



## **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.**