



**CITY COUNCIL MEETING**  
**6:00pm, Tuesday, April 26, 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. Swearing-in of new employee – Fire Chief Oliverius**

City Clerk DeNeane swore in Craig Oliverius as the new Fire Chief for the City of Isle of Palms.

**MOTION: Council Member Ward made a motion to suspend the rules of order and reorder the agenda to allow for the reading of Proclamation 2022-04 before all other business. Mayor Pounds seconded the motion. The motion passed unanimously.**

**3. Miscellaneous Business**

**G. Proclamation 2022-04 – to commemorate the 50<sup>th</sup> Anniversary of the Windjammer**

Mayor Pounds read Proclamation 2022-04 recognizing Malcolm Burgis and Bobby and James Ross for their many years of work and dedication to the establishment.

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

**4. Citizens' Comments**

Mr. Stephen Traynum of Coastal Science & Engineering gave a presentation to City Council regarding the current state of the beach. His presentation and all monitoring reports can be found on the City's website. He gave an overview of beach nourishment projects from 1983-2018. He reviewed the monitoring areas and pointed out erosion "hot spots" along the island's shoreline. He said there has been more erosion in some areas than he would like to see but there have been gains south of 53<sup>rd</sup> Avenue.

The section of the report that looks at local sea level rise could be beneficial to any community resiliency projects.

He commended the City for putting money aside for beach preservation. He reported that the State is working on funding for public beaches, but the City will need to have shovel-ready projects in order to secure any of that funding. He suggested getting permits for beach renourishment now as they are good for five years. He anticipates the need for a large-scale project in 4-5 years.

Mr. Randy Bell, 22 41<sup>st</sup> Avenue, thanked the Council for their continued “passion” around the Marina. He said it has been disturbing to see the angst of Marker 116 with regards to the shared parking. He said one tenant has assumed control of the lot and it needs to be rectified. He would like to see the restaurant succeed.

Ms. Glenda Nemes, Cameron Boulevard, said she supports the comments made by Mr. Bell. She asked City Council to fill the open positions on the ATAX Committee with qualified people who will represent the needs of short-term rental owners. She added that the ATAX Committee had no input on the FY23 ATAX budget. She said the Committee has been met with obstructionism on the part of the City and they have failed to provide information after it has been requested. She expressed confusion about the formation of the Accommodations Task Force. She will be sending her full comments to the City Council.

Ms. Amy Scarella, 2801 Cameron Boulevard, expressed concern about the number of violations being committed by builders near her home. She has called the police and Director Kerr numerous times over a 10-day period and spoken to the Livability Officer. There appears to be no consequences to the builder. She would like for the statutes governing these types of behaviors to be revisited and revised. She proposed the City hire someone to supervise the builders across the island to make sure they are in compliance with City ordinances.

Ms. Kathy Campbell, 10 20<sup>th</sup> Avenue, said that the Mayor’s letter in the *Island Eye* dated April 8 is misleading. She believes the City can set up its own DMO as Folly Beach has done. She believes continuing to give the 30% funds to the CVB is an injustice. She asked that Council members vote “no” on the FY23 budget on the meeting agenda until the Accommodations Task Force has made its recommendations regarding where the 30% should be spent. She also said that eliminating the committee structure is not open and transparent. She would also like City Council to fix the parking situation at the marina to ensure free resident parking and adequate parking for the new restaurant.

Mr. Mike Campbell, 10 20<sup>th</sup> Avenue, spoke about the noise ordinance on the agenda. He believes this to be governmental overreach, adding that all other types of outdoor machinery could be targeted in the future. He said backpack leaf blowers are more efficient and keep employee costs low.

Ms. Brenda Rosenthal, 3013 Waterway Boulevard, said she believes the commercial leases at the Marina are being poorly managed. She has never paid for parking there and is not sure how that came about.

5. **Consent Agenda**

Mayor Pounds asked to remove the previous meeting's minutes from the Consent Agenda.

A. **Approval of Previous Meeting's Minutes: Regular Meeting – 6:00pm, March 22, 2022**

Mayor Pounds said that the person making the motion under item 4A needs to be corrected. He said that Council Member Hahn made the motion under Item 6B.

