



## City Council

6:00 p.m., Tuesday, May 28, 2024  
 Council Chambers  
 1207 Palm Boulevard  
 Isle of Palms, South Carolina

### Public Comment:

All citizens who wish to speak during the meeting must email their first and last name, address, and topic to Nicole DeNeane at [nicoled@iop.net](mailto:nicoled@iop.net) no later than **3:00 p.m. the business day before the meeting**. Citizens may also provide public comment here:

<https://www.iop.net/public-comment-form>

### Agenda

1. **Introduction of meeting** and acknowledgement that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.
  - a. Invocation
  - b. Pledge of Allegiance
  - c. Roll Call
2. **Citizen's Comments** – All comments will have a time limit of three (3) minutes. [Pgs. 3-10]
3. **Approval of previous meetings' minutes**
  - a. Regular City Council meeting – April 23, 2024 [Pgs. 11-17]
  - b. Special City Council meeting – May 14, 2023 [Pg.18]
  - c. Special City Council Workshop – May 14, 2024 [Pgs. 19-28]
  - d. Committee meeting minutes [Pgs. 29-35]
4. **Special Presentations** – None
5. **Old Business** [Pgs. 36-38]
  - a. Update on coyote management
  - b. Update on shoal management project on the north of end of the island
  - c. Update on USACE beneficial use project on the south of end of the island
  - d. Update on CARTA Beach Reach Shuttle service
  - e. Update on FY25 state budget requests
6. **New Business**
  - a. Consideration of Memorandum of Understanding for use of the shared lot at the Isle of Palms Marina during the 2024 season [Pgs. 39-42]
  - b. Consideration of parking fees in the shared lot and along the new right of way parking along marina entrance [Pg. 43]
  - c. Consideration of Charleston County CTC Program funding requests for FY25 [Pg. 44]
  - d. Approval of purchase of two tide valves for 27<sup>th</sup> Avenue and Driftwood Lane in the amount of \$20,186.38 [FY24 Budget, Capital Projects Fund, Public Works, Drainage Contingency, \$100,000] [Pg. 45]
7. **Boards and Commissions Report**
  - a. Board of Zoning Appeals – minutes attached [Pgs.46-47]



- b. Planning Commission – minutes attached [Pgs. 48-49]
- c. Accommodations Tax Advisory Committee – [Pgs. 50-51]
- d. Environmental Advisory Committee – minutes attached [Pgs. 52-53]

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

### **a. Second Reading - None**

### **b. First Reading**

- i. Ordinance 2024-01 – An ordinance to temporarily repeal and replace section 9-2-5 Noise, from July 1, 2024 through December 31, 2024 [Pgs. 54-60]
- 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-1, SR-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 [Pgs. 61-70]

### **c. Resolutions and Proclamations**

Resolution for council participation in the state insurance benefits program [Pgs. 71-72]

## **9. Executive Session – if needed.**

## **10. Adjournment**

**Public Comment for City Meetings, April 23 - May 23, 2024**

<b>Date Submitted</b>	<b>Name</b>	<b>Address</b>	<b>Comments for Council Meeting</b>	<b>Meeting This Comment is Intended For:</b>
5/19/24	Michele French	3706 Hartnett blvd, Isle of palms, South Carolina 29451	With our dogs not being able to safely go walk on the beach to cool off , I would like to propose we think about adding a splash / water feature in our dog park . I have many photos ideas , does not have to be fancy .	City Council
5/14/24	Mr Michael Scott Daniel	5 Great Heron Court, Isle of Palms, South Carolina 29451	I support the proposed noise ordinance as I understand it to be in summary, 70 db-a daytime and 55 db-a at night. The emails I have received on this matter appear to contain exaggerated concerns and are misleading. I am a part time resident in Wild Dunes and I don't rent my home. I believe the proposal is reasonable for the overall enjoyment of the community for all users. Targets of 60 db-a and below during daytime hours is unreasonable. A normal conversation on the front porch can be over 60 dba. I will not be able to attend the council meeting, but feel free to contact me if you need more information.	City Council

**Public Comment for City Meetings, April 23 - May 23, 2024**

5/14/24	Beverly Miller	3 Fairway Village Lane, Isle of Palms, South Carolina 29451	<p>I underestimated the power of wanting a new clubhouse, just as I underestimated the rental industry using government to ensure profits. I learned a long time ago to “follow the money” when seeking an explanation for a perplexing solution to a simple problem. The development of a noise ordinance is easy under good, strong leadership. There are best practices to follow; you don’t have to reinvent the wheel. We have knowledge of dBA levels and what is and is not harmful; we have guidelines for how other jurisdictions are guided by what is acceptable to maintain quality of life for their residents, both during the day and at night, with reasonable limits that allow businesses to operate when surrounded by residential family units. The existence of Wild Dunes with the PRD poses a challenge, not an obstacle, when developing an ordinance that balances “quality of life” for the 2,104 resident property owners within Wild Dunes and 1 Type C corporate member. One. We want the resort to be able to successfully operate their business, but it cannot be to the detriment of the residents. This ordinance picks winners and losers. And the residents of Wild Dunes are not the winners. This noise ordinance appears to be written for the one corporate member. Why? Because the resort shows up at every meeting crying that it’s not fair to treat them differently from the rest of the island? I truly believe that even if 2,104 property owners showed up crying that it’s not fair to treat residents, whether full-time or part-time, different from the rest of the island, it would not have an impact. Because the residents can’t deliver a clubhouse. But I know who can. On May 22, 2018, then Managing Director of Wild Dunes Resort Frank Fredericks presented the plan to City Council to build the Sweetgrass Inn and its amenities. He was questioned on the impacts of the facility to the surrounding community by former Councilwoman Susan Hill Smith. She asked him specifically about noise after he said there would be event space on the top floor of the new hotel, and what they will do to mitigate noise. Fredericks responded, “...The...party location is indoors, and we will certainly abide by all Wild Dunes and Isle of Palms noise ordinances.” So why is this even an issue? The current Managing Director of the Resort has made it clear that they want 75 dbA at the very least.</p>	City Council
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**Public Comment for City Meetings, April 23 - May 23, 2024**

	<p>Beverly Miller (continued)</p>		<p>Unfortunately containing sound outdoors is very much like roping off a kiddie section in a swimming pool or a smoking section on an airplane. Remember those? The residential areas surrounding the resort, both inside and outside the gates, cannot be dismissed. Yet, that is what is happening. What is on the table for First Reading is a good start, but I feel the PRD is not in the right category for dBA levels. Unfortunately, the correct solution is when neither the resort nor the residents are happy, but the result will allow both to reasonably coexist. Why not consider placing the PRD under the Single Family category and allow an exception for the Corporate member within the PRD to be treated under the GC provisions to operate at a higher dBA within certain time periods? Or, require an administrative special use permit when the resort wants louder music for an outdoor event. After all, the party location is indoors, as Frank Fredericks stated in 2018, so it should be the exception, not the rule. Passing a noise ordinance is critical for proper enforcement. And wasn't the argument from those on Council against adopting regulations for Short-Term Rentals that we need enforcement, not regulation? A noise ordinance will put "teeth" into enforcement, based on actual data collected instead of subjective interpretation. Let me be clear: I do not consider an officer asking occupants of a party house to please turn down the noise as "enforcement." Perhaps the Resort will get what it wants after all, for if there is no enforcement of "excessive" noise from the STR next to a residence, this island will lose its residents and cede Wild Dunes to Dart/Lowe. And the rest of the island will bear the impact of that character change to a rental community with a few residents. On the other hand, we'll have a beautiful clubhouse and the resort will exceed its operating budget for years to come. I'm a member of the Club, albeit a bottom feeder as a Social member, but a member nonetheless. I want the Resort to succeed. I agree they should have the same rights and responsibilities as the event venues on Front Beach; they are a business. But residents should also demand the same rights and responsibilities as the residents outside the gates. You, as our elected leaders should ensure uniformity, not divisiveness, for you represent the entire island, especially those who call Isle of Palms "home." I expect Council to follow the objectives of the Strategic Plan for the entire island. And if those goals and objectives have changed for this Council, be honest with the voters and change that plan to reflect the reality that exists today. Because the inaction of this Council to protect the quality of life for residents sends the message that our Strategic Plan is just words on paper: checks the box, so to speak. Prove me wrong, please.</p>	
<p>5/13/24</p>	<p>Mr Daniel Robert Mann</p>	<p>12 Back Ct, IOP, South Carolina 29451</p>	<p>I am writing to formally be on record opposing the proposed increased noise levels in Wild Dunes.</p>	<p>City Council</p>

**Public Comment for City Meetings, April 23 - May 23, 2024**

5/13/24	Julie Julie Steinhaus	17 Twin Oaks Lane, IOP, South Carolina 29451	I request the council to not allow noise to reach beyond 60 decibels during any time of the 24 hours of a day.	City Council
5/12/24	Larry Correll	# Pelican Reach, Isle of Palms, South Carolina 29451	I respectfully request that you include my following comments on the ALARMING PROPOSED NOISE REGULATIONS HEADED TO CITY COUNCIL DIRECTLY IMPACTING WDCA. Determining an appropriate noise cap or decibels dB(A) within Wild Dunes has been a point of discussion for some time. Unfortunately, our worst fears have materialized. I understand that the Isle of Palms Public Safety Committee is now proposing "uniform" noise ordinance levels for all properties in the Wild Dunes PDD including residential areas. They have proposed the following: 70 dB(A) noise levels during daytime hours from 7am to 10pm, Sunday - Thursday and 7am to 11pm, Friday and Saturday. * Please note that Dart/Lowe has been pushing for a 75 dB(A)* 55dB(A) noise levels during nighttime hours from 10pm to 7am Sunday through Thursday and 11pm to 7am Friday and Saturday * Please note most residential communities target an average of 60 dB(A) during Daytime hours*. PLEASE BE AWARE THAT 60dB(A) IS 10 TIMES LOUDER THAN 70 dB(A). The IOP Council should know that THE DART/LOWE HOTEL AREA AND THE REST OF PROPERTIES IN THE WILD DUNES PDD SHOULD ABSOLUTELY NOT BE TREATED THE SAME FOR NOISE ORDINANCE PURPOSES. It's crucial to understand that Wild Dunes was created as a planned RESIDENTIAL DEVELOPMENT, not a commercial district. This designation has been consistent, and it remains so. If this is passed, all of us in our homes will have the same level of noise legally allowed from our neighbors no different than if we were sitting at the Sweetgrass Inn or Boardwalk Hotel outdoor pool areas. Anyone next to us, whether they rent or not, can reach the same noise levels that are allowed at the hotels there fore we will have no legal recourse in respect to noise levels. In fact, the gas powered blowers used the lawn crews are a noise interruption once a week in a quiet residential community. You must make it clear to the Counsel as soon as possible that we are not a one uniform commercial district, and that we do not accept the same noise level that you are now proposing for the commercial areas at the two hotels to be imposed within our neighborhoods.	City Council
5/12/24	Me Charles Gilreath	30 beachwood w, isle of palms, South Carolina 29451	Regarding a uniform noise ordinance. While a one size fits all approach might be appealing for simplicity, my wife and I do not favor applying the same rules for residential areas as for areas near hotels. We suggest the 70 db daytime level might be appropriate near hotels, but believe a lower figure should be set in residential areas.	City Council

**Public Comment for City Meetings, April 23 - May 23, 2024**

5/12/24	Rebecca 410 707 1782 Cochran	55 Pelican Reach, Isle of palms, South Carolina 29451	I have a house in Pelican Bay. Please take it into consideration that we are not a one uniform commercial district, and that we do not accept the same noise level that they are now proposing for the commercial areas at the two hotels to be imposed within our neighborhoods. Thank you	City Council
5/11/24	Mrs Nancy Smith	16 Lake Village Lane, Isle of Palms, South Carolina 29451	Please share my email with City Council Public comments. I feel strongly that the noise levels from Sweetgrass hotel commercial complex are too high. Please do not allow the entire residential community be subject to the same levels the Hotel is allowed. We are a residential community with a very commercial business in the middle of it. That throbbing must not spread. We should be trying to heal that problem not spread it. High levels of noise are harmful to our health- both mental and physical. We are always worrying about our sea turtles. Let's worry about our humans. Peaceful coexistence. Noise induced stress will kill us someday.	City Council
5/11/24	Lisa Tucker	30 Waterway Island Dr, Isle of Palms, South	I bought a home in Wild Dunes for the piece and quite and all I hear now is loud music coming from the marina. Please respect the residents and the water wildlife that we all love.	City Council
5/11/24	Kathy Lubin	20 Oyster Row, Isle of Palms, South Carolina 29451	We were horrified to recently learn that the IOP Public Safety Committee is looking to apply a uniform noise ordinance level for all properties in Wild Dunes including residential areas. We cannot state strongly enough how much we oppose this idea. We already hear the music from the marina area (1.5 miles away), music from the Sweetgrass Inn (.5 miles away) and music from tourists on the Harbor Course BLASTING their speakers across Palmetto Lake. We have infants and toddlers on our street. We have school aged children on our street. We have people who have early shifts at hospitals and volunteer positions. People moved to RESIDENTIAL AREAS in Wild Dunes to AVOID crowds and loud noises and yet we can still hear music from a distance. Our neighbors close to the resort have suffered and need a resolution and that resolution is NOT to give in to this ridiculous plan to turn up the volume everywhere within Wild Dunes to deflect what a bad neighbor the resort has been for too long now. The residential areas and commercial resort areas are COMPLETELY DIFFERENT ENTITIES in Wild Dunes and should NOT have the same noise ordinance levels. Please stop this initiative now.	City Council

