



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

**MINUTES**

**1. Call to order**

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

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

**2. Citizen's Comments**

Cindi Solomon, 130 Ocean Boulevard, expressed concern about the vulnerability of the homes at the south of the island as the height of hurricane season approaches and with the news that the USACE project does not anticipate placing sand on the beach until the beginning of October. She would like City Council to place sandbags until the start of the project using monies from the Beach Preservation Fund, but additionally, she would like City Council to pass an emergency ordinance allowing the placement of emergency erosion control structures in that area.

Henry Haggerty, 20 41<sup>st</sup> Avenue detailed a recent interaction he and his dogs had with a coyote while out for a walk on the beach. He would like City Council to trap and remove and or kill the coyotes.

**3. Approval of previous meetings' minutes – City Council Meeting of June 24, 2024**

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

**4. Special Presentations**

**5. Old Business**

**A. Discussion of emergency conditions on the 200 block of Ocean Blvd. due to beach erosion and consideration of options**

Mr. Stephen Traynum of Coastal Science said the USACE will start placing sand on Sullivan's Island first as the sand in the borrow area designated for the Isle of Palms needs to be dewatered. They are currently clearing the areas that will be receiving sand in preparation for sand placement to start at the beginning of October.

Mr. Traynum shared updates of beach nourishment-related projects. He suggested that some additional protections could be added to areas near the south end of the island to protect properties until the USACE begins placing sand. He said they did receive a “reasonable bid” for moving that sand to kickstart the dune restoration process after the sand has been placed.

The permit for the shoal management project is out for public comment until August 23. This permit is “restricted to harvesting sand from the attaching shoal and the beach just on the landward side of the shoal.” He hopes this project will begin in early 2025.

More sandbags will be placed in vulnerable areas at Beachwood East beginning tomorrow.

Speaking about the emergency conditions on the south end of the island, Mr. Traynum said the area north of 4<sup>th</sup> Avenue is generally stable; there is mild chronic erosion in the 200 block; and there have been significant gains south of 2<sup>nd</sup> Avenue.

Regarding the rebuilding of the dune in that area, Mr. Traynum said, “We are looking at about 20,000 yards that would be necessary to build a 6’ tall, 20’ wide [dune], and that would go from 2<sup>nd</sup> Avenue up to 10<sup>th</sup> Avenue. Plus the sand fence and vegetation. We had originally planned about 30,000 yards would be shifted from where the Corps places it to that erosional area south of 2<sup>nd</sup> Avenue, but that is where we have seen a lot of recovery, and if I had to guess, there is probably more than 30,000 yards accumulated there already. Not suggesting that we shouldn’t do any work there, but we will want to look to look at the conditions close to the time and pick a number on what we feel like is necessary to get everybody on a very healthy condition.”

Mr. Traynum reminded everyone, “The State allows for emergency work when properties are within 20’ of the high tide line, and that emergency work includes scraping the beach, the installation of sandbags, or trucking in sand. There was a very recent change in the regulations that allows the State some flexibility to go beyond that 20’ criteria for circumstances where basically logistics make it make sense to do that.” Any homeowner can apply to truck in sand at their own expense even outside of emergency conditions.

Mr. Traynum spoke about the options for work at the south end including the continued scraping of sand which can inhibit natural restoration of the beach profile, placement of sandbags to offer protection during storm events, and or the building of a continuous revetment of sandbags. The same contractor placing bags on the east end of the island could place these bags on the south end to shorten the wait time for the building of such a revetment.

A full sandbag revetment of 1200’ would cost \$360,000 to install. Sandbags placed at the properties within the 20’ critical area (approximately 430’) would cost \$129,000 to install. The final cost would need to include the cost of the bond. Removal costs are approximately 10% of installation costs.

Council Member Ward expressed concern about how long this project has taken to start. He asked if there was any assurance they could get from USACE. Administrator Fragoso said it has been a challenge for the City to deal with a project they are not managing. Mayor Pounds added that he has heard from other federally-managed beaches about the lack of control, communication, and effort.

**MOTION:** Council Member Bogosian made a motion to approve the building of a full sandbag revetment between 130-304 Ocean Boulevard and to pay for it out of the Beach Preservation Fund under an emergency contract exempting the City from the procurement process in order to place the sandbag order immediately. Council Member Campsen seconded the motion.

Administrator Fragoso added that with this emergency approval the City will be using the same contractor who is currently installing sandbags at Beachwood East, and that contractor was obtained through a competitive bid process. She said, “So we would be using the lower bid for that project, so it would technically be done as a change order to that existing contract. We have about \$600,000 left from the total fund that Council approved last year. So then we have some invoices that are coming in for the scraping in the past couple of months, but we believe that would be enough to cover the \$400,000 effort.”