**MOTION: Mayor Pounds made a motion to approve the minutes as amended. Council Member Hahn seconded the motion. All members voted to approve the amended minutes excepting Council Member Pierce who abstained from voting.**

**MOTION: Council Member Streetman made a motion to approve the remainder of the Consent Agenda. Council Member Anderson seconded the motion.**

Council Member Ward asked why the Purvis Station Alerting System was not part of the renovation of the Public Safety Building. Administrator Fragoso replied it was not a building code requirement nor a deficiency. She said this need was brought to the City's attention by Chief Oliverius upon his review of the building. This addition will bring the City on par with the Town of Mt. Pleasant and the City of Charleston. She supports the expenditure.

B. **Consideration of approval of sole source purchase of Purvis Station Alerting System for Fire Station 1 & 2 in the amount not to exceed \$75,000** [FY22 Budget, Capital Projects Fund, Fire Department, Maintenance & Service Contracts, \$94,305, pg. 19, ln. 41] [Strategic Plan Priority 6, Goal a.]

C. **Discussion of recommendation from Recreation Committee that the City plan a celebration to commemorate the 75<sup>th</sup> anniversary of the City's incorporation instead of the 70<sup>th</sup> anniversary in 2023**

D. **Discussion and consideration of request for ATAX funding in the amount of \$10,000 for MUSC Hollings Cancer Center for Lowvelo Bike Ride at IOP on November 5, 2022** [FY22 Budget, State ATAX, General Government, Programs & Sponsorships, \$85,000, pgs. 31, ln 20] [Strategic Plan Priority 3, Goal e]

E. **Consideration of recommendation from the Public Works Committee to approve an amount not to exceed \$25,000 for intersection improvements on Ocean Boulevard and JC Long Boulevard to improve flow of traffic** [Strategic Plan Priority 1, Goal b] [FY22 Budget, State ATAX, Front Beach, Capital Outlay, \$70,000, pg. 33, ln. 72]

F. **Consideration of recommendation from the Public Works Committee to approve an amount not to exceed \$12,000 for pavement repairs at Palm Boulevard & 45<sup>th</sup> Avenue** [FY22 Budget, Capital Projects, Public Works, Drainage Contingency, \$100,000, pg. 21 ln. 56] [Strategic Plan Priority 5, Goal c]

G. **Consideration of recommendation from the Public Works Committee to approve an amount not to exceed \$76,000 for drainage/flooding mitigation improvements at the end of**

**25<sup>th</sup> Avenue** [Strategic Plan Priority 5, Goal c] [FY22 Budget, Capital Projects, Public Works, Drainage Contingency, \$100,000, pg. 21, ln. 56]

**VOTE: The Consent Agenda passed unanimously.**

**6. Reports from Standing Committees**

**A. Ways and Means Committee**

Mayor Pounds reviewed the minutes of April 19, 2022 Ways & Means Committee meeting. The City is on budget 75% of the way through the fiscal year. Just about all revenues are above budget. Expenses are 6% ahead of last year but inline with the budget. The City has \$30M in cash deposits and \$16.5M is restricted.

He gave a quick review of the status of the Capital Projects. Administrator Fragoso reported that the road closures for the work on the 30<sup>th</sup> and 36<sup>th</sup> avenues outfalls will be longer than originally projected. They are trying to find ways to mitigate the closure and minimize the inconvenience. However, these closures need to happen to get the work completed by the end of the year. An advisory will be sent to all the residents in the area.

Administrator Fragoso said she has also initiated conversations with the grant writer to amend the application to the State's Office of Resiliency for the 41<sup>st</sup> Avenue outfall work to include paving over the ditch to create more parking at the end of 41<sup>st</sup> Avenue.

She reported that the contract for the upgrade to the A/V equipment in Council Chambers has been signed. They anticipate installation by mid-summer. The better equipment should help with the closed captioning.

**MOTION: Council Member Anderson made a motion to approve the purchase of an F-150 truck for the Fire Department in the amount of \$52,000. Council Member Streetman seconded the motion.**

Administrator Fragoso noted the cost of the vehicle has gone up from \$44,000 since Council's original approval of the purchase back in November 2021. The difference will be made up from a line item that is under budget within the department.

**VOTE: The motion passed unanimously.**

**B. Public Safety Committee**

Council Member Anderson reviewed the minutes of the April 13, 2022 meeting.

**C. Public Works Committee**

Council Member Ward reviewed the minutes of the April 6, 2022 meeting.

**D. Recreation Committee**

Council Member Popson reviewed the minutes of the April 11, 2022 meeting.

