



SPECIAL CITY COUNCIL MEETING -- WORKSHOP

5:00pm, Tuesday, April 9, 2024

1207 Palm Boulevard and

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

MINUTES

1. Call to order

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

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

2. Citizens' Comments

Terri Haack, speaking on behalf of the Wild Dunes Resort, said the use of “excessive sound” in the new draft of the noise ordinance is appropriate and “no sound” is not appropriate. She believes the daytime decibel level should not be lower than 75 decibels. She said they are committed to taking proactive measures to mitigate noise at the Sweetgrass Inn, including educating staff on the City’s noise ordinance and noise monitoring efforts.

David Cohen, 3504 Cameron Boulevard, spoke about the lack of reference to “compatible uses” in the ordinance when speaking about the GC2 district. He said, “When I look at the proposed changes to the noise ordinance from what came from the Planning Commission, having a nighttime difference of 15 decibels is basically 32 times louder for a commercial establishment. I don’t see how that can be interpreted as being compatible. I just don’t understand. It’s either a complete disregard of the residential nature of the island or a complete lack of understanding of the decibel limits.” He believes 75 decibels is too high of a noise limit.

3. Special Presentations -- none

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

Administrator Fragoso said tourism revenues, business licenses, and fees are “showing pretty significantly lower than budget. We anticipate those changing as we get closer to the end of the fiscal year as our busiest months are just starting from a tourism perspective, and licenses and fees, the deadline is coming up this month.”

Two vacancies exist in the Police Department and four in the Fire Department, including the three openings for paramedics.

Police Department charges are tracking the same as last month but are ahead of this same time last year. That increase is evident in the court docket which is twice what it was in March 2023.

The status of short-term rental licenses will be more clear in June after all applications have been processed. Four property owners reported they would not be renewing their licenses.

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

Administrator Fragoso pointed out the new report from PCI, the parking management company, following the Police Department report. She and Chief Cornett meet with them weekly. In March, they issued 938 warnings and 723 tickets. She said it has been a seamless transition so far.

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

A. **Livability**

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

Mayor Pounds said the Public Safety Committee is looking for feedback on the decibel limits, whether or not to keep them, or do something different with regards to noise levels. Council Member Bogosian added the Committee would like to know if noise levels should be specified by zone or by time or by some other measure.

Chief Cornett reported that Myrtle Beach plans to move away from using decibel levels as they have had no success with using those measures. Mt. Pleasant prefers the use of decibel levels because it provides concrete numbers to use in court testimony.

Council Member Campsen believes noise limits should be set by zone and that 75 decibels is too high and 45 decibels is too low. She questioned how the City could mandate the installation of noise monitoring devices in short-term rental units but not the recommendations of the Fire Chief.

Council Member Hahn does not believe decibels limits will address all issues. He said the penalties between short-term rental owners and residents are not standard. He said the short-term rental community does not want complaints and has moved towards their own means of resolving noise issues.

Both Council members Hahn and Anderson believe that Wild Dunes should be in a separate category and let their security deal with the noise issues.

Council members Campsen and Miars believe objective numbers are helpful for everyone and put everyone “on the same page.”

Council Member Ward asked how many tickets have been written for noise complaints. Chief Cornett said one ticket had been written in the latter half of 2023. He said if this ordinance passes the Police Department will request two \$500 decibel readers.

Council Member Carroll does not believe noise to be a big concern as most noise issues are resolved upon the appearance of a police officer. She believes a new ordinance may increase frustrations within the community. She would like property managers to address City Council

about their concerns before an ordinance is passed. She believes the issue can be resolved without an ordinance.

Mayor Pounds noted that while it may not be a huge issue, the Chief has asked for Council's help. He added that people are not calling the police about noise concerns because they don't want to bother the police. He said, "I would tell the Committee to take this back, fine tune the decibel limits, I'm hearing all over the place tonight, but I'm hearing mostly decibel numbers people are willing to hand over to our enforcement team to let them do what they need to do."

Mayor Pounds would like to hear from the property management companies. Administrator Fragoso said that she shared feedback from the business community with the Public Safety Committee with respect to noise concerns.

ii. Discussion of concepts for improving parking, crosswalks, pedestrian infrastructure on Palm Boulevard

Administrator Fragoso briefly reviewed the concepts provided by SCDOT. She said this will be a multi-year project. Council members expressed their preferences and concerns for the concepts. Administrator Fragoso would like to see the options narrowed down to 2-3 concepts before taking them to the community for feedback. Once there is a clear direction on a preferred concept, Council can direct funds to begin the engineering process.

