



**CITY COUNCIL MEETING**  
**6:00pm, Tuesday, May 28, 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 (via Zoom), Anderson, Ward, Miars, Pierce, Campsen, and Carroll

Absent: Mayor Pounds

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

**2. Citizen's Comments**

Al Clouse's comments are attached to these minutes.

Julie Nestler came before Council advocating for National Standards to be upheld for first responders. She recently went on a ride-along and encouraged all Council members to do the same. She would like the firefighters to be paid more and mentioned the pay structure used by the City of Charleston. She will be sending backup information to Council Members.

Terri Haack's comments are attached to these minutes.

**3. Approval of previous meetings' minutes**

- A. City Council Meeting – April 23, 2024**
- B. Special City Council Meeting – May 14, 2024**
- C. Special City Council Meeting Workshop – May 14, 2024**

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

**4. Special Presentations -- none**

**5. Old Business**

**A. Update on coyote management**

Administrator Fragoso said that coyote traps have been deployed at the 3600 and 3900 blocks of Palm Boulevard. One coyote was trapped the week of May 13. Public education efforts are ongoing.

**B. Update on shoal management project on the north end of the island**

Administrator Fragoso said the permit application for this project was submitted in early April. She said, “This project is requesting permission from the regulatory agencies for the City to harvest sand from the incoming shoal that is off of Grand Pavilion, that area along Wild Dunes, and also allow the City to harvest sand from accretional areas between 44<sup>th</sup> and 53<sup>rd</sup>. The first harvest area along the shore would be prioritized but the City is seeking permission to allow the flexibility in the event, while the permit is valid, which is five years, if conditions arise that would require us to use some of the surplus sand from that area to be permitted to do so.”

She said the City hosted a public meeting last week explaining the project. Mr. Traynum gave a presentation to about 60-70 people.

Council Member Campsen expressed concern about taking sand from one area and adding it to another. Administrator Fragoso explained there is no trucking of sand in the permit application. She said, “The priority would be using the sand from that offshore shoal that is attaching, so technically, that is new sand into the system as a priority.”

Council Member Hahn expressed concern about Mr. Traynum’s statement at the meeting about the movement of the high tide line back 50’-100’. He said that is a taking of people’s properties. Administrator Fragoso explained, “The owners own to mean high tide, and the way that this permit has been presented is that the sand from that accretional area would be harvested below that line. So it is not within private property. I think the point that Council Member Hahn is making is by harvesting sand temporarily there will be a shift in where the high tide line is.” She referenced the recording of the meeting and encouraged people to watch it on the City’s website.

Administrator Fragoso explained that OCRM will put the permit application in public comment and notify everyone in that area who could be impacted by the project. After those comments are reviewed by the regulatory agencies, they will issue a permit approval. She hopes the project is ready for construction at the end of 2024/beginning of 2025.

**C. Update on USACE beneficial use project on the south end of the island**

Administrator Fragoso said the contract and Notice to Proceed have been executed but no start date has been set. She added that the equipment that was in the ICW last month was for a private project.

**D. Update on CARTA Beach Reach Shuttle Service**

Administrator Fragoso said the CARTA Beach Reach Shuttle Service began over the weekend and will run weekends and holidays throughout the summer from 9:30am-5:30pm. This is an effort financially supported by the City of Isle of Palms and the Town of Mt. Pleasant.

**E. Update on FY25 State budget requests**

Administrator Fragoso said the City requested State funding for four budget allocations: \$1.5 million for stormwater improvements, \$2.5 million towards beach renourishment, \$250,000 for

improving emergency access at the IOP County Park, and \$1 million for improvements to beach access paths including the installation of ADA boardwalks.

The City's lobbyist said the current House version of the budget includes \$1.25 million for stormwater improvements and \$1 million for beach nourishment. The City should know the outcome of these allocations in a week or two.

**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**

Administrator Fragoso said the agreement drafted by the City's real estate attorney, restructures the shared parking lot by moving the resident-only trailer parking spaces and splitting the number of car parking spaces (20 to the restaurant, 16 to the City, and shared use of the remaining 8 spaces). The agreement goes through October 1, 2024.

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

Ayes: Campsen, Ward, Anderson, Miars, Bogosian, Carroll, Pierce

Nays: Hahn

**The motion passed 7-1.**

**B. Consideration of parking fees in the shared lot and along the new right of way parking along the marina entrance**

Administrator Fragoso said the new right of way parking along 41<sup>st</sup> Avenue can accommodate approximately 30 car parking spaces. Staff believes charging the same \$10/day fee charged by the marina operator will encourage turnover. The City's parking management company, PCI, will include this space in their parking plan. City Council can decide if they would like that change to be permanent upon the expiration of the parking MOU with the restaurant. Such a change would require a change to City Code.

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

Administrator Fragoso added that overnight parking will not be permitted in the marina lot, and PCI could use "barnacles" for "nuisance parking."

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

Administrator Fragoso suggested a review of all the parking ordinances at the end of the season with the parking management company and then bring all suggested changes to Council at one time to "clean it all up."

**C. Consideration of Charleston County CTC Program funding requests for FY25**

Administrator Fragoso said the City requesting consideration of three projects to the Charleston County CTC Program for FY25:

- 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.

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

**D. Approval of purchase of two tide valves for 27<sup>th</sup> Avenue and Driftwood Lane in the amount of \$20,186.83 [FY24 budget, Capital Projects Fund, Public Works, Drainage Contingency, \$100,000]**

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

**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 -- 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**

**MOTION: Council Member Miars made a motion to approve by title only, and Council Member Pierce seconded the motion. A vote was taken as follows:**

Ayes: Anderson, Miars, Pierce, Bogosian

Nays: Campsen, Ward, Hahn, Carroll

**The motion failed.**

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**

**MOTION: Council Member Ward made a motion to approve by title only, and Council Member Campsen seconded the motion.**

**MOTION: Council Member Campsen made a motion to suspend the rules of order to allow for discussion. Council Member Anderson seconded the motion. The motion passed unanimously.**

Council Member Anderson expressed concern that allowing property owners to raise their elevations will only cause more stormwater runoff into the streets. Director Kerr said, “I would say that there are a lot of changes happening with this ordinance and one of them, which I would consider a fairly minor change is that our existing code blanketly says you cannot elevate more than one foot above the road. Generally, that is not a problem, and it doesn’t cause issues with the development of houses or for owners. Where it does create problems is those owners that are really, where their road, their adjacent road is really, really low.” He said the change comes as a recommendation from Davis & Floyd and the Planning Commission who “did not think it was wise to force people to build at an elevation that would be below a king tide elevation.”

Council Member Miars said she also was not supportive of this change but believes it affects very few people.

Director Kerr added, “This is the first time that the City will ever require that you actually hold stormwater onto your property. That is currently not in our ordinance, so that is seen as a big improvement. The current standard just says an engineer or landscape architect just has to say this is not going to adversely impact neighbors. The new code has that language, plus it requires that it mimic or reduce stormwater quantity and direction. So, it is adding a lot more detail to what the engineers have to do when they develop these stormwater plans. Again, it is for the first time requiring people to actually hold a portion of their stormwater on their property, which I think should benefit the community.”

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

Ayes: Campsen, Ward, Bogosian, Miars, Hahn, Carroll, Pierce

Nays: Anderson

**The motion passed 7-1.**

### **C. Resolutions and Petitions**

#### **Resolution for Council participation in the State insurance benefits program**

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

9. **Executive Session – not needed**

10. **Adjournment**

Council Member Ward made a motion to adjourn, and Council Member Miars seconded the motion. The meeting was adjourned at 6:50pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk

**Remarks of Terri Haack:**

Good evening and my name is Terri Haack and I am representing the owners of Wild Dunes resort Lowe and Dart and the resort operator Hyatt.

Thank you for your continued efforts to bring forth a noise ordinance that is acceptable to all of the IOP residents, second homeowners, businesses and visitors. I recognize this has been a very lengthy process.

The noise ordinance before you today still needs some clarification.

I certainly appreciate that this ordinance would have a trial period of six months. Thank you. While we would like a 75 dB limit for the commercial properties we operate in Wild Dunes, we will be operate with the proposed 70 dB limit during this trial period.

I would also like to make it clear that the owners of Wild Dunes Resort, the operator nor myself have ever lobbied for a decibel limit over the entire PDD of the Wild Dunes community. That statement is simply false. We have long been a proponent of a decibel levels for commercial business and a separate and lower one for residential neighborhoods. At very least, the current IOP noise ordinance must be amended to allow amplified speech and music at a reasonable level.

Thank you for allowing me to speak with you this evening and thank you for your continued leadership for this beautiful community.

City Council 5/28/2024; Clouse Comments ( Meeting Presentation **No. 31** since April 13, 2022 regarding : **Noise; Noise Ordinance, Nuisance.**

My name is Al Clouse, 3 Grand Pavilion Dr. Since April 13, 2022 this is our **Thirty-first (31st)** City Council Presentation regarding **Noise; Noise Ordinance; Nuisance.** Our issues started in March 2021 when the Sweetgrass Inn commenced operations.

**Everyone has a story regarding noise.** Mrs. Anderson's story: a garage band which played two (2) consecutive weekends in close proximity to her residence. The second performance was interrupted by the IOP Police; the residential owners were fined; noise of short duration.

Mr. Hahn explained what he hears from the Citadel. What Mr. Hahn, **unintentionally**, did not reveal is the Citadel's property line is **328 feet from his property line.** In contrast, Mrs. Williamson's property is **directly adjacent** to the Sweetgrass Inn. Clouse's property is thirty-five (35) feet from the Sweetgrass Inn. Both are in **the direct line of fire.**

Not long ago, Mr. Ward commented to council, in these very chambers: **"the people on 57th Avenue need help"** regarding the noise which emanates from the Sweetgrass Inn . Respectfully Mr. Ward, they still do!!

We have provided you numerous emails and videos; the NYTimes article; our analysis of a faulty noise study conducted by the resort. Requested sound abatement.

We provided you an array of factual data ,which totally dispelled the consistent dehumanizing campaign by the Dart/Lowe enterprise, which cast aspersions on our character.

**Enforcement:** In 2023 forty-five (45) incidents at the Sweetgrass Inn resulted in two (2) citations; one which was not prosecuted by the police. So, rounding up, 3%. **Clearly, this does not reconcile with the videos we provided.**

**Officer Discretion:** Parameters need to be established.

**"c. Maximum Decibel Levels"** are not in alignment with the **"Whereases"** regarding **57th Ave and PDD property owners.**

**WDCA** voting rights perspective, **Dart/Lowe 20%**; how can we ignore the **remaining 80%**?

Furthermore, we have consistently requested **ad nauseam** the **Nuisance** verbiage in **§ 9-2-5 (i) (1)(2)** be reinstated into a proposed noise ordinance. It is not there! What is the reason?

In conclusion, we respectfully request: **no carve out in the PDD. Maximum Decibels of 60 dBA's for all.** Respectfully, **Vote No** regarding the proposed noise ordinance.