



**Beach Preservation Ad Hoc Committee Meeting**  
**Friday, August 30, 2024, 10:30am**  
**1207 Palm Boulevard, Isle of Palms, SC and**  
**broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

**MINUTES**

**Present:** Andrew Vega, Cindi Solomon, Tim Ahmuty, Dan Slotchiver, Council members Pierce and Miars, Mayor Pounds, Administrator Fragoso, Director Kerr

**Also present:** Steven Traynum

1. **Call to order**
2. **Update on discussion with Wild Dunes Community Association leadership regarding beach nourishment funding and public access**

Mayor Pounds reported that he met with members of the WDCA along with Administrator Fragoso and Director Kerr. They discussed the City's letter to the USACE, explaining how it is for funding projects on the south end of the island. Council Member Pierce expressed concern about not including the Wild Dunes area in the application. He asked if the application can be modified. Mayor Pounds said Wild Dunes would like some commitment from the State about beach nourishment funding before they agree to allow public parking within the gates.

Administrator Fragoso said, "What we heard [from WDCA] was let us understand and get a commitment from the State about what the requirement would be if there is funding available, what do we have to do, and confirm our interpretation of the public access requirements to be 30, 35 parking spaces or will they be looking at something else."

When asked if the USACE application could be amended, Mr. Traynum said, "When they are determining whether a beach is eligible or not, they do an economic analysis of the infrastructure that could be damaged by a storm. They do erosion analysis to look at various beach conditions and dune configurations and things like that. So if they only did that for one particular area, and then you wanted to add another one later on, it probably would take them at least a year, if not more, to re-evaluate the project, redo that cost-benefit analysis. It's a long, slow process, and it certainly would be significantly more money."

Administrator Fragoso said she would look into it.

3. **Discussion of emergency erosion control protocol/policy**

Council Member Miars asked why the City is paying for all the costs for the sandbags placed at Beachwood East and not Wild Dunes. Administrator Fragoso said that until this past year, the City has never funded emergency work on the beach with the exception of immediately

following a storm when FEMA reimbursement is involved. She said, “I think that the shift in policy came last year when Council was faced with this discussion and felt like because we had a beach preservation fee fund that the City should be in the front seat of emergency restoration work. But I think that raises a lot of questions for this committee to evaluate moving forward. Should that continue to be the policy? Should there be a share recognizing that there is a private and a public component to this action? To be quite honest, when the situations down at Breach Inlet started happening and we had a handful of properties that were getting close to the emergency condition, our directions to those property owners were you can get an emergency order. Here are your options. You can do scraping, very much past practice, and I think that there was a shift at the policy level that the City should be the one seeking the permit, should be the one organizing it, paying for it because we had funding available.”

Administrator Fragoso reminded the Committee that it is their goal to establish a policy that focuses on the large nourishment projects but also addresses owner responsibility during emergency situations. She asked if the City will have the resources today and in the future to manage both large nourishments and emergency erosional situations. A funding shortfall exists even if the City does not fund emergency occurrences.

Ms. Solomon expressed the need for the Committee to set a deadline for a plan to fund the first large renourishment while working on the long-term funding options. Administrator Fragoso said staff continues to work on the funding options list created earlier this year. The only options available at the municipal level include building permits, business license fees, parking, taxes, and incurring debt. She is working with PCI, the City’s parking management vendor, on projections. The special tax district employed by Dare County is not available in South Carolina without a change at the State level.

She believes the shoal management and beneficial use projects will give the City “breathing room” while trying to gather funding for a large scale project on both ends of the island in FY27.

She added, “We are doing more research on that [special tax district] just to confirm, but the initial analysis shows that municipalities utilize this Municipal Investment or Municipal Infrastructure Act that allows municipalities to create a proportional tax within different areas depending on the project. But beach nourishment is not a defined eligible use for that type of structure. So one of the suggestions is we can advocate for the beach nourishment to be included in that State statute and then special tax purpose districts are usually allowed in the State statute for police, fire protection, emergency medical services, recreation, and water and sewer.”

Mayor Pounds said a change to the statute could be a 3-year process. He said they directed their lobbyists to secure beach funding or flexibility within State laws.

Council Member Pierce asked if the City could increase the funding of the Beach Preservation Fund. Administrator Fragoso said that would be a decision City Council would have to make while considering the many operational costs currently covered by those ATAX funds. Mayor Pounds read what the Beach Preservation fee can be used for, and emergency mitigation efforts are not included.

Discussion ensued regarding the City's legal liability, if there is one, to respond to emergency situations on the beach.

Ms. Solomon suggested creating a timeline to guide the Committee in presenting the possibility of the City securing a bond for the FY27 nourishment project. She said City Council needs to know what the Committee has learned so they can understand the options available to them.

Mr. Traynum said, "I am not speaking as an attorney, but as far as legal obligation for any community to protect individual homes, I've just not seen that anywhere else in South or North Carolina where we have been working over the past 20 years. I know there have been a couple of places where that question has come up, like Hunting Island, there used to be cabins at the south end of Hunting Island, and those owners sued the State saying y'all were responsible for maintaining a beach in front of our properties, and that was not successful. I think nearby Harbor Island had a similar type suit against some houses that were out in the ocean, and that HOA actually has covenants that do not allow for projects to occur on the beach, and I don't think those owners won that as well. I'm sure there are legal questions and discrepancies and things, but I do get, when if you look at if that policy were true up and down the state, there are places where the erosion rate is so high, it is unsustainable for a community to be able to protect certain properties."

He later added, "I also wonder how would that set precedent for any other type of potential damage. If you have a drainage plan that the goal of that plan is to try to improve drainage, but if you have water up under your house, does that open the City up to be responsible for all those types of things as well."

Mr. Vega said the uses of the Beach Preservation Fund need to be prioritized.

Administrator Fragoso said the State has effectively passed an unfunded mandate by requiring municipalities to protect and preserve the beaches but will not aid in funding that work or create a beach management process that is easier to navigate.

#### **4. Adjournment**

The next meeting of the Beach Preservation Ad Hoc Committee will be Friday, September 6, 2024 at 9:00am.

The Committee will open the financial planning model and revisit various assumptions, focus on the financial levers available to the City, emergency protocols, and then work on a timeline and plan that will give something for Council to look at during the FY26 budget process.

Mr. Traynum said, "Especially on the east end, this eight-year cycle is, I think, really needs to be a funding goal. But you want to set it up where you have enough flexibility because the way the beach changes up at the east end is so dynamic and so unpredictable with the way these shoals attach. So having a plan where you may be at year seven and say you know what, we need to pull the trigger a little early. At least we are close to that funding or hopefully the beach lasts a little longer and you can delay the project."

The meeting was adjourned at 11:52am.

Respectfully submitted,

Nicole DeNeane

City Clerk