B. Environmental

C. Public Services

D. Personnel

E. Other items for discussion

i. Discussion of recommendation from the Administration Committee to prohibit the placement of political signs in the public right of way

Council Member Campsen said the recommendation of the Administration Committee is to move political signage out of the public right of way and onto private property. She said this change would be more consistent and uniform with the rest of the sign ordinance. She added that Council Member Carroll suggested limiting the signage in the public rights of way to two weeks instead of 30 days prior to an election. She noted that Isle of Palms is the only local municipality that allows political signs in the public rights of way.

Council Member Ward said he is concerned that it will discourage people who are newer to the island from running and gives the advantage to incumbents.

Council members Miars and Pierce would like to follow what the other municipalities are doing.

Administrator Fragoso recommended broadening the language in subsection 20 to keep referendum signage out of the public rights of way.

ii. **Discussion of amendments and extension of the emergency ordinance allowing erosion control structures under certain circumstances**

Director Kerr said the redline draft removed the requirement for a certification statement from the engineers of a project and adds in a hold harmless agreement property owners would sign stating they would not hold the City responsible for damages. The draft also extends the emergency ordinance an additional 60 days. He said about 20 homeowners are in some stage of implementing an erosion control structure.

Council Member Hahn said he does not support this because the engineers know that any erosion control structure will damage a neighboring property.

7. **Financial Review**

A. **Financial Statements and Project Worksheets**

Director Hamilton said revenues are at 66% of the budget. She said, “We should exceed our revenue budget except for capital. The FY24 budget projected a grant revenue for Waterway Boulevard, and that has been deferred to FY25.” She said the FEMA flood mitigation project will also be deferred to FY25.

The Beach Preservation Fund received some grant income to offset some of the expenses incurred for beach renourishment. The change in the General Fund “is primarily due to the wage study and the increases that are in personnel costs.” She said building permits are still low and may not catch up to budget. She also noted that tourism funds are starting to shrink and payments for those funds are coming in slower. Interest rates have decreased slightly since last month.

She pointed to the Future Cash Needs Schedule and described what it represents.

B. **Discussion of FY25 budget draft #2**

Mayor Pounds reviewed what has changed between draft 1 and 2 of the budget including the incursion of debt for the City Hall renovations, fire truck purchases, and garbage trucks (FY26), resulting in an increase in debt service millage of 1. Administrator Frago explained the changes to the 10-year capital plan for the Recreation Department and the change to the purchase of the playground equipment as discussed in the Public Services & Facilities meeting.

Draft 2 of the FY25 budget predicts \$28.6 million in revenues and \$26.5 million in expenses. Fund balances start at \$40 million and end the year at \$43 million. Mayor Pounds shared graphs detailing the effect of financing City Hall renovations and the purchases of fire and garbage trucks on the various fund balances. He reminded Council that the Beach Preservation Ad Hoc Committee is looking at different ways to fund the Beach Preservation Fund. Any implementation of their recommendations will affect the fund and how beach renourishment is paid for in the future.

Council Member Pierce said that Council needs to consider raising taxes to keep up with the high quality services residents expect. He does not want the City relying on their savings. He recommends that the City “start looking at a regular millage increase every year that is attached

to the CPI or the CPI plus index and or other revenues.” He said the City needs to start matching revenues with its expense growth.

Mayor Pounds said, “These fund balances are not savings, in my opinion. They are revenue to the City.” He noted there are fixed revenues and a lot of variable revenues, but he believes the Isle of Palms is a very economically resilient place.

Administrator Fragoso added that the last three years of tourism funds have been an anomaly, and staff will be tracking those revenues closely. If they continue to decline, the City may need to issue a tax increase. Mayor Pounds said that while the tourism revenues are flattening, there is not a decline in tourism and the average room rate has increased. Council Member Ward pointed out that the cash balance is up \$8 million over last year.

Mayor Pounds shared a list of revenue increasing opportunities and which of those items are included into the second draft of the budget. Council Member Campsen suggested a millage increase might be better this year rather than next year when the County will be doing a property tax assessment.

Discussion ensued about the inclusion of a large-scale beach renourishment project in FY27. Administrator Fragoso said there is a lot of uncertainty around whether or not one will be needed at that time. Mayor Pounds suggested leaving the project in at \$10 million for now. Administrator Fragoso added that there is no way for the City to fund ongoing beach nourishment without implementing one or more of the ideas being vetted by the Beach Preservation Ad Hoc Committee.

