



CITY COUNCIL MEETING
6:00pm, September 24, 2024
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

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

Absent: Council Member Hahn

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

2. Citizen's Comments

Randy Bell thanked Deputy Chief Hathaway for his many years of service to the City.

Rusty Streetman's remarks are attached to these minutes.

Josh Hooser's comments are attached to these minutes.

Susan Smith, 20 23rd Avenue, also thanked Deputy Chief Hathway for his service and to the staff of Islander 71 for their recent heroic efforts. She encouraged City Council to engage with the residents living behind City Hall about plans for City Hall renovations. She also asked City Council to downgrade and delay the work to City Hall as the City has larger issues such as drainage and beach preservation to address.

Ryan Killian, 219 Forest Trail, expressed his surprise that the ordinance banning the feeding of wildlife is a polarizing issue on the island. Mr. Killian shared how the feeding of raccoons has affected his family. He believes the goal of the ordinance is to preserve property and the health and wellness of residents.

3. Approval of previous meetings' minutes

A. Regular City Council meeting – August 27, 2024

B. Special City Council meeting – September 10, 2024

C. Special City Council Workshop – September 10, 2024

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

4. **Special Presentations**

A. **Consideration of Signal 30 Award to Johnny Himmelsback and other Islander 71 team members that rescued couple who drove vehicle down the IOP marina boat ramp**

MOTION: Council Member Ward made a motion to approve the presentation of the Signal 30 Award to Johnny Himmelsback and other Islander 71 team members that rescued couple who drove vehicle down the IOP marina boat ramp. Council Member Anderson seconded the motion. The motion passed unanimously.

Mayor Pounds read the letter of recommendation from Chiefs Cornett and Oliverius to award these citizens for their heroic efforts on September 14, 2024.

B. **Recognition of Deputy Chief Hathaway ahead of his retirement**

MOTION: Council Member Ward made a motion to suspend the rules of order to reorder the agenda and move the reading of Resolution 2024-09 to this point in the agenda. Council Member Bogosian seconded the motion. The motion passed unanimously.

Resolution 2024-09 Recognizing Deputy Fire Chief Hathaway and Celebrating his Retirement

MOTION: Council Member Ward made a motion to approve Resolution 2024-09, and Council Member Anderson seconded the motion. The motion passed unanimously.

Mayor Pounds read Resolution 2024-09 and congratulated Deputy Chief Hathaway on his retirement. Chief Oliverius and Deputy Chief Hathaway shared their remarks.

5. **Old Business**

Update on beach conditions, shoal management permit application, and USACE beneficial use project

Mr. Traynum said the island has experienced high tides every day since September 14. Most of the protection efforts made on both ends of the island seem to be holding up. Most sandbags have been placed. There has been no improvement in the 200 block area, so some additional sand scraping will be done there.

He shared pictures of the shoal outside of Grand Pavilion that is beginning to attach to the east end of the island. He said there is a lot more sand in this shoal than has happened in the past. However, there is more erosion by Ocean Club and Seascape properties. An Ocean Club building is currently within 20' of today's high tide line. He expects further erosion in that area over the next couple of months. Sandbags will likely be needed in that area in the future.

He shared pictures of the beach from 2007 to point out that there is "a lot more sand overall on that end of the island than we did in 2007."

Regarding the shoal management permit and the work it will allow, Mr. Traynum said sand will be able to be placed "pretty much anywhere from the Grand Pavilion to Beach Club Villas."

He continued, “So the status of the sandbags, this is kind of a review of what has gone on and where we are at today. Along the south end of Ocean Boulevard, we have ordered 800 bags, and as of today, about 600 of those are in place. 200 of those are scheduled to be delivered to the fill site later this week, filled over the weekend, and then put out next week. The delay in placing the bags has been from the manufacturers trying to get them manufactured and sent. That has taken several weeks.”

Mr. Traynum noted that while 600 bags have been placed at the south end, only the top row can be seen “because the beach dropped and then it filled back up. Unfortunately with the bags, you have to place them at the elevation of the sand, and then you generally do that before the beach is in a critical condition, and you have an event that drops the beach, so the bags end up sinking or settling down, and then the beach may recover and build some sand back up, but the bags are still down, so we have to build further on top of them.” He said the remaining 200 bags will add additional layers, but additional bags will be needed to “get everybody back up to a protective elevation.”

He continued, “At Beachwood East, the original bag installation was 660 bags. We added about another 100 bags later in the year, and then 300 bags were the most recent order. Out of those 300, 200 have been installed, and 100 are left, which should be installed next week as well. We have also have funding for another 100 bags for that end under the last approved change order. So we are anticipating going and ordering those. Whether we fill them or not is to be determined, but I anticipate we will probably fill them and go ahead and get them placed as well.”

Council Member Bogosian asked if more bags are needed on the south end, and Mr. Traynum said additional approval is needed for more bags in that area. Mr. Traynum reported that they have gone to other bag vendors to see if they can get them faster. He said the bags are filled and placed as soon as they are received. He acknowledged, “With those delays, we have had to kind of address critical needs as they come about.”

Administrator Fragoso said that an item can be added to the evening’s agenda to address this emergency need with a vote of 2/3rds approval of Council. Council would also need 2/3rds approval for any emergency vote.

Council Member Pierce said he feels a sense of urgency about protecting the weaker areas of the island and asked if the City is under-resourced.

Administrator Fragoso responded, “Our contractor does work on the weekends. They have been working on the weekends for months now. They were not able to get a crew here on Sunday. Again, back to the reason for the delay, is just the ability of the bag manufacturer to generate and manufacture enough bags. Our contractor works on the weekends to fills those bags, and that is what we anticipate happening this week for them to be ready to be installed on Monday.”

Mr. Traynum expressed confidence in the bags made by the current manufacturer, “but I do recommend that at bare minimum making an order so that the bags are manufactured and at the City’s ready to be able to deployed.” He suggested ordering 500 bags.

Administrator Fragoso noted, “When Council approved the \$200,000 last month for the installation of 300 bags at Beachwood East, the approval included some additional monies to allow us to order additional bags and keep them in inventory. What has happened the conditions changed every day, and we have already used that additional money that was approved last month. So this would provide additional flexibility for getting ahead of the order, putting an order and getting them ready.”

Mr. Traynum said that if the Army Corps project “comes along fairly quickly, we have the ability to take some of the bags from the south end and move them to the north end as well. We want to have that flexibility, but we need that approval to have that flexibility to respond more quickly.”

He reported that the Army Corps began pumping sand onto Sullivan’s Island. They are projected to begin working on the Isle of Palms by mid-November. It will take 3-4 months to place all the sand. While the contract is set to end January 30, 2025, it can be extended to finish the project.

Administrator Fragoso said the issue of the contractor leaving at the end of January has been raised with the Army Corps. She said, “They are contractually obligated to remove and place 750,000 cubic yards of sand from these coastal areas. They do have the liquidated damages provision, but the Corps also has a performance bond on this project. So there is definitely an incentive there for the contractor to complete. They also indicated the contractor is considering hiring and bringing in another subcontractor to help accelerate and help them meet that contractual timeline.” They will begin working 24/7 beginning next week.

Mr. Traynum shared the comments received on the shoal management permit. CS&E will respond to those comments in writing this week.

Council Member Pierce asked if there is anything the City can do to minimize damage anticipated at the north end. Mr. Traynum said having the sandbags readied is the plan of action for now. He believes sand scraping in that area is not feasible. He added, “The only thing we could do as far as the shoal project is concerned is increase the volume. However, I don’t think there will be much more volume available than a contractor could harvest in one event above 250,000 yards that is currently in the permit.” Sandbags are the only option until the start of the shoal management project.

Following their response to the comments, they hope to have this permit in hand by the end of the year.

Regarding the large-scale renourishment, Mr. Traynum said they are working Phase I which is coordinating with SHPO to do some of the preliminary geotechnical investigations which is related to find the source of sand. He shared the many requirements of Phase II. The application takes 3-5 months to prepare. He anticipates the permit being awarded in late 2025/early 2026. It is this work that is included in the proposal to be discussed at this meeting.