**Public Comment for City Meetings, April 23 - May 23, 2024**

5/11/24	Ms. Kristen L Haynes	25 Back Court, Isle of Palms, South Carolina 29451	<p>Thanks to all of you for serving on the City Council. As a member of the Wild Dunes Racquet Club HOA board, much smaller, I know how difficult and time consuming it is to represent your constituents. Thank you for giving your time and talents to protect us! As a homeowner in Wild Dunes, I am 100% against raising the noise level decibels to areas outside the Wild Dunes hotel areas. We do not need our residents subjected to the same noise levels expected and experienced at the hotels from the pool, music, etc. That was built as a commercial space, even though there are condos and hotel rooms there. However, our private, residential neighbors should not be subject to the same noise ordinances as the commercial space areas of the Boardwalk Inn and Sweetgrass Inn Pavilion area. These residential areas are far away from the commercial areas of Wild Dunes and people have the right to enjoy peaceful enjoyment of their properties. If this passes without making this distinction between the commercial areas near the hotel versus the other, private residential streets, we could potentially have issues with pop-up parties, noise from renters from next door that the police and security can do nothing to stop, etc. Wild Dunes was established with clear boundaries as a PDD, with BOTH commercial and residential areas, and there needs to be a distinction in the allowable noise levels between the two, very different conforming uses. Please separate the residential areas of Wild Dunes from the noise level increases expected at the commercial / Hotel areas.</p>	City Council
5/11/24	Mr Charles H Foster	311 Seascape Property Owner, 2559 Palmer Drive, Keswick, Virginia 22947	<p>Dart/Lowe hotel area and the rest of the properties in the Wild Dunes PDD should not be treated the same for noise ordinance purposes. It is wrong for the proposed change to noise levels to be applied to residential neighborhoods. Please consider the differences in noise level regulations for commercial versus residential properties.</p>	City Council
5/11/24	Mrs Susan R Dillard	7000 Palmetto Dr. 3E, Isle of Palms, South Carolina 29451	<p>I respectfully request that you include this email in the citizen's comments. Please do not passf the uniform noise ordinance that is being proposed for all of Wild Dunes. Wild Dunes is a family resort and they should not have to worry about their families being awakened by loud noises away from the hotel area. It's crucial to understand that Wild Dunes was created as a planned residential development, not a commercial district. This designation has been consistent, and it remains so.</p>	City Council



**Public Comment for City Meetings, April 23 - May 23, 2024**

5/10/24	Mr NORMAN LAMOUREUX	6 Fairway Oaks Lane, Isle of Palms, South Carolina 29451	<p>Special Announcement: Alarming Proposed Noise Regulations Headed to City Council Directly Impacting WDCA. Determining an appropriate noise cap or decibels dB(A) within Wild Dunes has been a point of discussion for some time. Unfortunately, our worst fears have materialized. The Isle of Palms Public Safety Committee is now proposing "uniform" noise ordinance levels for all properties in the Wild Dunes PDD including residential areas. They have proposed the following: 70 dB(A) noise levels during daytime hours from 7am to 10pm, Sunday - Thursday and 7am to 11pm, Friday and Saturday. * Please note that Dart/Lowe has been pushing for a 75 dB(A)* 55dB(A) noise levels during nighttime hours from 10pm to 7am Sunday through Thursday and 11pm to 7am Friday and Saturday * Please note most residential communities target an average of 60 dB(A) during Daytime hours*. PLEASE BE AWARE THAT 60dB(A) IS 10 TIMES LOUDER THAN 70 dB(A). We should strongly send a message to IOP Council that the Dart/Lowe hotel area and the rest of properties in the Wild Dunes PDD should absolutely not be treated the same for noise ordinance purposes. It's crucial to understand that Wild Dunes was created as a planned residential development, not a commercial district. This designation has been consistent, and it remains so. If this is passed, all of us in our homes will have the same level of noise legally allowed from our neighbors no different than if we were sitting at the Sweetgrass Inn or Boardwalk Hotel outdoor pool areas. Anyone next to us, whether they rent or not, can reach the same noise levels that are allowed at the hotels there fore you will have no legal recourse in respect to noise levels. We must make it clear to the Counsel as soon as possible that we are not a one uniform commercial district, and that we do not accept the same noise level that you are now proposing for the commercial areas at the two hotels to be imposed within our neighborhoods. Please participate in the upcoming City Council Workshop on May 14, 2024, to share your thoughts on this matter. Whether or not you are able to attend, please submit comments through the IOP citizen comments webpage. It's crucial that we advocate for sensible noise regulations that prioritize the well-being of our community. If you are unable to attend or submit a comment prior to the May 14 meeting, note that the City Council is scheduled to review the ordinance but not make any decisions at that time. However, the first reading of the noise ordinance is already scheduled for May 28, 2024. They are fast tracking this! Time is of the essence. Please submit your thoughts to the City Council via the public comment form ASAP or by sending an email to citycouncil@iop.net. Please be certain to include the phrase "I respectfully request that you include this email in the citizen's comments" in your message.</p>	City Council
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**Public Comment for City Meetings, April 23 - May 23, 2024**

4/25/24	Michael Weinstock	2036 Prospect Hill Dr, Mount Pleasant, South Carolina 29464	Regarding the recent emergency building code changes for beachfront properties— beaches are defined dynamically by nature and therefore the property lines of beachfront homes are fluid. Setbacks and critical areas attempt to dampen the frequency of updating property lines, but they must change as nature dictates. Allowing emergency measures for homeowners who did not take original precautions when building is at the expense of the public and therefore the town. Having seawalls push into the beach area reduces the value of beaches to the public, potentially has environmental impacts, and raises complex temporal legal questions. Should seawalls built earlier be grandfathered when the high tide mark inevitably moves landward? The answer, hopefully, is an obvious “no”. Buying a beachfront home has well documented risks. Having homeowners bully the city and public to compensate for these risks is unfair. Please consider reversing this emergency declaration and ensuring the beauty and value of the beach for the future.	City Council
4/23/24	Mr Charles Goldfarb	2500 Palm Blvd, Isle of Palms, South Carolina 29451	We are concerned about the increasingly dangerous coyote sightings and aggressive stances they are taking against our pets. I personally know 3 dogs who have been attacked and have heard of 3 others just in the last month. We need the city to provide some relief and safety measures to keep our residents and visitors free from harm.	City Council



**CITY COUNCIL MEETING**  
**6:00pm, Tuesday, April 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 Hahn, Bogosian, Anderson, Ward, Miars, Pierce, Campsen, Carroll, and Mayor Pounds

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

**2. Citizen's Comments**

Terri Haack thanked City Council for recognizing the effort of Jeff Minton in Proclamation 2024-04. She reiterated her previous comments about the Wild Dunes Resort's commitment to noise mitigation efforts. She would like have the daytime decibel level limit be no less than 75 decibels.

Julie Nestler shared a story about a recent police response to her home. She expressed her gratitude for all the officers who responded and feels retention of City officers is crucial. She would like City Council to consider them for commendation. She presented a letter to Chief Cornett to be included in their files.

Tom Schmidt, 50 Ocean Point Drive, said punishment for violating short-term rental rules should be well-defined and punitive and be reported to City Hall immediately. He asked why special interest groups are not interested in improving the quality of life on the island. He shared his neighborhood's proposed mission statement.

Henry Hagerty read from a message he sent previously to City Council and shared a "Quiet Island" sticker. He asked why anyone should be able to profit on noise when others are trying to enjoy quiet. He asked why "the rest of us" should suffer when others make noise.

Keith Rogerson shared pictures of Breach Inlet with Council members and stated that he believes the problem there is a flow problem that needs to be addressed.

Maryann Chalmers shared a recent experience of her dog being attacked and chased by coyotes. She asked City Council to work with DNR on this issue.

3. **Approval of previous meetings' minutes**
  - A. **City Council Meeting – March 26, 2024**
  - B. **Special City Council Meeting Workshop – April 9, 2024**
  - C. **Committee meeting minutes**

Council Member Carroll said, “I just wanted to edit one thing [in the April 9, 2024 minutes]...The comments on noise, the discussion of noise. Council Member Carroll says most noise issues are resolved upon the appearance of a police officer. I just wanted to clarify that just for a minute because I want to make sure that the public understands that I was making that comment because Chief Cornett had said it moments earlier, and so I don't want the public to think that I made that statement just out of thin air or without professional input. And then regarding it says I would like property managers to address Council about their concerns. What I was trying to get across, and I apologize if it didn't come across that way, but I was just trying to insinuate that it would be a great thing to engage with that community. Everyone could learn about the practices already in place or suggest new ones or come up with new ideas, and resolve the issue at the root of the problem rather than changing the ordinance.”

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

#### 4. **Special Presentations**

##### **Presentation from the Environmental Advisory Committee**

Dr. Sandra Brotherton, Chair of the Environmental Advisory Committee, shared a presentation on the past, current, and planned future activities of the Committee.

5. **Old Business -- none**
6. **New Business**
  - A. **Consideration of proposal in the amount of \$122,400 from Thomas & Hutton for the design, engineering, and permitting of drainage improvement project at Palm Boulevard between 39<sup>th</sup> and 41<sup>st</sup> avenues**

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

Administrator Fragoso said this is the next project on the list for drainage improvements. The City will work with the Water & Sewer Commission on this project to leverage their knowledge of the area. Thomas & Hutton was the sole consideration for this project due to their work with the Water & Sewer Commission and the data they have collected. There is \$250,000 in FY25 budget for this expense, and the construction is slated for FY26.

**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 2024-02 – an ordinance to amend Section 1-3-13 Public Participation**

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

Mayor Pounds reminded Council of what is being codified in this ordinance, “We codified that a speaker may not pass his or her allotment of time to another speaker, that the speakers must identify themselves by providing name, address, and conduct themselves in accordance with the rules set forth in this section. Speakers who reside, own property, or maintain a business license with the Isle of Palms should speak first. And we took out the items that said speakers should focus and limit the remarks to the matter then under discussion, which means it doesn’t have to be on the agenda.”

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

- B. **First Reading**
  - i. **Ordinance 2024-03 – an ordinance to amend Section 5-4-128 Temporary Signs and Section 5-4-141 Prohibited Signs**

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

**MOTION:** Council Member Ward made a motion to suspend the rules of order and allow for discussion at First Reading. Council Member Bogosian seconded the motion. The motion passed unanimously.

Administrator Fragoso said, “This legislative session a bill was introduced in the House, and the goal of the bill was to preempt communities or municipalities from regulating political signs, and I think that’s all in light of the Town of Gilbert case in the Supreme Court that was ruled a few years ago in trying to ensure that sign ordinances are consistent with that, and the issue is regulating signs by content is an unconstitutional ordinance. So I think that in light of that, we asked Mac to opine on the changes that are being proposed for the political signs as it’s being presented right now, which would prohibit the placement of political signs on the right of way. Currently, that is an exception that we allow because they are political signs. I think that the advice has been that the City consider eliminating any sign from the public right of way to avoid any challenges regarding the Gilbert case.”

City Attorney McQuillin said, “The big thing, too, is there is State law that says signs, regardless of content, can’t be in the highway right of way, and many of the roads out here are either primary or secondary highways. So, what this really does is it makes your ordinance consistent with State law, number one, and then number two, it’s number 14 where we added the political sign, it says signs within a public right of way, public beach or public beach access are prohibited including campaign signs promoting a candidate or a party. So it treats all of the signs the same as opposed to saying well, if your sign is political, we are going to let you put it in the public right of way, but if it is a religious sign, we are not going to let you do that for the Easter church service or whatever. So that is where you get into trouble is by regulating signs solely based on their content. So as written, what we have in front of us is in line with the court case. It is in line with State law. There are potentially other ordinances that we may need to fix down the road that, depending on how they are enforced, could be problematic, but this is not aimed at fixing all the issues. This fixes the political sign issue on highway right of ways and makes their treatment equal with all other signs.”

Administrator Fragoso said she does not expect this bill to get much traction this session since the session ends soon. She said the next draft of the ordinance will include findings of fact to include the existing prohibition on State highways for the placement of political signs.

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

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

Nays: Ward, Carroll

**The motion passed 7-2.**

**ii. Ordinance 2024-04 – an ordinance to adopt a budget for Fiscal Year beginning July 1, 2024 and ending June 30, 2025**

**MOTION: Council Member Miars made a motion to suspend the rules of order and discuss Ordinance 2024-04 at First Reading. Mayor Pounds seconded the motion.**

Mayor Pounds reviewed the major changes to the budget from draft 2 to draft 3, including: a \$50,000 placeholder for the IT budget, design and planning costs for City Hall in the amount of \$250,000, and splitting the cost of the new playground equipment and flooring between FY25 and FY26. Mayor Pounds asked the Public Services & Facilities Committee to review its recommendation to split that project up.

Administrator Fragoso said there is nothing in the budget about revenue generation as there was no clear guidance from Council on exactly what to pursue. Changes to building permit and business license fees can be pursued via changes to the code. She said, “I didn’t get clear direction of whether or not we needed to change our assumptions for revenue in FY25 taking into consideration those increases.”

Council Member Miars asked to see the impact of those proposed fee changes on the budget. Council Member Pierce expressed his concern about not seeing corresponding revenue increases along with increased expenditures. He said he cannot support a budget that does not address

future shortfalls. He added, “We have definitely pulled back on our beach renourishment out in 27. I don’t know what the basis for that is except for we are just putting in a plug number to make the books balance. I think we should take a hard look at that requirement and flush out that conversation. I don’t want to hand a problem to a future Council. So I think we got to just face the reality and really address what is in front of us or what is potentially in front of us and try to cross the bridge where our revenues are not growing while our expenses are growing substantially.”

Administrator Fragoso said FY25 does not include a tax increase, but there will be a millage increase in the debt service in FY26 for City Hall renovations and equipment purchases. Council Member Ward said he would not support a tax increase since the City’s cash balance has increased \$8 million in the last year.

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

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

Nays: Pierce

**The motion passed 8-1.**

**C. Emergency Ordinance 2024-02 – an emergency ordinance amending Section 1 and Section 6 of Emergency Ordinance 2024-01**

**MOTION: Mayor Pounds made a motion to discuss. Council Member Hahn seconded the motion. The motion passed unanimously.**

Director Kerr said Emergency Ordinance 2024-01 expired last week. He knows there are several homeowners working on plans for seawalls, but the City has received no plans to date.

Emergency Ordinance 2024-02 does not include a certification statement requiring an engineer’s signature. He said, “The City Attorney has advised if that certification statement goes away that in its place there should be an agreement required that would hold the City harmless and indemnify the City in the event that a future seawall did cause damage to the surrounding area.”

He also shared that seven homeowners are appealing to OCRM to move the OCRM jurisdiction line seaward. He believes it could be 90 days before OCRM shifts the line, and by that time the USACE project should have started. He added that the erosion situation in the area is not as dire as it was several months ago.

City Attorney McQuillin said, “In an ideal world, the engineers could certify that the wall they are about to build isn’t going to accelerate erosion or affect owners on either side, and they couldn’t do that. Then we, as Douglas mentioned, we tried to amend that and change it to say well, under normal conditions, it wouldn’t do that, and they still were not willing to sign the certification, which is an issue. So we’ve tried to deal with that in the ordinance with the indemnity agreements and hold harmless. That is just an agreement though. That doesn’t mean we are not going to get sued, that doesn’t mean we are not going to have to try to enforce the agreements and spend a bunch of legal costs. So with these changes, it is not ideal. I think what

we had before was better, but the engineers are telling us they are not willing to sign it, and so we are sort of in a predicament and have drafted this the best way we can to deal with the current situation we are in.”

Council Member Hahn said he could not support this ordinance because he believes it will create litigation in the future. Council Member Miars said she also will not support the ordinance in this form.

When asked if Council needed to do anything with the ordinance tonight, City Attorney McQuillin replied, “The fact that you are asking that suggests that it is probably not an emergency like currently where we are right now. But nothing prevents you all from three weeks from now if a big storm comes, we know there are going to be some tides and there are issues to enact this emergency ordinance or enact the prior one we had where we allowed the cubic yard sandbags as opposed to five-gallon sandbags, there are all sort of things we can do to help them in the event of an emergency.”

Mayor Pounds said he would like to defer any action on this ordinance tonight. City Attorney McQuillin reiterated that Emergency Ordinance 2024-01 expired on April 19.

### C. Resolutions and Petitions

#### i. Proclamation 2024-04 – to recognize Jeff Minton for his contributions to the Prostate Cancer Foundation

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

Mayor Pounds read the proclamation.

#### ii. Proclamation 2024-05 – to proclaim May 18-24, 2024 as National Safe Boating Week

**MOTION:** Council Member Ward made a motion to approve and waive the reading. Council Member Miars seconded the motion. The motion passed unanimously.

#### iii. Proclamation 2024-06 – to proclaim May 20-27 as National Beach Safety Week

**MOTION:** Council Member Ward made a motion to approve and waive the reading. Council Member Hahn seconded the motion. The motion passed unanimously.

#### iv. Proclamation 2024-07 – to proclaim April as Autism Awareness Month

**MOTION:** Council Member Bogosian made a motion to approve and waive the reading. Council Member Pierce seconded the motion. The motion passed unanimously.

#### v. Amendment to Resolution 2022-04 – authorizing change order approved by City Council to extend pipe at 41<sup>st</sup> Avenue drainage project

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



9. **Executive Session** -- in accordance with South Carolina Code Section 30-4-70(a)(2) to receive a legal update on pending claims.

**MOTION: Mayor Pounds made a motion to enter into Executive Session in accordance with South Carolina Code Section 30-4-70(a)(2) to receive a legal update on pending claims. Council Member Ward seconded the motion. The motion passed unanimously.**

City Council entered into Executive Session at 7:16pm.

City Council returned from Executive Session at 7:29pm.

Mayor Pounds said no decisions were made.

10. **Adjournment**

Council Member Ward made a motion to adjourn, and Council Member Campsen seconded the motion. The meeting was adjourned at 7:29pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



**SPECIAL CITY COUNCIL MEETING**  
**4:30pm, Tuesday, May 14, 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 Hahn, Ward, Anderson, Bogosian, Miars, Campsen, Carroll, Pierce (via Zoom), and Mayor Pounds

Staff Present: Administrator Fragoso, Director Kerr, Attorney Drew Butler

2. **Purpose – Executive Session**

**MOTION: Mayor Pounds made a motion to go into Executive Session in accordance with SC Code Section 30-4-70(a)(2) to receive legal advice regarding Dehn v. IOP. Council Member Ward seconded the motion. The motion passed unanimously.**

City Council moved into Executive Session at 4:31pm.

City Council returned from Executive Session at 4:58pm.

Mayor Pounds said no decisions were made.

3. **Adjournment**

Council Member Hahn made a motion to adjourn. Council Member Campsen seconded the motion. The meeting was adjourned at 4:58pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



## SPECIAL CITY COUNCIL MEETING -- WORKSHOP

5:00pm, Tuesday, May 14, 2024

1207 Palm Boulevard and

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

### MINUTES

#### 1. **Call to order**

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

Absent: Council Member Hahn

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

#### 2. **Citizens' Comments**

Randy Bell, 22 41<sup>st</sup> Avenue, referenced the City Council meeting from May 2018 when the city was told what to expect from the Sweetgrass Inn and encouraged residents to listen to that presentation. He said that expectations are not today's reality. He asked why residential areas are being asked to conform to commercial standards. He said Wild Dunes does not deliver on their promises.

Tony Santiago, Ocean Point Drive, would like City Council to reconsider moving forward with the noise ordinance. He said it discriminates against residents in Wild Dunes. He said it is unfair to push commercial standards on a residential area.

Terri Haack, representing Wild Dunes owners and Hyatt, would like to see the decibel level limit for Sweetgrass Inn and the "resort core" to be 75 decibels during the day for the duration of the temporary noise ordinance. She said they will accept a lower decibel level limit if they are unable to stay below 75 dBa during this time. She said they are committed to being a good neighbor. She asked why the Front Beach area does not have a decibel level limit.

Al Clouse's comments are attached to these minutes.

Tom Schmidt, Ocean Point Drive, believes the noise ordinance is headed in the right direction. He believes 75 dBa is too high. He would like to see a limit of 60 dBa set island wide. He asked Council to give primary consideration to the idea that the Isle of Palms is a residential neighborhood.

### 3. **Special Presentations**

#### **Presentation from MPS and Trident Construction regarding City Hall building assessment, renovation, and expansion options to consider**

John Edward Griffith of Trident Construction and Brian Fessler and Jarret Hudson from McMillan Pazden Smith gave a presentation about options for the renovation or replacement of City Hall. Mr. Griffith gave an assessment of the current condition of City Hall and shared high-level recommendations of what needs to be fixed or addressed.

Mr. Fessler and Mr. Hudson spoke briefly about the options to renovate City Hall without any additions, renovate City Hall with an addition, construct a new 2 or 3-story building on the current site of City Hall, or construct a new building at the site of the Public Works building, housing both City Hall and Public Works, and then constructing workforce housing on the current City Hall site.

Administrator Fragoso added that consolidating City Hall and Public Works on the Public Works site will require conversations with SCDOT about the ownership of the lots behind the Public Works building.

These ideas will be further discussed by the Public Services & Facilities Committee.

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

Administrator Fragoso said 1,854 STR licenses had been issued as of 4/30/24. 1,805 STR licenses had been issued as of 4/30/23. Since the start of the new rental license year on May 1, 2024, 1,342 licenses had been issued with 240 applications still pending.

#### 5. **Departmental Reports** – in the meeting packet

#### 6. **Strategic Plan Policy Initiatives and Priorities**

##### A. **Livability**

##### i. **Discussion of recommendations from the Public Safety Committee for new noise ordinance**

Council Member Bogosian said 35 noise complaints were made in April without any citations issued. He said City Council needs to give the Police Department something enforceable. He believes the current draft of the noise ordinance is a good compromise and is set to sunset after 6 months for reevaluation. He described how noise will be measured and reviewed the decibel level limits by zone and time of day. He would like to add language that splits the Wild Dunes PDD into commercial and residential zones. The current draft sets the nighttime noise limit at 55 decibels.

Council Member Campsen expressed concern that 65 decibels is too high for residential areas and that the Front Beach area has no decibel limits. She would also like to see a better definition of City-sponsored events. She believes the phrase “but not limited to” is not in the best interest of the island and would like to see objective, island-wide noise limits set. She asked if City Council

would be delegating their responsibility to set noise limits on a commercial entity. She believes the ordinance needs more work before First Reading.

Administrator Fragoso clarified where decibel readings would be taken: “The current draft that you have in front of you does define where the sound measurement could be taken, and it provides the flexibility for the officer to take that measurement from the property line or anywhere within the bounds of the complainant’s property.”

Council Member Bogosian added that noise-monitoring devices would be placed at Front Beach to collect data during the six-month trial period of the ordinance.

Administrator Fragoso said, “The goal would be for us to split up the PDD (Council Member Bogosian agrees) and incorporate it into the residentially used properties within Wild Dunes to be included in this with the same decibel levels as SR1, SR2, and SR3. And then the commercial core to be included in the GC1, GC3, and limited commercial category with a maximum of 70 and 65 for the residentially.” Condominiums will be included in the residential category.

Regarding the City-sponsored event status, Council Member Campsen said the phrase “but not limited to” opens the door “to anything that we would be interested in entertaining.” She also expressed concern about the request from a commercial property for an exemption to the noise ordinance. Council Member Bogosian clarified exemptions would be requested and voted on by Council per event. It is not meant to be a blanket exemption.

Council Member Ward expressed his concern that commercial entities can ask for an exception to the noise ordinance, but residents cannot.

**B. Environmental**

**C. Public Services**

**i. Discussion of coyote management**

Chief Cornett said there has been an increase in coyote sightings being reported. He met with the Director of DNR who said hunting of coyotes on public property is not permitted, nor is providing food to the coyotes that would sterilize them. He recommends trapping. Chief Cornett said that when his department traps a coyote, it is euthanized.

The Police Department has deployed several traps. They have had no success in locating dens with the drone. They have placed signs where the traps have been laid. He said some of the signs have been taken so more have been ordered. He encouraged citizens to call the non-emergency number to report coyote sightings.

He also encouraged residents to stop feeding small animals outside their homes, to keep their pets on a leash and in sight at all times, and to keep lids on trashcans. He expects to see a drop in the aggressive behavior of the coyotes and the sightings in a few weeks.

Chief Cornett said he hopes to have the USDA Director come to the island at the end of May and perhaps speak at the May Council meeting.

ii. **Discussion of Planning Commission recommendations regarding stormwater management**

Director Kerr reviewed the Planning Commission's recommendations regarding stormwater management:

- a "black box" calculation for new construction projects in the SR1, SR2 and SR3 districts will be required to retain 0.3 cubic feet of stormwater for every 1.0 square foot of new impervious surfacing. This is an amount that is roughly equal to a 10-year storm event. This retention can be achieved by depressing an area of the yard or underground gravel or vault systems or any combination.
- allow owners of really low lots to be allowed to elevate their property to at least 7.4' in elevation, with the approval of a plan. The existing code says no higher than one foot above the road, but in some instances, this would be below an abnormally high tide, which the Commission felt was too low.
- a stormwater designer (engineer or landscape architect) will have to certify that the post construction stormwater pattern will result in the same or less runoff than the pre-construction stormwater pattern.
- Pools will be excluded from the impervious calculation of determining when a drainage plan and improvements will be necessary.

He added that the Public Services & Facilities Committee recommends that pools be included in the impervious calculations.

Council Member Anderson expressed concern that these recommendations don't solve the problems noted by the Drainage Master Plan and that directing stormwater to streets will make the flooding in the streets worse. She also believes that elevating lots will create more water issues on the roads.

These recommendations will come before Council in the form of an ordinance for First Reading at the end of the month and then return to the Planning Commission for review.

**D. Personnel**

**Discussion of proposal for 48/96-hour shift for Fire Department**

Mayor Pounds said this shift change will start a trial period on January 1, 2025. Chief Oliverius will discuss it at the June workshop.

**E. Other items for discussion**

i. **Discussion of changes to marina shared parking lot**

Administrator Fragoso said they have been working on finding an amenable solution to the shared parking lot for some time. Only very recently did the restaurant tenant come forward with a plan. They have proposed moving the ten (10) resident-only trailer parking spots, retaining the 16 resident-only dedicated spots, dedicating 20 restaurant-specific spots, and then sharing the

remaining spots (approximately 8) in the lot. This change would be just for the season. The Marina Store has redeveloped their lease space to accommodate their operations and is not involved in this conversation.

Director Kerr added that the restaurant is open to giving the City spaces at the landing of the new public dock in exchange for a similar amount of square footage near the dumpster.

Administrator Fragoso reported, “In an effort to gain access to the area that was recently piped, part of our desire to pipe that area was to give us greater flexibility, the different types of layouts and increase the amount of parking and potentially have the entire City area contiguous, so that it would be close to the public dock and we can have our own City parking attached to the public dock. Council approved a change order of a half a million dollars in January with the goal of reaching a consensus with the restaurant operator to do that. It seems that lot, as it is today, counting the extra space from the area that has been recently piped, is very valuable to them, and it is clear to us that they have not indicated a willingness to swap the areas and move away from that corner lot, which will limit our ability to have access to the area that has been recently piped for parking.”

The City will have access to parking from the entrance to the fire station to where the road curves towards the boat ramp. It is believed that 30 spaces could be accommodated there, but the City “will not have access to the rest of the ditch unless we have an agreement with the restaurant where we swap the areas.” The restaurant now uses the “back lot” and is unwilling to give it up.

The MOU for this arrangement with the restaurant tenant will be similar to the one in place last season.

**ii. Discussion of implementing fees on marina shared parking lot and new right of way parking along marina entrance**

Administrator Fragoso is proposing a flat \$10/day fee for the new parking spaces along 41<sup>st</sup> Avenue and the non-dedicated spots in the marina parking lot. The City had hoped to mimic the marina operator’s plan of giving the first hour of parking free, but PCI, the City’s parking management company, said that would be challenging to track. PCI will include this in the scope of work upon City Council’s approval.

There will still be free parking in the lot after 8pm.

**iii. Discussion of Charleston County CTC Program funding requests fur FY25**

Administrator Fragoso said the deadline for submissions is May 31, so these projects will be voted on at the May 28 City Council meeting. The three projects being considered are:

- Extend existing sidewalk from Breach Inlet to 2nd Avenue and install crosswalk on Palm Boulevard at 2nd Avenue
- Installation of solar powered rectangular rapid flashing beacons at pedestrian crosswalks on Palm Boulevard between 21st and 41st Avenue

- Installation of a stormwater collection system on Palm Boulevard in the blocks between 38th and 41st Avenue.

iv. **Discussion of resolution for Council participation in the State insurance benefits program**

Administrator Fragoso explained this resolution comes about due to a change in the way PEBA defines employees, “so they are asking all counties and municipalities that participate in the health insurance program for their councils to pass this resolution agreeing that you are, for our purposes, considered an employee, and therefore eligible to receive the health insurance benefit.”

7. **Financial Review**

A. **Financial Statements and Project Worksheets**

Director Hamilton said that revenues are showing “great signs” and are tracking with expenses. She forecasts that the General Fund should be in excess of \$2 million over revenues at the end of the fiscal year. Business license revenues have recovered from the previous lag. She pointed out the overage in the Building Department that will be corrected once an expense is reclassified as an ATAX expenditure.

Administrator Fragoso said that in addition to an increase in business license applications, the increase in the base fee has helped with the recent revenue increase.

Director Hamilton said hospitality taxes are starting to pick up and “everything else is trending as we have seen over the last couple months.”

B. **Discussion of grants received and in process**

Administrator Fragoso said the City has received \$9 million in grants over the past three years. The City is still waiting to hear about the FEMA grant for the Waterway Boulevard project and the grant for the Fire Department rescue boat is in process.