Administrator Fragoso said staff will move forward on changing business license and building permit fees and continue conversations with the County regarding inhouse NPDES management.

8. **Procurement**

9. **Capital Projects Update**

Administrator Fragoso reported the drainage projects at 30th and 36th avenues are completed and the safety grades were delivered last week. The project at 41st Avenue is in progress. A two-week closure of Waterway Boulevard is anticipated. Thomas & Hutton is working on evaluating the feasibility of increasing the level of protection from 6’ to 7’ for the Waterway Boulevard multi-use path. There has been no word on the FEMA mitigation grant award yet.

Seamon & Whiteside held a technical workshop last month to identify vulnerabilities. They will be meeting with the Planning Commission and the Environmental Advisory Committee in May to discuss the Sea Level Rise Adaptation Plan.

The demolition of the public dock is complete. Pile driving begins soon and the project is anticipated completion date is June 1. Dredging is an ongoing process. ATM is holding pre-application meetings and coordinating with some of the stakeholders on that project.

Emergency beach restoration continues as needed. The application for the shoal management project has been submitted. There is a kickoff meeting with the Army Corps of Engineers on

Wednesday. They anticipate mobilizing in May. Staff has reached out to Turtle Team members about the project.

Trident Construction will come to the May workshop to talk about the options for City Hall renovation, expansion, or relocation.

10. **Legislative Report**

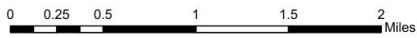
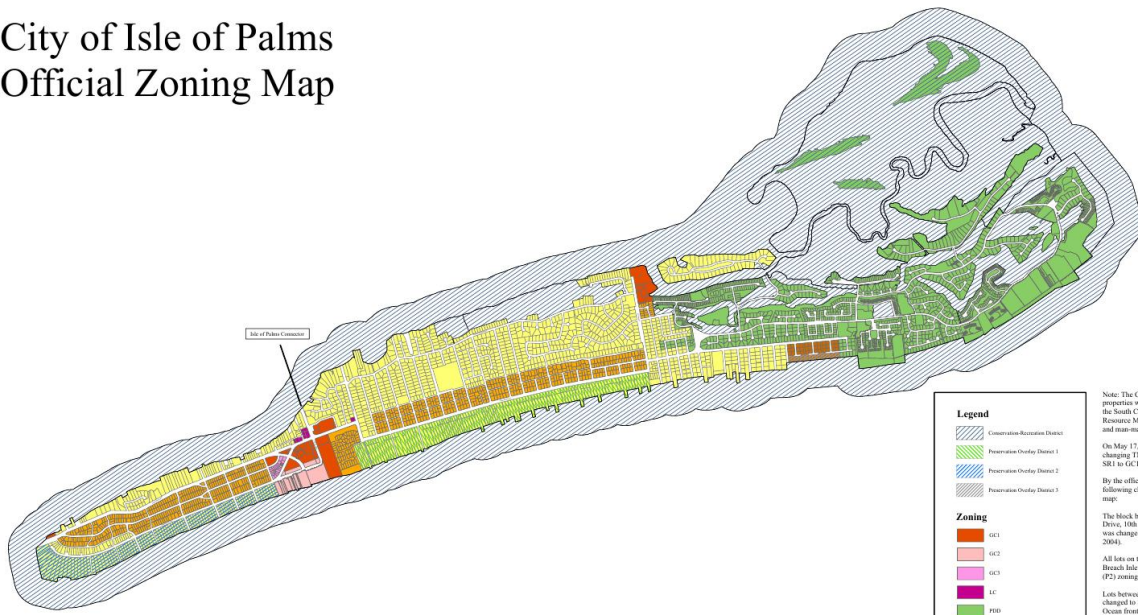
11. **Adjournment**

Council Member Ward made a motion to adjourn, and Council Member Hahn seconded the motion. The meeting adjourned at pm.7:49pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

City of Isle of Palms Official Zoning Map



Legend

- Conservation-Recreation District
- Preservation Overlay District 1
- Preservation Overlay District 2
- Preservation Overlay District 3

Zoning

- GC1
- GC2
- GC3
- 1C
- PD0
- SR1
- SR2
- SR3

Note: The Conservation (CO) District includes all properties which were designated as Critical Area by the South Carolina Office of Ocean and Coastal Resource Management and isolated pieces of natural and man-made highland.