Administrator Fragoso added, “Stephen, you said the bulk of the cost of this proposal, about \$200,000, is just related to the additional borings and the geotechnical analysis to identify good quality of sand.”

Mr. Traynum agreed and said, “And also, it is written into that proposal that we are working the beach monitoring, so any opportunity we have to duplicate services, we will take advantage of that. We are trying to account for any unforeseen issues and costs out there. But we feel like with the other work that we are doing, we should be able to be as efficient as possible with that. It is certainly a significant amount of work required.”

MOTION: Council Member Ward made a motion to suspend the rules of order and move the discussion about the CSE& proposal to this point in the meeting. Council Member Miars seconded the motion. The motion passed unanimously.

Consideration of change order from CSE for second phase of large scale off shore dredging permit application

Administrator Fragoso explained, “Yes, Council approved a contract to CS&E October of 2023 that included the first phase of the geotechnical analysis. At the time, Council approved that as a sole source, recognizing sort of the uniqueness of this project, CS&E’s history, a lot of the information that they already have on our beaches. So it would be another sole source contract, if approved by Council...It would be a change order to the existing contract that was approved in October of 2023.”

She added, “The budget includes continuing permitting, yes, I think \$357,000...That included the first phase. This is an effort to accelerate the permitting process. So FY25, our current budget, is not inclusive of all the permitting.” The monies for this change order would come from the Beach Preservation Fund.

Administrator Fragoso said this phase of the project was slated for FY26 but has been accelerated into FY25. FY25 includes \$357,000 to cover \$323,000 worth of work associated with the first phase. It also includes some “coordination related to the Army Corps of Engineers project that we have going on. So that contract from October included three different scopes. One of those scopes was the initial one. One was the coordination with SHPO, the State Historic Preservation Office, associated with the location of the 2nd Stone Fleet and the initial search and geotechnical analysis and borings.”

Tonight’s request is for \$478,000. Administrator Fragoso said to Mr. Traynum, “We would need to talk about timeline, if all of those tasks would be completed by the end of [FY25]...if that work is going to continue and migrate into [FY26] we would be budgeting the remaining tasks associated with this proposal” in FY26.

Mr. Traynum said of the list of additional tasks possible in Phase II: “In the event that they would be required, would be if something out of the ordinary comes up as in an appeal of a permit, other types of engineering that is not ever really done with what we normally have to do with a permit.”

Council Member Bogosian asked how Council would handle that should one of those instances become necessary.

Administrator Fragoso answered, “What we typically do in past projects, if there is an unforeseen engineering study or anything that is required from the permitting agencies that exceeds the approved allocation, then we would come back to Council and explain that, and Council would then would be asked to approve or deny it.”

Mr. Traynum reviewed the list (page 64 of the meeting packet) and explained the meaning and potentiality of each. The \$50,000 contingency is not being considered in tonight’s vote.

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

MOTION: Council Member Bogosian made a motion to add to the agenda the emergency consideration of purchasing additional sandbags under exigent circumstances that would require Council taking action on this item that was not included on the agenda. Council Member Anderson seconded the motion. The motion passed unanimously.

MOTION: Council Member Bogosian made a motion to approve the purchase of 500 additional sandbags. Council Member Anderson seconded the motion.

The cost of an empty 500 empty is \$75,000. Filled bags are \$450/bag. The cost of 500 filled bags is \$225,000. Council said the bags should be filled as needed.

The City has spent approximately \$2 million on securing the south end of the island over the past year. Administrator Fragoso reminded Council that the FY25 State budget “approve \$1 million grant from the State towards beach nourishment.”

VOTE: A vote was taken with all in favor.

6. New Business

A. Approval of recommendation from the Public Services and Facilities Committee to enter into a contract with the lowest responsible bidder for bulk container collection services for condos and businesses starting February 1, 2025 through October 31, 2025, and after that date, businesses would be responsible for their own bulk container collection services

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

Administrator Fragoso said, “We will be working with our legal to draft the contract based on the terms we included in the RFP. We are looking at a 3-year contract with the option to renew for two additional years if both parties agree.”