**E. Personnel Committee**

Council Member Bogosian said there was no April meeting of the Personnel Committee. At the May meeting, they will be addressing the vacancies on the ATAX Committee and other boards. He said, "I would like to remind everyone that the ATAX Committee by statute consists of seven members with the majority being from the hospitality industry on the island, at least two members need to be from the lodging industry, of which those two are currently filled by current ATAX Committee members, two from the hospitality industry, and two at-large, of which one is currently filled with a current ATAX member, and then one representing a cultural organization on the island. So we are looking for specific members to fill those vacancies that, again, are required by statute. So we are keeping the applications open until the end of the month. Please encourage anyone that fits any of those two, again, two members from hospitality, one at-large, and one representing a cultural organization, to apply for the ATAX Committee." Applicants must be island residents. Those appointed can only serve on one board at a time.

**MOTION: Council Member Bogosian made a motion to reappoint Douglas Kerr, Norma Jean Page, and Donnie Pitts to the Employee Grievance Committee. Council Member Hahn seconded the motion. The motion passed unanimously.**

**MOTION: Council Member Bogosian made a motion to appoint Council Member Pierce, replacing Mayor Pounds, to the Personnel Committee. Council Member Streetman seconded the motion. The motion passed unanimously.**

**F. Real Property Committee**

Council Member Streetman reviewed the minutes of the April 11, 2022 meeting.

**7. Reports from City Officers, Boards, and Commissions**

**A. Board of Zoning Appeals** – minutes attached

**B. Planning Commission** – minutes attached

Director Kerr updated the Council on the work being done by the Planning Commission regarding short-term rentals on the island. He said that in addition to looking at a multitude of data about the island's short-term rentals, the Commissioners also reviewed what other communities are doing with regards to short-term rentals. He said the general consensus of the Commission has been to follow what Kiawah Island has done which "has been to divide the island into similar areas, so kind of neighborhoods that seem to have characteristics unto themselves, try to find those neighborhoods and try to establish caps within those neighborhoods that will mirror what has historically been in that neighborhood." He referred Council members to maps and data provided in the meeting packet. The Commission plans to have their recommendations to the City Council for their June meeting. Council Member Bogosian said he would like to see those recommendations come to the Council in May.

**C. Accommodations Tax Advisory Committee** – minutes attached

**D. Environmental Advisory Committee** – minutes attached

**8. Reports from Special or Joint Committees**

A. **Accommodations Taskforce** – minutes attached

**9. Petitions Received, Referred or Disposed of** – none

**10. Bills already in Possession of Council** – none

**11. Introduction of New Bills, Resolutions, and Proclamations**

A. **Ordinance 2022-01** – an ordinance to raise revenue and adopt a budget for the City of Isle of Palms, South Carolina for the fiscal year beginning July 1, 2022 and ending June 30, 2023.

**MOTION: Mayor Pounds made a motion to approve and discuss Ordinance 2022-01. Council Member Streetman seconded the motion.**

Mayor Pounds said, “Our revenue number is about \$22.5M for our fiscal 23 budget, and our expenses are just under \$24M, so we will be taking from reserves, if you will, about \$1.5M for the fiscal 23 year. We are going to start FY23 with about \$30M in or just under \$31M actually in fund balances. We are projected to end FY23 with about \$29.3M in fund balances. So again, pretty healthy from a fund balance standpoint.”

Mayor Pounds reviewed the larger expenses in the budget, nothing that there will be no millage increase this year. The City’s tax millage is 0.0233, which is the lowest among Folly Beach, Sullivan’s Island, and Mt. Pleasant.

Council Member Ward asked if the Council needed to be concerned about any regulatory issues with passing a budget without ATAX approval of the ATAX budget. Mayor Pounds said, “Just for clarity, in that particular line item of our budget against 30% of our projected State ATAX revenues, that particular line item we have worded and will approve in such a way that if our Task Force changes paths this year we will continue to use the DMO or if we are setting up a new DMO. It is giving us the ultimate flexibility to not have to amend our budget during the year or change anything in our budget. It will give us the flexibility to through the year whenever our Task Force comes back with a recommendation.”

Administrator Fragoso added, “There are essentially two items that the ATAX Committee is responsible for. One is making a recommendation on the 65% State ATAX fund, which is included in the FY23 budget. The Committee did review that, and actually rejected that budget that the City presented that you all have approved and worked on. They have already acted on that. Ultimately, it is your decision whether or not to pass the 65%. Their role regarding the 30%, we’ve verified again with TERC, and they are not required or responsible for making a recommendation to Council on the 30% budget from the CVB. Their responsibility, based on new guidelines, is to review. If the Committee now has a quorum and is able to meet, they can certainly review the budget for the 30%, but they are not required or responsible for making a recommendation to you all on that expenditure.”