On May 17, 2017 a clerical error was corrected by changing HRS's 506-11-06-174, 177 and 451 from SR1 to GC1.

By the official action of the City Council, the following changes were made to the official zoning map:

The block bounded by J.C. Long Boulevard, Pavilion Drive, 198b Avenue and Ocean Boulevard (block 10) was changed to GC3 zoning district (September 26, 2004).

All lots on the seaward side of Ocean Boulevard, from Branch Inlet to 106b Avenue were changed to the SR1 (P2) zoning district (December 26, 2006).

Lots between 53rd Avenue and 56b Avenue were changed to SR3 zoning district (February 23rd, 2016). Ocean front lots and pedestrian beach access paths between 53rd Avenue and 56b Avenue were changed to SR2 (P3) zoning district (February 23, 2016).

The Conservation (CO) District was changed to the Conservation-Recreation District; golf course and tennis court parcels were added to the Conservation-Recreation District (December 15, 2022).



Data Source: City of Isle of Palms
 Coordinate System: NAD 1983 State Plane South Carolina FIPS 3900
 F1 Int
 Projection: Lambert Conformal Conic
 Created May 2023

This is to certify that this is the Official Zoning Map referred to in section 5-4-3 of the Zoning Ordinance of the City of Isle of Palms, S.C. adopted pursuant to the 1994 Comprehensive Planning and Enabling Act on June 27, 2000.

Approved by: _____
 Attested by: _____

To All:

Since **April 4, 2022** we have presented a number of statements, written and verbal, which have been supported by documentation. A large part of the documentation is attached to our citizens comments, which are now public record. The statements are regarding our issues/struggles (**Nuisance/Noise/Fire Lane Blockage [see in attachment]/Misrepresentations**) with the Sweetgrass Inn, Lowe LLC ("**economic engines**") and their legal counsel. Based on our current updated due diligence, it becomes necessary to clarify some past statements, provide the supporting documentation (see attached) and diligently notify you of our findings.

1) First, we will address Mrs. Williamson's property located at 16 57th Ave. (**PIN 6041000016**).

Previously, we represented numerous times, and illustrated in council chambers, Mrs. Williamson's property was twenty-five (25) feet from the Sweetgrass Inn property. **This is in error.**

We are amending the above statement to read as follows:

Mrs. Williamson's property and the Sweetgrass Inn (**PIN 6041000418**) are adjacent to each other; sharing an east/west property/boundary line resulting in Sweetgrass being North of said property line; Williamson being located South of said line, which is illustrated in the attached **GIS document dated 3/20/2024**. There is not a separate tract or parcel separating the two subject properties identified above.

2) Secondly, addressing the Clouse's property located at 3 Grand Pavilion Dr. (**PIN 6041000338**).

Previously, we represented numerous times, and illustrated in council chambers, Clouse's property was sixty-two (62) feet from the Sweetgrass Inn's (**PIN 6041000418**) property. **This is in error.**

We are amending the above statement to read as follows:

Clouse's rear property line is located thirty-five (35) feet east of the Sweetgrass Inn's (**PIN 6041000418**) north/south property line, which is illustrated in the attached **GIS document dated 3/20/2024**. Separating the two (2) subject properties, the Villages (Starting **PIN 6041000480** in the left hand corner of the

GIS attachment. Lowe, LLC has **exclusively** managed the Village properties since its inception. Although ownership in the Villages may be diverse, with various legal entities; the reality is, Lowe's management does not function as an arms length transaction. Therefore, we contend, based on the history of Lowe LLC's management of the Villages, our lot, in reality, is directly adjacent to the Sweetgrass Inn. Predicated on the Sweetgrass's behavior, there is not a separate tract or parcel separating Clouse's property from the Sweetgrass Inn.

Any, and All, **other** citizens comments, emails, letters, pictures and documents shall survive.

