply to the Planning Commission for a variance. Such variance may be granted to alleviate such hardship, provided that such variation does not have the effect of nullifying the intent and purpose of these regulations.



- (b) The application for a variance shall clearly and definitely state the reason why a variance is needed. Consideration must be given to the following factors:
  - (1) Special conditions affecting the property.
  - (2) Undue hardships that will result from adherence to the requirements.
  - (3) Grants of variance shall not be detrimental to adjacent property or to the public interest. Conditions may be imposed on any such variance.

**Sec. 5-5-12. - Fees.**

- (a) Fees charged to defray the costs of plat review shall be set forth in a Schedule of Fees, to be developed by the Building Official and approved by resolution of City Council.
- (b) Such Schedule of Fees may be amended from time to time by resolution of City Council.

**Sec. 5-5-13. - Vested rights.**

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
  - 1. *City* means the incorporated area of the City.
  - 2. *Approved* means a final review and approval by the Planning Commission of a site specific development plan in accordance with the provisions of this chapter. Phased development plans remain subject to review by the Planning Commission of all phases prior to being vested.
  - 3. *Landowner* means an owner of a legal or equitable interest in real property, including heirs, devisees, successors, assigns and personal representatives of the owner. Landowner also includes a person holding a valid contract to purchase real property whom the owner has given written authorization to act as his agent or representative for the purpose of submitting a proposed development plan.
  - 4. *Phased development plan* means a development plan submitted to the Planning Commission by a landowner that shows the types and density or intensity of uses for a specific property or properties to be developed in stages but which do not satisfy the requirements of a Site Specific Development Plan.
  - 5. *Site specific development plan* means a plan submitted by a landowner which describes with reasonable certainty the types and density or intensity of uses for specific property and must include, at a minimum, a preliminary plat in conformity with section 5-5-4(c) and a site plan which includes the sizes, shapes, dimensions and locations of all proposed structures.
  - 6. *Vested right* means the right to undertake and complete the development of property under the terms and conditions of a Site Specific Development Plan in conjunction with this section and in conformity with City land development ordinances and upon final approval by the Planning Commission.
- (b) Submission and approval of a site specific development plan confers upon the owner a vested right to undertake and complete the development of the subject property in conformity with the information provided by the owner to the Planning Commission.
- (c) A vested right is established for two (2) years from the date of final approval of a site specific development plan. Such vested right shall receive no more than five (5) one-year extensions upon written application by the landowner for each year that an extension is desired and shall be received no later than thirty (30) days prior to the expiration of the current term. No extension shall be approved if an amendment to this chapter has been adopted that prohibits such approval.
- (d) A vested right in a site specific development plan shall not attach until all plans have been received, approved and all fees paid in accordance with the procedure outlined in subsection (e) of this section. All administrative appeals must be resolved in favor of the applicant before a vested right attaches.

- (e) The procedure for the review process of a site specific development plan is the same as that required to submit a preliminary plat as set forth in section 5-5-4(e).
- (f) The Board of Zoning Appeals has no authority to grant a vested right and no such right shall accrue as a result of its actions.
- (g) Variances or special exceptions do not create vested rights.
- (h) A phased development plan is not eligible for vesting.

**Sec. 5-5-14. - Penalties.**

Any violation of the provisions of this chapter shall be a misdemeanor, punishable pursuant to section 1-3-66; and in addition, any City official is hereby authorized and empowered to enforce these regulations pursuant to the remedies set forth in section 5-4-7.

ORDINANCE 2017-09

AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE THAT ALL NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENTS SHALL BE CONNECTED TO A PUBLIC SEWER SYSTEM WHERE A PUBLIC SEWER LINE IS LOCATED WITHIN ONE HUNDRED FIFTY (150') FEET AND TO REDUCE THE LOT COVERAGE REQUIREMENTS AND FLOOR AREA RATIO REQUIREMENTS FOR LOTS WITH SEPTIC SYSTEMS.

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

SECTION 1. That Section 5-4-2, "Definitions," is hereby amended to state as follows:

"Sec. 5-4-2. - Definitions.

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

(1) *Accessory building or use* means a use or building customarily incidental, subordinate to, and detached from the principal use or building and located on the same lot with such principal use or building.

(2) *Adjoining property* means any piece, parcel or lot of real property abutting any other real property, including real property located directly across streets, watercourses, drainage easements or other rights-of-way from other real property.

(3) *Adult uses* means sexually oriented businesses which are characterized by the exposure, depiction, or description of specified anatomical areas, or specified sexual activities by any method, manner, or device, including but not limited to the following:

(a) Regularly featuring persons who are nude, whether live, in films, motion pictures, videos, slides, or other photographic reproductions;

(b) Distribution of any one (1) or more of the following: books, magazines, periodicals, printed matter, photographs, films, motion pictures, videocassettes, video reproductions, slides, or other visual representations; or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, as defined herein; or

(c) Escort services, baths, saunas, steam baths, hydrotherapy, physical cultures, nude model studios, sexual activities or other similar services.

*Specified anatomical areas* means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

*Specified sexual activities* means and includes the fondling or other erotic touching of human genitals, pubic area, buttocks, anus, or breasts; sexual acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, masturbation, actual or simulated; or excretory functions as part of or in connection with any of the foregoing acts.

(4) *Antenna* means a device, dish or array utilized by commercial, governmental, or other public or quasi-public users to transmit or receive telecommunications signals.

(5) *Building line or setback* means a line which represents the minimum distance, when measured at right angles, which a building or structure must be placed from a lot line or a street right-of-way pursuant to this chapter.

(6) *Charter boat* means watercraft for hire where captain or crew is provided.

(7) *Communication tower* means a structure of any type which supports communication equipment for signal transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users, but excluding communication towers used exclusively by amateur radio operators who are duly licensed by the Federal Communications Commission and which are exempt from municipal zoning regulations.

(8) *Conditional use* means a use permitted in a zoning district only by complying with additional conditions, restrictions or limitations as set forth in the description of such use.

(9) *Diameter at breast height (DBH)* means the diameter of a tree trunk, measured in inches, at four and one-half feet (4½') above the existing grade of the property. If a tree has a multi-trunk split above grade, the DBH is deemed to be the sum of all trunks of the tree measured in inches, at four and one-half feet (4½') above the existing grade of the property.

(10) *Drinking place* means a business primarily engaged in the sale of alcoholic beverages, beer or wine, for on-premises consumption.

(11) *Dwelling* means a building or portion of a building used, arranged or designed to provide private human residential occupancy, excluding mobile homes and manufactured homes.

a. *Dwelling, single-family*, means a detached dwelling designed for or occupied exclusively by one (1) family unit, and containing only one (1) kitchen.

b. *Dwelling, two-family*, means a detached or semi-detached building designed for or occupied exclusively by two (2) family units living independently of each other.

c. *Dwelling, group*, means a building or portion of a building occupied or intended for occupancy by several family units, but in which separate cooking facilities are not provided. The term "group dwelling" includes roominghouses, fraternity houses and sorority houses, but excludes hotels, motels or tourist homes.

d. *Dwelling, multifamily, apartment house or residential condominium*, means a dwelling other than a single-family dwelling, two-family dwelling, or group dwelling.

(12) *Eating place, fast food*, means a business primarily engaged in the sale of ready-to-consume food or beverages for on or off-premises consumption. An eating place or restaurant shall be deemed a fast food eating place if:

(1) It has a seating capacity of less than twenty (20) persons for service of meals;

(2) Most food items are already prepared or packaged before the customer places an order; and

(3) Food and beverages are served primarily with disposable containers and tableware.

The term "fast food eating place" excludes retail grocery stores, convenience stores, delicatessens, or other businesses selling food or beverages as an accessory use or for off-premises preparation and consumption.

(13) *Eating place, restaurant*, means a business primarily engaged in the preparation and sale of food to customers for on-premises consumption and having seating capacity for at least twenty (20) persons, including, but not limited to, cafes, lunch counters, cafeterias, eating and drinking establishments, or similar businesses, but excludes a fast food eating place or a drinking place. Any carryout service must be clearly subordinate to the principal business of serving prepared foods for on-premises consumption.

(14) *Engineered on-site wastewater disposal system* means a specialized on-site wastewater disposal system. See definition for *Specialized on-site wastewater disposal system*.

(15) *Family unit* means one (1) person, or two (2) or more persons related by blood or marriage living together; or a group of not more than four persons, not related by blood or marriage but living together.

(16) *Fence* means any manmade barrier that impedes or blocks free passage of humans or animals. It may or may not block line-of-sight vision or free flow of wind or water.

(17) *Floor area ratio (FAR)* means a percentage calculated by dividing the total livable floor area of a structure on a lot by the total area of contiguous high land of such lot.

(18) *Front yard* means an open area between the front of the building and the front lot line.

(19) *Frontage* means all of the property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or political subdivision boundary, measured along the street line.

(20) *Grinder pump system* means a wastewater pump station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry and which conveys the wastewater from its source to connect with the public gravity sewer system.

(21) *Hazardous tree* means any tree that is causing structural damage or poses a clear and imminent threat of structural damage, as determined in writing by a certified arborist, to an enclosed area of a primary building, including porches, or any other permanent accessory structure that would require a building permit, or a septic tank system. The term does not include trees causing structural damage or threatening structural damage to accessory structures that would not require a building permit or to any unenclosed areas of primary buildings.

(22) *Height of a structure* means the vertical distance from either the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or the lowest area within the building footprint, proposed or existing, of an unaltered/unfilled lot, whichever is higher, to the highest point on the structure. Except for height limitations of communication towers and antennae contained in this chapter, the zoning district height limitations contained in this chapter shall not apply to church spires, chimneys, antennas, communication towers or aerials.

(23) *Historic tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of sixteen (16) inches or greater or any tree of any other species having a diameter at breast height (DBH) of twenty-four (24) inches or greater.

(24) *Home occupation* means a use customarily conducted in a dwelling and which is conducted entirely inside the primary residence of the principal owner of the business, and does not constitute a nuisance or otherwise adversely affect the use and development of other property in the neighborhood.

(25) *Hotel* means a building, or portions thereof, which contains multiple units intended to provide sleeping accommodations for transient guests. The term "hotel" also includes motel, tourist home, motor lodge, inn, bed and breakfast, tourist court and auto court. The following criteria shall be used to distinguish between a hotel and a multifamily dwelling:

a. If any units have individual kitchen facilities, the building is deemed to be a multifamily dwelling.

b. Temporary habitation by transient guests normally involves durations of less than ninety (90) days. If a majority of the facility's occupants reside for more than ninety (90) consecutive days, the facility is deemed to be a multifamily dwelling.

(26) *Impervious material* means any material through which water cannot penetrate. Such material includes, but is not limited to, principal or accessory structures, porches and decks, either covered or of tongue and groove construction, concrete, asphalt, or similar substances, but excludes gravel, shell or crushed stone.

(27) *Isle of Palms Water and Sewer Commission* means the Commissioners of Public Works of the City of Isle of Palms. Isle of Palms Water and Sewer Commission is the trade name used by the Commissioners of Public Works of the City of Isle of Palms organized pursuant to Section 5-31-210 of the Code of Laws of the State of South Carolina.

(28) *Junkyards* or *salvage yards* means the use of any property for the storage, keeping, abandonment, sale or resale of junk, salvage, waste or scrap materials; or the dismantling, demolition or abandonment of vehicles, machinery, equipment or any parts thereof.

(29) *Lot* means a parcel of land described by metes and bounds at the County RMC Office, and having a County Tax Map System (TMS) number assigned to it.

(30) *Lot coverage* means the percentage of contiguous high land on a lot that can be covered with impervious material.

(31) *Lot, double frontage*, means a lot having a frontage on two (2) streets, other than at their intersection, as distinguished from a corner lot.

(32) *Mobile home* means a manufactured home as defined by State law.

(33) *Natural grade* means the elevation of the undisturbed natural surface of the property.

(34) *Nonconforming lot, structure, or use* means a lot, structure or use which does not comply with the regulations of the zoning district in which it is located.

(35) *OCRM* means the State Office of Ocean and Coastal Resource Management, or its successor.

(36) *On-site wastewater disposal system* means a traditional septic tank system or other on-site wastewater disposal system. This definition also includes engineered or specialized on-site wastewater disposal systems.

(37) *Public sewer line* means a gravity operated sewer line operated and maintained by the Isle of Palms Water and Sewer Commission.

(38) *Public sewer system* means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems.

(39) *Rear yard* means an open area, excluding accessory buildings, between the rear line of the building and the rear lot line.

(40) *Removal of a tree* means any intentional or negligent act which:

- a. Cuts down or otherwise destroys or removes a tree;
- b. Causes a tree to decline and die, including, but not limited to:
  1. Damage inflicted upon the root system of a tree by the application of toxic substances, the operation of machinery, the change of natural grade by excavation or filling above the root system or around the tree trunk;
  2. Damage from injury or fire which results in pest infestation;
  3. Damage resulting from the attachment or use of ropes, wires or other similar devices; or
  4. Damage resulting from improper pruning or trimming; or
- c. Subdivides property in such a manner that a tree is at or near the center of a lot or in a location on the lot that requires the removal of the tree for construction of a dwelling unit or other structure.
- d. The term does not include removing palm trees when the palm trees are transplanted or replaced in compliance with section 5-4-66.

(41) *Septic tank system* means an on-site wastewater treatment system consisting of an underground tank, distribution box and drain field.

(42) *Significant tree* means any live oak tree ( *Quercus virginiana* ) having a diameter at breast height (DBH) of eight (8) inches to sixteen (16) inches or any tree of any other species having a diameter at breast height (DBH) of eight (8) inches to twenty-four (24) inches.

(43) *Side yard* means an open area between the building and the side lot line. Any lot line which is not a rear lot line or a front lot line shall be deemed to be a side lot line.

(44) *Specialized on-site wastewater disposal system* (also known as *Engineered on-site wastewater disposal system*) means an on-site wastewater disposal system that has been designed by a Registered Professional Engineer licensed in the State of South Carolina. Such systems may be utilized in lieu of traditional septic tank systems when the required engineering design and certification have been approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

(45) *Street line* means a line separating the street or other right-of-way from a lot.

(46) *Structure* means anything constructed or erected which requires a fixed location on the ground, or which is attached to something having a fixed location on the ground, including but not limited to buildings, dwellings, mobile homes, fixtures, towers, signs, billboards, backstops for athletic activities, swimming pools, walls and fences. The term "structure" shall be construed to include any part thereof.

(47) *Trailer* means any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flatbeds or other carriers, which is designed or utilized to:

(i) Provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation;

(ii) Serve as a carrier of new or used goods, products or equipment;

or

(iii) Be used as a selling, advertising or display device.

(48) *Travel trailer* means a portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling for recreational and vacation uses.

(49) *Tree* means any woody plant which has a diameter breast height (DBH) of at least eight inches (8"), including palm trees, but excluding pine trees and any tree identified as an invasive pest species in "Invasive Plant Pest Species of South Carolina," published by Clemson Extension.

(50) *Tree protection zone* means a circular area surrounding the base of a tree having a diameter equal to one foot (1') for each inch of DBH.

(51) *Wastewater* means sewage or a combination of water-carried wastes from residences and business buildings together with such ground, surface and stormwaters as may be present."

SECTION 2. That Paragraph (e) of Section 5-4-12, "Additional regulations," is hereby amended to state as follows:

“(e) All new construction or substantial improvements, as those terms are defined in section 5-4-155, shall be connected to the public sewer system if a public sewer line abuts a property or could abut a property with an extension of the sewer line of one hundred fifty (150’) feet or less, as determined by the Isle of Palms Water and Sewer Commission. Where a gravity operated public sewer line does not abut a property or would require an extension of the sewer line of more than one hundred fifty (150’) feet to reach a property, all new construction or substantial improvements must have an on-site wastewater disposal system or grinder pump system constructed or brought into compliance with current South Carolina



Department of Health and Environmental Control (SCDHEC) standards; provided, however, that if the property cannot meet current SCDHEC on-site wastewater disposal system or grinder pump system standards, the building on such property shall not be increased in size and the improvements shall not increase the number of bedrooms or bathrooms.”

SECTION 3. That Paragraphs (1)(a) and (1)(b) of Section 5-4-13, “Maximum lot coverage; floor area ratio requirements; additional setback requirements,” are hereby amended to state as follows:

“1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:

(a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious material, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this lot coverage requirement shall be reduced from forty (40%) percent to not more than thirty (30%) percent, provided that this requirement shall not limit lot coverage to less than two thousand four hundred (2,400) square feet nor allow lot coverage to exceed five thousand two hundred fifty (5,250) square feet.

(b) The floor area ratio of a lot shall not be greater than forty percent (40%) of the area of a lot, provided that this requirement shall not limit the enclosed living space of a principal structure to less than three thousand two hundred (3,200) square feet nor allow such enclosed space to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this floor area ratio shall be reduced from forty (40%) percent to not greater than thirty (30%) percent, provided that this requirement shall not limit the enclosed living space of a principal structure to less than two thousand four hundred (2,400) square feet nor allow the enclosed living space of a principal structure to exceed five thousand two hundred fifty (5,250) square feet.”

SECTION 4. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 5. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 6. That this Ordinance take effect and be in full force immediately.

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

---

Jimmy Carroll, Mayor

*Passed First Reading on 10/24/17  
Revised 1/18/18 for Second Reading*

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

Planning Commission Action Items:

Require owners building within 150 feet of a gravity sewer line to tie into the sewer system  
Reduce floor to area ratio (FAR) from 40% to 30% for new houses tying into a septic system  
Reduce lot coverage from 40% to 30% for new houses tying into a septic system

TITLE 5 – PLANNING AND DEVELOPMENT  
CHAPTER 4. - ZONING

**Sec. 5-4-2. - Definitions.**

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

- (1) *Accessory building or use* means a use or building customarily incidental, subordinate to, and detached from the principal use or building and located on the same lot with such principal use or building.
- (2) *Adjoining property* means any piece, parcel or lot of real property abutting any other real property, including real property located directly across streets, watercourses, drainage easements or other rights-of-way from other real property.
- (3) *Adult uses* means sexually oriented businesses which are characterized by the exposure, depiction, or description of specified anatomical areas, or specified sexual activities by any method, manner, or device, including but not limited to the following:
  - (a) Regularly featuring persons who are nude, whether live, in films, motion pictures, videos, slides, or other photographic reproductions;
  - (b) Distribution of any one (1) or more of the following: books, magazines, periodicals, printed matter, photographs, films, motion pictures, videocassettes, video reproductions, slides, or other visual representations; or instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, as defined herein; or
  - (c) Escort services, baths, saunas, steam baths, hydrotherapy, physical cultures, nude model studios, sexual activities or other similar services.

*Specified anatomical areas* means the male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

*Specified sexual activities* means and includes the fondling or other erotic touching of human genitals, pubic area, buttocks, anus, or breasts; sexual acts, normal or perverted, actual or simulated, including intercourse, oral copulation, sodomy, masturbation, actual or simulated; or excretory functions as part of or in connection with any of the foregoing acts.

~~(4)~~ (4) *Antenna* means a device, dish or array utilized by commercial, governmental, or other public or quasi-public users to transmit or receive telecommunications signals.

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~~(5)~~ (5) *Building line or setback* means a line which represents the minimum distance, when measured at right angles, which a building or structure must be placed from a lot line or a street right-of-way pursuant to this chapter.

~~(6)~~ (6) *Charter boat* means watercraft for hire where captain or crew is provided.

~~(7)~~ (7) *Communication tower* means a structure of any type which supports communication equipment for signal transmission or reception, and is utilized by commercial, governmental, or other public or quasi-public users, but excluding communication towers used exclusively by amateur radio operators who are duly licensed by the Federal Communications Commission and which are exempt from municipal zoning regulations.

~~(8)~~ (8) *Conditional use* means a use permitted in a zoning district only by complying with additional conditions, restrictions or limitations as set forth in the description of such use.

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(99) *Diameter at breast height (DBH)* means the diameter of a tree trunk, measured in inches, at four and one-half feet (4½') above the existing grade of the property. If a tree has a multi-trunk split above grade, the DBH is deemed to be the sum of all trunks of the tree measured in inches, at four and one-half feet (4½') above the existing grade of the property.

(4910) *Drinking place* means a business primarily engaged in the sale of alcoholic beverages, beer or wine, for on-premises consumption.

(4411) *Dwelling* means a building or portion of a building used, arranged or designed to provide private human residential occupancy, excluding mobile homes and manufactured homes.

- a. *Dwelling, single-family*, means a detached dwelling designed for or occupied exclusively by one (1) family unit, and containing only one (1) kitchen.
- b. *Dwelling, two-family*, means a detached or semi-detached building designed for or occupied exclusively by two (2) family units living independently of each other.
- c. *Dwelling, group*, means a building or portion of a building occupied or intended for occupancy by several family units, but in which separate cooking facilities are not provided. The term "group dwelling" includes roominghouses, fraternity houses and sorority houses, but excludes hotels, motels or tourist homes.
- d. *Dwelling, multifamily, apartment house or residential condominium*, means a dwelling other than a single-family dwelling, two-family dwelling, or group dwelling.

(4212) *Eating place, fast food*, means a business primarily engaged in the sale of ready-to-consume food or beverages for on or off-premises consumption. An eating place or restaurant shall be deemed a fast food eating place if:

- (1) It has a seating capacity of less than twenty (20) persons for service of meals;
- (2) Most food items are already prepared or packaged before the customer places an order; and
- (3) Food and beverages are served primarily with disposable containers and tableware.

The term "fast food eating place" excludes retail grocery stores, convenience stores, delicatessens, or other businesses selling food or beverages as an accessory use or for off-premises preparation and consumption.

(4313) *Eating place, restaurant*, means a business primarily engaged in the preparation and sale of food to customers for on-premises consumption and having seating capacity for at least twenty (20) persons, including, but not limited to, cafes, lunch counters, cafeterias, eating and drinking establishments, or similar businesses, but excludes a fast food eating place or a drinking place. Any carryout service must be clearly subordinate to the principal business of serving prepared foods for on-premises consumption.

(14) *Engineered on-site wastewater disposal system* means a specialized on-site wastewater disposal system. See definition for *Specialized on-site wastewater disposal system*.

(4415) *Family unit* means one (1) person, or two (2) or more persons related by blood or marriage living together; or a group of not more than four persons, not related by blood or marriage but living together.

(4516) *Fence* means any manmade barrier that impedes or blocks free passage of humans or animals. It may or may not block line-of-sight vision or free flow of wind or water.

(4617) *Floor area ratio (FAR)* means a percentage calculated by dividing the total livable floor area of a structure on a lot by the total area of contiguous high land of such lot.

(4819A) *Frontage* means all of the property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or political subdivision boundary, measured along the street line.

(20) *Grinder pump system* means a wastewater pump station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry and which conveys the wastewater from its source to connect with the public gravity sewer system.

(1922) *Height of a structure* means the vertical distance from either the highest elevation of the road centerline immediately adjacent to the lot on which the structure is located, or the lowest area within the building footprint, proposed or existing, of an unaltered/unfilled lot, whichever is higher, to the highest point on the structure. Except for height limitations of communication towers and antennae contained in this chapter, the zoning district height limitations contained in this chapter shall not apply to church spires, chimneys, antennas, communication towers or aerials.

(2023) *Historic tree* means any live oak tree (*Quercus virginiana*) having a diameter at breast height (DBH) of sixteen (16) inches or greater or any tree of any other species having a diameter at breast height (DBH) of twenty-four (24) inches or greater.

(2124) *Home occupation* means a use customarily conducted in a dwelling and which is conducted entirely inside the primary residence of the principal owner of the business, and does not constitute a nuisance or otherwise adversely affect the use and development of other property in the neighborhood.

(2225) *Hotel* means a building, or portions thereof, which contains multiple units intended to provide sleeping accommodations for transient guests. The term "hotel" also includes motel, tourist home, motor lodge, inn, bed and breakfast, tourist court and auto court. The following criteria shall be used to distinguish between a hotel and a multifamily dwelling:

- a. If any units have individual kitchen facilities, the building is deemed to be a multifamily dwelling.
- b. Temporary habitation by transient guests normally involves durations of less than ninety (90) days. If a majority of the facility's occupants reside for more than ninety (90) consecutive days, the facility is deemed to be a multifamily dwelling.

(2326) *Impervious material* means any material through which water cannot penetrate. Such material includes, but is not limited to, principal or accessory structures, porches and decks, either covered or of tongue and groove construction, concrete, asphalt, or similar substances, but excludes gravel, shell or crushed stone.

(27) *Isle of Palms Water and Sewer Commission* means the Commissioners of Public Works of the City of Isle of Palms. *Isle of Palms Water and Sewer Commission* is the trade name used by the Commissioners of Public Works of the City of Isle of Palms organized pursuant to Section 5-31-210 of the Code of Laws of the State of South Carolina.

(2428) *Junkyards* or *salvage yards* means the use of any property for the storage, keeping, abandonment, sale or resale of junk, salvage, waste or scrap materials; or the dismantling, demolition or abandonment of vehicles, machinery, equipment or any parts thereof.

(2529) *Lot* means a parcel of land described by metes and bounds at the County RMC Office, and having a County Tax Map System (TMS) number assigned to it.

(2630) *Lot coverage* means the percentage of contiguous high land on a lot that can be covered with impervious material.

(2731) *Lot, double frontage*, means a lot having a frontage on two (2) streets, other than at their intersection, as distinguished from a corner lot.

(2832) *Mobile home* means a manufactured home as defined by State law.

(2933) *Natural grade* means the elevation of the undisturbed natural surface of the property.

(3034) *Nonconforming lot, structure, or use* means a lot, structure or use which does not comply with the regulations of the zoning district in which it is located.

(3435) OCRM means the State Office of Ocean and Coastal Resource Management, or its

(36) On-site wastewater disposal system means a traditional septic tank system or other on-site wastewater disposal system. This definition also includes engineered or specialized on-site wastewater disposal systems.

(3237) Public sewer line means a gravity operated sewer line operated and maintained by the Isle Palms Water and Sewer Commission.

(38) Public sewer system means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems.

(39) Rear yard means an open area, excluding accessory buildings, between the rear line of the building and the rear lot line.

(33A40) Removal of a tree means any intentional or negligent act which:

- a. Cuts down or otherwise destroys or removes a tree;
- b. Causes a tree to decline and die, including, but not limited to:
  1. Damage inflicted upon the root system of a tree by the application of toxic substances, the operation of machinery, the change of natural grade by excavation or filling above the root system or around the tree trunk;
  2. Damage from injury or fire which results in pest infestation;
  3. Damage resulting from the attachment or use of ropes, wires or other similar devices; or
  4. Damage resulting from improper pruning or trimming; or
- c. Subdivides property in such a manner that a tree is at or near the center of a lot or in a location on the lot that requires the removal of the tree for construction of a dwelling unit or other structure.
- d. The term does not include removing palm trees when the palm trees are transplanted or replaced in compliance with section 5-4-66.

(33B)(41) Septic tank system means an on-site wastewater treatment system consisting of an tank, distribution box and drain field.

(42) Significant tree means any live oak tree ( *Quercus virginiana* ) having a diameter at breast height (DBH) of eight (8) inches to sixteen (16) inches or any tree of any other species having a diameter at breast height (DBH) of eight (8) inches to twenty-four (24) inches.

(3443) Side yard means an open area between the building and the side lot line. Any lot line which a rear lot line or a front lot line shall be deemed to be a side lot line.

(44) Specialized on-site wastewater disposal system (also known as Engineered on-site wastewater disposal system) means an on-site wastewater disposal system that has been designed by a Registered Professional Engineer licensed in the State of South Carolina. Such systems may be utilized in lieu of traditional septic tank systems when the required engineering design and certification have been approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

(3545) Street line means a line separating the street or other right-of-way from a lot.

(3646) Structure means anything constructed or erected which requires a fixed location on the ground, or which is attached to something having a fixed location on the ground, including but not limited to buildings, dwellings, mobile homes, fixtures, towers, signs, billboards, backstops for athletic activities, swimming pools, walls and fences. The term "structure" shall be construed to include any part thereof.

(3747) *Trailer* means any vehicle or structure capable of moving, or being moved, over streets highways on its own wheels or on flatbeds or other carriers, which is designed or utilized to:

- (i) Provide temporary or permanent quarters for the conduct of a business, profession, trade or occupation;
- (ii) Serve as a carrier of new or used goods, products or equipment; or
- (iii) Be used as a selling, advertising or display device.

(3848) *Travel trailer* means a portable vehicular structure designed and primarily intended by its manufacturer as a temporary dwelling for recreational and vacation uses.

(3949) *Tree* means any woody plant which has a diameter breast height (DBH) of at least eight inches (8"), including palm trees, but excluding pine trees and any tree identified as an invasive pest species in "Invasive Plant Pest Species of South Carolina," published by Clemson Extension.

(4050) *Tree protection zone* means a circular area surrounding the base of a tree having a diameter equal to one foot (1') for each inch of DBH.

(51) *Wastewater* means sewage or a combination of water-carried wastes from residences and business buildings together with such ground, surface and stormwaters as may be present.

#### Sec. 5-4-12. - Additional regulations.

The following additional regulations shall apply to all zoning districts:

- (a) No land or building shall hereafter be used or occupied and no building or part thereof shall be constructed, erected, altered, or moved unless done in compliance with all applicable provisions of this chapter. Any use of land or buildings which is not allowed as a permitted use, conditional use, or special exception in the applicable zoning district is strictly prohibited.
- (b) The height of a building or structure shall not exceed forty feet (40'), unless otherwise provided in this chapter.
- (c) No lot shall be reduced to a size which does not meet the minimum lot area, lot width, yard areas, or other requirements of the applicable zoning district.
- (d) Except as provided in sections 5-4-45 and 5-4-46, no buildings shall be erected, altered or moved to create smaller front yards, side yards, rear yards or other open spaces than are required by the applicable zoning district.
- (e) All new construction or substantial improvements, as those terms are defined in section 5-4-155, shall be connected to a the public sewer system, if a public sewer line abuts a property or could abut a property with an extension of the sewer line of comes within one hundred fifty (150') feet determined by the Isle of Palms Water and Sewer Commission. Where a gravity-operated gravity sewer line is not accessible from a right-of-way or easement abutting the lot does not abut a one hundred fifty (150') feet to reach of a property, all new construction or substantial must have the an on-site wastewater treatmentwastewater disposal system or grinder pump into compliance with current South Carolina Department of Health and Environmental Control (SCDHEC) standards. Provided; provided, however, that if that this subsection shall not apply site wastewater treatmentwastewater disposal system or grinder pump system standards, so long is shall not be increased in size and the improvements de shall not increase the number of or bathrooms.  
where a gravity operated sewer line is accessible from a right-of-way or easement abutting the lot; or
- (f) Sills, belt course, window air conditioning units, chimneys and cornices may project into a required yard by not more than two feet (2'). Steps may project into a required front yard or rear yard by not more than five feet (5').
- (g) The zoning district front yard setback requirements for dwellings shall not apply to any lot where the average setback of existing buildings located within one hundred feet (100') of each side of

the dwelling within the same block and fronting on the same street is less than the required front yard setback. In such case the average setback on such lot shall not be less than the average setback of the existing buildings.

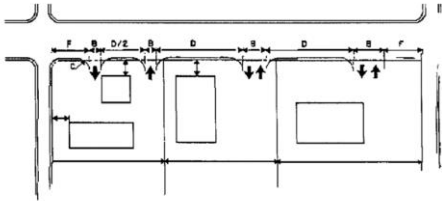
- (h) Where a lot abuts on two (2) streets (either a corner lot or a double frontage lot), the lot's front yard setback requirements must be met on both street sides and the lot's side yard setback requirements must be met on all other sides of the lot.
- (i) Where a lot abuts on two (2) streets or rights-of-way (either a corner lot or a double frontage lot), no accessory building shall be located closer to a street than the lot's front yard setback requirements.
- (j) No fence, wall, shrubbery, or other structure shall obstruct road traffic vision.
- (k) Every building hereinafter erected or moved shall be on a lot abutting a public street, or having legal access to an approved private street. All structures shall be located to allow for safe and convenient access for servicing, fire protection, and off-street parking.
- (l) All lots shall be located on a street having a minimum right-of-way of fifty feet (50'). The required fifty feet (50') shall not include any critical area as defined in section 5-4-15(A).
- (m) Except as allowed in section 5-4-113(g), no access drive shall be permitted which would require a reduction in existing on-street public parking or loading areas.
- (n) Except in residential and GC-2 zoning districts, access drives shall conform to the requirements set forth in the following table and figure 5-4-12-A:

| Street Speed Limit (mph) | Maximum One-Way/Two-Way Drive Width (in feet) | Minimum Radius (in feet) | Minimum Spacing Between All Access Drives* (in feet) | Minimum Spacing Between All Drives and Intersections (in feet) |
|--------------------------|---|--------------------------|--|--|
| ≤20                      | 12/24   | 15                       | 30   | 50   |
| 25                       | 15/30   | 15                       | 40   | 50   |
| 30                       | 15/30   | 20                       | 50   | 50   |
| 35                       | 18/36   | 20                       | 50   | 50   |
| 40                       | 20/40   | 25                       | 50   | 50   |

\*The distance between abutting one-way access drives, with the inbound drive located upstream of the traffic flow from the outbound drive, can be one-half of the distance listed above.

**Figure 5-4-12-A**





B = Access Drive Width

C = Curb Radius

D = Access Drive Separation

E = Fifty (50) Foot Minimum Spacing From Right-of-Way

- (o) Access drives in the GC-2 zoning district authorized pursuant to section 5-4-113(g) must comply with the following requirements:
1. There shall be only one (1) access drive per lot.
  2. An access drive shall not exceed twenty-four feet (24') in width.
  3. Prior to constructing an access drive from a State right-of-way, the owner of the property first must obtain an encroachment permit from the South Carolina Department of Transportation (SCDOT). All fees, costs and expenses for obtaining the permit and for construction of the access drive, arrangement for the sight distance requirement, and any other requirements of SCDOT shall be borne by the owner of the property.
  4. Prior to constructing an access drive from a City or County right-of-way, the owner of the property first must obtain an encroachment permit as set forth in title 3, chapter 1, article E. All fees, costs and expenses for construction of the access drive, compliance with the sight distance requirement, and any other requirements shall be borne by the owner of the property.
- (p) No lot shall be graded or filled to an elevation that results in a change to the existing stormwater runoff for such lot without the Zoning Administrator's prior approval of a stormwater management plan. The stormwater management plan shall include the stamp and signature of a duly licensed and qualified professional, all existing and proposed topographical features of the lot, and a statement by the professional certifying that the filling or grading of the lot will not adversely impact the drainage of any adjacent properties, drainage systems or rights-of-way.

**Sec. 5-4-13. - Maximum lot coverage; floor area ratio requirements; additional setback requirements.**

1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:
  - (a) Not more than forty percent (40%) of the area of a lot shall be covered by impervious material, provided that this requirement shall not limit lot coverage to less than three thousand two hundred (3,200) square feet nor allow lot coverage to exceed seven thousand (7,000) square feet. **For lots with on-site wastewater disposal systems, this lot coverage requirement shall be reduced from forty (40%) percent to not more than thirty (30%) percent, provided that this requirement shall not limit lot coverage to less than two thousand four hundred (2,400) square feet nor allow lot coverage to exceed five thousand two hundred fifty (5,250) square feet.**

(b) The floor area ratio of a lot shall not be greater than forty percent (40%) of the area of a lot, provided that this requirement shall not limit the enclosed living space of a principal structure to less than three thousand two hundred (3,200) square feet nor allow such enclosed space to exceed seven thousand (7,000) square feet. For lots with on-site wastewater disposal systems, this floor area ratio shall be reduced from forty (40%) percent to not greater than thirty (30%) percent, provided that this requirement shall not limit the enclosed living space of a principal structure to less than two thousand four hundred (2,400) square feet nor allow the enclosed living space of a principal structure to exceed five thousand two hundred fifty (5,250) square feet.

■

(c) For lots larger than eight thousand (8,000) square feet, with a lot width at the front building line of seventy (70) feet or greater, the combined minimum side yard setback requirement for any portion of the enclosed building at or above twenty-five (25) feet in height as measured pursuant to section 5-4-2(18) shall be thirty (30) feet, with no side yard less than ten (10) feet.

(d) For lots larger than eight thousand (8,000) square feet, with a lot width at the front building line of at least sixty (60) feet but less than seventy (70) feet, the combined minimum side yard setback requirement for any portion of the enclosed building at or above twenty-five (25) feet in height as measured pursuant to section 5-4-2(18) shall be twenty-five (25) feet, with no one side yard less than ten (10) feet.

2. This section does not prohibit a structure on any City-owned lot which is used for municipal purposes from exceeding seven thousand (7,000) square feet so long as the other requirements of this section which are not inconsistent with this subsection are met.

ORDINANCE 2017-10

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 1, GENERAL PROVISIONS, ARTICLE D, REGULATION OF ON-SITE SEWAGE DISPOSAL SYSTEMS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO REQUIRE MANDATORY CONNECTION TO PUBLIC SEWER SYSTEM WHERE PUBLIC SEWER LINE IS AVAILABLE UPON THE SALE OR TRANSFER OF PROPERTY.

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

SECTION 1. That Article D, "Regulation of On-Site Sewage Disposal Systems" is hereby amended to state as follows:

“ARTICLE D. - REGULATION OF NON-PUBLIC WASTEWATER  
DISPOSAL SYSTEMS

Sec. 6-1-40. - Definitions.

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

*Engineered on-site wastewater disposal system* means a specialized on-site wastewater disposal system. See definition for *Specialized on-site wastewater disposal system*.

*Grinder pump system* means a wastewater pump station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry and which conveys the wastewater from its source to connect with the public gravity sewer system.

*Immediate family member* means a person's spouse, great-grandparents, grandparents, parents, legal guardian, brothers, sisters, children, grandchildren, great-grandchildren, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, daughters-in-law and sons-in-law.

*Isle of Palms Water and Sewer Commission* means the Commissioners of Public Works of the City of Isle of Palms. Isle of Palms Water and Sewer Commission is the trade name used by the Commissioners of Public Works of the City of Isle of Palms organized pursuant to Section 5-31-210 of the Code of Laws of the State of South Carolina.

*On-site wastewater disposal system* means a traditional septic tank system or other on-site wastewater disposal system. This definition also includes engineered or specialized on-site wastewater disposal systems.

*Public sewer line* means a gravity operated sewer line operated and maintained by the Isle of Palms Water and Sewer Commission.

*Public sewer system* means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems.

*Septic tank system* means an on-site wastewater treatment system consisting of an underground tank, distribution box and drain field.

*Specialized on-site wastewater disposal system* (also known as *Engineered on-site wastewater disposal system*) means an on-site wastewater disposal system that has been designed by a Registered Professional Engineer licensed in the State of South Carolina. Such systems may be utilized in lieu of traditional septic tank systems when the required engineering design and certification have been approved by the South Carolina Department of Health and Environmental Control (SCDHEC).

*Wastewater* means sewage or a combination of water-carried wastes from residences and business buildings together with such ground, surface and stormwaters as may be present.

Sec. 6-1-41. - New installations.

Any new or replacement on-site wastewater disposal system installed within the City shall be required to include an access manhole built into the lid over each compartment of the tank, and over the outlet end of the septic tank. An appropriate mechanism shall be provided to make the access manholes vandal-, tamper-, and child-resistant.

Sec. 6-1-42. - Mandatory connection to public sewer system upon sale or transfer of property.

At such time as a public sewer line becomes available to a property serviced by an existing on-site wastewater disposal system or grinder pump system, such property shall be connected to the City's public sewer system when the property is sold or otherwise transferred to a new owner; provided, however, that this provision shall not apply to the transfer of property to an immediate family member or by inheritance. Any existing on-site wastewater disposal system or grinder pump system shall be emptied, disposed of, and filled with suitable material in accordance with all applicable local and state regulations. All expenses associated with the mandatory public sewer connection shall be paid by the buyer or transferee of the property. A public sewer line shall be considered available to a property when it is located in a right-of-way or easement abutting any lot line of the property.

Sec. 6-1-43. - Reserved.

Sec. 6-1-44. - Violations; penalties.

A violation of this article is a misdemeanor punishable pursuant to section 1-3-66. Each day that a violation continues shall constitute a separate offense.”

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

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

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

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

\_\_\_\_\_  
Jimmy Carroll, Mayor

(Seal)

Attest:

\_\_\_\_\_  
Marie B. Copeland, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_

Action Item from Planning Commission:

Require properties that sell where gravity sewer available to tie into the sewer system

TITLE 6 – HEALTH AND SANITATION  
CHAPTER 1 – GENERAL PROVISIONS

ARTICLE D. - REGULATION OF ~~NON-PUBLIC ON-SITE~~ **ON-SITE SEWAGE DISPOSAL WASTEWATER** DISPOSAL SYSTEMS

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**Sec. 6-1-40. - Definitions.**

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

**Engineered on-site wastewater disposal system** means a specialized on-site wastewater disposal system. See definition for *Specialized on-site wastewater disposal system*.

**Grinder pump system** means a wastewater pump station with pump(s), storage capacity and appurtenant piping, valves and other mechanical and electrical equipment which grinds or reduces the particle size of wastewater solids to yield a sewage slurry and which conveys the wastewater from its source to connect with the public gravity sewer system.

**Immediate family member** means a person's spouse, great-grandparents, grandparents, parents, legal guardian, brothers, sisters, children, grandchildren, great-grandchildren, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, daughters-in-law and sons-in-law.

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**On-site wastewater disposal system** means a traditional septic tank system or other on-site wastewater disposal system. This definition also includes engineered or specialized on-site wastewater disposal systems. ~~OSDS means any septic tank system or other on-site sewage disposal system.~~

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**Public sewer line** means a gravity operated sewer line operated and maintained by the Isle of Palms Water and Sewer Commission.

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**Public sewer system** means the gravity sewer system operated and maintained by the Isle of Palms Water and Sewer Commission for the disposal of wastewater. This definition does not include on-site wastewater disposal systems or grinder pump systems.

**Septic tank system** means an on-site wastewater treatment system consisting of an underground tank, distribution box and drain field.

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**Wastewater** means sewage or a combination of water-carried wastes from residences and business buildings together with such ground, surface and stormwaters as may be present.

**Sec. 6-1-41. - New installations.**

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Revised 1/1617/18

Action Item from Planning Commission:

Require properties that sell where gravity sewer available to tie into the sewer system

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At such time as a public sewer line becomes available to a property serviced by an existing on-site wastewater disposal system or grinder pump system, such property shall be connected to the City's public sewer system when the property is sold or otherwise transferred to a new owner; provided, however, that this provision shall not apply to the transfer of property to an immediate family member or by inheritance. Any existing on-site wastewater disposal system or grinder pump system shall be emptied, disposed of, and filled with suitable material in accordance with all applicable local and state regulations. All expenses associated with the mandatory public sewer connection shall be paid by the buyer or transferee of the property. A public sewer line shall be considered available to a property when it is located in a right-of-way or easement abutting any lot line of the property.

~~Sec. 6-1-42. - Reserved.~~

Sec. 6-1-43. - Reserved.

Sec. 6-1-44. - Violations; penalties.

A violation of this article is a misdemeanor punishable pursuant to section 1-3-66. Each day that a violation continues shall constitute a separate offense.

Title 1 – Government and Administration  
Chapter 3 – Procedures, Committees, Ordinances and Use of Code  
Article B. - Standing Committees

**Sec. 1-3-31. - Membership; appointment; responsibilities.**

- (A) All committees shall consist of three (3) members selected from the Mayor and Council, except for the Ways and Means Committee, which shall consist of the Mayor and the other Councilmembers.
- (B) All Councilmembers shall be appointed to at least one (1) committee other than the Ways and Means Committee and shall serve on such committee, unless the Councilmember refuses such appointment. If a Councilmember refuses such appointment, then the Councilmember shall have no right to require appointment to a different committee.
- (C) The standing committees and their respective areas of responsibility are as follows:
- (1) *Ways and Means Committee.* The Ways and Means Committee, which shall consist of all Councilmembers. The committee's duties are to:
- (a) If requested, assist the City Administrator in the annual budget ordinance through:
    - (1) Review of all sources of revenue and development of annual income estimates;
    - (2) Review of all departmental, committee, board, general government, or other expense budgets;
  - (b) Review monthly cash on hand reports and budget status and recommend revisions if necessary;
  - (c) Review all policies and procedures regarding ways and means and make recommendations as appropriate;
  - (d) Review all other matters pertaining to City finances and which the name of the committee implies;
  - (e) Examine into and report upon all petitions and other matters referred to them by the Mayor and Council; and
  - (f) Review all matters regarding the City real and personal property.
- (2) *Public Safety Committee.* The Public Safety Committee, which shall consist of three (3) members. The committee's duties are to:
- (a) If requested, assist the City Administrator in the preparation of the annual expense budget for the Police and Fire Departments;
  - (b) Review policies and procedures regarding the Police and Fire Departments and make recommendations as appropriate; and
  - (c) Examine into and report upon all petitions referred to them by the Mayor and Council.
- (3) *Environmental, Public Works and Infrastructure Committee.* The Environmental, Public Works and Infrastructure Committee, which shall consist of three (3) members. The committee's duties are to:
- (a) If requested, assist the City Administrator in the preparation of the annual expense budget for the Public Works Department;
  - (b) Review policies and procedures regarding the Public Works Department and make recommendations as appropriate;
  - (c) Review requests for streetlights and periodically review the street lighting system within the City; and

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(d) Review environmental matters affecting the City and make recommendations as appropriate;

(e) Review matters related to infrastructure of the City, including, but not limited to, drainage, ditches, roads, beach access paths, and pedestrian and golf cart paths, and make recommendations as appropriate; and

(df) Examine into and report upon all petitions and other matters referred to it by the Mayor and Council, using due diligence thereon.

(4) *Recreation Committee.* The Recreation Committee, which shall consist of three (3) members. The committee's duties are to:

- (a) If requested, assist the City Administrator in the preparation of the annual expense budget for the Recreation Department;
- (b) Review policies and procedures regarding the Recreation Department and make recommendations as appropriate;
- (c) Work to provide recreational opportunities for all citizens and report to City Council on the condition of the recreation center and the activities of the Recreation Department; and
- (d) Examine and report upon all petitions and other matters referred to it by the Mayor and Council.

(5) *Personnel Committee.* The Personnel Committee, which shall consist of three (3) members. The committee's duties are to:

- (a) Assist the City Administrator, if requested, in the preparation of budget estimates for costs related to personnel management;
- (b) Review personnel management policies, wage scales, and benefits regarding all City employees and make recommendations to City Council as appropriate;
- (c) Assist the City Administrator in the annual employee evaluation process by:
  - (1) Reviewing and recommending to City Council approval of Employee Performance Evaluation methods developed by the City Administrator and department managers;
  - (2) Developing and recommending to City Council approval of the method of the City Administrator's annual performance evaluation;
  - (3) Preparing summary data regarding the results of the annual employee performance evaluation and recommending to City Council any proposed revisions regarding personnel;
- (d) Serve as the hiring committee to fill a vacancy in any City department manager position. The chairman of the Personnel Committee shall serve as chairman of the Hiring Committee;
- (e) Investigate and report to City Council regarding any petitions and other matters referred to it by City Council.
- (f) If requested, assist City Council in screening, interviewing and recommending candidates for appointments to boards and commissions of the City.

(6) *Real Property Committee.* The Real Property Committee, which shall consist of three (3) members. The committee's duties are to:

- (a) Assist the City Administrator, at the City Administrator's request, in the preparation of annual budget estimates for the operation and maintenance of the real property owned or leased by the City;

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- (b) Review policies and procedures regarding the use and maintenance of all real property owned, leased or controlled by the City and make recommendations to City Council as appropriate;
- (c) Monitor and review all existing or proposed leases of real property owned or to be leased by the City;
- (d) Examine and report upon all petitions and other matters referred to it by the Mayor and City Council.

**Title 9 – Offenses**  
**Chapter 2 – Offenses Against Public Peace**

**Sec. 9-2-5. - Noise.**

- a. *Declaration; specific noises.* It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any noise in the City that is unreasonably loud or disturbing in the circumstances to a reasonable person of ordinary sensibilities except as expressly allowed pursuant to subsections e. and f. of this section. The following are declared to be unreasonably loud or disturbing noises in violation of this section, but such acts shall not be deemed to be exclusive:
- (1) *Blowing horns.* Except as required by law, no person shall blow or cause to be blown within the City any steam whistle, electric horn, or other signaling or warning device, except as alarm signals in case of fire or collision or other imminent danger.
  - (2) *Pets.* It shall be unlawful to keep, stable, harbor or maintain any animal or bird which disturbs the comfort or repose of any reasonable person of ordinary sensibilities in the vicinity by making continually or frequently loud noise.
  - (3) *Loudspeakers, etc.* It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the street, sidewalks, parks or other outdoor public places owned or under the control of the City, except as permitted under subsection e. and f. of this section; provided, however, that any City-owned property subject to a commercial lease and a noise control agreement or permit is exempt from the requirements of this paragraph.
  - (4) *Hawking or peddling.* It shall be unlawful for any person to make any noise on a public street or in such proximity thereto as to be distinctly and loudly audible on such street by any kind of crying, calling, or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever. It is the express intention of this paragraph to prohibit hawking, peddling, soliciting or using other loud noises to attract attention to a business and not to prohibit the spill-over noise emanating from a lawfully operating business.
  - (5) *Radios, phonographs, televisions, etc.* The use, operation or playing of or permitting the use, operation or playing of any radio, hi-fi, stereo system, phonograph, piccolo, television or any musical instrument in such manner or with such unreasonably loud volume in the circumstances as to disturb any reasonable person of ordinary sensibilities, or the playing of such instrument in such manner as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.
  - (6) *Use of vehicle.* The use of any automobile, motorcycle, motor boat, personal watercraft, water jet pack or other type of vehicle in such a state of disrepair, or so loaded, or used or repaired in such a manner as to create unreasonably loud or disturbing noises in the circumstances, particularly grating, grinding, rattling, riveting, revving or other disturbing noises.
  - (7) *Exhaust discharge.* To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motor boat engine, motorcycle or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
  - (8) *Noise in proximity to schools, courts, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court, while the same is in session, or adjacent to any church during church services, which interferes with the work or worship at any such place or institution.

- b. *Amplified Music—Nighttime play.* It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument (including but not limited to brass or drum instruments), or other amplification device or apparatus making or reproducing musical or other sounds between the hours of 10:00 p.m. and 10:00 a.m., Sunday through Thursday, or between the hours of 11:00 p.m. and 10:00 a.m., Friday and Saturday, in such a manner as to be plainly audible in any adjacent street or right-of-way, adjacent place of public accommodation, or adjacent dwelling or other residence. For the purpose of this section, plainly audible shall mean any sound that can be detected by a reasonable person of ordinary sensibilities using his or her unaided hearing faculties.
- c. *Amplified Music—Daytime Play.* It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument (including but not limited to brass or drum instruments), or other amplification device or apparatus making or reproducing musical or other sounds between the hours of 10:00 a.m. and 10:00 p.m., Sunday through Thursday, or between the hours of 10:00 a.m. and 11:00 p.m. Friday and Saturday, in such a manner or with such unreasonably loud volume in the circumstances as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.
- d. *Piledrivers and other apparatus, tools or equipment.* ~~Between the hours of 7:00 p.m. and 7:00 a.m.,~~ It shall be unlawful for any ~~person, contractor, subcontractor, landscaper, supplier or vendor~~ to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, at any time other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays or on legal holidays. Approval for such use may be granted by the City for performing emergency repairs outside of the hours specified. Nothing in this paragraph shall be construed to prohibit an owner or member of an owner's immediate family from performing maintenance, repairs, or other work on their own property at any time, provided that such work does not require a building permit and is otherwise in compliance with City ordinances.
- e. *Public interest events.* Notwithstanding any other provision of this section, on application to, and approval by, the Chief of Police, written permits may be granted to broadcast programs of music, speeches, general entertainment, or announcements as a part of and incident to community celebrations of national, State, or City occasions, public festivals, or other public interest events, provided that traffic on the streets is controlled. In determining whether or not to issue such a permit, the Chief of Police shall weigh the public interests in the event against the noise and disturbance anticipated to be created by the event and must consider the intensity and duration of the noise and the area that will likely be affected. The language or content emanating from the event shall not be considered.
- f. *Exceptions.* None of the foregoing prohibitions shall apply to or be enforced against:
- (1) Any City vehicle engaged in City business;
  - (2) Any City-hosted, City-sponsored or City-sanctioned special events;
  - (3) Excavations or repairs of bridges, streets or highways, by or on behalf of the City, county or state during the night, when the public welfare and convenience renders it impossible to perform the work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor;
  - (4) Construction activities performed by or on behalf of a governmental agency, including, but not limited to, construction, repair or maintenance of public buildings and drainage facilities, dredging activities, beach renourishment activities, and other public projects.
- g. *Enforcement factors.* Factors to be considered in determining whether a noise is unreasonably loud, disturbing, or excessive for the purposes of this section shall include, but are not limited to, any or all of the following:
- (1) The intensity and volume of the noise;

- (2) The intensity of the background noise, if any;
  - (3) Whether the nature of the noise is usual or unusual;
  - (4) Whether the origin of the noise IS associated with nature or human-made activity;
  - (5) The proximity of the noise to sleeping facilities;
  - (6) The land use, nature, and zoning of the area from which the noise emanates and the area where it is received;
  - (7) The time of day or night, along with the day of the week and time of year, when the noise occurs;
  - (8) The time duration of the noise;
  - (9) Whether the sound source is temporary;
  - (10) Whether the noise is recurrent, intermittent or constant;
  - (11) Whether or not noise abatement measures are possible and whether or not they are used to reduce the noise level;
  - (12) The number of people and their activities that are affected by the noise;
  - (13) The existence of complaints concerning the noise from persons or premises affected by the noise;
  - (14) Whether the noise in the circumstances would disturb a reasonable person of ordinary sensibilities; and
  - (15) The nature of any communicative content of the noise shall not be considered for the purpose of this section.
- h. *Violations and penalties.* A violation of this section is a misdemeanor punishable pursuant to section 1-3-66. Each day that a violation continues shall constitute a separate offense.
- i. *Nuisance.*
- (1) Violation of this section is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
  - (2) In addition to the penalties set forth in subsection (h) of this section, repeated violations of this section by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of any business license issued to the premises on which the violations occurred in accordance with section 7-1-15.

FY18 Transportation Sales Tax (TST) Requests

City of Isle of Palms

Project Priority #3 of 4

Sidewalk on 28<sup>th</sup> Avenue from Palm Boulevard to the Isle of Palms Recreation Department

**Description of the Project:**

This City requests assistance for the construction of a sidewalk parallel to 28<sup>th</sup> Avenue, from Palm Boulevard through Cameron and Hartnett Boulevard, to the Isle of Palms Recreation Department.

**Brief Explanation of the Project:**

As a seven-mile long and approximately one-mile-wide barrier island on the South Carolina coast, City life thrives through its connectivity to public spaces, the beach, and other community amenities.

The heart of the City lies in its Recreation Center. The City's Recreation Center is a 15,000 square feet facility that offers many sport programs for young children, such as soccer, volleyball, basketball and baseball. It also offers many athletic and fitness classes for adults, such as yoga, Zumba, bootcamp, tennis and much more. This Department hosts several special events every year for residents and visitors of all ages, such as the award-winning "Doggie Day at the Rec," the Easter Egg Hunt, Music in the Park and the Halloween Carnival. The Recreation Center also offers many senior friendly weekly programs and special events, such as, exercise, line dancing, knitting classes and a social group called "Keenagers" who meet every month for lunch and arrange programs and field trips together to nearby destinations. It safe to say that the Recreation Center is a very popular destination, for people of all ages and particularly families with small children and seniors. As such, there is constant pedestrian movement throughout this facility and neighboring areas. Therefore, providing safe pedestrian access to this facility is crucial.

Currently, sidewalks exist on both sides of 28<sup>th</sup> Avenue from Hartnett Boulevard into the Recreation Center side. Also, sidewalks exist on Palm Boulevard, but for two blocks, there are no sidewalks connecting the two. The road right-of-way in this area of 28<sup>th</sup> Avenue is sufficiently wide to accommodate sidewalks on either side of the street, or both. The sidewalk would connect the Recreation Center to the beach and the beach to the Recreation Center.

The construction of the proposed sidewalk will improve accessibility and ensures that pedestrians have a safe and adequate place to walk from the popular beach access path at 28<sup>th</sup> Avenue and the Recreation Center. This project promotes and expands the City's goals to provide safe access to essential public services and expand recreational opportunities for visitors and the island residents. Sidewalks are a conduit for pedestrian movement and access, and enhance connectivity and promote walking. Sidewalks can encourage walking by making it more attractive and accessible, and have been found to enhance general public health.

# Charleston County SC



Select street to view

Locate by

EXAMPLE: 1001



1:1730

2376292, 351423

Current

he did not think that this work would require a permit. Mr. Stevens said he would prepare a cost estimate for the City and make sure the City has a drainage easement there.

After conferring with the Committee members, Chair Ferencz noted that the consensus was for Mr. Stevens to move forward to prepare a proposal.

### **C. Update on NPDES Project**

Administrator Tucker reported that the contract has been awarded and executed, and the contractor has one hundred eighty (180) days to complete the project.

Chair Ferencz asked Director Pitts how obtrusive the work was going to be on the day-to-day operations of the Department; based on the location of the work, the Director thought the routine operations would be impacted very little.

## **7. New Business**

### **Consideration of 2018 Transportation Sales Tax (TST) Requests**

The Administrator noted that the City is in a new position as it considers TST requests for 2018 because the project that has been the City's top priority for several years, i.e. the Phase II Drainage Project, has been funded with the receipt of the five hundred thousand dollar (\$500,000) grant from the S. C. Rural Infrastructure Authority, assuming the City receives favorable bids. Bike lanes on both sides of Palm Boulevard from Breach Inlet to 57<sup>th</sup> Avenue has been in the Number 2 position, and SCDOT will accomplish the portion of the task from Breach Inlet and 21<sup>st</sup> Avenue. In association with that request, the City has included the request for improvement at the end of the Connector where the bike path becomes a "share the road" as it approaches Palm Boulevard. Since the City owns the Memory Park property, it has agreed for the path to move into the park and make the bike lane come onto the island easily and more safely.

Administrator Tucker reminded the Committee that TST funds can be used for paving an existing dirt road, drainage improvements, bicycle and pedestrian improvements and intersection improvements; staff has suggested separating the bicycle path from the path onto the island and call it an intersection improvement. The Administrator also thought that having sidewalks on both sides of the road, or at least one (1) side, between Hartnett and Palm Boulevard, would be another significant improvement, meaning that one could be on sidewalks from Palm Boulevard to the Recreation Center. The Administrator indicated that she had not looked at the impact sidewalks would have on right-of-way parking for the houses there; this request could be submitted as a low priority thus giving the City time to investigate the feasibility.

Councilmember Kinghorn asked what the dollar range was for TST awards to the City in the past, and the Administrator responded that, historically, the City has received approximately four hundred thousand dollars (\$400,000) in one hundred thousand dollar (\$100,000) increments, for drainage over a number of years. The City has also sought funding for improvements to the handicap parking spaces on 21<sup>st</sup> Avenue.

As long as the requests are prioritized, the City can submit as many as it chooses.



Councilmember Kinghorn asked whether pedestrian access to the marina has been considered.

Administrator Tucker commented that she had not considered it because the plans for the marina continue to be refined, and the City will have other years to make such a request.

Councilmember Kinghorn thought that the best location for pedestrian access was the ditch that runs along the southwest side of the property, possibly, constructing a boardwalk over the ditch, not impeding the flow. The boardwalk could possibly be wide enough for two (2) golf carts; in addition, the Councilmember thought it would encourage local, non-vehicular resident use of the marina. He also thought that pedestrian access would be "a huge benefit" to the marina when it was established.

**MOTION: Councilmember Kinghorn moved that the TST requests be submitted in the following priority: bike lanes from 21<sup>st</sup> to 57<sup>th</sup> Avenues, sidewalks on 28<sup>th</sup> Avenue to the Recreation Center, and a study on pedestrian access to the marina; the motion DIED for lack of a second.**

The Administrator suggested that the priority should be the bike lanes from 21<sup>st</sup> to 57<sup>th</sup> Avenues first, intersection improvements at the Connector and Palm Boulevard second, the sidewalks on 28<sup>th</sup> Avenue between Palm Boulevard and the Recreation Center third, and the marina pedestrian access fourth.

**MOTION: Councilmember Ward moved to submit TST funding requests in the priority suggested above by the Administrator; Councilmember Kinghorn seconded and the motion PASSED UNANIMOUSLY.**

**8. Miscellaneous Business – None**

Next Meeting Date: 11:00 a.m., Wednesday, February 1, 2017

**9. Adjourn**

**MOTION: Councilmember Kinghorn moved to adjourn the meeting at 11:45 a.m.; Councilmember Ward seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk

terms for three (3) additional years. He recounted that he had made a motion to renew under those terms, but it failed for lack of a second. He stated that, "as a business man, (he) thought that the City was supposed to keep . . . and stay within the budget, and (he) thought the City had lost its ability to negotiate by not extending that contract."

Mayor Cronin said that, from reading the minutes, he thought that the Committee wanted more information, such as the use of air time from a radio station and associated cost.

Councilmember Carroll noted that last year's show had cost the City twenty-five thousand dollars (\$25,000) and that Mr. Munnerlyn had stated that, for that amount of money, the show would have to be shortened.

Councilmember Bergwerf stated that the City still has the option to renew the existing contract, and added that Mr. Munnerlyn had explained to the Committee the difficulties his crew encountered in getting their equipment and the fireworks onto the pier and that he must figure a better way if he is to provide another show for the City. In her opinion, Mr. Munnerlyn may well come back to the Committee saying he cannot take on the job again.

Having heard conflicting reports, Councilmember Carroll then asked how many personnel vacancies were in the Police Department.

Administrator Tucker stated that four (4) officers have resigned, and two (2) additional officers were approved in the budget; therefore, the Police Department is in the process of hiring a total of six (6) officers.

#### **D. Public Works Committee**

At the Public Works Committee meeting on January 4<sup>th</sup>, Councilmember Ferencz was elected Chair, and Councilmember Ward was elected Vice Chair. Director Pitts reported that Public Works personnel collected twenty-five thousand seven hundred tons (25,700 T.) of yard debris in 2016. For November and December, the Public Works Department had two (2) large expenditures for vehicle maintenance, but the Director remains confident that the Repairs and Maintenance line of the budget will not be exceeded. Dave Stevens of Civil Site Environmental was present to provide follow-up information about his inspection of a drainage matter on Sand Dollar Drive that was brought to the City's attention by a resident; He recommended that the City take no action. In his opinion, the situation at 3 Sand Dollar Court does not constitute flooding, but a shallow puddling of water that has nothing to do with the pipe underneath it. Mr. Stevens will generate a letter reviewing his findings and stating that there is no cause for action on the City's part for the Administrator to send to the complainant. Mr. Stevens stated that he was aware of the flooding on Tabby Lane and that it is a tidal problem; he indicated that Tabby Lane would be a good candidate for a backflow, or flapper valve. If the City chooses to put in the flapper valve, he also recommended that the City install another box in the right-of-way to prevent water from backing up into the street. He agreed to generate a proposal for the work and to make sure that the City has a drainage easement there. On the NPDES Project at the Public Works site, Administrator Tucker reported that the contract has been awarded and executed, and the contractor has one hundred eighty (180) days to complete the project. The final piece of business

for the Committee was to recommend projects for submission to the Transportation Sales Tax Committee (TST) for funding in 2018; the choices they made are as follows:

1. Installation of bike lanes between 21<sup>st</sup> and 57<sup>th</sup> Avenues;
2. Intersection improvements at the Connector and Palm Boulevard;
3. Construction of sidewalks between Palm Boulevard and the Recreation Center; and
4. Creation of pedestrian access to the IOP Marina.

**MOTION: Councilmember Ferencz moved to approve the TST requests detailed above; Councilmember Carroll seconded and the motion PASSED UNANIMOUSLY.**

The Public Works Committee will hold its next meeting at 11:00 a.m., Wednesday, February 1 in the Conference Room.

Administrator Tucker made as public appeal that drivers of golf carts stay on the marked path when driving through Mayor Carmen R. Bunch Park; the marked path was selected to avoid unsafe conditions.

#### **E. Recreation Committee**

When the Recreation Committee met on January 4, 2017, Councilmember Rice was elected Chair and Councilmember Kinghorn was elected Vice Chair. From the Departmental Report, Councilmember Rice stated that all adult athletic registrations are ongoing now; this includes softball, 3-on-3 basketball, 6 vs 6 soccer, and table tennis. The coed volleyball league began in January with officials from Charleston Officials SC. Youth basketball games begin today; seventeen (17) coed teams make up the league. Two (2) new dog obedience classes begin with the New Year; they are "Fun Nosework" and "Clicker Training Foundations." All fitness classes are going well; from a citizen's request, a modern square dance class has been established to begin the middle of January. From the wellness front, the Recreation Department sponsored an AIMS test program that looks for a variety of food allergies. The Holiday Street Festival was a huge success with four to five thousand (4,000-5,000) attendees and forty-six (46) food and craft vendors. Thirty-three (33) children wrote letters to Santa and each one received a personal response. Upcoming events include "Doggie Day at the Rec" on Saturday, February 4<sup>th</sup> from 9:00 a.m. til noon; the "Front Beach Fest" planned for March 4<sup>th</sup> from noon to 4:00 p.m. and the Community Yard Sale on March 25<sup>th</sup> from 8:00 a.m. til noon. Director Page reported that eight (8) of the ten (10) holiday light displays were sponsored in 2016; the sponsorships are for two (2) years and fees range from five hundred to two thousand dollars (\$500-2,000) each. The Committee had a lengthy discussion about the improved cardio/fitness room being considered, and, at the February meeting, the Committee will discuss the concepts put forth by David Burt, the architect for the Recreation Center.

The next Recreation Committee meeting will be at 9:00 a.m., Wednesday, February 1<sup>st</sup> in the Conference Room.

#### **F. Personnel Committee**

**COMMITTEE AGENDA ITEM**

TO: JENNIFER J. MILLER, COUNTY ADMINISTRATOR

THROUGH: JIM ARMSTRONG, DEPUTY ADMINISTRATOR *JDA*

FROM: STEVE THIGPEN, DIRECTOR *ST* DEPT. TRANSPORTATION DEVELOPMENT

SUBJECT: FY 2018 ANNUAL ALLOCATION PROJECTS

REQUEST: APPROVE FUNDING RECOMENDATIONS

COMMITTEE OF COUNCIL: FINANCE DATE: AUGUST 17, 2017

**COORDINATION:** This request has been coordinated with: (attach all recommendations/reviews)

|  | Signature of                        |                          | Individual Contacted   |
|--|-------------------------------------|--------------------------|------------------------|
|  | Yes                                 | N/A                      |                        |
| Legal Department                           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u><i>Jh Gader</i></u> |
| Procurement/Contracts                      | <input type="checkbox"/>            | <input type="checkbox"/> | _____                  |
| Zoning Regulations / Comp. Plan Compliance | <input type="checkbox"/>            | <input type="checkbox"/> | _____                  |
| Community Services                         | <input type="checkbox"/>            | <input type="checkbox"/> | _____                  |
| Grants Auditor                             | <input type="checkbox"/>            | <input type="checkbox"/> | _____                  |
| Other:                                     | <input type="checkbox"/>            | <input type="checkbox"/> | _____                  |
| Other:                                     | <input type="checkbox"/>            | <input type="checkbox"/> | _____                  |

**FUNDING:** Was funding previously approved?      yes     no     n/a

| If yes, provide the following: | Org. | Object | Balance in Account | Amount needed for item |
|--------------------------------|------|--------|--------------------|------------------------|
|                                |      |        |                    | \$0.00                 |

**NEED:** Identify any critical time constraint.

**BUDGET OFFICER SIGNATURE:** *Mark Hile*

**Fiscal impact:** Funds are available in the roads portion of the Transportation Sales Tax.

**ADMINISTRATOR'S SIGNATURE:** \_\_\_\_\_

**ORIGINATING OFFICE PLEASE NOTE:**

DUE DATE TO ADMINISTRATOR'S OFFICE IS 5:00 P.M. ON TUESDAY OF THE WEEK PRECEDING THE COMMITTEE MEETING.

## **SITUATION**

Staff has utilized the approved Objective Evaluation and Prioritization process to create a prioritized list of projects to be funded by FY 2018 Annual Allocation funds from the Transportation Sales Tax. The list includes carryover projects and new requests within each Allocation Category and are attached hereto.

## **ACTION REQUESTED OF COUNCIL**

Approve prioritized list of projects (Attachments 1 and 2) for FY 2018 funding from the Annual Allocation funds from the Transportation Sales Tax.

## **DEPARTMENT HEAD RECOMMENDATION**

Approve the list of prioritized projects, which were developed through the use of the Objective Evaluation and Prioritization Process, to be funded by the Annual Allocation funds of the Transportation Sales Tax for Fiscal Year 2018.

Attachments:

1. Carry-Over Projects and Funding Available
2. Recommended Funding for New Projects

## FY 2018 TST Allocation Project Carry Over\* Recommendations And Funding Available

| Action                                | Funding Category            | District | Project   | Total Project Cost | Funding to Date | Recommended Funding |
|---------------------------------------|-----------------------------|----------|---|--------------------|-----------------|---------------------|
| <b>Bike / Pedestrian Improvements</b> |                             |          |   |                    |                 |                     |
| Close                                 | Bike / Ped                  | 3        | North Rhett Ave Sidewalk                                      | 205,412.13         | 271,980.00      | (66,567.87)         |
| Close                                 | Bike / Ped                  | 1        | Park West Blvd Sidewalk - US 17 to Roundabout                 | 62,634.14          | 70,000.00       | (7,365.86)          |
| Close                                 | Bike / Ped                  | 2        | Ben Sawyer Blvd Sidewalk - Rifle Range to Goodyear Tire store | 67,337.36          | 95,000.00       | (27,662.64)         |
| Close                                 | Bike / Ped                  | 1        | Anna Knapp Sidewalk - Frontage Road to Lake Hunter Cir        | 136,341.88         | 150,000.00      | (13,658.12)         |
| Close                                 | Bike / Ped                  | 8        | Croghan Landing Drive Sidewalk Connector                      | 263,759.82         | 350,421.08      | (86,661.26)         |
| Close                                 | Bike / Ped                  | 4        | Covington Drive Sidewalk                                      | 117,292.71         | 130,000.00      | (12,707.29)         |
| Increase                              | Bike / Ped                  | 4        | Durant at Rivers ADA Upgrades                                 | 20,000.00          | 10,000.00       | 10,000.00           |
| Increase                              | Bike / Ped                  | 4        | Morrison Dr at Jackson St ADA Upgrades                        | 20,000.00          | 10,000.00       | 10,000.00           |
| Increase                              | Bike / Ped                  | 7        | Markfield Dr Sidewalk   | 95,000.00          | 55,000.00       | 40,000.00           |
| Increase                              | Bike / Ped                  | 8        | SC 174 Creek Bridges Water Access                             | 137,320.00         | 117,320.00      | 20,000.00           |
| Increase                              | Bike / Ped                  | 9        | Lighthouse Blvd Sidewalk                                      | 232,341.00         | 12,341.00       | 220,000.00          |
| <b>BIKE / PED CARRY OVER NEED</b>     |                             |          |   |                    |                 | <b>85,376.96</b>    |
| <b>Drainage</b>                       |                             |          |   |                    |                 |                     |
| Close                                 | Drainage                    | 2        | Middle Street Drainage  | 542,110.49         | 601,324.32      | (59,213.83)         |
| Close                                 | Drainage                    | 2        | Thompson Ave Drainage   | 45,386.25          | 70,959.34       | (25,573.09)         |
| Close                                 | Drainage                    | 2        | I'on Ave Drainage   | 232,864.21         | 256,062.93      | (23,198.72)         |
| Close                                 | Drainage                    | 2        | Pinckney St Drainage near Town park                           | 204,802.35         | 240,000.23      | (35,197.88)         |
| Increase                              | Drainage                    | 2        | Pinckney St Culvert Repairs                                   | 136,418.00         | 36,418.00       | 100,000.00          |
| **                                    | Drainage                    | N/A      | Repayment of Bond Funds (see explanation below)               | N/A                | N/A             | 250,000.00          |
| <b>DRAINAGE CARRY OVER NEED</b>       |                             |          |   |                    |                 | <b>206,816.48</b>   |
| <b>Intersections</b>                  |                             |          |   |                    |                 |                     |
| Close                                 | Intersection / Johns Island | 8        | Main Rd Turn Lane Extension - Brownswood to Maybank           | 448,963.34         | 475,000.00      | (26,036.66)         |
| Close                                 | Intersection / Johns Island | 8        | Brownswood Rd at Murrywood Rd                                 | 265,197.09         | 276,000.00      | (10,802.91)         |
| Close                                 | Intersection / Johns Island | 8        | River Rd at Plowground Rd                                     | 193,178.55         | 224,000.00      | (30,821.45)         |
| Close                                 | Intersection                | 2        | IOP Connctor Intersection Improvements                        | 942,667.81         | 1,265,780.87    | (323,113.06)        |
| Close                                 | Intersection                | 4        | I-26 on ramp at Ashley Phosphate                              | 250,303.75         | 265,000.00      | (14,696.25)         |
| Close                                 | Intersection                | 6        | PCP Turn Lanes at Ladson Road                                 | 331,873.63         | 349,231.99      | (17,358.36)         |
| Close                                 | Intersection                | 1        | Park West Blvd Turn Lane at Recreation Complex                | 274,163.13         | 310,000.00      | (35,836.87)         |
| Close                                 | Intersection                | 8        | US 17 at Old Jacksonboro Road                                 | 814,688.62         | 905,801.44      | (91,112.82)         |
| Close                                 | Intersection                | 3        | Greenridge Road Turn Lane                                     | 1,195,173.09       | 1,233,904.07    | (38,730.98)         |
| Increase                              | Intersection / Johns Island | 8        | Maybank Hwy at River Rd                                       | 250,000.00         | 0.00            | 250,000.00          |
| Increase                              | Intersection                | 2 and 9  | Beach Route Traffic Cameras                                   | 155,000.00         | 120,000.00      | 35,000.00           |