**VOTE: The motion passed unanimously.**

**B. Ordinance 2022-02 – an ordinance to temporarily suspend all regular meeting of standing committees and replace with workshop meetings from July 1, 2022 until December 31, 2022**

**MOTION: Mayor Pounds made a motion to approve and discuss. Council Member Streetman seconded the motion.**

Mayor Pounds said, “The recommendation from the City Attorney was to put forth an ordinance change to suspend the current committee structure, Item C, which kind of goes hand-in-hand with this is the resolution to put the structure in place for the workshop along with a proposed agenda that you have seen before. The main item that we’ve added to the agenda based on your feedback and others is adding a citizen comment section to the workshop, which is always open to the public. Not closed doors, live streamed, minutes. Anybody can put any agenda item you want on that meeting or a Council meeting.”

Council Member Hahn verified that should the Council do nothing after this trial period the committee meeting structure would be in place. Mayor Pounds said he anticipates the workshops lasting 2-3 hours. The staff is currently working on a dashboard. The concept will continue to be refined, and it is anticipated that they will gain efficiencies in workflow. Special meetings, other boards, commissions and taskforces will exist as they already do. Administrator Fragoso said the meeting will be advertised as a Special Meeting/Workshop.

Council Member Streetman spoke in favor of the workshop structure as it will keep all Council members on the same page. Council Member Anderson said she believes it will focus Council on being more policy oriented.

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

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

Nays: Popson, Ward

**The motion passed 6-2.**

**C. Resolution 2022-05 – a resolution to temporarily adopt additional rules of order and procedure for conducting workshop meetings in order to increase expediency for transaction of the City’s business**

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

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

Nays: Popson, Ward

**The motion passed 6-2.**

**D. Resolution 2202-06 – Safety Resolution**

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

**E. Proclamation 2022-02 – National Safe Boating Week**

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

**F. Proclamation 2022-03 – Peace Officer Memorial Day**

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

Flags will fly at half-staff on May 15 in recognition of Peace Officer Memorial Day.

**11. Miscellaneous Business**

**A. Discussion of open letter from Council Member Hahn to Council and the importance of Home Rule**

Council Member Hahn said, “My open letter and memorandum discussing the constitutionally guaranteed right of Home Rule is attached to the agenda. I cannot stress strongly enough the importance of this issue. The right of this body to govern this municipality has been guaranteed by our constitution through an amendment to the State Constitution in 1973. It took 20 years for that amendment to come about, and it was done to protect our way of government from being eroded by power-hungry politicians. Please read the materials provided to you. Ask questions so that you fully understand the importance of the constitution and the rule of law. What our legislature has done is not a question of interpreting legal jargon or parsing the meaning of words. Statute 57-5-845 is a clear, open and direct violation of constitution and the rule of law. This is not about parking; this is about the right of this duly-elected body to represent and govern this municipality. I have attended two separate meetings this week and was told in both meetings that our State legislators simply do not care about our constitution and the rule of law. That when out of the spotlight, our legislators laugh at the notion of upholding the constitution. They quite honestly believe they are above the constitution and the law. I am here to tell anyone that will listen that I am not above the constitution or the rule of law. I swore an oath, as did each one of us, to uphold the constitution, and I take that oath seriously. Each one of our state legislators as well as our governor took that same oath. They have chosen to turn their back on our constitution and the rule of law to pander to a small group of voters. I believe this council is better than that. I believe that this island is better than that. I urge this Council, even if we do it alone, to demand that our state legislators recognize, restore, and comply with the constitution and the rule of law in our state. To turn our backs on our way of government will change our democracy and way of life for generations to come. Again, I believe we are better than that. I urge this Council to take decisive action against all attempts by any group or individual to circumvent the constitution and rule of law that we are each sworn to uphold.”

Council Member Miars thanked Council Member Hahn for the information he provided. She said that she also heard the same comments about state legislators’ lack of respect for the constitution.



Council Member Streetman said he believes that S40 does violate the constitution since it treats four municipalities differently than the rest of the state. He said perhaps “some stronger action” does need to be taken in response.

Council Member Hahn asked if there was interest in the formation of a small task force of City Council members to look into the matter further and provide suggestions on where City Council could go from here.

Council Member Bogosian said that if the state has violated the constitution, the only recourse is a lawsuit against the State. He would like to hear from a third-party attorney, an expert in constitutional law, discuss a course of action for a legal case against the State.