Respectfully,

Al Clouse, "**a threatening neighbor**", per **Ms. Haack**

City Council Meeting 4/9/2024

From: awclouse@yahoo.com (awclouse@yahoo.com)

To: awclouse@yahoo.com; davek@wilddunesowners.org; jimanderson.253@gmail.com; a1bookworm@bellsouth.net; thaack@lowe-re.com; francisfamily1@outlook.com; lkutcher@gmail.com; phauff@gmail.com; ppounds@iop.net; spierce@iop.net; jbogosian@iop.net; jan.anderson@iop.net; jward@iop.net; bhahn@iop.net; kmiars@iop.net; acarroll@iop.net; ecampsen@iop.net; nicoled@iop.net; desireef@iop.net; dkerr@iop.net; kcornett@iop.net; coliverius@iop.net; ddcohen92@bellsouth.net; thepublicationsspecialist@gmail.com; nina.alexander-hurst@hyatt.com

Date: Monday, April 8, 2024, 10:02 AM EDT

To All:

Attached please find the latest **proposed noise ordinance**; which is city council's latest attempt to acquiesce to **commercial interests and demands** at the **expense of residents**. Specifically, **page 3 and page 4 (redlined)** tell the story. The **3/26/24 email** (see attached for your convenience) is still more than applicable.

Wild Dunes and 57th Ave properties (Map attached) are included the the **"PDD zoning district" (c.)(2)** You will quickly see this would allow **75 dBA's Max daytime; 60 dBA's nighttime, to all areas (regardless of use) within the PDD**. However, other residential areas on IOP are reduced to **65 dBA's Max daytime; 50 dBA's nighttime**.

Insanity.

Why the difference? Simple; we have certain council members who have an **aggressive agenda** for the Sweetgrass Inn to be as loud as possible. At the risk of schooling you; **70 dBA's are 10 times louder than 60 dBA's**. Ironically, two (2) council members reside in Wild Dunes: **Mrs. Jan Anderson**, 44 Seagrass Lane (**Jim Anderson's spouse** and **WDCA President**) and **Mr. Phil Pounds**, 5835 Back Bay Drive (the mayor). Please note Anderson's and Pound's residences are distant from the Sweetgrass Inn.

Collectively, Mrs. Anderson and Mr. Pounds are **"order takers"** for the Sweetgrass Inn. In past years, many council members ran on a "resident first agenda". I am not expounding residents should be first, however, we should not be last!

You may remember Mrs. Anderson chaired the **Public Safety Committee on 4/13/22** when we first presented our issues regarding the Sweetgrass Inn. When I requested to Mrs. Anderson, "what can you do for us", she responded "we will get back to you".....**never did**.

Mr. Pounds states he regularly meets with **Mrs. Haack (a WDCA board member)** and Mr. Nolan regarding **"staying aligned"**; maintaining **"the delicate balance between the resort, residents, club member, city and broader community"**. Our recent **FOIA** request validates his statement, indicating several meetings with Mrs. Haack and Mr. Nolan.

Respectfully, we are requesting for your **"Public Comment"**. Below are the detailed procedures; in person or email. We sincerely appreciate your voice, email and support.

I apologize for the short notice.

We can not allow this ordinance to pass!

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 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>

Sincerely,

Al Clouse



Proposed Noise Ordinance workshop_packet_4.9.2024.pdf
213.9kB



Trojan Horse Repeal:Replace 3:26:24.pdf
59.2kB



Zoning IOP 4:8:24.pdf
410.3kB

Repeal and Replace Section 9-2-5----A Trojan Horse!

From: awclouse@yahoo.com (awclouse@yahoo.com)

To: awclouse@yahoo.com; ppounds@iop.net; jbogosian@iop.net; jan.anderson@iop.net; jward@iop.net; spierce@iop.net; kmiars@iop.net; bhahn@iop.net; acarroll@iop.net; ecampsen@iop.net; desireef@iop.net; dkerr@iop.net; kcornett@iop.net; rforsythe@iop.net; coliverius@iop.net; nicoled@iop.net; jimanderson.253@gmail.com; francisfamily1@outlook.com; lkutcher@gmail.com; rickbradley@outlook.com; thaack@lowe-re.com; a1bookworm@bellsouth.net; davek@wilddunesowners.org; tony@taxsearchinc.com; bconnelly@convoglaw.com; prb.bell@gmail.com; sgreiman@csa.canon.com; caroliop@bellsouth.net; liliensrobert@gmail.com; george.knab@gmail.com; ddcohen92@bellsouth.net; nwiemann@comcast.net; vbkraus@aol.com; slh@aol.com; owensjb50@comcast.net; edward.fitzpatrick@faegredrinker.com; rkovalich@yahoo.com; thepublicationsspecialist@gmail.com; sdnagelski@yahoo.com; jay@fslteam.com; joanpoet137@gmail.com; liz.jlconstructiongroup@gmail.com; shortie6336@gmail.com; aguidi@partners.org; crenninger@c3controls.com; jimmy@jimmycarroll.com; kmcarthur@mcarthurlawfirm.com