Regarding the trucking in of sand, Administrator Fragoso said, “The question about trucking in sand, the permit that the City obtained last summer to truck in sand that we used expired this month, so we are going through the process with the Bureau of Coastal Management (BCM) to renew that, and that would be available to anyone. We are not only renewing the original area which was Breach Inlet through 314, which was the area that was highly erosional last year, but extending that up to 914. So that would be available for property owners to do at their own expense if they want to truck in sand.”

Director Kerr said should anyone decide to truck in sand they would need to coordinate that effort with the City.

**VOTE:** A vote was taken with all in favor.

## 6. New Business

### A. Discussion and consideration of a 6-month extension with existing bulk services collection provider, Carolina Waste & Recycling for commercial garbage collection, and discussion regarding future policy related to commercial garbage collection

Administrator Fragoso reviewed the current practices and fees for the Charleston County Solid Waste User Fee for homes and businesses and the Garbage Collection Service fee charged by the City to island businesses. She also explained how the fees are determined and split by the ten Front Beach businesses that use the municipal compactor.

As previously explained, the current vendor who collects the garbage from the bulk containers across the island has quadrupled their price per yard. The matter was discussed by the Public Services & Facilities Committee who recommends the City enter into a 6-month contract with the existing bulk services collection provider to ensure continuity of service and to give the City time to develop a policy for the collection of bulk containers moving forward. The cost of such an extension is \$177,000.

The current vendor needs to know the City’s decision immediately because it has need of these containers elsewhere. After the 6-month extension, the City could transition to serving only those

containers at condominium complexes, making the businesses responsible for the collection of their own trash or responsible for paying the expense incurred by the City. Front Beach businesses that use the compactor would be billed for the cost of their garbage collection and user fee on an annual basis.

Council Member Ward asked what happened to get the City in this position. Administrator Fragoso said the contract expired during the pandemic and the City continued on a month-to-month contract with the same provider. The company was then bought out.

Council Member Ward expressed concern about burdening the businesses with this expense. Administrator Fragoso explained that while the City recognizes the economic challenges for the businesses, other municipalities do not cover this cost for their businesses.

Council Member Hahn offered a mathematical solution resulting in the City only needing to account for an extra \$100,000 to continue to cover this cost and ensure continuity of service. He suggested moving forward with the 6-month contract to give the City time to figure out how to cover this difference.

Administrator Fragoso pointed out that a new policy would need to be in place in 3 months so that if a new provider is selected, they will have time to secure and install the containers.

**MOTION: Council Member Pierce made a motion to approve a 6-month contract extension with Carolina Waste & Recycling for commercial garbage collection. Council Member Miars seconded the motion. A vote was taken as follows:**

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

**The motion passed 7-2.**

**B. Discussion and consideration of approval of replacement of three patrol vehicles for the Police Department [FY25 Budget, Police Department, Capital Projects Fund \$55,000, Muni ATAX \$55,000, Hospitality Tax \$55,000]**

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

**C. Discussion and consideration of approval of taser upgrade five-year subscription – Year 1 Cost not to exceed \$18,171 [FY25 Budget, Police Department, State ATAX Fund]**

**D. Discussion and consideration of approval of drone hardware and eight-year software subscription – Year 1 cost not to exceed \$23,000 [FY25 Budget, Police Department, Hospitality Tax and State ATAX Funds]**

**MOTION: Council Member Ward made a motion to approve the purchase of the taser upgrade subscription, the drone hardware, and the eight-year software subscription. Council Member Anderson seconded the motion. The motion passed unanimously.**

**E. Discussion and consideration of issuing letter of intent for purchase replacement of 2003 95' Ladder Truck in FY27 (18–21-month lead time for 1 construction) in the amount of \$2.225 million**

Administrator Fragoso said this letter of intent will secure the price and the City's place in the production line. The debt for this purchase will not be incurred until FY27. The letter of intent is recommended by the Public Safety Committee.

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

**F. Discussion and consideration of sole source contract with Schindler for elevator replacement in Fire Station 2 in an amount not to exceed \$68,000 [FY25 Budget, Fire Department, Capital Projects Fund]**

Administrator Fragoso said the current elevator was ruined by flooding, which should not happen again now that the drainage has been fixed in that area.

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

**G. Discussion of Fire Department restructuring proposal for command staff**

Administrator Fragoso said the change being suggested by Chief Oliverius is in an effort to enhance effectiveness and deal with demand. No additional staff will be needed to effectuate the change; only reclassification of staff. A new job description will be presented to the Administration Committee next month.

**7. Boards and Commissions Reports**

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

**8. Ordinances, Resolutions, and Petitions**

**A. Second Reading**

**i. Ordinance 2024 – 03 – An ordinance to amend section 5-4-128 Temporary signs and section 5-4-141 Prohibited signs**

Administrator Fragoso explained the change to the ordinance since First Reading “prohibits any sign on any public right of way. So political signs would be available for people to place on private property as long as they meet the requirements which are currently in the code. They can't be more than eight square feet of size.”

**MOTION: Council Member Miars made a motion to approve the ordinance as amended. Council Member Campsen seconded the motion. A vote was taken as follows:**

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

Nays: Ward, Carroll

**The motion passed 7-2.**

ii. **Ordinance 2024 – 05 – An ordinance to amend section 5-4-12, and 5-4-13 and establish stormwater management requirements for new construction in SR-1SR-2 and SR-3, and to allow properties to be elevated up to 7.4’ in elevation with the approval of a plan certifying that the post construction stormwater pattern will result in the same or less runoff than the pre-construction stormwater pattern**

Director Kerr explained that since First Reading the Public Services & Facilities Committee recommended that pools be included in the lot coverage trigger that requires stormwater management.

**MOTION: Council Member Ward made a motion to approve the ordinance as amended. Council Member Miars seconded the motion. The motion passed unanimously.**

**B. First Reading**

i. **Ordinance 2024 – 06 – An ordinance to prohibit feeding wildlife**

**MOTION: Mayor Pounds made a motion to suspend the rules of order to allow for discussion of the ordinance. Council Member Hahn seconded the motion. The motion passed unanimously.**

Administrator Fragoso explained this ordinance “came as a result of some resident concerns that we started hearing earlier this year when the coyote situation was out of hand and we were seeing a lot of encounters and sightings, and one of the things, and part of the conversations that the Chief has had with DNR that was identified as an unintended consequence was people intentionally leaving food out to feed raccoons or other wildlife was really encouraging activity of coyotes in the area. In addition to that, we have heard from a couple residents that are having problems with neighbors intentionally feeding raccoons and their concerns about public safety because of raccoons defecating in their yards and some of the diseases that they may bring, and our inability to address that because there was no section of the code that would allow our Police Department to, other than actively encourage people to stop doing it, there was nothing that would allow us to require that activity to be stopped.”

She said Chief Cornett developed the ordinance based on similar ordinances in other municipalities. She read the definition of wildlife from the ordinance and noted that feral cats are not included as they are considered domesticated.

Council Member Miars spoke about why it is bad for the raccoons to be fed by people. She would like to have the Environmental Advisory Committee discuss the feral cat issue to see how that might be handled better.

Council Member Hahn said the ordinance as written outlaws bird feeders. He also believes the City’s nuisance ordinance should be the ordinance the police use to stop the feeding behavior.

Council Member Bogosian said the intent of the ordinance is not to outlaw bird feeders and that language could be added in to clarify that intent. Council Member Ward said he was against the ordinance if it prohibits the feeding of deer.

Chief Cornett explained, “The reason we chose to move with this, I don’t feel comfortable that charging for feeding racoons falls under the public nuisance ordinance as it is written. I wouldn’t feel comfortable making that charge and bringing it here. I don’t feel that it meets the definition or the ordinance as it is outlined. And so, I think when you have something that is a little more well defined, it is easier to defend in court when you make that charge. I did also agree with the bird feeder. It was never the spirit to outlaw somebody from feeding wild birds. We do it at our house. It would be something I think we want to add the language in there that says hey, this does not apply to feeding normal birds. But what we don’t want is people feeding water fowl as it is defined in here because they have a purpose, and they eat the way they do, and they do the things that wild animals do to protect our community and protect themselves from interacting with humans and keep those diseases away from us. It is as Councilperson Miars stated. It is just as much to keep those animals safe as it is to keep people safe and to reduce interactions between humans and wild animals, which was something when I met with USDA, they highly recommended. When we talked about coyotes and trying to keep that interaction between humans and coyotes down, one way that they recommended that was to reduce feeding of wild animals that can be seen as prey that a coyote might come and attack in a residential community or where people gather.”

Council Member Hahn said James Island passed a similar ordinance recently and residents have been calling on each other. Chief Cornett said the residents are already doing that. He said he has **successfully prosecuted these sorts of charges in his previous municipality.**

**MOTION: Council Member Bogosian made a motion to approve, and Council Member Anderson seconded the motion. A vote was taken as follows:**

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

**The motion passed 7-2.**

**ii. Emergency Ordinance 2024 – 03 – An emergency ordinance to allow property owners near Breach Inlet to install revetment/seawall for emergency erosion control**

Mayor Pounds: You recall in February we passed a similar ordinance with a little bit different language around the engineering in February to allow residents in the affected areas to build a structure. No one did or was able to based on either engineer requirement or the OCRM markings. A few residents, as you heard tonight, appealed to the board of OCRM which outlined some parameters that the residents needed to complete, and then OCRM would revisit in 60-90 days to remark since the Army Corps project, as you heard tonight, probably at best is October 1<sup>st</sup>. As we sit here today, I felt that we needed at least to have the conversation about allowing an owner, if they want to build some type of structure as approved in our ordinance to at least have that conversation. Again, given that we have had this delay.

Director Kerr walked through the proposed ordinance: “I think first off, the whereases were from the old ordinance. We just copied and pasted it, and I think those, I think legal staff has looked at that and felt those should be updated to be more current than they are. Also, since the last time you all saw this ordinance, OCRM’s name has changed, so that would need to be amended throughout. So those at kind of a high level would need to take place, and I’ll just go through the process that an owner would go through and the various requirements that they would need to comply with. First of all, this ordinance only would pertain to those properties between 100 and 914 Ocean Boulevard, so it would not apply in other areas. The wall, and it was talked about, the requirement for an engineer statement, the wall would still have to be designed by an engineer or the revetment, so that is still in there, but the requirement for that statement that we talked about has been removed and replaced by the requirement for the owner to provide a hold harmless agreement that would be drafted by the City’s legal staff and entered into protecting the City in event damage by the wall or lawsuit from the wall. The wall would still have to be entirely landward of, and I am going to call them BCM, the old OCRM, that requirement is obviously still in there, whereby they would go through a process and have BCM mark physically on the ground their jurisdiction and then also generate an exhibit that they could submit to our offices showing where their jurisdictional boundaries are. This wall, the excavation, and access to build the wall would all have to happen landward of their jurisdiction. There is a carryover in here from the original ordinance that would say that the wall can go no farther seaward than 20’ seaward of the maximum building line. In those areas, that line is, it was kind of the straightest line that the Council at the time could come up with. We talked about different scenarios. Ultimately decided that that was kind of the closest thing to a straight and continuous line. So that is also carried over in this emergency ordinance. The wall could be no taller than 10’ above the engineering standard that they use today, the NAVD88 standard, says 10’, but in your mind’s eye, that is above sea level. That probably translates to 18”, 2’ above the ground as it sits out there. In times when the wall is not protecting from erosion, so outside of erosional events, the walls would have to be completely covered with sand, and I think that is the bulk of the ordinance. It would only open this window for 60 days from the date that you were to enact it.” Construction would not need to be completed within 60 days. Only the issuance of a permit needs to happen within 60 days of enactment. The City would not issue a permit to construct without a signed hold harmless agreement from the property owner.

City Attorney McQuillin said that the ordinance needs to be approved as amended for the updated whereases and the OCRM name change, and that because it is an emergency ordinance, it would need a two-thirds affirmative vote to pass.

Council Member Hahn said, “I can’t support this, and there are two main reasons. One is it applies to just a very small number of residents and not to everybody. If we are going to do something then allow everybody to do it and not just a small group. The second issue which I think is more important than that is we as a government are charged with protecting the residents to a reasonable degree. We cannot protect some residents to the potential detriment of others, and we had in the original ordinance language that took care of that because an engineer would certify that the wall would not hurt neighboring properties, and no engineer would do that because we all know that a wall will in fact hurt neighboring properties in an erosional event



because you have the backwash on both sides. And so, I cannot support giving protections to one resident at the expense of the neighboring residents.”

Council Member Campsen said, “This is probably the 12<sup>th</sup> time I’ve read this ordinance, and this morning I had a bit of an epiphany, I think. I’m not sure, but it occurred to me as I got down to the bottom of the first page that the issue we have is with the zoning ordinance. It’s the 250’ line, and it is the prohibition against building of seawalls, and in our zoning code, we have a process through which property owners who feel like they are suffering a hardship are able to go and make an appeal, and it goes to the Board of Zoning Appeals. Just from a strictly procedural standpoint, I am starting to wonder if this is the way we should be entertaining this. To me, as a prior member of the Board of Zoning Appeals, and I’m a little embarrassed to say that it didn’t occur to me before now, but it seems like we are effectively running an end run around the Board of Zoning Appeals, and that entire process that a homeowner is entitled to, it feels like kind of an emergency temporary variance request, and those are kind of hard to give or get. I think that at a Council level we could be having the discussion about the revocation of the 250’ line. We could be talking about whether we as a community want to continue to have a prohibition in our zoning code against seawalls. But when I kind of backed out and quit looking at the tree and kind of looked at the forest, I’m wondering if procedurally we are evening handling this in an appropriate manner.