In addition, the City has requested \$5,250,000 from the FY25 State budget for stormwater infrastructure improvements, beach nourishment, emergency beach access at IOP County Park, and beach access improvements and boardwalks.

C. **Discussion of proposed FY25 budget**

Mayor Pounds referred to two sheets in the meeting packet that detail how tourism funds are used and said Council would spend more time discussing them next month. He also reviewed slides charting total revenues and expenses from FY20 to FY29, noting that the charts exclude the 2018 beach nourishment and the proposed FY27 beach nourishment project. Another chart showed the trend of General Fund Revenue and Expenses including transfers from tourism funds over that same time period.

Mayor Pounds gave a brief recap of the FY25 budget including more aggressive use of tourism funds (an increase of \$936,000 over FY23), an FY24 forecasted total surplus of \$4.5 million, and an FY25 forecasted total surplus of \$3 million.



Council Member Pierce expressed concern that General Fund expenditures and revenues are not growing at the same pace. He also said the surpluses are being created by transfers from tourism funds. Mayor Pounds agreed with that sentiment but pointed to the growth in tourism funds and the projected and conservative estimates of growth of those funds in the future.

Mayor Pounds reviewed budget assumptions for future years' budgets including beach nourishment and debt for City Hall renovations and trucks for the Fire and Public Works departments. Those decisions will be made at the time of purchase.

There will be a Public Hearing about the budget prior to the May 28 Council meeting at which time Administrator Fragoso will give a high-level overview of the FY25 budget. First Reading of the budget will be on the agenda, and then Second Reading will be on the June agenda.

Administrator Fragoso pointed out some additional changes between the third and fourth drafts of the budget: \$64,000 to the IT budget for server replacement and increased funds for refurbishing crosswalks. She also spoke about the installation of new playground equipment and the Pour & Play surface. She said splitting that project up over two fiscal years will increase the project cost by \$70,000 as the surface is harder to install once the playground equipment is in place. She said staff has already increased some Recreation Center fees and is continuing to evaluate those fees to help offset some department expenses. Mayor Pounds said there is \$130,000 in the Recreation Fund that can be used to help with this expense. He recommends the project be completed in FY25.

## 8. **Procurement**

## 9. **Capital Projects Update**

Administrator Fragoso said the project at 41<sup>st</sup> Avenue is almost complete. The Public Dock project is delayed due to a change order she approved to increase the pile size. The substantial completion date for that project is now June 16. Repairs at the T-dock are almost complete. The City is working with stakeholders to coordinate the dredging project.

Due to some recent high tides, there has been some emergency work at Breach Inlet. Extra sandbags have been ordered for Beachwood East to fill in some gaps. She said, "Some of the old sandbags were buried as the profile is increasing. So our coastal engineer folks have recommended that we do that. We have about \$66,000 from the original budget that Council approved last year of \$300,000 for the sandbag work left. That should cover the cost of the additional sandbags."

The application for the shoal management project has been submitted. There will be a public meeting at 5pm on May 22 at the Recreation Center where Mr. Traynum will provide details about the project.

Equipment for the beneficial use project can be seen moving toward the inlet. The contract for the project has been awarded and the Notice to Proceed was issued May 1 after some delays associated with environmental permits. The contractor has requested permission to use the Breach Inlet parking lot for the placement of a trailer and minor equipment for the 6-month

duration of the project. Work is expected to begin in 4-6 weeks after the removal of sediment and vegetation.

Administrator Fragoso said, “You all recall earlier this year we were notified by both OCRM and the Corps that we needed to submit a separate permit for the supplemental work that we wanted to do of moving the sand that they are placing and move it up to the dune into the dry sand beach. It could be done under their existing permit. We’ve been told that we needed to submit a separate one, so that is in the works, and everything has been submitted. Stephen is working really, really hard to expedite that through the regulatory agencies, and we think we will be able to do that.”

**10. Legislative Report**

**11. Adjournment**

Due to the June 11 primaries, the next City Council Workshop will be June 18.

Council Member Ward made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting adjourned at 7:42pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk

**City Council 5/14/2024; Clouse Comments (Meeting Presentation No. 30 since April 13, 2022 Regarding NOISE; NOISE ORDINANCE; NUISANCE.**

**My name is Al Clouse. 3 Grand Pavilion. This is our Thirtieth (30th) City Council Presentation regarding Noise; Noise Ordinance; Nuisance; since April 13, 2022. Our issues started in March 2021 when the Sweetgrass Inn (“Empire”) commenced operations.**

**Per our FOIA requests, I am officially designated as “the threatening neighbor” by Ms. Haack and the Dart/Lowe Organization; who affectionately refer to themselves as the “economic engine” of this community.**

**We requested sound abatement two (2) years ago. The Southside of the Empire is unfinished, by design, allowing noise to infect the neighbors south of the Empire. The duration of the noise results into a Nuisance. What would Dart/Hyatt do when the noise ricocheted back at their guests?**

**Mr. David Cohen** explained interstates located next to residential neighborhoods require concrete walls when the decibel reading is **67 1/2 dBA’s**.

We strongly request the **NUISANCE** verbiage in **§ 9-2-5 (i)(1)(2)** which has been **extinguished in all prior iterations**, be surgically implanted into any and all Noise Ordinance proposals. Why?

The **“Gate Keeper” of the PDD** egregiously failed us. **Article 2, § 5-4-39 (1) “Purpose of district”;** **“compatible commercial uses”** were amorally extinguished to satisfy the Gate Keeper’s **insatiable appetite for greed**; all at the expense of **residents in the PDD** and the **Greater IOP Community**.

The Dart/Lowe commitment to council in the **May 22, 2018 video** is a categorical misrepresentation. They constructed **an event center**; an insult to our culture on this island.

The “noise study” engaged by Dart is flawed. The noise monitor was erected as far from our property as possible.....**why not put it on the water tower?**

We provided you an analysis (with charts) regarding November 15, 2023 (very low season). In a twelve (12) hour period, measuring 100 separate segments, seven (7) minutes each, the data reflected the following Maximum Decibels. **70 - 74 dBA’s = 13 times; 75 to 79 dBA’s = 43 times; 80 and over dBA’s = 41 times. In Summary: decibels exceeded 75 dBA’a in 84% of the 100 segments.** We hear **the Maximum**, not the average.

Mrs. Williamson and ourselves experience noise from 8:30 AM to as late as 1:30 AM the next day. **Amplified music** during the day and night. We have a nursery day care center; a regular day care center; a corn hole center; a soccer field; a football field and Sweetgrass events in our back yard (you have been provide videos). Then the after party; and the party breakdown crew.

As a reminder, Mrs. Williamson's property line is adjacent to the Empire's property line; while ours is thirty-five (35) feet from the Empire's property line.

**We believe the maximum decibel level for the PDD is 60 dBA's.**



**Public Services & Facilities Committee Meeting  
9:00am, Tuesday, May 7, 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 Miars, Hahn, Pierce

Staff Present: Administrator Fragoso, Director Kerr, Director Pitts, Director Ferrell

**2. Citizen's Comments -- none**

**3. Approval of Previous Meeting's Minutes – April 9, 2024**

**MOTION: Council Member Pierce made a motion to approve the minutes of the April 9, 2024 meeting. Council Member Hahn seconded the motion. The motion passed unanimously.**

**4. Old Business**

**A. Discussion of Marina shared parking lot**

Council Member Miars reported that she went to the parking lot with Administrator Fragoso and Director Kerr to measure parking spaces to develop a shared parking option for this summer. The City will not be hiring a parking lot attendant this summer, but still needs to enter into an MOU with the restaurant for the use of the shared lot.

The restaurant has proposed shifting the 10 resident-only trailer parking spaces to a location adjacent to the boat ramp road. The City would like to acquire a portion of the employee lot adjacent to the landing spot for the new community dock in exchange for the City-controlled space behind the dumpster. Staff will present an exhibit and MOU proposing this land swap at the City Council Workshop next week.

Administrator Fragoso said that once the 41<sup>st</sup> Avenue project is completed, the City will be able to add 40-45 parking spaces, which will reduce strain on restaurant parking and will give the City more room to negotiate an agreement before next season.

**B. Discussion of implementing parking fees on marina shared parking lot and new right of way parking along the piped ditch**

Administrator Fragoso said the City is entitled to charge for parking in the shared lot anytime before 8pm. She will speak with PCI about parking management and fee options for the space.

She would like to mirror what the marina operator charges which is the first hour is free and a \$10 flat fee after that hour. She believes this will lessen confusion and keep people from “shopping around” for parking. She will also discuss with PCI how to handle overnight parking. It is not permitted, but patrons need the option to leave their cars so they are not driving impaired. Council Member Miars said she would like a flat fee only charged at the parking over the 41st Avenue ditch.

Administrator Fragoso will provide the Committee with a revenue forecast of parking revenue if the City charges everyone but residents in the shared lot and along the public right of way (41<sup>st</sup> Avenue ditch).

### **C. Discussion of playground equipment replacement for the Recreation Center**

Director Ferrell said she reached out to the equipment installers who said it is trickier, more time-consuming, and likely more expensive to install the pour-and-play mat after the new playground equipment is installed.

She said the Recreation Department spends nearly \$20,000 annually to replenish the mulch currently under the playground equipment. She believes the pour-and-play mat is designed to last 15-20 years but will get a firm answer for City Council before the workshop. Council Member Pierce would like to see the cost differential between adding the pour-and-play mat at installation versus waiting until a later time.

Council Member Pierce expressed concern about the money being spent on the Recreation Center without some corresponding increases in program pricing. Administrator Fragoso said that program costs have been increased to match surrounding recreation centers. She also reminded Committee members that City Council passed a resolution to be more ADA-compliant, and this new equipment will help in that effort.

## **5. New Business**

### **Consideration of Planning Commission recommendations regarding stormwater management**

Director Kerr explained the recommendations offered by the Planning Commission regarding stormwater management:

- a “black box” calculation for new construction projects in the SR1 and SR2 districts will be required to retain 0.3 cubic feet of stormwater for every 1.0 square foot of new impervious surfacing. This is an amount that is roughly equal to a 10-year storm event. This retention can be achieved by depressing an area of the yard or underground gravel or vault systems or any combination.
- allow owners of really low lots to be allowed to elevate their property to at least 7.4’ in elevation, with the approval of a plan. The existing code says no higher than one foot above the road, but in some instances, this would be below an abnormally high tide, which the Commission felt was too low.

- a stormwater designer (engineer or landscape architect) will have to certify that the post construction stormwater pattern will result in the same or less runoff than the pre-construction stormwater pattern.
- Pools will be excluded from the impervious calculation of determining when a drainage plan and improvements will be necessary.

After discussing these recommendations, the Committee recommended that pools be included in the impervious calculation.

**MOTION: Council Member Miars made a motion to make the change regarding the inclusion of pools in the impervious calculation and present these recommendations to the City Council. Council Member Pierce seconded the motion. The motion passed unanimously.**

#### **6. Miscellaneous Business**

The next regular meeting of the Public Services & Facilities Committee will be Tuesday, June 4, 2024 at 9am.

#### **7. Adjournment**

Council Member Hahn made a motion to adjourn and Council Member Pierce seconded the motion. The meeting was adjourned at 10:22am.

Respectfully submitted,  
Nicole DeNeane  
City Clerk



**Public Safety Committee Meeting  
11:00am, Tuesday, May 7, 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 Ward, Anderson, Bogosian

Staff Present: Administrator Fragoso, Director Kerr, Chief Oliverius, Chief Cornett

**2. Citizen's Comments**

Terri Haack, speaking on behalf of the Wild Dunes Resort and their owners, expressed concern about the proposed restrictive decibel level limit for the resort. She asked that the City not discount the revenues the resort provides. She said they would like to see a 75 decibel level limit for a 6-month trial period. She is willing to provide a list of events to surrounding neighbors 45 days in advance.

Maryann Chalmers, 2404 Palm Boulevard, said residents need an anonymous way to report coyote attacks. She also said the trashcans on the beach need to be lidded to discourage the coyotes from digging for food. She would like to see ultrasonic noise devices used at the beach walkover.

**3. Approval of Previous Meeting Minutes – April 2, 2024**

**MOTION: Council Member Anderson made a motion to approve the minutes of the April 2, 2024 meeting. Council Member Bogosian seconded the motion. The motion passed unanimously.**

**MOTION: Council Member Bogosian made a motion to suspend the rules of order and change the order of the agenda to allow for the discussion of coyote management first. Council Member Anderson seconded the motion. The motion passed unanimously.**

**4. New Business**

**A. Discussion of coyote management**

Chief Cornett reported that there have been 8 reports of coyote attacks filed this year. He is aware of more attacks that have not been reported. He reviewed department efforts, including use of the drone to spot den locations, speaking with the Director of DNR about hunting and trapping, the use of specialized foods to sterilize coyotes, and deployment of traps.



The City must follow all DNR laws regarding hunting and trapping. The City is not permitted to hunt coyotes and they are not permitted to put out food that sterilizes the coyotes. The City is only permitted to put traps on public property. Traps have been deployed at places of attacks. If the City traps a coyote, it euthanizes the animal.

Chief Cornett encouraged citizens to report all sightings and attacks so they can be tracked. Personal information does not need to be shared when calling in an attack or sighting. He also shared DNR's recommendations for coyote management including the installation of fencing including PVC piping that spins at the top of the fence line, cease feeding small outdoor animals, keep pets on a leash and within your sight at all times, and keep lids on trashcans. He also shared some "frightening" devices but noted those are short-term solutions.

Chief Cornett reported that the City has 6 traps deployed and he knows of 9-12 traps deployed by residents in a 3-4 block area. The City is using the same trapper they have in the past, and he has yet to catch a coyote this season. He will speak to him about switching out the bait.

The Chief said DNR expects a drop in this aggressive behavior by mid-summer, adding the coyotes are migratory.

Council Member Bogosian expressed great concern for the public safety with the coyotes present. Chief Cornett will speak with DNR about other options. The City Attorney is working on a liability waiver that would allow the City to deploy traps on private property. Council Member Bogosian asked if someone from DNR could come speak to City Council next week. He would like to discuss some "out of the box" ideas with regards to dealing with the coyotes.

Administrator Fragoso encouraged citizens to call the non-emergency number (843-886-6522) to report sightings and to read about coyote management on the City's website. Changes to human behavior could help with these efforts. She also said they have erected coyote-specific signage at the beach accesses warning visitors to the beach.