Date: Tuesday, March 26, 2024, 10:36 AM EDT

To All:

We respectfully object to the above **proposed Noise Ordinance 9-2-5**. Our reasons are as follows:

The three (3) opening "**WHEAREAS**" statements are as follows:

"WHEAREAS, 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,"

The above statements are in **direct conflict** with the **body of Sec. 9-2-5**. Although they make for good window dressing, the body of Sec. 9-2-5 does not comply with EPA standards, nor does it align with the NYT's article we previously provided.

Frankly, the opening statements are resident friendly; however, the body appears to be **written by some of the special interest groups (commercial) in our community**.

Some comments:

The increase in the duration of time, starting at **7:00 AM is totally unacceptable**.

Allowing "commercial establishments" whether defined by IOP, PRD or PPD, **75 dB(A) is totally unacceptable**.

Council has not addressed the issue of "**commercial establishments**" **located adjacent to residential communities (inside or outside a PRD or PPD)**. A fundamental issue which you are avoiding.

STR's: We have a number of friends who own STR's on IOP. They are good investors who understand the rental business. Our friends are not against a strong residential focus regarding the noise ordinance. In fact, they welcome it. The people complaining are the **investors and management companies** who rent to **Hell Raisers**, do

not want to be in a situation which requires one to manage, does not want to be accountable, could care less about the residents of the community, and deposit their checks with a smile.

Secondly, members of the Rumor Mill Capital of the World, are professing and promoting the end of STR's on IOP.

"The sky is falling"!

Unfortunately, we believe some members of council are compelled to support commercial entities at the expense of the residents. Our **January 17, 2024 email** addressed a comment made by **Mrs. Anderson at the PSC meeting** dated January 16, 2024 which follows:

Mrs. Anderson, regarding **citations**; you stated you **did not want a new noise ordinance to "put anybody out of business"**. Mrs. Anderson, respectfully, our intent **is not** to "put anybody out of business". We are only interested in protecting our properties and **livability** in a residential community. We do not believe the resort is entitled to abuse us; which has evolved into Nuisance, while you, other council members and the administration have sat on their hands. It appears your mentality is "everyone gets a trophy". Facetiously, attaching a "get out of jail card" to every citation clearly eliminates what has been missing at the resort.....**Accountability**.

OUR POSITION SINCE APRIL 4, 2022

We have consistently stated we do not want our **Livability** to be determined by **decibel meters**.

We all welcome "**ambient noise**" (**wind and ocean**), we believe this is one of the main reasons **we all choose to live here**.

We have consistently requested (citizen comments in person) **twenty (20) times** "to provide us written assurances regarding enforcement of **§ 9-2-5 (b)(c) Amplified Music**.

We have consistently requested (citizen comments in person) **four (4) times** to enforce **§9-2-5 (i)(1)(2) Nuisance**.

We have requested numerous times (**lost count**) for the city to issue a **cease and desist order** to the Sweetgrass Inn (an event center) as a result of **Sweetgrass's egregious noise violations** over the **past three (3) years**.

We have provided you statistical data on March 12, 2024 regarding the Sweetgrass Inn's **noise study is a false narrative**.

Unfortunately, the **cities own statistics regarding (noise) incidents to citations at Sweetgrass**, demonstrates a **total lack of enforcement**. In **2023 forty-five (45) incidents resulted in two (2) citations; one which was not prosecuted by the police**. **What does this tell you?**

In our experiences, **lack of enforcement** is a result of **zero leadership at the top**.....that would be **Mayor Phil**.

The **inability**, to train our police force to **strongly enforce the current noise ordinance in a consistent manner** is **unacceptable**. We deserve better.

May 22, 2018 Video: Lowe LLC represented to council there would be **no outdoor music events**; they would comply with the IOP Noise Ordinance.....We provided everyone with a copy.

FINALLY, we strongly encourage council to **not pass the proposed noise ordinance**

(see attached) at first reading. We are requesting council to **ratify the current noise ordinance (see attached) and take drastic measures to enforce said ordinance.**
Where is the "will"?

Respectfully,

Al Clouse

Attachments



Proposed Noise Ordinance 3:25:24.pdf
210.1kB



IOP Noise Ordinance.pdf
104.3kB