City Attorney McQuillin replied, “This is in you all’s land development regulations, which has a variance procedure laid out just a couple section either before, below this section in the ordinance.”

Director Kerr added, “The standard kind of thought in zoning and land use regulation is that a variant should not, the Board of Zoning Appeals is a quasi-judicial board. They should not be using that kind of judge. They shouldn’t be substituting policy. They shouldn’t be creating policy, from my perspective. If the Board were to start approving seawalls when seawalls were needed that would be usurping this group’s authority to establish the policy. So, from my perspective, I think it is squarely a policy decision that would land with this Council and not a kind of more of a judicial question as to whether, they would have to consider if there is something unique about the shape, terrain, topography of the property. Clearly what is different about them is they are eroding. Clearly when there, it is in the ordinance. The only time you need an erosion control device is when it is eroding.”

Council Member Campsen asked, “Isn’t the 250’ line a building? It’s like a building, like any other. It’s a setback. It’s a front side, rear, whatever. I mean, that is the issue. Here is the 250’ line.”

Director Kerr responded, “So they certainly could request it. I think there is clearly a process in the code whereby they could request it, and it would be for them to make the judgement as to whether it met the statute.”

City Attorney McQuillin said, “I think they are probably still going to run into the same because we had the language in the ordinance that the engineer will certify it won’t cause issues for the downdrift or adjoining lots. The zoning, the variant standard that would apply here says that

won't be detrimental to adjacent property or the public interest, and so we are still back at the same issue as to whether this is going to cause issues to the neighbors.”

Council Member Bogosian responded, “I think we are at this spot because it is not a permanent change. It is an emergency that we are asking for 60 days. That kind of goes around that, but beyond that, I am against it maybe for similar, maybe different reasons than Blair. But I'm at the same place I was the first time this came up. I truly believe that homeowners ought to be responsible for protecting their own properties, and I'd be all for this if we didn't have some arbitrary language in here about 20'. That is very arbitrary. We pick 20' for what reason, and I think it puts some homeowners in a very difficult position of making a decision to tear out their pool whether they put a wall in, and I am just fundamentally against it. I think the City ought to get out of the way. If the State says that they don't have jurisdiction at a point, that a homeowner wants to put protection in, they should be allowed to be able to put protection in for the property. So I guess I am against it for a different reason than Blair, but I'm still against it.”

Council Member Miars said, “So this taking out the requirement for the engineer, I think it's interesting that we just passed an ordinance for building up your property that required an engineer sign off and say that it was not going to cause harm to adjacent property owners, and now we are saying that we are going to pass something that does not have that requirement because we can't find an engineer that will say it won't cause harm to adjacent property owners. I think that's probably why we should not pass this.” She later added that the sandbags approved earlier in the meeting are “the most that the City can and should do to protect these homes in an emergency situation.”

Administrator Fragoso noted, “I think what we heard from Stephen and what we heard from some of the residents that would like to have the opportunity to do it are envisioning something like a thin sheet pile that goes right along the structure of the property to help support the integrity of the structure, not a large seawall that would be visible.”

Council Member Hahn said, “Our own coastal engineer tonight was talking about backwash at the end of walls and said that if there is a break in the sandbag wall that we've now voted to build that there would be backwash, which is why we voted to not have that and to go all the way across. Exact same thing is going to happen with seawalls if one person builds a seawall and somebody else doesn't.”

Mayor Pounds said, “I don't know what the right thing to do is, and I don't think any of us do. We can sit here all day long and think about backwash, side wash, whatever wash, but I felt it important enough to put it back on the agenda just to give the few homeowners that fit the parameters, that want to protect their property, I mean, this is a \$300-\$400,000 expense on their nickel that they are going to do. It is not the seawall that is a blight on our beach. Today it is a subterranean sheet, to your point and to the Citizen's Comment point tonight, that you are really not going to see.”

**VOTE: A vote was taken as follows:**

Ayes: Anderson, Ward, Pounds

Nays: Miars, Campsen, Hahn, Bogosian, Pierce

**The motion failed 3-5.** Council Member Carroll had left the meeting prior to the vote.

C. **Resolutions and Petitions -- none**

9. **Executive Session – not needed**

10. **Adjournment**

Council Member Ward made a motion to adjourn, and Council Member Hahn seconded the motion. The meeting was adjourned at 8:09pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk