



CITY COUNCIL MEETING
6:00pm, Tuesday, March 22, 2022
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 Popson, Streetman, Miars, Ward, Anderson, Bogosian, Hahn, and Mayor Pounds

Staff Present: Administrator Fragoso, City Attorney Halversen, various department heads

2. Citizens' Comments

Ms. Patsy Hindman, 7 Barnacle Row, said there have been a lot of changes recently and little opportunity for citizen input. She is concerned about the suggested changes around voting with regards to runoff elections. She also expressed concern about the proposed changes to the committee and meeting structure. She would like for more time to be allowed for citizens to consider this change. She does not want City Council to limit citizens' opportunities to talk to the Council.

Ms. Kathy Campbell, 10 20th Avenue, expressed confusion about why the Accommodations Task Force meeting was changed from March 10 March 17 when Mr. Ray Burns could not be in attendance. She does not believe the City should give more money to the CVB until the City knows how the money is spent. She also hopes the City will not wait to hear from the Attorney General before making a decision about tourism monies. She also expressed concern about why the ATAX Committee did not meet in February or March.

3. Consent Agenda

MOTION: Council Member Streetman made a motion to the Consent Agenda. Council Member Anderson seconded the motion.

A. Approval of Previous Meeting's Minutes:

- i. Regular Meeting – 6:00pm, February 22, 2022**
- ii. Special Meeting – 4:30pm, March 3, 2022**

B. Approval of FY22 budget of proposed expenditures by the Charleston Visitor's Bureau

VOTE: A vote was taken as follows:

Ayes: Anderson, Bogosian, Miars, Popson, Streetman, Ward, Pounds

Nays: Hahn

The motion passed 7-1.

4. Reports from Standing Committees

A. Ways and Means Committee

Mayor Pounds reviewed the minutes of the March 15, 2022 meeting. He said that revenues for the City are “good” at this point in the fiscal year and that expenditures are in line with the budget. He reminded Council members of the larger projects that have been moved from FY22 and into FY23. The City currently has \$30M in cash reserves, \$17M of which is restricted.

Mayor Pounds briefly reviewed the minutes of the Special Ways & Means Committee meeting of March 16, 2022 which discussed the first draft of the FY23 budget. The second draft of the budget will be presented at the April Ways & Means Committee meeting.

MOTION: Council Member Ward made a motion to suspend the rules of order to allow for Mr. William Hamilton to speak to the City Council. Mayor Pounds seconded the motion. The motion passed unanimously.

5. Citizen’s Comments

Mr. William Hamilton and some members of the Best Friends of Lowcountry Transit presented the Key to the Sea to the City Council and thanked them for their participation and support of the Beach Shuttle last year. They would like to see the shuttle run again this year. Mayor Pounds said it would run again this summer.

6. Reports from Standing Committees

B. Public Safety Committee

Council Member Streetman reviewed the minutes March 7, 2022 meeting.

MOTION: Council Member Hahn made a motion to send a letter to SCDOT based on statute 57-5-820 that the City has not agreed to the changes to the Connector and request that the Connector be returned to its original striping until such time as an agreed upon change to the Connector can be reached. The letter, sent from the entire City Council, would include the March 1, 2021 letter from the Charleston County Deputy Administrator Eric Watson, and all neighboring municipalities’ councils, Eric Watson, and Charleston County Council would be copied. Council Member Miars seconded the motion.

Mayor Pounds said they spoke with the City’s lobbyists today in preparation for a meeting on March 29 with Secretary Hall and some state legislators at which they will continue to push SCDOT to complete the studies they have committed to.

Council Member Hahn said, “While this letter talks specifically about the Connector, the implication goes much deeper. This is about the right of our island to self-governance. It is about the right of home rule. In 1973, after consideration for over two decades, the leaders of our state

enacted a constitutional amendment to our State Constitution. Article 8 of our State Constitution clearly states that the powers of a municipality ‘shall be liberally construed in favor of the municipality and the specific mention of particular power shall not be construed as limited in any manner the general powers of such municipalities.’ The Constitution goes on to state, ‘No laws for a specific county [or municipality] shall be enacted.’ SCDOT’s actions with our Connector and our roads specifically violate not only SC statute 57-5-820, SCDOT has violated the Constitution of South Carolina. This letter is the first step in standing up for the rights of the citizens of the Isle of Palms. A line must be drawn that this elected body will stand up for and defend the Constitution. To do otherwise relegates our Constitution to nothing more than a meaningless piece of paper. If we do not demand the Constitution be followed and enforced against all that violate its rule of law, then what is to stop the Governor or our State senators from abolishing this duly elected Council and appointing their own Council to dictate their will. The attack on our island and our State Constitution by SCDOT and the State legislature cannot be overstated. Sending this letter, along with the commitment to follow through, is the first step in correcting the violation and taking of our constitutionally guaranteed rights. I urge each and every member of this Council to vote to send this letter to SCDOT and stand up for the rights of our citizens.”

Council Member Anderson said that while she respects Council Member Hahn’s opinion, she believes SCDOT is now acting in good faith. She believes they have remedied their “transgressions” through their recent actions.

Council Member Streetman said he also agrees with Council Member Hahn’s letter and comments but believes this is the wrong time to send such a letter. He would like to see the results of the next steps in the process.

Council Member Miars said, “I am hearing a lot of what sounds to me like people talking about bad timing. It sounds like we’re afraid that we’re going to get in trouble with the state and DOCT is we do this. That bothers me a lot. I feel like freedom of speech is really important, and it’s specifically important for political speech. I think we should be able to say this without being afraid that we are going to get somehow punished by the SCDOT. That just makes me want to do the letter even more.” She added that she does not feel that recent actions have rectified anything. She added, “I really hope we live in a better state than one that would punish us for writing a very thoughtful, educated, heartfelt letter. It’s not in any way, shape, or form rude, or anything like that. So I would really like for us to send this letter as written.”

Council Member Bogosian said he agrees with the comments that have been made and is disturbed by the violation of home rule, “but if we really believe that sending this letter is going to force DOT to return the Connector back to its original form as quickly as they changed it, I think it is fantasy. So the next logical step for us to push our case is a legal case, and that would be a much longer period of time to get the change that we want. Let’s try to work with them through the meeting we have scheduled on the 29th and get it changed that way as opposed to a legal course of action. That, to me, is not going, it never ends where you want it to end. So for that reason, I’m voting against it this evening but always reserve our rights to take this course later if we don’t get where we need to be.”

Council Member Miars feels the letter can be seen as “a bit of a negotiation tool” in talks with SCDOT. Council Member Hahn said the results of the study won’t lead to any changes on the Connector for two more years.

VOTE: A vote was taken as follows:

Ayes: Hahn, Miars, Ward

Nays: Anderson, Bogosian, Popson, Streetman, Pounds

The motion failed 5-3.

C. Public Works Committee

Council Member Ward reviewed the minutes of the March 2, 2022 meeting.

D. Recreation Committee

Council Member Popson reviewed the minutes of the March 7, 2022 meeting.

E. Personnel Committee

Council Member Bogosian reviewed the minutes of the March 8, 2022 meeting.

MOTION: Council Member Bogosian made a motion to appoint Jeff Forslund to the open seat on the IOP Water & Sewer Commission. Council Member Anderson seconded the motion. The motion passed unanimously.

MOTION: Council Member Bogosian made a motion to discuss and approve the Code of Conduct. Council Member Streetman seconded the motion.

MOTION: Council Member Ward made a motion to amend the Code of Conduct to include the language “and appointed members of Boards and Commissions.” Mayor Pounds seconded the motion. The motion to amend passed unanimously.

VOTE: The amended motion passed unanimously.

F. Real Property Committee

Council Member Streetman reviewed the minutes of the March 7, 2022 meeting.

5. Reports from City Officers, Boards, and Commissions

A. Board of Zoning Appeals – minutes attached

B. Planning Commission – minutes attached

C. Accommodations Tax Advisory Committee – no meeting in February

Administrator Fragoso said the next meeting of the ATAX Committee may be scheduled for April 13, 2022.

D. Environmental Advisory Committee – minutes attached

Council Member Bogosian said the Committee has made a recommendation to join Keep America Beautiful. He expects more of their work to be coming before Council in the future.

6. Reports from Special or Joint Committees

Council Member Streetman briefly reviewed the minutes of the February 24 and March 17 meetings of the Accommodations Task Force. He encouraged citizens to review those meetings on YouTube. He detailed the information the Task Force has requested to see and believes they can make their recommendations to City Council in less than the requested six months.

7. Petitions Received, Referred or Disposed of – none

8. Bills already in Possession of Council – none

9. Introduction of New Bills, Resolutions, and Proclamations

Proclamation 2022-01 to proclaim March 2022 as Red Cross Month

MOTION: Council Member Ward made a motion to approve, and Council Member Streetman seconded the motion.

Katarina Fjording accepted Proclamation 2202-01 on behalf of the Red Cross. She would like to hold blood drives in City Hall.

MOTION: Council Member Ward made a motion for the City to fly the Ukrainian flag as a display of solidarity with the Ukrainian people. Council Member Anderson seconded the motion. The motion passed unanimously.

VOTE: The vote on the motion to approve Proclamation 2202-01 was unanimous.

10. Miscellaneous Business

A. Consideration of application for surf instructions permits for 2022

i. Carolina Salt, LLC – Kyle Busey

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

B. Continued discussion of strategies to increase efficiencies of Council and governance

Mayor Pounds referred to the document in the meeting packet that detailed how a workshop agenda might look and what a monthly meeting schedule would look like without committee meetings along with some FAQs about the workshop structure. He mentioned presentations like the one recently made by Mr. Kirby Marshall would only happen once in a workshop structure as opposed to 2-3 times within a committee structure.

Council Member Streetman spoke in favor of the workshop structure, adding that 80% of the state's municipalities follow this option. He said it would be good for the entire Council to hear and discuss issues together and to leave the day-to-day running of the City to the staff.

Council Member Miars agreed with Council Member Streetman's comments. She suggested more time for public comment at Council meetings and having written public comments read at Council meetings.

Council Member Popson supports the committee structure and believes efficiencies can be found at the committee level.

Council Member Anderson believes the workshop would be a better use of Council members' time so that the same information is not heard or presented multiple times.

Council Member Bogosian said he believes too much of City Council's time is spent on the minutiae of City operations within the committee structure. He said City Council should be more focused on policy-making discussions.

Mayor Pounds said he anticipated workshops lasting 2-3 hours depending on what is on the agenda.

Council Member Ward expressed concern about amending or suspending City code to test the workshop method. He believes that sort of action should be reserved for emergencies. Mayor Pounds said he would ask City Attorney Halversen to give his opinion at a later date on "other ways allowable to make that happen without using that type of scenario." Council Member Streetman added that workshops will always be live streamed and that the other boards, commissions, and committees will remain in place.

Mayor Pounds said he will continue discussions about this idea with Administrator Fragoso and City Attorney Halversen and bring more details to the April meeting for continued discussion.

C. Next meeting – Regular Meeting, 6:00pm, Tuesday, April 26, 2022

11. Executive Session

MOTION: Mayor Pounds made a motion in accordance with §30-4-70 (a)(2) to move into Executive Session to receive legal advice related to a proposed civil settlement from Jonathan Gandolfo related to the tree cutting case. Council Member Ward seconded the motion. The motion passed unanimously.

City Council moved into Executive Session at 7:31pm.

City Council returned from Executive Session at 7:49pm. Mayor Pounds said no decisions were made.

12. Adjournment

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

Respectfully submitted,

Nicole DeNeane
City Clerk