**MOTION: Council Member Bogosian made a motion for the staff to engage expert attorneys in constitutional law to have them provide a memo detailing the issue and what options the City has regarding a possible lawsuit against the State. Council Member Hahn seconded the motion.**

Council Member Anderson suggested that maybe a class action lawsuit with the other municipalities targeted by S40 could be an option.

**VOTE: The motion passed unanimously.**

**B. Discussion of including regulations regarding the use of leaf blowers in the noise ordinance revisions**

Mayor Pounds said that Sullivan’s Island received a lot of resistance from the landscaping community about a similar ordinance.

Council Member Hahn said that Mt. Pleasant recently enacted a 55-decible level noise ordinance. He said something that he liked about the sample ordinance in the packet was that municipality put money aside to help mitigate the landscapers’ costs in replacing the gas-powered blowers.

Council Member Streetman said this proposal “does not work” for him. Council Member Bogosian said singling out leaf blowers could eventually lead to including other types of noisy equipment. Council Member Popson also said he did not agree with the proposal.

Council Member Anderson said it would not be a good idea to single out leaf blowers and believes this issue should be covered by the noise ordinance update. The issue will be taken up further by the Public Safety Committee.

**C. Legislative Update**

Mayor Pounds referred to the monthly report provided by the City’s lobbyist in the meeting packet. He mentioned a few bills that might have been pertinent to the island, but none of them made it out of committee. Council Member Ward said he believes this money is money well spent since they now have someone in Columbia reporting on things they need to know about.

Mayor Pounds agreed that the monies spent on the lobbyist and grant writer have been monies well spent on behalf of the taxpayers.

Mayor Pounds said that he and Council Member Pierce spoke about adding an effort to seek state funding “for initiatives to enhance the visitor experience and other initiatives.” Council Member Pierce said that 7% of FY23 is from grants. He would like to see the City more plugged into the State’s budgeting process “when the money seems to be flowing quite freely over the next couple of years.” He said it is important to get the City’s requests out to be considered for funding.

**D. Discussion of enforcement of existing lease terms regarding overnight/long term parking**

Mayor Pounds said, “The City has made known, based on feedback and conversations, has made known its stance to not allow overnight or long-term parking in the shared lot and that for the City to hang onto those 16 resident spots that we spent a fair amount of time talking about at Ways & Means last week. So once that was made known to the two marina tenants that really took the City out of that particular memorandum of understanding. So that MOU, memorandum of understanding has been executed by the two marina tenants. The City has its 16 spots. Just by way of a quick reminder. Around the restaurant, there will be 45-50 spots that will be free parking for restaurant use. There are about 14 golf cart spots along 41<sup>st</sup> right at the entrance to the marina. I think we will continue to chip away at this thing and have a lot more conversation around that.”

**E. Discussion of review of marina parking management and potential replacement**

This item will be discussed in Executive Session.

**F. Next meeting – Regular Meeting, 6:00pm, Tuesday, May 24, 2022**

**12. Executive Session**

**MOTION: Council Member Ward made a motion in accordance with §30-4-70 (a)(2) for the discussion incident to proposed contractual arrangements related to the marina, and in accordance with §30-4-70 (a)(2) for the receipt of legal advice concerning potential claims related to the enforcement of existing lease terms and parking management at the marina, and in accordance with §30-4-70 (a)(2) for the receipt of legal advice concerning a proposed civil settlement from Jonathan Gandolfo related to the tree cutting case. Council Member Anderson seconded the motion. The motion passed unanimously.**

City Council moved into Executive Session at 8:15pm.

City Council returned from Executive Session at 9:17pm. Mayor Pounds said no decisions were made.

Mayor Pounds stated, “We have received a letter requesting approval of assignment of the existing leases held by Marina Joint Ventures, Inc. and Marina Outpost, LLC with the City of Isle of Palms to Morgan Creek, LLC, which is the same ownership group that owns both

Bohicket Marina and Sea Breeze Marina. Any assignment of those leases would require the City's prior consent. Since we have just learned of this and received this request, we will start a due diligence process immediately with a new potential signing."

**MOTION: Council Member Hahn made a motion to grant the City Administrator authority to settle the Gandolfo matter for the amount discussed in Executive Session and rejecting the current proposal. Council Member Miars seconded the motion. The motion passed unanimously.**

**13. Adjournment**

Council Member Ward made a motion to adjourn, and Council Member Hahn seconded the motion. The meeting was adjourned at 9:19pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk