



SPECIAL CITY COUNCIL MEETING -- WORKSHOP

5:00pm, Tuesday, March 12, 2024

1207 Palm Boulevard and

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

MINUTES

1. Call to order

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

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

2. Citizens' Comments -- none

3. Special Presentations

A. Presentation from Police Chief Cornett regarding H3594 Constitutional Carry Law

Chief Cornett gave an overview of H3594 Constitutional Carry Law. He said the law prohibits people who are carrying a weapon from entering a bar with the intention of drinking. The law also says that law enforcement officers cannot stop anyone just because they are carrying a weapon. He said police chiefs provided and continue to provide feedback to lawmakers on this new State law.

B. Presentation of Waterway Boulevard Multi-Use Path Elevation Project design and consideration of expanding scope to increase level of protection for central basin – Rick Karkowski, Thomas & Hutton

Showing maps of the impact of tidal flooding on the back side of the island, Mr. Karkowski spoke about what else could be done in conjunction with the elevation project to provide more protection to this part of the island. He also shared the details of some of the improvements planned for the area as well as the effects of increasing protection levels from 6' to 6.5' to 7'.

Conversations have begun with Wild Dunes about the improvements they are making to the golf course this year in hopes that their improvements can be implemented in such a way as to help provide the additional protection the back end of the island needs. He said additional feasibility studying needs to be done to determine if this is the better option for the project. The elevation work on Waterway Boulevard will still be done as planned. They hope to ask Wild Dunes for a golf course feature of a certain elevation to enhance protections.

Administrator Fragoso said the City is still waiting to hear about the FEMA grant. The grant, if awarded, will cover 90% of the work originally planned for the Waterway Boulevard project, but not for extra work done between 21st and 23rd avenues.

Director Kerr added that this “ring” around low-lying parts of the island is one of the suggestions from the Drainage Master Plan.

Council Member Hahn expressed concern about using public monies to protect private property. Administrator Fragoso answered, “I think that the lens that we see it is when these roads are completely flooded and take sometimes days for them to clear, it makes it really hard for our emergency vehicles to go through for access, to go through these neighborhoods. So it is in the City’s best interest to address the drainage infrastructure, the deficiencies in our drainage infrastructure to provide protection and access.”

Director Kerr added, “It is part of this grant funding process we have to do a very detailed cost benefit analysis and that is quantifying the public benefit of projects like this, and it has to have a high public benefit for public money to be spent through that process. And this project did have a very high cost benefit analysis.”

He continued that they will come back to City Council “with a plan that says to make this happen, this transition from 6’ to 7’, it’s going to include X linear feet of new landscape features, and it will cost you this amount of money additionally from what we have already committed to spend. And we are going to let you all make that decision as to whether or not that additional money is worth the benefit it gives to you.”

Mr. Karkowski believes it will be an additional “couple hundred thousand” to increase the protection from 6’ to 7’. They hope the work can be done in conjunction with the Wild Dunes golf course renovations.

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

Administrator Fragoso said the Police Department has filled one of its vacancies but expects another when the Animal Control Officer leaves in the near future. Three paramedic positions are still open, and one is being interviewed. The program goes live in June.

Revenues and expenditures are tracking as expected. Business licenses and fees are below normal, but she believes this is a timing issue.

She pointed out that Capital Expenses are at 28%, but that is because several projects have been re-budgeted for FY25.

The increased volume on the Court docket is a reflection of the increased enforcement activity of the Police Department.

Administrator Fragoso pointed out that the number of short-term rental licenses was down by 5 due to property sales. She reported that in 2022 there were 350 properties with short-term rental licenses generated less than \$27,000/year. In 2023, there were 298 such properties. Staff will continue to refine these numbers and track those properties not generating income.

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

Discussion of recommendation from the Public Safety Committee to adopt changes to the noise ordinance

Council Member Bogosian said the draft ordinance in the meeting packet is the same one from the Planning Commission with a few changes. Administrator Fragoso said the violations section relating to short-term rentals was removed from the draft ordinance as business license revocation is dealt with in the business license ordinance.

Council Member Ward said he is bothered by the unequal treatment of homeowners who violate the noise ordinance repeatedly and the short-term rental license holders who could lose their business license with repeated violations.

Council Member Campsen spoke about acceptable noise levels posted in the noise ordinances of Mt. Pleasant and Myrtle Beach. She believes the suggested 75 decibel limit for commercial areas is too high and would like to see the highest limit for commercial areas be set at 65 decibels. She also believes there is no public benefit in allowing anyone to ask for a noise ordinance variance.

Mr. David Cohen of the Planning Commission provided some technical explanations of noise to Council members.

Council members debated whether or not the decibel levels should be set higher or lower from the implementation of the ordinance. Administrator Fragoso will share several weekends of noise data collected by a noise monitoring device installed in Wild Dunes in September.

Council Member Bogosian said the Public Safety Committee will continue to work on the ordinance at its April meeting. First Reading of the ordinance will be held at the March City Council meeting.

- B. **Environmental**
- C. **Public Services**
- D. **Personnel**

Discussion of recommendation from the Administration Committee to appoint Margaret Miller to serve on the unexpired vacancy in the Accommodations Tax Advisory Committee

Council Member Campsen said the Administration Committee interviewed two candidates for the at-large vacancy on the ATAX Committee. The Committee believes Ms. Miller is the better candidate for the at-large seat and will bring balance to the Committee. She previously served on the ATAX Committee from 2005-2020.

E. Other items for discussion

i. Discussion of recommendation from the Administration Committee to adopt changes to the public participation regulations

Council Member Campsen reviewed the suggested changes to this part of the City Code. Mayor Pounds believes Item G regarding the calling out of specific Council members needs additional work as it is subjective. Council Member Anderson said the City Attorney shared with her that they are public officials and should expect to be called out by name at times.

A draft of the ordinance will be presented for First Reading at the March Council meeting.

ii. Discussion of regulations on placement of political signs in the public right of way

Council Member Campsen said the Administration Committee brings this ordinance to Council's attention to determine Council's feel for whether or not a change is needed. She noted the Isle of Palms is the only municipality in the local area that permits political signage in the public right of way.

7. Financial Review

Financial Statements and Project Worksheets

Director Hamilton said all funds are now tracking as anticipated. Tourism funds are tracking a little behind. She believes some of that to be a timing issue and some to be slower activity. She pointed to a few transactions on the project worksheets. She also explained the cash projection sheet.

8. Procurement

Discussion of proposal from CS&E for comprehensive surveying of the southern end of the beach and additional coordination for USACE beneficial use project.

Administrator Fragoso explained the letter from CS&E "includes two essential activities. One is to do a comprehensive survey of the southern end of the island and that includes from the Sea Cabins' pier all the way down to Breach Inlet. This is something that we do every year but because of the changes that we have seen over the last several months, we believe it is important to do another comprehensive survey. This will help us better design the supplement work that we are developing as part of the Army Corps of Engineers' project."

She continued, "The last time you all evaluated a change order and extended the scope, we anticipated the Army Corps of Engineers' project starting in February. Now we are looking at potentially April. For several months, the amount of emergency coordination and assistance that we have been getting from CS&E, it's almost daily. They come here multiple times a week sometimes to put eyes on the condition of the beach on the south end, so they are asking for an amendment of time and expense to continue to aid in those efforts." A cost breakdown is in the meeting packet and the request will come before Council on March 26.

She shared that the contract for the beneficial use project has been awarded and there will be a kickoff meeting next week.

9. **Capital Projects Update**

Administrator Fragoso reported that the project at 36th Avenue is nearly complete. Work at 41st Avenue has been delayed because of the rains. Truluck will begin work on the T-dock on March 13 and demolition of the public dock will be at the end of March. The project at the dog park is complete.

Regarding beach maintenance and access improvements, she said, “We continue to work with emergency beach restoration work on the south end. The sandbag installation on Beachwood East is complete. After this past weekend, there are only three properties that meet the emergency threshold down at the south end. We have Collins out there addressing those and we are evaluating the timeline of the Army Corps, the beginning of the Army Corps project, how much money we still have on hand, and evaluating trucking in additional sand to continue to supplement that area until the Army Corps project begins.”

10. **Legislative Report**

Mayor Pounds said the City has submitted a request to the State for \$5.2 million in the next budget - \$1.5 million for stormwater/drainage infrastructure improvements; \$2.5 million for beach renourishment, \$250,000 for the emergency beach access at the County Park, and \$1 million for beach access improvements.”

Council Member Hahn asked if any resident has taken advantage of the new ordinance regarding erosion control structures. Administrator Fragoso said, “We had a meeting with two engineers that one of them we understand is working with about 10-15 people, actively working on it. I will use this opportunity to say the feedback that we have gotten from those engineers there seems to be a lot of heartburn and concern about the certification statement that we are requesting as part of the emergency ordinance. It seems vague and very overreaching. The statement that we would require from an engineer to sign off on and we understand those concerns. So we have had meetings with them. We are working on a potential solution to give more clarity to those engineers that are working on it to see if there is an opportunity for use to agree on some language that effectuates what we would like, which is making sure that the wall or revetment is constructed in a way to minimize damage and not cause erosion to be worse on either side or down drift.” Any recommended changes will be brought to the March 26 meeting.

11. **Adjournment**

Council Member Ward made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting adjourned at 6:57pm.

Respectfully submitted,

Nicole DeNeane
City Clerk