Regarding the liability waiver, Administrator Fragoso said, "I do have a draft of the liability waiver that our legal team has put together for us to consider. When the City approved the coyote management plan back in 2018, it was an intentional decision to not pursue that option and really encouraged individual property owners to place traps if they believe that their property has a den or has seen some coyotes just because of the risk that this would fall on the City if we were starting to place traps on private property. But again, we are challenging ourselves to look at every option and understand the risk and will present that to Council, and we can make a determination. So while we have the avenue to do it, I don't think that it absolves the City of every risk just by having the authority to or the approval of the property owner."

She also said the City does not have funding for coyote trapping in the FY24 budget. It costs \$1700 to set 3 traps for two weeks.

Council Member Ward said this is not a new issue and is discussed almost annually. He believes the City is doing all it can following the State laws. He is concerned about the unintended consequences of additional efforts.

## 5. Old Business

### A. Discussion and consideration of changes to the noise ordinance

Council Member Bogosian reviewed the changes to the proposed noise ordinance. He recommends using a “slow reading” when recording noise levels and then taking an average of those readings over 30 seconds. Noise level recommendations include 65 decibels during daytime hours for residential areas and 70 decibels for GC1, GC3, LC, and PDD. He would like to see the nighttime levels set at 55 decibels.

Administrator Fragoso noted for the record, “I do want to clarify for the record the version of this ordinance that we presented at the last workshop had that mistake in that the decibel limit for nighttime for all different areas should have been 50, which is equivalent to the original draft. I think that with all these red lines and trying to move it away from uses into a zoning district that got squared away during the process. So that was my mistake, and I just want to apologize for any confusion that may have generated. But this version that you are working on has that corrected, so it should be 50.”

Council Member Bogosian said the recommended nighttime level is 55 decibels for GC2 and an “excessive noise” parameter for daytime levels. He would also like to install noise monitoring devices at the Front Beach area for six months to gather more data about the noise in that area. He would like language added that creates a 6-month trial period for this ordinance. He referenced the “whereas” statements in the ordinance as to the reason why the City is implementing a new noise ordinance.

Council Member Anderson said, “In the minutes of the previous meeting, I had asked that we specify that sound be defined as speech and amplified sound, and that was taken out. I asked that it be put back so

Council Member Bogosian said he had it removed. “I think it causes more confusion for, and the Chief, I think, had mentioned last time trying to determine that I think it’s easier for an officer to go out and measure. They are only going to be measuring it if there is a complaint of noise or music, and so it is easier for them to go out and just take a measurement as opposed to trying to determine all that. That is why I reverted back to the original because I think we were getting confusion from the community thinking that cicadas or the surf or all those other things going on, somebody’s faulty air conditioner might be something that all we really are interested in is the loud noise from parties, a lot of people speaking, or amplified music.”

Regarding the section of the ordinance addressing permits for exemption to the noise ordinance, Council Member Bogosian said, “I think the intent was for a specific event, and you should maybe put that, maybe we clarify that as far as an event.”

Administrator Fragoso added, “I think that the event would need to be proven to be supportive of the public good, infrastructure, and resources of the City.”

Chief Cornett said that less than 20 noise violations tickets have been issued this year. Businesses, residents, and short-term rentals have all received tickets and 15 have resulted in convictions.

**MOTION: Council Member Bogosian made a motion to approve this version of the noise ordinance with the addition of a 6-month sunset date and send it to City Council for discussion. Council Member Anderson seconded the motion. A vote was taken as follows:**

Ayes: Anderson, Bogosian

Nays: Ward

**The motion passed 2-1.**

**6. New Business**

**B. Presentation of proposal for 48/96-hour shift rotation for Fire Department**

Administrator Fragoso would like to consider this option as it may help with recruitment, employee retention, and employee satisfaction.

Chief Oliverius would like to test pilot the program for one year beginning in January 2025. He said nearly 84% of the department supports the idea. He said it will not lead to changes in the budget or operational policies. He said he has been asked about it in interviews, so it is something people are interested in. He believes it will enhance continuity and improve work-life balance for the staff. He also explained how staff fatigue can be managed in this new schedule.

Administrator Fragoso said she will remain cognizant of the overtime budget but said departments who use this sort of schedule have seen fewer callouts.

**7. Miscellaneous Business**

The next meeting of the Public Safety Committee will be Wednesday, June 12, 2024 at 11:00am.

**8. Adjournment**

Council Member Bogosian made a motion to adjourn, and Council Member Ward seconded the motion. The meeting was adjourned at 12:17pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk

# Old Business Updates

- **Coyote Management** – Traps deployed in suspected den areas around 3600 and 3900 block of Palm. One coyote trapped week of 5/13.
- **Shoal Management Project** – Permit application submitted to regulatory agencies. Project would include harvesting sand from an incoming shoal or from accretional areas between 44th and 53rd Avenue if the shoal is not accessible and recycling the sand to erosional areas upstream as part of a system-wide sediment management plan. Permit application not yet out on public notice. City held a public meeting on May 22 at the Rec Center to describe project, discuss objectives and address concerns about potential impacts. Approximately 60 people attended the meeting.

# Old Business Updates

- **USACE beneficial use project on Breach Inlet** – USACE working through the contractor's safety, environmental protection, and quality control plans which are required to be approved prior to work commencing. Contract between USACE and Ahtna is executed and notice to proceed issued on 5/1/24, however, no start date has been provided yet.
- **Beach Reach Shuttle** – Partnership between CARTA, Town of Mount Pleasant, Town Center Shopping Center and the City of Isle of Palms. Service will run every weekend, including holidays from May 25<sup>th</sup> through September 2<sup>nd</sup>
  - Runs about every hour starting at 9:15am on Saturdays with the last trip from the beach at 5:30pm.
  - On Sundays, the first trip is around 9:40am and the last trip from the beach is at 5:55pm.

# Old Business Updates

- **Legislative Update**

- City requested the following state budget allocations in FY25 state budget
  - Stormwater infrastructure improvements - \$1.5M
  - Beach Nourishment - \$2.5M
  - Emergency Beach Access at IOP County Park - \$250K
  - Beach Access Improvements/Boardwalks - \$1M
- FY25 State budget is at conference committee
  - House version includes \$1.25M for stormwater infrastructure improvements
  - Senate version includes \$1M for beach nourishment
  - Conference committee expected to meet by mid-June

## Memorandum of Understanding

This Memorandum of Understanding (this “Agreement”) is entered into this \_\_\_\_\_ day of May, 2024 (the “Effective Date”), by and between the City of Isle of Palms (“City”) and Marker 116, LLC (“Marker 116”) (collectively, the “Parties” and individually, a “Party”).

WHEREAS, Marker 116, as tenant, and City, as landlord, entered into that certain Restaurant Lease dated November 12, 2020 (the “Lease”); and

WHEREAS, all capitalized by undefined terms used in this Agreement shall have the meanings ascribed thereto in the Lease; and

WHEREAS, Section 9.02 of the Lease provides that the Shared Parking Lot shall be a Common Area and that all parking spaces located in the Shared Parking Lot shall be used and operated on an unreserved, self-park basis, and free of charge after 8:00 p.m.; and

WHEREAS, the Parties have discussed future plans and improvements to the Shared Parking Lot to provide for more efficient use of the parking areas located therein and to eliminate the need to share parking areas; and

WHEREAS, to better understand proposed new parking patterns in the Shared Parking Lot and to collect data on usage and demand, the Parties have agreed to temporarily amend certain terms and conditions of the Lease governing the use and operation of the Shared Parking Lot.

NOW, THEREFORE, the Parties agree as follows:

1. **Term.** This Agreement shall be valid and effective for a temporary term commencing on the Effective Date and terminating on October 1, 2024 (the “Expiration Date”). This Agreement shall terminate and be of no force or effect from and after the Expiration Date. All terms and conditions of the Lease that are amended or modified by this Agreement shall be valid, effective and enforceable as originally set forth in the Lease from and after the Expiration Date.

2. **Existing lease.** Except as expressly amended by this Agreement, each and every term, condition, warranty and provision of the Lease shall remain in full force and effect, and is incorporated herein by this reference, such that the Lease and this Agreement shall be read and construed as one instrument, all of which are hereby ratified, confirmed and approved by the Parties hereto. If there is a conflict between this Agreement and the Lease, then the provisions of this Agreement shall control.

3. **Temporary amendments to Lease.** Notwithstanding anything in the Lease to the contrary, access to and use of the Shared Parking Lot by the Parties shall be governed by and subject to the following terms, covenants and conditions at all times from the Effective Date until the Expiration Date:

**Temporary exclusive areas.** The City and Marker 116 will each temporarily gain exclusive use and control over certain portions of the Shared Parking Lot shown on Exhibit A attached hereto and incorporated herein by reference as described below.

The City's temporary exclusive areas will be:

1. one (1) area within the Shared Parking Lot shown and designated on Exhibit A for use by the City (the "City Exclusive Parking Area"), which City Exclusive Parking Area shall (i) be marked in the field by signage (or otherwise), (ii) provide for the parking of no less than ten (10) trailers similar in area, shape, and configuration to the existing marina trailer parking spaces across the road, but shifted to avoid the restaurant entrance, and (iii) be reserved for the exclusive use by the City and its residents, employees, agents, customers, contractors, licensees and invitees.

Marker 116's temporary exclusive area will be:

1. two (2) separate areas within the Shared Parking Lot shown and designated on Exhibit A for use by Marker 116 (the "Marker 116 Exclusive Parking Areas"), which Marker 116 Exclusive Parking Areas shall (i) be marked in the field by signage (or otherwise), (ii) provide for the parking of no less than twenty (20) vehicles, and (iii) be reserved for the exclusive use by Marker 116 and its patrons, employees, agents, customers, contractors, licensees and invitees.

**Expenses.** Marker 116 shall be solely and exclusively responsible for all costs and expenses incurred to create, operate and manage the Marker 116 Exclusive Parking Areas, including, without limitation, insurance, signage, reconfiguration, grading, maintenance, ropes, posts, parking stops, or any other improvements deemed necessary. The City shall be solely and exclusively responsible for all costs and expenses incurred to create, operate and manage the City Exclusive Parking Area, including, without limitation, insurance, signage, reconfiguration, grading, maintenance, ropes, posts, parking stops, or any other improvements deemed necessary.

**Towing and booting.** Marker 116 shall have the authority to tow and/or boot vehicles parked in the Marker 116 Exclusive Parking Areas if any parking space therein is used in violation of the terms of this Agreement. The City shall have the authority to tow and/or boot vehicles parked in the City Exclusive Parking Area if any parking space therein is used in violation of the terms of this Agreement. In the event that one Party tows and/or boots a vehicle, the other Party shall not be responsible for providing said vehicle owner with information to retrieve their vehicle, and in such event the vehicle owner will be directed to speak with the Party that towed and/or booted the vehicle.

**Management.** Marker 116 will be responsible for managing the Marker 116 Exclusive Parking Areas during the term of this Agreement. The City will be responsible for managing the City Exclusive Parking Area during the term of this Agreement.



**Overnight parking.** There shall be no overnight parking permitted in the remaining, non-exclusive portions of the Shared Parking Lot. Overnight parking shall be defined as when a vehicle or trailer has remained in the Shared Parking Lot past 12:00 a.m.

**4. Miscellaneous.** Headings and similar structural elements set forth in this Agreement are intended for ease of reference only, and are not intended, and will not be construed, to reflect the intention of the Parties or to affect the substance of this Agreement. This Agreement shall be deemed to be mutually drafted by the Parties; thus, in the event of an ambiguity, no presumption shall be maintained that is predicated upon or related to the person drafting the provision. This Agreement may be executed by email signatures and in multiple counterparts, each of which shall be deemed an original but all of which, taken together, shall constitute the same instrument. This Agreement will be effective immediately upon execution and delivery by the Parties. This Agreement shall be governed by the law of the State of South Carolina, without reference to its choice of law rules.

IN WITNESS WHEREOF, the Parties have caused this Memorandum of Understanding to be executed as of the Effective Date.

**Marker 116, LLC**

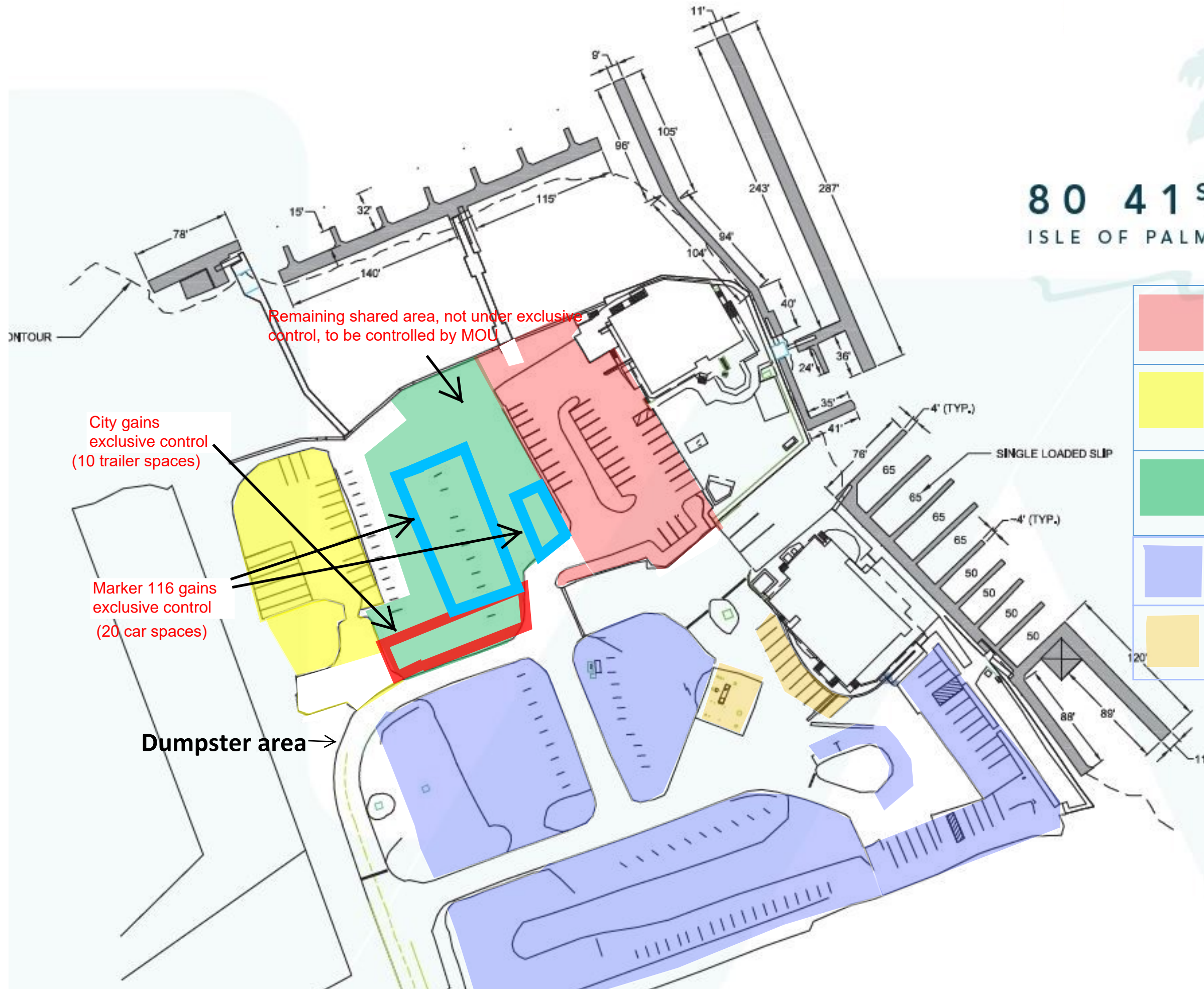
By:  
Name:  
Its:

**City of Isle of Palms**

By:  
Name:  
Its:

# 80 41<sup>ST</sup> AVENUE

ISLE OF PALMS, SOUTH CAROLINA



	<b>Exclusive Parking Lot</b> Restaurant
	<b>Private Parking Lot</b> Available to restaurant pursuant to agreement with Marina Manager
	<b>Shared Parking Lot</b> Shared among tenants under the direction of the Marina Manager
	<b>Exclusive Parking Lot</b> Marina Joint Ventures
	<b>Exclusive Parking Lot</b> Marina Store

Remaining shared area, not under exclusive control, to be controlled by MOU

City gains exclusive control (10 trailer spaces)

Marker 116 gains exclusive control (20 car spaces)

Dumpster area

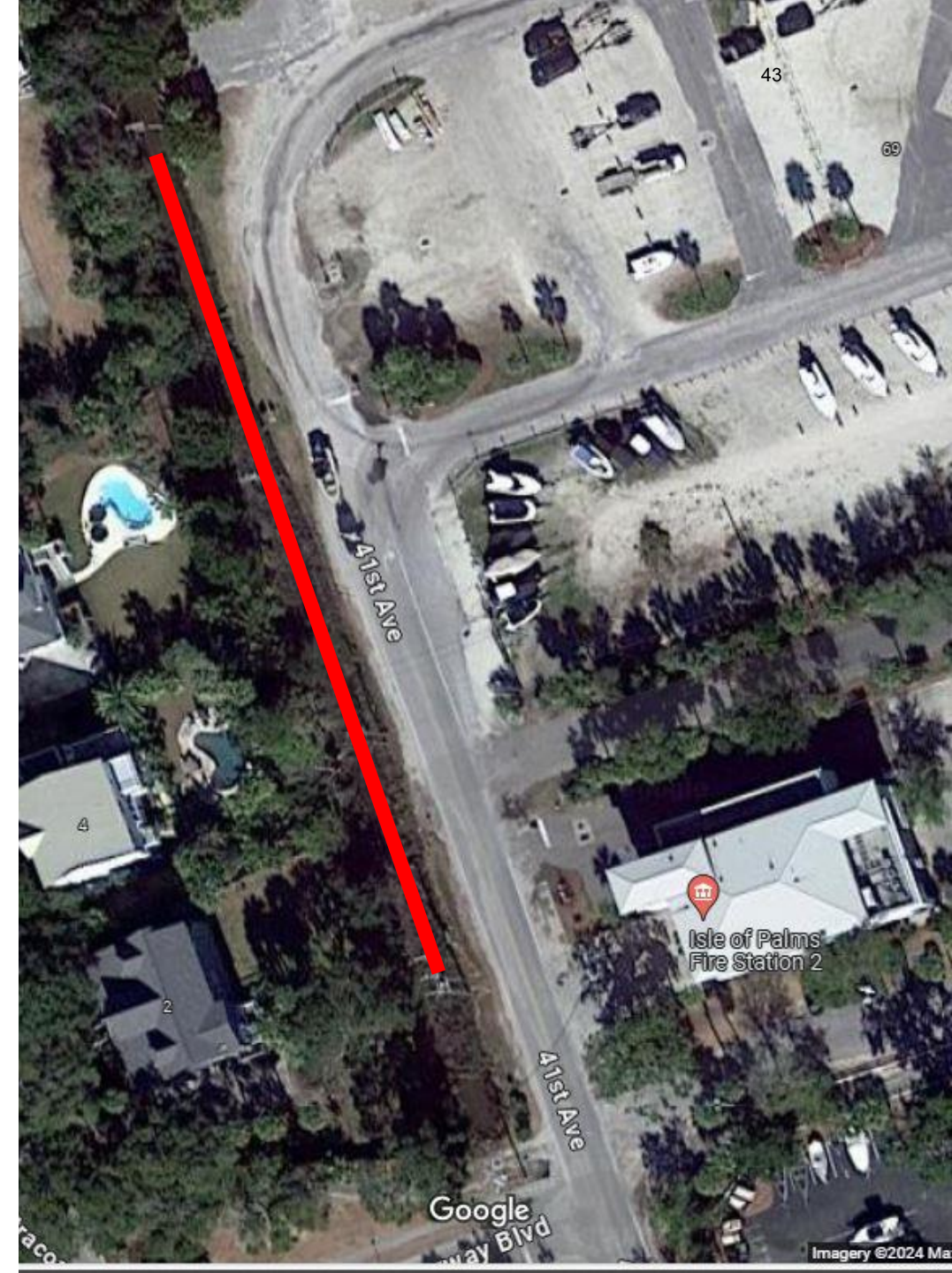
# Parking IOP Marina

To consider: Shared spaces in shared parking lot and new piped public right of way between 41<sup>st</sup> and Waterway and end of 41st Avenue:

- \$10 daily fee

- Vehicles with valid resident parking decal park for free

\*16 existing dedicated resident only parking spaces in the shared lot will not change



**City of Isle of Palms, SC**  
**FY25 Charleston County Transportation Committee (CTC) “C” Fund**

**Project Requests**

Deadline: May 31, 2024

Available funding for new construction projects: \$2M-6M

Eligible projects: New construction – rocking, paving or improving earth roads, road drainage, traffic calming measures, striping, improvements to intersections, sidewalks and bike paths

Projects for consideration:

1. **Sidewalks:** Installation of crosswalks and pedestrian sidewalk on the landside of Palm Boulevard between Breach Inlet and 10<sup>th</sup> Avenue to improve pedestrian safety and connectivity with existing pedestrian infrastructure
  - a. Phase 1 – Extend existing sidewalk from Breach Inlet to 2<sup>nd</sup> Avenue and install crosswalk on Palm Boulevard at 2<sup>nd</sup> Avenue
2. **Traffic calming measures:** Installation of solar powered rectangular rapid flashing beacons at pedestrian crosswalks on Palm Boulevard between 21<sup>st</sup> and 41<sup>st</sup> Avenue to improve pedestrian safety.



3. **Road drainage:** Installation of a stormwater collection system on Palm Boulevard in the blocks between 38<sup>th</sup> and 41<sup>st</sup> Avenue. This is the primary evacuation route for the residents on the northern end of the island and this section of road becomes unpassable during heavy storm events.



# Estimate

Estimate# EST-5858

Bill To  
**City of Isle of Palms**  
 P.O. Box 508  
 Isle of Palms 29451, SC  
 USA

Estimate Date : March 28, 2024  
 Expiry Date : May 28, 2024  
 Reference# : PN5480  
 Sales person : Charlie Sullivan  
 Project State : South Carolina

Ship To  
 City of Isle of Palms Public Works  
 1303 Palm Blvd.  
 Isle of Palms 29451 SC  
 U.S.A

Accepted By \_\_\_\_\_ Accepted Date \_\_\_\_\_

#	Model	Qty	Rate	Tax %	Amount
1	WS440-S3-316 WaStop Inline check valve NPS 18 AISI 316 std - INCLUDES STANDARD MOUNTING BRACKETS - FASTENING HARDWARE NOT INCLUDED - REFER TO ATTACHED DRAWINGS	1	8,078.00	9.00	8,078.00
2	WS515-S3-316 WaStop Inline check valve NPS 20 AISI 316 std - INCLUDES STANDARD MOUNTING BRACKETS - FASTENING HARDWARE NOT INCLUDED - REFER TO ATTACHED DRAWINGS	1	10,304.00	9.00	10,304.00
3	Freight cost STANDARD GROUND FREIGHT	1	150.00	-	150.00

Items in Total 3	Sub Total	18,532.00
	SC STATE TAX (6%)	1,102.92
	SC COUNTY TAX (0%)	0.00
	SC CITY TAX (1%)	183.82
	SC SPECIAL TAX (1%)	183.82
	SC SPECIAL TAX (1%)	183.82
	<b>Total</b>	<b>\$20,186.38</b>



**BOARD OF ZONING APPEALS**  
**4:00pm, Tuesday, May 7, 2024**  
**1207 Palm Boulevard, Isle of Palms, SC**

**MINUTES**

**1. Call to order**

Present: Glenn Thornburg, Ellen Gower, Robert Miller, Susie Wheeler, Ted McKnight, and Zoning Director Simms

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

**MOTION: Ms. Gower made a motion to approve the minutes of the April 2, 2024 meeting, and Ms. Wheeler seconded the motion. The minutes passed unanimously.**

**3. Swearing in of applicants**

Mr. Thornburg swore in the applicant.

**4. Home Occupations**

**A. 239 Forest Trail**

Zoning Director Simms said that the applicant, Nick Perry, is requesting a special exception to allow the establishment of a golf cart rental business at their home. The applicant has indicated that 1) the home will be used for occasional storage and maintenance of two golf carts, 2) there will be some business-related traffic coming to the residence, 3) there will be no evidence of a business outside the house but occasionally a cart will be washed in the side yard, and 4) that there will be no employees working in the residence other than family members that live in the home.

Mr. Perry explained that his company owns two golf carts, one of which is dedicated to one particular rental property and is leased on an annual basis. The second golf cart is also dedicated to a particular short-term rental property but it does not stay there all the time. When it is not in use, it will be located inside Mr. Perry's garage and occasionally washed in the side yard. He said the golf cart will be delivered to the property. His company has no plans to expand the number of golf carts they own at this time. He added that the presence of the second golf cart at his home is rare.

**MOTION: Mr. McKnight made a motion to approve Mr. Perry application with the following limitations: the number of golf carts is limited to two; with one stored offsite, and the other, when onsite is stored inside the garage except for when being cleaned. The motion passed unanimously.**

Mr. Thornburg added that if the City hears of any issues related to his business that contradict Mr. Perry's testimony or the limits of the business license, his license could be pulled.

5. **Miscellaneous Business**

Zoning Director Simms said the legal update will happen at the June meeting.

6. **Adjournment**

Ms. Wheeler made a motion to adjourn and Ms. Gower seconded the motion. The meeting was adjourned at 4:18pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



**Planning Commission Meeting  
4:00pm, Wednesday, May 8, 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: Ron Denton, Sue Nagelski, David Cohen, Rich Steinert, Jeffrey Rubin

Absent: Sandy Stone, Tim Ahmuty

Staff present: Director Kerr, Zoning Administrator Simms

**2. Approval of minutes**

**MOTION: Ms. Nagelski made a motion to approve the minutes of the April 10, 2024 meeting. Dr. Rubin seconded the motion. The motion passed unanimously.**

**3. New Business**

**Sea Level Rise Adaptation Plan Presentation**

Aaron Aiken and Mary Martinich from Seamon & Whiteside gave a presentation to the Commissioners about the Sea Level Rise Adaptation Plan they have been engaged to prepare for the City. Director Kerr said this plan has been envisioned as a high-level plan that acts as a first step in helping the City identify vulnerabilities across the island so it can begin to plan for the impacts of sea level rise.

Ms. Martinich shared the project goals and project process, which includes a public survey to be launched later in May. Mr. Aiken shared data they have collected – water levels/tide data, GIS data, completed and ongoing projects such as the Drainage Master Plan, the Comprehensive Plan, and Beach Management Plan – and how that was used to develop a benchmark and future projections.

Ms. Martinich and Mr. Aiken presented preliminary ideas for projects, policies, and programs that could be implemented. Mr. Aiken said he anticipates this plan to be a living document the City will update frequently.

Their presentation appears alongside the agenda for this meeting on the City's website.



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

##### **Review of Pervious Surface Guidelines**

Director Kerr referenced a set of guidelines surrounding the installation of pervious surfaces developed by Zoning Administrator Simms. These guidelines are given to those contractors responsible for installing pervious surfaces so they know what the City expects and will be looking for. The guidelines do not require any changes to the City code.

#### 5. **Miscellaneous**

The next meeting of the Planning Commission will be Wednesday, June 12, 2024 at 4:00pm.

#### 6. **Adjournment**

Dr. Rubin made a motion to adjourn, and Mr. Steinert seconded the motion. The meeting was adjourned at approximately 5:47pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk



## ACCOMMODATIONS TAX ADVISORY COMMITTEE

10:00am, Wednesday, May 15, 2024  
1207 Palm Boulevard, Isle of Palms, SC

### MINUTES

#### 1. Call to order

**Present:** Ray Burns, Margaret Miller, Rebecca Kovalich, Park Williams, Mike Boykin

**Absent:** Barb Bergwerf, Chrissy Lorenz

**Staff Present:** Administrator Fragoso, Director Hamilton, PR Officer Yudchenko

#### 2. Election of Vice Chair

Mr. Burns reported that Ms. Lorenz has resigned her position as Vice Chair of the Committee. She will remain on the Committee.

**MOTION: Mr. Burns made a motion nominating Ms. Kovalich for Vice Chair of the ATAX Committee. Ms. Miller seconded the motion. The motion passed unanimously.**

#### 3. Approval of previous meeting's minutes – April 30, 2024

Mr. Burns made a motion to approve the minutes of the April 30, 2024 meeting, and Ms. Kovalich seconded the motion. The motion passed unanimously.

#### 4. Financial Statements

Director Hamilton said the balance of the ATAX fund is \$5.3 million. There have been no changes in expenditures since the last meeting.

**MOTION: Mr. Burns made a motion to approve the budget overages related to insurance and body armor. Mr. Williams seconded the motion. The motion passed unanimously.**

#### 5. Old Business

##### **Consideration of FY25 budget for 30% of State Accommodations Tax Fund for tourism promotion**

Ms. Lorie Smith from the CVB reviewed the budget categories applicable to the Isle of Palms as set forth by TERC: advertising, marketing support, group sales efforts & tradeshow, media efforts, and visitor/call centers and showed the financial allocation for each category in the proposed FY25 budget.

Ms. Smith explained the allocation method of budgeting which is based on the percentage of lodging inventory on the Isle of Palms. Administrator Fragoso said that percentage needs to be updated. Mr. Chris Campbell of the CVB explained they used an average number of rentals to create the budget.

A brief discussion ensued about the best ways to capture data from visitors to learn why they came to the island and what will bring them back. Ms. Catherine Dority, also of the CVB, said she believes this is something the College of Charleston's Office of Tourism Analysis could work on for the City.

Committee members expressed concern about the large budget allocation to Sinclair, wondering if there are any metrics to show its success. Ms. Smith said there were 10,300,000 impressions during the campaign. Mr. Boykin suggested asking the island's property managers if they are booking reservations from the top markets where the Sinclair campaign is running to help determine if this is money well spent.

Mr. Burns said he would like to see more funds allocated to the VRBO campaign following the success of last year's campaign.

Administrator Fragoso said the walkability study will be re-budgeted to FY25.

**MOTION: Ms. Kovalich made a motion to approve the FY25 budget for the 30% of State Accommodations Tax Fund for tourism promotion and provide for a larger allocation to support the VRBO campaign. Mr. Boykin seconded the motion. The motion passed unanimously.**

## 6. New Business

### **Discussion of initiatives for the committee to consider and ways to enhance awareness of tourism promotion programs and sponsorships**

Mr. Burns would like to schedule another meeting in the near future to discuss speaking to the island's property managers, work with the Office of Tourism Analysis to craft a questionnaire to give to island visitors, and discuss ways to enhance awareness of the Committee's available sponsorships.

## 7. Miscellaneous Business

The next meeting of the ATAX Committee will be set at a later date.

## 8. Adjournment

Mr. Burns made a motion to adjourn, and Mr. Williams seconded the motion. The meeting was adjourned at 11:07am.

Respectfully submitted,

Nicole DeNeane  
City Clerk



## ENVIRONMENTAL ADVISORY COMMITTEE

4:00pm, Thursday, May 9, 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: Sandra Brotherton, Mary Pringle, Todd Murphy, Laura Lovins, Doug Hatler, Lucia Spiotta, Dane Buckout, Belvin Olasov

Staff Present: Director Kerr, Zoning Administrator Simms, Council Member Miars

#### 2. Citizen's Comments -- none

#### 3. Approval of previous meeting's minutes

**MOTION:** Ms. Lovins made a motion to approve the minutes of the April 11, 2024 meeting as amended, and Ms. Pringle seconded the motion. The motion passed unanimously.

#### 4. Presentation – Sea Level Rise Adaptation Plan

Ryne Phillips, Mary Martinich, and Aaron Aiken from Seamon Whiteside gave a presentation to the Committee about the Sea Level Rise Adaptation Plan they have been engaged to prepare for the City. Director Kerr added that these types of plans are being developed and used by many coastal municipalities. He would like Committee members to address any areas they believe are missing and need further attention.

Mr. Phillips discussed the project goals and process of developing the plan that will be submitted to City Council that includes a public survey to be launched later in May. Mr. Aiken shared data they have collected – water levels/tide data, GIS data, completed and ongoing projects such as the Drainage Master Plan, the Comprehensive Plan, and Beach Management Plan – and how that was used to develop a benchmark and future projections.

Ms. Martinich and Mr. Aiken presented preliminary ideas for projects, policies, and programs that could be implemented. Mr. Aiken said he anticipates this plan to be a living document the City will update frequently.

Their presentation appears alongside the agenda for this meeting on the City's website.

**MOTION:** Mr. Hatler made a motion to defer the remainder of the agenda to the June meeting. Ms. Lovins seconded the motion. The motion passed unanimously.

5. **Old Business**

A. **Wildlife**

B. **Litter**

C. **Water Quality**

i. An update on potential water quality testing program

ii. Discussion of Folly Beach septic ordinance

D. **Climate Action**

Update on bill H.5118 regarding upcoming natural gas project

6. **New Business**

A. **Discussion of EAC hosting a table at the upcoming IOP Farmers Market**

B. **Discussion of installing compost liner dispensers at compost drop-off locations**

6. **Miscellaneous Business**

7. **Adjournment**

The next meeting of the Environmental Advisory Committee is scheduled for Thursday, June 14, 2024 at 4pm.

Mr. Murphy made a motion to adjourn, and Mr. Hatler seconded the motion. The meeting was adjourned at 5:39pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk

*First Reading – May 28, 2024*

ORDINANCE 2024-01

AN ORDINANCE TO TEMPORARY REPEAL AND REPLACE SECTION 9-2-5, NOISE, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCE FROM JULY 1, 2024, THROUGH DECEMBER 31, 2024. -

WHEREAS, excessive sound is a serious hazard to public health, welfare, safety and the quality of life; and,

WHEREAS, a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS, the citizens have a right to, and should be ensured of, an environment free of excessive sound; and,

WHEREAS, the Isle of Palms City Council wants to temporarily repeal and replace its noise ordinance to implement decibel limits to improve livability, compliance and enforcement; and

WHEREAS, the Isle of Palms City Council has the authority to repeal and replace its Code of Ordinances when deems to be in the best interest of the citizens of the City, and now desires to do so with respect to the subject of excessive noise by enacting the revisions displayed below.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Councilmembers of the City of Isle of Palms, Section 9-2-5 of the Isle of Palms Code of Ordinances titled Noise is hereby repealed in its entirety and replaced to specifically read as follows:

Sec. 9-2-5. Noise

- a. *Definitions.* In addition to the common meaning of words, the following definitions shall be used in interpreting this section.
1. *A-weighted scale.* The correction factor applied to a sound pressure measurement as defined in ANSI/IEC documentation.
  2. *Amplified sound.* the use of any radio, TV, amplified musical instrument (including but not limited to brass or drum instruments), or other amplification device or apparatus making or reproducing music, voice or other sounds.
  3. *ANSI.* American National Standards Institute or its successor bodies.
  4. *Complainant.* Any owner, lessee, manager or person with a legal interest in real property within the corporate limits of the City who reports to the police department being disturbed by sound heard at their residence or place of

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business and not originating therefrom.

5. *Decibel (dB)*. A logarithmic (dimensionless) measure used in describing the amplitude of sound.
6. *Excessive noise*. Any unnecessary or unusually loud sound or any sound which disrupts the peace and quiet of any neighborhood and which does annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensibilities.
7. *Emergency work*. Work made necessary to restore property to a safe condition, work required to protect, provide, or prevent persons or property from danger or potential danger, or work by a private or public utility when restoring utility service.
8. *Equivalent Continuous Sound Level*. The constant sound level that has the same energy as the actual time-varying sound level over the measurement period as defined in ANSI/IEC documents for sound level meters. Also referred to as time-averaged sound level and abbreviated as LAeq, LAeq, Lavg.
9. *IEC*. The International Electrotechnical Commission.
10. *Person*. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group or agency.
11. *Plainly Audible*. Any sound that can be detected by a person using his or her unaided hearing faculties, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms. The detection of the rhythmic bass component of the music is sufficient to constitute a plainly audible sound.
12. *Receiving property*. Any residence or place of business on which uninvited noise is plainly audible.
13. *Raucous sound*. Any sound created by yelling, screaming, the use of horns, whistles or similar devices, or the banging of objects with the primary purpose of creating noise.
14. *Sound level*. See Equivalent Continuous Sound Level.
15. *Sound level meter*. An instrument that measures time-averaged, frequency-weighted sound levels and is certified as meeting the type -2 requirements of ANSI/ASA S1.4-2014/Part 1 / IEC 61672-1:2013. Commonly referred to as an integrating-averaging or integrating sound level meter.
16. *Sound source*. Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

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17. *Uninvited noise.* Noise not originating from the receiving property.

b. *Sound Measurement.* Sound measurements shall be employed by the police department in the following manner:

1. Sound measurements shall be made using a sound level meter taken from anywhere within the boundary line of the complainant’s property. If measurement is not possible from the complainant’s property, sound measurements may be taken at the nearest boundary line of the public right-of-way.
2. No individual other than the sound meter operator(s) shall be within ten (10) feet of the sound level meter during the sample period.
3. Sound measurements shall be conducted at that time of day or night when the suspect noise is emitting sound.
4. The sound level meter shall be employed in accordance with the manufacturer’s instructions to measure the Equivalent Continuous Sound Level using A-weighted scale and slow response time.
5. Sound measurements shall be taken over a period of 30 seconds or greater. If the measurement exceeds the threshold by 5dBA or more after 15 seconds, testing may be stopped, and the sound deemed excessive noise.
6. It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements.

c. *Maximum decibel levels.* Unless otherwise specifically indicated, it shall be unlawful for any person to cause or allow the emission of sound from ~~any source or source~~speech or music any any source or sources which, when measured pursuant to paragraph (b) above, to exceed:

1. In the SR-1, SR-2 and SR-3 zoning districts and residentially used property in the PDD zoning district:

65dB(A) during daytime hours (7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday), ~~for residential and rental properties,~~

~~±~~ 50-55dB (A) during nighttime hours (10:00 p.m. to 7:00 a.m. Sunday through Thursday and 11:00 p.m. to 7:00 a.m. Friday and Saturday).

2. In the GC-1, GC-3, LC and the commercially used property in the PDD zoning districts:

70-75dB(A) during daytime hours (7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday).

~~±~~ 50-55 dB (A) during nighttime hours (10:00 p.m. to 7:00 a.m. Sunday

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~~through Thursday and 11:00 p.m. to 7:00 a.m. Friday and Saturday). -for commercial establishments; and~~

- 3. In the GC-2 general commercial zoning district, excessive noise is prohibited during daytime hours (7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday). In determining whether a sound constitutes excessive noise, section d(2) should be referenced. During nighttime hours, the maximum decibel level shall be 5055 dB (A) (10:00 p.m. to 7:00 a.m. Sunday through Thursday and 11:00 p.m. to 7:00 a.m. Friday and Saturday). ~~In determining whether a sound constitutes excessive noise, section d(2) should be referenced.~~

- ~~i. 50dB(A) during nighttime hours (10:00 p.m. to 7:00 a.m. Sunday through Thursday and 11:00 p.m. to 7:00 a.m. Friday and Saturday) for residential properties, rental properties, and commercial establishments.~~

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d. *Excessive noise prohibited.*

- 1. It shall be unlawful for any person to intentionally produce, intentionally cause to be produced, or intentionally participate in the producing any excessive noise within the municipal limits.
- 2. In determining whether a sound is excessive noise for purposes of this section, factors that may be considered include, but are not limited to:
  - a. The volume of the noise;
  - b. The intensity of the noise;
  - c. Whether the nature of the noise is usual or unusual;
  - d. Whether the origin of the noise is natural or unnatural;
  - e. The volume and intensity of the background noise, if any;
  - f. The proximity of the noise to residential sleeping facilities;
  - g. The nature and zoning of the area within which the noise emanates;
  - h. The time of the day or night the noise occurs;
  - i. The duration of the noise; and
  - j. Whether the noise is recurrent, intermittent, or constant.

The determination of whether a noise or sound is excessive noise shall be made without considering the content of any message conveyed by the noise or sound.

e. *Specific prohibitions.* The following acts are specifically prohibited:

- 1. *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.

- ~~2. *Mufflers.* Sound emitting from a motor vehicle's muffler in violation of S.C. Code Ann. § 56-5-5020.~~

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~~3.2.~~ *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 in a manner as to be plainly audible at a distance of 50 feet except as permitted under paragraph (g) 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.

~~4.3.~~ *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.

~~4.~~ *Raucous or Amplified Sound Nighttime.* It shall be unlawful for any person to create or cause to create any raucous sound or amplified sound in such a manner that during the hours from 10:00 p.m. to 10:00 a.m. Sunday through Thursday, or between the hours of 11:00 p.m. and 10:00 a.m. Friday and Saturday that is plainly audible on any adjacent property.

~~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 as to exceed the maximum decibel levels listed in Section 9-2-5 (c).

~~5.~~

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f. *No employee liability.* No employee of any place of business acting within the scope of his or her employment shall be liable for a violation of this section, unless an employee is also an owner of the business.

g. *Exceptions.* This section shall not apply to the following sources:

1. Any City-hosted, City-sponsored or City-sanctioned special events. When approved by City Council, the City Administrator or her/his designated representative may issue special event permits for events such as (but not limited to) concerts, festivals, parades, and athletic events to permit reasonable and limited exceptions to the provisions of this section.

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2. Public interest events. Notwithstanding any other provision of this section, on

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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.

3. Sound emitting from a motor vehicle's muffler in compliance of S.C. Code Ann. § 56-5-5020.

~~2.4.~~ Any city vehicle engaged in city business.

~~3.5.~~ 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 therefore.

~~4.6.~~ 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.

~~5.7.~~ It shall be lawful for any 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, between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays, or on the following legal holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; and Christmas Day. Approval for such use may be granted by the City for performing emergency repairs outside of the hours specified.

~~6.8.~~ It shall be lawful for an owner or member of an owner's immediate family to perform maintenance, repairs, or other work on their own property between the hours of 7:30 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 10:00 p.m. on Saturday and Sunday, provided that such work is otherwise in compliance with City ordinances.

~~7.9.~~ A commercial property or business owner may apply to City Council for an exception to this ordinance, and City Council may issue a permit for an event.

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that modifies the maximum decibel levels as it deems reasonable in light of the circumstances to support public good, infrastructure, and resources of the City, including the time and resources of law enforcement and code enforcement.

- h. *Violations.* Any person who violates any provision of this section shall be fined not more than \$500 or imprisoned for not more than 30 days. However, no penalty shall exceed the penalty provided by state law for similar offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues.”

SECTION 2. 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 immediately upon approval by Council\_ and expire six (6) months from ratification.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE ISLE OF PALMS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Phillip Pounds, Mayor

(Seal)  
Attest: \_\_\_\_\_  
Nicole DeNeane, City Clerk


First Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Ratification: \_\_\_\_\_

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MEMORANDUM

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TO: Desirée Fragoso, City Administrator

FROM: Douglas Kerr, Deputy City Administrator 

RE: Recommendation from the Planning Commission and Public Services and Facilities Committee regarding stormwater management standards

DATE: May 24, 2024

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Attached are redline recommendations from the Planning Commission and the Public Services and Facilities Committee related to stormwater management plans for future construction projects. These suggestions started with the standards included in the Drainage Masterplan recently completed by Davis and Floyd. The Commission met with engineers from Davis and Floyd and Thomas and Hutton to refine and tailor the recommendations.

The primary changes included in the recommendation are:

1. New construction projects in the SR1, SR2, and SR3 districts will be required to retain 0.3 cubic feet of stormwater for every 1.0 square foot of new impervious surfacing. This is an amount that is roughly equal to a 10-year storm event. This retention can be achieved by depressing an area of the yard or underground gravel or vault systems or any combination.
2. The revision would allow owners of really low lots to be allowed to elevate their property up to 7.4' in elevation, with the approval of a plan. The existing code says no higher than one foot above the road, but in some instances, this would be below an abnormally high tide, which the Commission felt was too low.
3. The revision specifies that a stormwater designer (engineer or landscape architect) will have to certify that the post construction stormwater pattern will result in the same or less runoff than the pre-construction stormwater pattern.

### **Sec. 5-4-12. Additional regulations.**

The following additional regulations shall apply to all zoning districts:

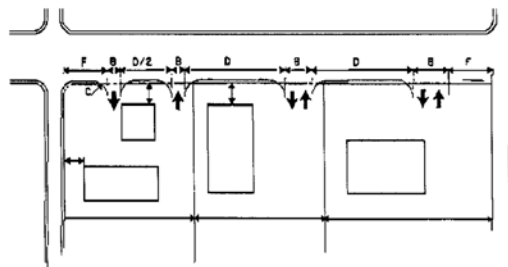
- (a) No land or building shall hereafter be used or occupied and no building or part thereof shall be constructed, erected, altered, or moved unless done in compliance with all applicable provisions of this chapter. Any use of land or buildings which is not allowed as a permitted use, conditional use, 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 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.
- (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) Adding fill or importation of materials of any type, or re-contouring of a lot's existing contours, that increases a lot's existing ground elevation more than one (1) foot above existing road and results or may result in elevating an existing or proposed structure is strictly prohibited. Provided however, that this requirement would not limit the elevation of a lot to an elevation lower than 7.4' (using the 1988 NAVD datum).
- ~~(g) For every square foot of new or altered impervious surfacing permitted on a property, 0.3 cubic feet of new stormwater storage must be provided on the property. The method for stormwater storage must be approved by the Zoning Administrator as part of the stormwater management plan required in Section 5-4-12(r). Storage can be achieved with detention vaults, rock wells, open basins, or any approved combination of methods. If materials such as rocks are used to create stormwater storage, only the voids within the system, excluding materials, will count towards meeting the required area.~~
- ~~(g) Any decrease in a lot's existing ground elevation is strictly prohibited.~~
- (r) No lot shall be improved, altered, graded, or filled in a way that to an elevation that results in a change to the existing results in (1) additional stormwater running off the site; or (2) -stormwater running off the site in an accelerated manner.
- Prior to any improvements, alterations, grading, or filling, a stormwater management plan shall be submitted and approved by for such lot without the Zoning Administrator's prior approval of a stormwater management plan.

The stormwater management plan shall include the following:

- (1) -the stamp and signature of a duly licensed and qualified professional
- (2) -, all existing and proposed topographical features of the lot, existing and proposed drainage flow patterns, and runoff quantities
- (3) and a statement by the professional certifying that the improvements are designed such that post-construction runoff will mimic preconstruction hydrology runoff for the site and the improvements will not filling or grading of the lot will not adversely impact the drainage of any adjacent properties, drainage systems or rights-of-way.
- (4) For every square foot of new or altered impervious surfacing permitted, 0.3 cubic feet of storm

The following site changes shall require the submittal of a stormwater management plan:

- (1) Any new building construction, new impervious surface, or replacement of impervious surfaces, which cumulatively exceed six hundred and twenty-five (625) square feet in area (all development shall be cumulative over time when considering the square footage threshold for requiring a stormwater management plan);
- (2) Adding fill or re-contouring of twenty (20) percent or more of the existing lot area in compliance with paragraph (p) of this section.

Additional submittal materials, design specifications and maintenance schedules may be requested at the discretion of the Zoning Administrator to ensure compliance with the Charleston County Stormwater Management Program.



Prior to the issuance of a Certificate of Occupancy (CO) for construction projects, the Zoning Administrator may require as-built documentation certifying that the project was completed in compliance with the approved stormwater management plan.

(Code 1994, § 5-4-12; Ord. No. 2001-5, §§ 1—3, 5-22-2001; Ord. No. 2002-12, § 1, 10-22-2002; Ord. No. 2003-8, § 1, 6-24-2003; Ord. No. 2003-13, § 1, 2-24-2004; Ord. No. 2006-10, § 1, 8-22-2006; Ord. No. 2015-11, § 1, 9-29-2015; Ord. No. 2018-13, §§ 2, 3, 8-28-2018; Ord. No. 2017-09, § 2, 8-27-2019)

**Sec. 5-4-13. Maximum lot coverage; floor area ratio requirements; stormwater detention; additional setback requirements.**

1. The following regulations shall apply to the SR-1, SR-2 and SR-3 zoning districts:
  - (a) For lots connected to the public sewer system, not more than thirty-five percent (35%) 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 thirty-five percent (35%) to not more than thirty percent (30%), 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) In situations Section 5-4-12(r) requires a stormwater management plan, for every square foot of new or altered impervious surfacing permitted on a lot, 0.3 cubic feet of new stormwater detention. must be provided on the lot. The method for stormwater detention must be approved by the Zoning Administrator as part of the stormwater management plan. Detention areas must be located on the same property and above the seasonal high groundwater level. Detention can be achieved with detention vaults, rock wells, open basins, or any approved combination of methods. If materials such as rocks are used to create stormwater storage, only the voids within the system, excluding materials, will count towards meeting the required area.
  - ~~(cb)~~ 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 not 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 percent (40%) to not greater than thirty percent (30%), 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.
  - ~~(de)~~ All newly installed hard landscaping, including, but not limited to, walkways, driveways, pool surrounds, and ground level patios, shall be constructed using pervious materials.
  - ~~(ed)~~ A homeowner or his/her designee may make substantial repairs or replace an existing impervious surface within its original footprint, as long as all work is commenced and substantially completed within six (6) months from the date of removal.
  - ~~(fe)~~ If the work is not substantially completed within the six-month time frame, the surface will be subject to the current regulations.
  - ~~(gf)~~ 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 not allow such enclosed space to exceed seven thousand (7,000) square feet.
  - ~~(hg)~~ 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.
  - ~~(ih)~~ 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.

(Code 1994, § 5-4-13; Ord. No. 2002-17, § 2, 11-26-2002; Ord. No. 2003-6, § 1, 6-24-2003; Ord. No. 2015-15, § 2, 2-23-2016; Ord. No. 2018-13, § 4, 8-28-2018; Ord. No. 2019-11, 6-25-2019; Ord. No. 2017-09, § 3, 8-27-2019; Ord. No. 2020-07, 8-25-2020)

**ORDINANCE 2024-05**

**AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ARTICLE 8, ADDITIONAL REGULATIONS, SECTION 5-4-12 SUBSECTIONS P THROUGH R, AND SECTION 5-4-13 OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES.**

WHEREAS, the Isle of Palms Council is empowered with the authority to make substantive amendments to the Isle of Palms Code, including amending Chapters, and now wishes to do so;

WHEREAS, the City of Isle of Palms, like most municipalities in the Lowcountry, is low-lying and vulnerable to flooding and storm damage and reducing and managing runoff from individual properties is a benefit to the community;

WHEREAS, the Isle of Palms Council now desires to amend Chapter 4, Zoning of the Isle of Palms Code of Ordinances, specifically Article 8, Sections 5-4-12 and 5-4-13.

NOW, THEREFORE, 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 Title 5, Planning and Development, Chapter 4, Zoning, Section 5-4-12, Subsections (p) through (r), be replaced entirely to read as follows:

Sec. 5-4-12. Additional regulations.

(p) Adding fill or importation of materials of any type, or re-contouring of a lot's existing contours, that increases a lot's existing ground elevation more than one (1) foot above existing road and results or may result in elevating an existing or proposed structure is strictly prohibited. Provided however, that this requirement would not limit the elevation of a lot to an elevation lower than 7.4' (using the 1988 NAVD datum).

(q) No lot shall be improved, altered, graded, or filled in a way that results in (1) additional stormwater running off the site; or (2) stormwater running off the site in an accelerated manner.

(r) Prior to any improvements, alterations, grading, or filling, a stormwater management plan shall be submitted and approved by for such lot without the Zoning Administrator's prior approval of a stormwater management plan.

(s) The stormwater management plan shall include the following:

- (1) the stamp and signature of a duly licensed and qualified professional;
- (2) all existing and proposed topographical features of the lot, existing and proposed drainage flow patterns, and runoff quantities;

- (3) and a statement by the professional certifying that the improvements are designed such that post-construction runoff will mimic preconstruction hydrology runoff for the site and the improvements will not filling or grading of the lot will not adversely impact the drainage of any adjacent properties, drainage systems or rights-of-way;
  - (4) For every square foot of new or altered impervious surfacing permitted, 0.3 cubic feet of storm.
- (t) The following site changes shall require the submittal of a stormwater management plan:
- (1) Any new building construction, new impervious surface, or replacement of impervious surfaces, which cumulatively exceed six hundred and twenty-five (625) square feet in area (all development shall be cumulative over time when considering the square footage threshold for requiring a stormwater management plan).
  - (2) Adding fill or re-contouring of twenty (20) percent or more of the existing lot area in compliance with paragraph (p) of this section.

Additional submittal materials, design specifications and maintenance schedules may be requested at the discretion of the Zoning Administrator to ensure compliance with the Charleston County Stormwater Management Program.

(u) Prior to the issuance of a Certificate of Occupancy (CO) for construction projects, the Zoning Administrator may require as-built documentation certifying that the project was completed in compliance with the approved stormwater management plan.

SECTION 2. That Title 5, Planning and Development, Chapter 4, Zoning, Section 5-4-13 be retitled to read as follows:

Section 5-4-13. Maximum lot coverage; floor area ratio requirements; stormwater detention; additional setback requirements.

SECTION 3. That Title 5, Planning and Development, Chapter 4, Zoning, Section 5-4-13, Subsection (b) be inserted as follows and all subsequent subsections be renumbered accordingly:

(b) In situations Section 5-4-12(r) requires a stormwater management plan, for every square foot of new or altered impervious surfacing permitted on a lot, 0.3 cubic feet of new stormwater detention. must be provided on the lot. The method for stormwater detention must be approved by the Zoning Administrator as part of the stormwater management plan. Detention areas must be located on the same property and above the seasonal high groundwater level. Detention can be achieved with detention vaults, rock wells, open basins, or any approved combination of methods. If materials such as rocks are used to create stormwater storage, only the voids within the system, excluding materials, will count towards meeting the required area.

SECTION 4. 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 immediately upon approval by Council.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF

PALMS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Phillip Pounds, Mayor

(Seal)

Attest:

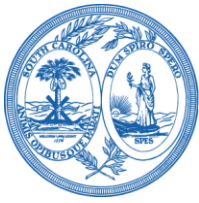
\_\_\_\_\_  
Nicole DeNeane, City Clerk

First Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Ratification: \_\_\_\_\_



## **Addendum to Employer Resolution for Participation in the State Insurance Benefits Program regarding County/Municipality Councilmember Coverage**

Complete the form below and submit via mail or email to:

S.C. PEBA

EmployerAudits@peba.sc.gov

Attn: Insurance Employer Audit

202 Arbor Lake Drive

Columbia, SC 29223

As an addendum to the resolution entered into by the \_\_\_\_\_ (Employer) for  
County/Municipality Name

Participation in the State Insurance Benefits Program, the \_\_\_\_\_ Council of  
County/Town/City

\_\_\_\_\_ (Council) hereby makes the following election regarding the eligibility of  
County/Municipality Name

elected members of the Council to participate as active employees in the State Insurance Benefits Program (Program) offered by the South Carolina Public Employee Benefit Authority (PEBA) pursuant to Section 1-11-703 et seq. of the 1976 Code of Laws:

**Select one only.**

- Members of the Council will be considered Active Employees of the Employer for the purposes of participation in the State Insurance Benefits Program (*only available if Councilmembers are paid and are eligible for participation in the South Carolina Retirement Systems*); or
- Members of the Council will **not** be considered Active Employees of the Employer for the purposes of participation in the State Insurance Benefits Program.

In making this election, the Council hereby understands, acknowledges and agrees that:

1. The election made above is a material requirement for participation in the Program established by the PEBA Board of Directors and is irrevocable during the Employer's period of participation in the Program;
2. The election made above applies only to Councilmembers' participation in the Program, and does not affect Councilmembers' participation in the South Carolina Retirement Systems;
3. If the Council has elected to decline coverage, Councilmembers will not be considered Employees of the Employer, as that term is defined in the State Health Plan, for purposes of eligibility and participation in the Program, and will not be eligible for any benefit offered under the Program as an Active Employee by virtue of membership on the Council; service on the Council will not be taken into consideration for eligibility for retiree insurance coverage under

the Program; and the Council and Employer irrevocably waive and disclaim any rights the Employer or its Councilmembers may have regarding Councilmembers' benefits from the Program as a result of their service on the Council after the date of this election; and

- 4. The election made above will not be effective until it is received in good order and approved by PEBA, and nothing in this election alters any other obligations Employer has to properly and timely administer insurance benefits under the Program for other Employees of the Employer in accordance with the requirements established by PEBA.

**IN WITNESS WHEREOF**, we have hereunto set our hands and authority at the meeting of the

\_\_\_\_\_ Council of the \_\_\_\_\_  
County/Town/City County/Municipality Name  
 County of \_\_\_\_\_, South Carolina, held at \_\_\_\_\_  
County Location  
 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .  
Day Month

### Signatures of Council Members

*A majority must sign.*

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

### Certification

I \_\_\_\_\_, \_\_\_\_\_ of the aforesaid Employer, hereby certify  
Name Title  
 that the aforesaid Council consists of \_\_\_\_\_ duly elected members, and that as stated above,  
Number  
 \_\_\_\_\_ members voted in favor of the above Addendum.  
Number

**IN WITNESS WHEREOF**, I have hereunto set my hand and the authority of the aforesaid Employer.

\_\_\_\_\_  
Signature Date Employer Group Number