**FY 2018 TST Allocation Project Carry Over\* Recommendations And Funding Available**

| Action                              | Funding Category | District | Project   | Total Project Cost | Funding to Date | Recommended Funding |
|-------------------------------------|------------------|----------|---|--------------------|-----------------|---------------------|
| Increase                            | Intersection     | 7        | SC 61 at SC 7                                   | 10,031,290.64      | 9,496,290.64    | 535,000.00          |
| Increase                            | Intersection     | 7        | SC 7 at SC 171                                  | 626,024.19         | 476,024.19      | 250,000.00          |
| Increase                            | Intersection     | 3        | Mabeline Rd Turn Lane                           | 357,000.00         | 332,000.00      | 25,000.00           |
| Increase                            | Intersection     | 2        | US 17 Turn Lane at SC 45                        | 280,000.00         | 220,000.00      | 60,000.00           |
| **                                  | Intersection     | N/A      | Repayment of Bond Funds (see explanation below) | N/A                | N/A             | 500,000.00          |
| <b>INTERSECTION CARRY OVER NEED</b> |                  |          |   |                    |                 | <b>1,066,490.64</b> |

**Local Paving**

|                                     |              |     |   |            |            |                     |
|-------------------------------------|--------------|-----|---|------------|------------|---------------------|
| Close                               | Local Paving | 3   | Melnick Ave Extension                           | 296,339.23 | 472,869.50 | (176,530.27)        |
| Close                               | Local Paving | 2   | Martin George Lane                              | 362,751.33 | 445,397.02 | (82,645.69)         |
| Close                               | Local Paving | 4   | Samuel Hart Senior Center Entrance              | 46,526.89  | 64,998.72  | (18,471.83)         |
| Close                               | Local Paving | 1   | Peaceful Way                                    | 91,938.00  | 125,000.00 | (33,062.00)         |
| Close                               | Local Paving | 8   | Ben Road  | 377,374.65 | 404,735.78 | (27,361.13)         |
| Increase                            | Local Paving | 3   | Victory Lane Paving                             | 486,000.00 | 411,000.00 | 75,000.00           |
| Increase                            | Local Paving | 8   | Jewel Street                                    | 265,000.00 | 255,000.00 | 10,000.00           |
| Increase                            | Local Paving | 9   | Center Street                                   | 480,000.00 | 420,000.00 | 60,000.00           |
| **                                  | Local Paving | N/A | Repayment of Bond Funds (see explanation below) | N/A        | N/A        | 1,310,000.00        |
| <b>LOCAL PAVING CARRY OVER NEED</b> |              |     |   |            |            | <b>1,116,929.08</b> |

**County Council / Public Works Department**

|  |         |         |   |     |     |                     |
|--|---------|---------|---|-----|-----|---------------------|
| Increase   | CC / PW | All     | Public Works Operations                 | N/A | N/A | 700,000.00          |
| Increase   | CC / PW | Various | County Non-Standard Road Program        | N/A | N/A | 150,000.00          |
| Increase   | CC / PW | Various | Minor County Road and Drainage Projects | N/A | N/A | 150,000.00          |
| <b>COUNTY COUNCIL / PUBLIC WORKS CARRY OVER NEED</b> |         |         |   |     |     | <b>1,000,000.00</b> |

\* "Carry-over" refers to projects that were approved for and received funding in prior years but require additional funds to complete either the entire project or the designated phase of work.

\*\* As part of the FY 2014 Allocation process, Council approved expending \$9.56mil of bond funds with the understanding these funds would be reimbursed using annual allocation funding. The bond funds were used to fund the following four projects: IOP Connector Widening, Ashley River Bridge Retrofit, SC 61 at SC 7 Intersection and James Island Connector at Courtenay Drive. If the proposed FY 18 funding is approved as listed above totaling \$2.06 mil, repayment will be complete.

| FY 2018 SUMMARY OF CARRY-OVERS and FUNDS AVAILABLE BY CATEGORY | FY2018 FUNDS AVAILABLE | FY2018 CARRY OVER NEEDS | FUNDS REMAINING FOR NEW PROJECTS |
|--|------------------------|-------------------------|----------------------------------|
| Bike / Pedestrian Enhancements                                 | \$1,000,000            | \$85,377                | \$914,623                        |
| Drainage Improvements  | \$500,000              | \$206,816               | \$293,184                        |
| Intersection Improvements                                      | \$2,000,000            | \$1,066,491             | \$933,509                        |
| Local Paving Projects  | \$2,000,000            | \$1,116,929             | \$883,071                        |
| CC / PWD Projects  | \$1,000,000            | \$1,000,000             | \$0                              |
| <b>TOTAL</b>   | <b>\$6,500,000</b>     |                         | <b>\$3,024,387</b>               |

RECOMMENDED  
FUNDING FOR NEW PROJECTS

| BIKE / PEDESTRIAN ENHANCEMENT PROJECT RECOMMENDATIONS   |                  |                          |   |              |        |        |                     |               |
|---|------------------|--------------------------|---|--------------|--------|--------|---------------------|---------------|
| Annual funding for this category = \$1,000,000; Available funding for this category = \$914,623 |                  |                          |   |              |        |        |                     |               |
| Category  | Council District | Requestor                | Project   | Estimate     | Points | Rating | Recommended Funding | Category Rank |
| Bike/Ped  | 5                | City of Charleston       | Sycamore Ave/Magnolia Rd Sidewalk Connection      | \$90,000.00  | 740.00 | 121.62 | \$90,000.00         | 1             |
| Bike/Ped  | 2                | City of Isle of Palms    | 28th Ave Sidewalk                                 | \$140,000.00 | 790.00 | 177.22 | \$140,000.00        | 2             |
| Bike/Ped  | 4 & 5            | City of North Charleston | Azalea Drive Sidewalk (Easton St to Cosgrove Ave) | \$198,000.00 | 960.00 | 206.25 | \$198,000.00        | 3             |
| Bike/Ped  | 2                | Town of Mount Pleasant   | Anna Knapp Blvd. Sidewalk                         | \$115,000.00 | 490.00 | 234.69 | \$115,000.00        | 4             |
| Bike/Ped  | 7                | City of Charleston       | Orleans Rd. Sidewalk Connection                   | \$180,000.00 | 720.00 | 250.00 | \$180,000.00        | 5             |
| Bike/Ped  | 7                | City of Charleston       | Carriage Lane Sidewalk Connection                 | \$195,000.00 | 780.00 | 250.00 | \$191,623.00        | 6             |

| DRAINAGE PROJECT RECOMMENDATIONS  |                  |                        |                                 |              |        |        |                     |               |
|---|------------------|------------------------|---------------------------------|--------------|--------|--------|---------------------|---------------|
| Annual funding for this category = \$500,000; Available funding for this category = \$293,184 |                  |                        |                                 |              |        |        |                     |               |
| Category  | Council District | Requestor              | Project                         | Estimate     | Points | Rating | Recommended Funding | Category Rank |
| Drainage  | 2                | Town of McClellanville | Morrison Court Drainage Project | \$100,000.00 | 612.18 | 163.35 | \$100,000.00        | 1             |
| Drainage  | 2                | City of Isle of Palms  | Palm Boulevard 46th to 52nd     | \$200,000.00 | 995.26 | 200.95 | \$193,184.00        | 2             |

| INTERSECTIONS PROJECT RECOMMENDATIONS   |                  |                        |   |              |          |        |                     |               |
|---|------------------|------------------------|---|--------------|----------|--------|---------------------|---------------|
| Annual funding for this category = \$2,000,000; Available funding for this category = \$933,509 |                  |                        |   |              |          |        |                     |               |
| Category  | Council District | Requestor              | Project   | Estimate     | Points   | Rating | Recommended Funding | Category Rank |
| Intersection  | 7                | City of Charleston     | US 17 (Savannah Hwy) at SC 7 (Sam Rittenberg Blvd)  | \$50,000.00  | 539.13   | 92.74  | \$50,000.00         | 1             |
| Intersection  | 8                | Town of Ravenel        | 4541 Savannah Highway Deceleration Turn Lane        | \$190,000.00 | 707.61   | 268.51 | \$190,000.00        | 2             |
| Intersection  | 5                | City of Charleston     | Wappoo Road at SC Highway 61                        | \$150,000.00 | 505.43   | 296.78 | \$150,000.00        | 3             |
| Intersection  | 3                | SCDOT                  | Rivers Ave dual turn lane extension at Remount Road | \$365,000.00 | 1,190.58 | 306.57 | \$365,000.00        | 4             |
| Intersection  | 2                | Town of Mount Pleasant | Center Street at Ben Sawyer installation            | \$325,000.00 | 943.48   | 344.47 | \$178,509.00        | 5             |

| LOCAL PAVING PROJECT RECOMMENDATIONS  |                  |                      |  |              |        |        |                     |               |
|---|------------------|----------------------|--|--------------|--------|--------|---------------------|---------------|
| Annual funding for this category = \$2,000,000; Available funding for this category = \$883,071 |                  |                      |  |              |        |        |                     |               |
| Category  | Council District | Requestor            | Project                                | Estimate     | Points | Rating | Recommended Funding | Category Rank |
| Local Paving  | 9                | Town of James Island | Rembert Road Paving                    | \$150,000.00 | 662.27 | 226.49 | \$150,000.00        | 1             |
| Local Paving  | 8                | CCPW                 | Shell House Road                       | \$305,000.00 | 930.00 | 327.96 | \$305,000.00        | 2             |
| Local Paving  | 8                | CCPW                 | Painswick / Starwick Road Improvements | \$441,000.00 | 782.05 | 563.90 | \$428,071.00        | 3             |