She further clarified, “The motion that came out of the Public Services & Facilities Committee included entering into a contract with a new vendor at a lower rate and continuing servicing both condominiums and businesses through October. After October, the City will continue to service condominiums, but businesses will need to transition and pay for their own bulk container service. So after October, the only thing that changes is business on the island would pay for their own service.”

She shared that the contractor will honor the City's rate of \$2.50/yard for any business that wishes to use their services. The City will work with the Chamber of Commerce to help businesses understand their options and make the transition. The City will continue to service the compactor and seek reimbursement from those businesses using that service.

VOTE: A vote was taken as follows:

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

Nays: Ward

The motion passed 6-1.

B. Approval of new building access control system for Public Safety Building and Fire Station 2 [FY25 budget, Capital Projects Fund, State ATAX, \$190,000]

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

C. Approval of training room IT upgrades [FY25 Budget, State ATAX and Hospitality Tax Funds, \$35,000]

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

D. Approval of employee referral incentive program

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

Administrator Fragoso added, "This version is revised from the one you saw at the workshop. The recommendation from the Administration Committee asked us to include in the referral program a provision to include Beach Service Officers or any temp worker that works for the island in a seasonal capacity. So if they participate in the program, they would be eligible for a \$250 incentive, an employee referral incentive, if they recommend a temporary worker."

E. Approval of new job descriptions for Police and Fire department

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

G. Consideration of FY25 millage rate of 0.0223 and Local Option Sales Tax Credit Factor of 0.00020

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

Mayor Pounds said, "Just for clarity, the millage is made up of an operating millage of 0.0191, which is our current rate, and a debt service millage of .00032, which is a total of 0.0223, so no tax increase."

H. Consideration of distribution of FY24 positive net result

MOTION: Council Member Bogosian made a motion to approve, and Council Member Anderson seconded the motion.

Mayor Pounds said positive net result of approximately \$1.7 million will be divided: 15% to the General Fund, 5% to the Disaster Relief Fund, 15% to cover bulk container overage, and 65% to the Capital Projects Fund. Administrator Fragoso said the exact amounts will be available upon completion of the audit.

VOTE: A vote was taken with all in favor.

7. Boards and Commissions Reports

- A. **Board of Zoning Appeals** – minutes attached
- B. **Planning Commission** – minutes attached
- C. **Accommodations Tax Advisory Board** – minutes attached
- D. **Environmental Advisory Committee** – minutes attached

8. Ordinances, Resolutions, and Petitions

A. Second Reading

Ordinance 2024-06 – An ordinance to prohibit feeding wildlife, excluding feral cats and birds

As he stated in the City Council Workshop, Chief Cornett said having an ordinance that prohibits the feeding of wildlife is recommended by the USDA Director as the food draws coyotes to the small animals eating the food. The City's Prosecutor also supports the passage of the ordinance as it will help in prosecuting any tickets issued for violations.

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

Both Council members Bogosian and Miars spoke in support of the ordinance. Council Member Ward said he did not believe the public nuisance ordinance has been exhausted yet. He asked what other municipalities have passed such a ban and saw a reduction in coyote sightings. He wants to know if there is any proof this ordinance will work.

Council Member Carroll asked how the police will prove that someone is not feeding feral cats. Chief Cornett said they will not be charging anyone unless they are convinced someone has violated the law. He said residents send videos of neighbors feeding animals.

VOTE: A vote was taken as follows:

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

The motion passed 6-1.

B. First Reading -- none

C. Resolutions and Petitions

i. Resolution 2024-08 Authorizing the creation of a Youth Council

Mayor Pounds reviewed the parameters for the Youth Council. He said interviews will be held in the spring and the Youth Council will begin in the Fall of 2025.

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

ii. Resolution 2024-10 Authorizing Policy Initiatives and Priorities for City Lobbyists to Pursue in the General Assembly

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

Council Member Pierce asked that these policy initiatives and priorities be placed on a later agenda so that Council can provide more detail to the lobbyists.

9. Executive Session

10. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Miars seconded the motion. The meeting was adjourned at 7:56pm.

Respectfully submitted,

Nicole DeNeane
City Clerk