



City Council

6:00 p.m., Tuesday, October 25, 2022

Council Chambers

1207 Palm Boulevard

Isle of Palms, South Carolina

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>

Agenda

1. **Introduction of meeting** and acknowledgement that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.
 - a. Invocation
 - b. Pledge of Allegiance
 - c. Roll Call
2. **Citizen's Comments** – All comments will have a time limit of three (3) minutes.
3. **Special Presentations**
 - a. Consideration of Signal 30 Award to Harold Hirshmann for saving neighbors life
 - b. Presentation of Short-Term Rental Listening Sessions Report – Rick Bradley
4. **Approval of previous meetings' minutes**
 - a. City Council Regular Meeting – September 27, 2022
 - b. Special Council Meeting – October 11, 2022
 - c. City Council Workshop – October 11, 2022
 - d. Special Personnel Committee – October 18, 2022
 - e. Public Hearing - October 18, 2022
 - f. Special Council Meeting – October 18, 2022
 - g. Special Real Property Committee – October 20, 2022
5. **Old Business**
 - a. Update on efforts to install an elevator in the new marina restaurant
 - b. Discussion and consideration of proposed changes to the noise ordinance
 - c. Update on Request for Proposals for City Attorney and Assistant City Attorney
 - d. Consideration of purchase of used Vac Trailer Truck for storm water maintenance
6. **New Business**
 - a. Consideration of award of a contract to Bury's Footers for an amount of \$39,405 to construct a new enclosure for the dumpsters at front beach
 - b. Discussion of recommendation from the Real Property Committee for parking layout Option C for the Intracoastal side of the marina to eliminate shared parking area and establish City parking and greenspace area and consolidate/expand Islander 71's exclusive parking lot. Additionally, to request



Matt Cline to develop another alternative to review that increases boat trailer parking in what would be the city parking lot

- c. Discussion of recommendation from the Real Property Committee to approve proposed amendment from Islander 71 to have exclusive rights to obtain a liquor license for the service of on-premises liquor, spirits, or mixed drinks
- d. Discussion and consideration of proposals for bulkhead repairs
- e. Discussion and consideration of Public Relations and Tourism Coordinator job description to cost share with the Charleston Area Visitors Bureau
- f. Discussion of implementing a cost-of-living adjustment for City staff
- g. Discussion and consideration of recommendation from the Personnel Committee for Council to rescind Resolution 2022-08
- h. Discussion of Recreation Center visioning

7. Boards and Commissions Report

- a. Board of Zoning Appeals – minutes attached
- b. Planning Commission – minutes attached
- c. Accommodations Tax Advisory Committee – minutes attached
- d. Environmental Advisory Committee – meeting October 27, 2022

8. Ordinances, Resolutions and Petitions

- a. **Second Reading** – None
- b. **First Reading** – None
- c. **Resolutions and Petitions**
 - i. Resolution 2022-10 – A resolution authorizing the consumption of beer and wine, amplified music and street closures at the Lowvelo Bike Ride on November 5, 2022.
 - ii. Resolution 2022-11 – A resolution authorizing the consumption of beer and wine, amplified music and street closures at the Holiday Street Festival on December 3, 2022.
 - iii. A proclamation declaring November 17, 2022 as World Pancreatic Cancer Day.

9. Executive Session

- a. Executive Session pursuant to S.C. Code §30-4-70(a)(2) to receive legal advice related to potential claims concerning alterations to Isle of Palms zoning districts.
- b. Executive Session pursuant to S.C. Code §30-4-70(a)(2) to receive legal advice related to the constitutionality of S-40 and the re-stripping of the IOP Connector and potential claims.
- c. Executive Session pursuant to S.C. Code §30-4-70 (a)(1) to discuss personnel matters related to the Leola Hanbury “Employee of the Year” Award

Council may take action on matters discussed in Executive Session upon returning from Executive Session.

10. Adjournment

Short Term Rental Listening Sessions Summary Report

Prepared for:
Isle of Palms City Council
October 25, 2022

Prepared by:
Rick Bradley



STR Listening Sessions



Date	Attendance
Sept. 14	67
Sept. 21	32
Sept. 28	41
TOTAL	140

Five Questions

1. What livability issues have you personally experienced, if any, with short term rental properties?
2. If Council should decide to maintain the status quo (no caps on short term rentals) & make no changes, what do you consider to be the pros & cons?
3. If Council should decide to implement caps on short term rentals what do you consider to be the pros & cons?
4. What is your recommendation on what action(s) Council should take?
5. What's the ONE most important message for Council that surfaced at your table?

Q1: Livability issues experienced with STRs

- Noise
- Trash
- Traffic/parking/congestion
- Over occupancy restrictions
- Lack of enforcement
- Parties
- Late nights
- Foul language
- Safety concerns/unsafe behavior
- Guests not informed on, not adhering to rules
- More golf cart & bike activity
- Underage drivers
- Lack of owner/property manager accountability

Q1: Livability issues experienced with STRs



Q2: Maintain status quo – pros & cons?

PROs

- Preserves property rights
- Source of tax revenue
- Preserves property values
- Keeps property taxes low
- Supports local businesses
- Flexibility of future property use
- City doesn't pick winners/losers

Q2: Maintain status quo – pros & cons?

PROs

WordCloud Generator
By MonkeyLearn



Q2: Maintain status quo – pros & cons?

CONs

- Livability issues continue/escalate (traffic, noise, etc.)
- Higher taxes
- Home values decline
- Impact on residential neighborhoods & sense of community
- Regulations inconsistently enforced
- Regulations inconsistently enforce
- Potential for more investor-owned properties
- Voting residents could decline – less voice in government
- More absentee landlord – accountability

Q2: Maintain status quo – pros & cons?

CONs

WordCloud Generator
By MonkeyLearn



Q2: Maintain status quo – pros & cons?

A few verbatim comments...

- They spend money
- Life continues normally and a market driven economy
- Utilize your property as you see fit
- Less drama/politics/uproar
- We maintain the current property rights that existed when we purchased

But...

- Could explode if surrounding communities have ↑ restrictions
- Rules on books not being enforced!
- Everything on Question 1 list may get worse – traffic, trash, congestion, etc.

Q3: Implement caps on STRs – pros & cons?

PROs

- Maintains residential character, sense of community
- Protects quality of life
- Supports knowing the neighbors
- Rentals limited
- Keeps current balance of full-time to rentals
- None

Q3: Implement caps on STRs – pros & cons?

PROs

WordCloud Generator
By MonkeyLearn



Q3: Implement caps on STRs – pros & cons?

CONs

- Infringes on property rights
- Lost tax revenues
- Loss of property value
- Loss of flexibility
- Caps unfair, not equitable... City picks winners/losers
- Decreased ability to sell non-rental property
- Doesn't solve livability issues
- Enforce existing regulations
- Negative impact to local businesses
- Loss of generational homes
- No zones, no caps

Q3: Implement caps on STRs – pros & cons?

CONs

WordCloud Generator
By MonkeyLearn



Q3: Implement caps on STRs – pros & cons?

A few verbatim comments...

- Encourages homeowners to build larger homes to get more revenue
- Secondary owners – wouldn't get to vote on the cap and won't have a say
- Enforcement of ordinances (occupancy numbers) a problem
- Open us up to lawsuits
- Creates 'exclusivity' in some neighborhoods
- Exempt areas (zones) are unfair
- Potential buyer base reduced, i.e., full time owner can't sell to owner who wants to rent
- May drive underground rentals
- Will stifle opportunity & growth of IOP

Q4: Recommendations on actions Council should take?

- Enforce the current STR rules & regulations
- Don't restrict my property rights, no caps
- Increase enforcement staff
- Focus on livability
- Enforce penalties for violations
- Tighten STR regulations e.g., no 1-3 day rentals, occupancy levels, licenses, stronger penalties, etc.
- Island-wide cap preferable over zones

Q4: Recommendations on actions Council should take?



Q4: Recommendations on actions Council should take?

A few verbatim comments...

- Enforce Educate
- Enforce current rules
- Increase enforcement of problem areas and accountability (property mgr. + owners)
- No Caps! Status quo please
- Yes to cap but we don't have the data to recommend how much
- No zones – it would be gerrymandering
- If I have a license, I want to be able to keep it regardless of if I rent it forever
- Cap the number of licenses that investment companies can have
- Too much time spent on STR changes

Q5: Most important message for Council?

- Start with enforcement of current STR rules & regulations, strengthen where needed
- Focus on quality of life & livability
- Protect property rights
- No strong support for caps/zones
- Bigger issues to tackle

Q5: Most important message for Council?



WordCloud Generator
By MonkeyLearn

Q5: Most important message for Council?

A few verbatim comments...

- We want any policy put into place, to apply to all properties equally
- Maintain residential character of neighborhoods
- Err on side of residents while realizing our income comes from rentals
- Do nothing and check back in 30 years!
- All agree that property rights & community livability are important, but divided on how to prioritize
- We are divided:
 - Polar opposite views
 - 0 STRs
 - 100% STRs would be OK
 - And somewhere in between

IOP Short Term Rental Listening Session Flipcharts

Sorted by Question

Question 1: What livability issues have you personally experienced, if any, with short term rental properties?

Responses

S1 T1 Q1

- Lights on overnight (turtles)
- Noise
- Over occupancy restrictions (the house)
- Over vehicle restrictions
- Tents and chairs left all week (beach + home)
- Trash left behind

S1 T2 Q1

- Garbage - all over, beach, streets
w/in WD ↑ litter
- Traffic
 - Congestion
 - parking-uncontrolled #, lack
- Inconsistent adherence to "rules" (#of cars, occupancy #s)
- Role of property mgr. – grey at best on enforcement
- Accountability to property mgrs./Owners – Do property mgr. exp. rules to renters
- Proper use of beach – no garbage, filling in holes

S1 T3 Q1

- Noise
- Trash
- Traffic
- Safety
- Late nights
- Parties
- Young groups boisterous - language
- Businesses in zoned residential
- Actual less busy w/ part time year round neighbors
- City needs more enforcement

S1 T4 Q1

- Renter parking (WD)
- Carts w/ house
- Community pool @ night

S1 T5 Q1

- Occasional noise after 11:00 pm

S1 T6 Q1

- Safety: home was entered as rental
- Noise / light pollution at night.
- Traffic – congestion.
- Illegal parking – (no access for trash/emergency/delivery
- Trash handling (qty)

S1 T7 Q1

- Noise at night after 11:00
- Unsafe behavior (persons in pool, on deck. Walking outside or on roof)
- Who is in charge of enforcing the ordinances & what is the response time

S1 T8 Q1

- Enforcement of current ordinances, i.e., parking + noise
- ↑ trends of more permanent families living on the island

S1 T9 Q1

- Naked girls & guys outside our windows
- Noise
 - Uber "drop-offs at late night"
 - Loud music
 - Corn hole @ 4:00 am
- Pools noise- all day; night
- Themes of bachelor/bachelorette parties
- Trash/litter (confetti parties)
- Excessive trash
- Obscene language
- How to deal with confrontational Issues as a resident when not respected by rental person or accept feedback
- Parking - more cars than rooms in house
Parking illegally on the street
- Cars & golf carts driving through adjacent lots

S1 T10 Q1

- Noise in large 10 bedroom on Ocean Blvd
- Lack of enforcing livability rules

S1 T11 Q1

- It's crowded in the summer
- Rental all around the is property, and have had no issues over 18 months
- In regards to short -term rentals we would like enforcement of current ordinance / policy (i.e., noise It guests)

S1 T12 Q1

- Neighbors have changed+ STR
- Noise after hours
- Traffic
- Need for better enforcement

S2 T1 Q1

- Giant (30+ people) out of control late (2AM) night party in neighborhood
- Congestion (traffic, noise)
- Unable to use neighborhood pool (too full)
- Trash overflowing
- Lack of Privacy
- Parking where not authorized
- More renters than allowed by occupancy limit
- Rented house better than constantly vacant house
- Infrastructure limitations (sewage)
- Lack of Enforcement

S2 T2 Q1

- 5th Ave – police been good! respond quickly – no complaints
- Noise – radio on back decks, talking loud late, parking, too many cars
- Trash cans /recycle- too long, no warnings
- Positive experience
 - Empty house in winter
 - Bad neighbor for a week, not year round
- Police has improved
- Traffic

S2 T3 Q1

- Renters not told or not respecting "rules"
 - Parking
 - Garbage pickup
 - Recycling
- Increased noise
- More golf cart & bike activity
 - Speeding
 - Following rules
 - Underage drivers

S2 T4 Q1

- Gas powered lawn blower - Landscape Co.
- 3 Short term Props - all fine but 1 guest are 12 in #
- Too many – Noisy = Rental Property Owner is not responsibly managing their guests
- No sign for her to call
- Oceanside many renters – No issues – great guests
- Consensus of Group – If there was resource for getting through to the property owner
- Wild Dunes – No issues w/ short term rentals
- Feel that Cap is an extreme solution
- 8 People – 7 of 8 Do not want zone caps
- The 6th person - thinks cap on # of people in the rental property
- Caps will force people to illegally rent
- City will lose revenue

S2 T5 Q1

- Noise
- Parking
- "Trespassing"/Shortcuts
- Don't know who is next door (creepy dudes)
- Trash (overflowing)
- Enough participants for kid's sports

S2 T6 Q1

- Parties/Loud Noise
- Traffic
- Cars Parking
- Issues depends on Property Management
 - with good/consistent property mgt. these issues can be minimized
- Guest not adhering to neighborhood rules
- No issues were so big that I needed to sell my house or move
- Increased trash when they leave

S2 T7 Q1

- Compliance with(?) rules in areas with(?) HOA
- Noise
- Parties - above occupancy
- Need owner accountability
 - Who holds them accountable

S3 T1 Q1

- Traffic/Accidents
- Enforcement
 - Noise – Livability no responding
 - Renting with no license
- Over occupancy
 - Based on # bedrooms, should be only sq footage
 - No inspections, how enforcing?
- Parking - Car limits less than currently allowed
- Under age golf cart drivers

S3 T2 Q1

- Minor issues only
- Late night pool parties (noise)
- Not obeying rules (dogs, trash, parking, golf carts)
- No enforcement of rule enforcement
- Irresponsible property owners

S3 T3 Q1

- Recreational equipment left out during rental
 - Bad for grass
 - Eyesore
- Guests parking in grass
 - 99% good experience
 - After rental ends trashcans not taken in
 - Noise late at large property
 - Laws + ordinances not enforced
- cars, people/ renters up late with loud noises, they don't sleep b/c they are on vacation, while we sleep & get up early to go to work
- They dump without respect for the community b/c they are paying a lot of money to be on vacation.

S3 T4 Q1

- No local management for Airbnb
- Noise
- Overcrowding
- Garbage
- Late Nights
- Parking
- Parties
- Golf cart use
- Fraternities, Bachelor/Bachelorette
- STRs tend to destroy community
- Hotels incompatible with single family homes
- Week okay, 2-3 days → parties (strangers)
- Property damage to neighbor's lawns
- Wild Dunes - different guidelines?

S3 T5 Q1

- Noise
- Unfamiliarity of neighbors
- Traffic - speed, traffic pattern - amt. of traffic (day trippers + STR)

S3 T6 Q1

- Vicious dogs allowed
- Owner / managers seem to more closely monitor
- Someone available to monitor quickly if issue
- Noise ordinance not followed
- Safety/party house
- Golf cart laws not followed
- Trash

S3 T7 Q1

- Loud talking
- Music
- Lots are small - noise is inevitable (dogs, etc.)
 - echo effect
 - hot tub pump (could be not to code – but disturbance)
- Trash cans overflowing. Sometimes onto neighbors

S3 T8 Q1

- Noise – dogs, pool, spas
- Foul Language
- Lack of ordinance enforcement
- Parking
 - private property
 - city roads/easements
- Trash

Question 2: If Council should decide to maintain the status quo (no caps on short term rentals) & make no changes, what do you consider to be the pros & cons?

Responses

PROS

S1 T1 Q2

- Free Market
- Fewer Legal Issues
- Increased ATAX \$\$

S1 T2 Q2

- Tax revenue
- ↑ Short term rental
- ↑ Rev. for Island & small businesses
- Maintain freedom to choose
 - Property right & usage
- Maintain income for owners
- Flexibility for owner who may want to rent in the future
- Home value

S1 T3 Q2

- Taxes/infrastructure funding

S1 T4 Q2

- No raising of taxes! STR budget = 30%
- IOP – developed as a recreation town
- Residents w/ STR will not lose income
- Current zone = acceptable

S1 T5 Q2

- Tax advantage for IOP (1/3 revenue) keeps taxes for residents lower
- Provides away for people to purchase a home that they can eventually move into as a full time resident
- Increases property values for all!
- It is better to have people at a property rather than left empty
- STR add significantly to local business and their revenue
Without summer increase in business, many will leave
- Broadens the community with people from elsewhere (family enrichment)
- Gives families the opportunity to enjoy and the island

S1 T6 Q2

- Revenue stays high
- Property taxes stay lower
- Property values stay higher.
- Investor (?????) purchases have no stake in the community.
- Families (fewer)
- No recourse for current incidents
- Does law enforcement have the correct authority?

S1 T7 Q2

- Increase revenue from tax / business license
- Expose more people to benefits on IOP
- They spend money

S1 T8 Q2

- Maintain balance of STR/full time residents & 2nd home investment
- Maintain current income revenue
- Preserve homeowners property rights
- Flexibility of future property use
- Preserve property values

S1 T9 Q2

- Easier house sales
- More value
- Tax dollars for community

S1 T11 Q2

- Life continues normally and a market driven economy
- W/ status quo we all remain under the same policy
- We maintain the current property rights that existed when we purchased

S1 T12 Q2

- Property rights!
- Lower taxes \$

S2 T1 Q2

- More City Revenue
- Property Value Increases
- Maintain Property, Rights

S2 T2 Q2

- Local business maintains
- Increase property value
- Flexibility with lifestyle
- Don't need to repeal caps
- Property tax down
- Less enforcement need from city

S2 T3 Q2

- No more additional government regulations
- Freedom
 - Maintain property rights
 - Equitable property rights (rental cap)
- Potential for increased revenue

S2 T4 Q2

- Unfair to allow caps - so owners ??? licenses – Consensus w/ all 8
- Traffic issues day people not renters
- The one person w/ bad neighbor that rents

S2 T4 Q2

- Freedom of Property Rights
- More Income to Island
- World class marina
- Trash
- More Fair

S2 T5 Q2

- Property rights respected
- Property values remain consistent
- Property taxes won't change
- Less drama/politics/uproar

S2 T6 Q2

- Maintain property value
- Maintain property rights

S2 T7 Q2

- Options to rent in future
- Utilize your property as you see fit
- 33% of revenue for city
- Income from real estate tax - 6% vs. 4%

S3 T1 Q2

- Not picking - winners/losers
- Would not impact Revenue Base

S3 T2 Q2

- Fair for everyone
- Property values
- Lower taxes
- Tax money from short term
- Don't put more resources toward this issue – bigger issues to tackle.
- Rights for property owners to rent in future

S3 T3 Q2

- Revenue for city (33% current) increased with more tourists
- Positively impact property values
- STR/visitor revenue to island-based businesses (restaurants, etc.)

S3 T4 Q2

- Property values
- Fairer (no zones)
- Tax base grows

S3 T5 Q2

- Personal right to rent or not
- Sale of an owner-occupied property could garner more if property can convert to rental.

S3 T6 Q2

- Property rights
- Property values
- ATAX
- City income ↑
- Local economy is boosted
- Property is well-kept

S3 T7 Q2

- Fairness (bought house expecting to rent – if capped could impact value for sale) unconditional transfer of ability to rent
- Diversity of lifestyles on IOP of owners and now they use and rent their house
- Facilitate retirement income to allow IOP residents to remain

S3 T8 Q2

- Pre- Retirees can rent
- Owners can pay property expenses
- More revenue for city – ATAX & hospitality tax?
- Inheritance (parents) for Children
- Home value ↑ sale

CONS

S1 T1 Q2

- Could explode rental units if surrounding communities have ↑ restrictions

S1 T2 Q2

- ↓ Long term residents
- ↑ investment owner
- Absentee landlords
- ↑ Increase of traffic etc. from #1 question
- Process of becoming a "legal" rent/owner is daunting(?) (especially to primary owners)
- Admin burden
- Inconsistent rules (Palm Blvd)
- Home value

S1 T3 Q2

- Cap is a deterrent for potential buyers
- Unsure about affect on property values
- Quality of life. Do we want to be Myrtle?

S1 T4 Q2

- Could change the neighborhoods (character)
- Stress to infrastructure – noise, trash, first responders

S1 T6 Q2

- Safety: home was entered as rental
- Noise / light pollution at night.
- Traffic – congestion.
- Illegal parking – (no access for trash/emergency/delivery)
- Trash handling (qty)

S1 T7 Q2

- Current livability gets worse
- Loss of neighborhoods
- Traffic & parking
- Homeowner costs from renters (wear + tear)

S1 T8 Q2

- Fear of unknown

S1 T9 Q2

- Rules on books not being enforced!
- Perception "rentals" support the city – as a property tax payer I am 2nd class
- Adverse livability
- Voting residences go down (less voice in government)
- Losing homes – torn down for investment homes

S1 T10 Q2

- Status quo poses no changes
- Wants caps future
- Doesn't need caps market correcting

S1 T12 Q2

- More license?
- Higher taxes
- Higher traffic

S2 T1 Q2

- Potential Unconstrained Growth – home sizes, rental population
- Everything on Question 1 list may get worse – traffic, trash, congestion, etc.

S2 T2 Q2

- Quality of lifestyle
- Reluctant to purchase next to a rental

S2 T3 Q2

- Lose sense of community (less full-time residents)
- Unanticipated changes not planned for
- Potential for rental revenue increases
- More public service needs potentially

S2 T4 Q2

- Loves to have perm. Residents = if policy stays the same
- Lower occupancy
- Noise
- Education of guest
- Accountability
- Noise
- Enforcement of being a good renter

S2 T5 Q2

- Migration of STRs to other areas
- Limit property taxes from increasing
- Lose permanent residents – sense of community
- Continued livability issues

S2 T6 Q2

- Could turn into Folly Beach/Myrtle Beach

S2 T7 Q2

- ~~No option to rent your property~~

S3 T1 Q2

- More Corporations purchasing properties
- Not enforcing current rules.

S3 T2 Q2

- Gov't control
- Property values
- Extra expense to enforce rules
- Livability
- Could have increase in short term rentals
- Protect island character

S3 T3 Q2

- Potentially over run by tourists
- More visitors = more stress on infrastructure & island services
- Corporate buyers vs. individual
- Safety concerns, e.g., " no sex offender registry

S3 T4 Q2

- Property Values
- More mini hotels
- Destroys community

S3 T5 Q2

- With no limit, STR can explode – already late to the game
- Company, Corp buying can make island composition change - more rentals, fewer owner occupied
- Property value can decrease if there are too many rentals

S3 T6 Q2

- Loss of residential neighborhoods
- Long term neg. Consequences for tourism
- Too crowded

S3 T7 Q2

- Residential aspect maintained
- 2/3 – 1/3 rentals maintained (keeps balance of current)

S3 T8 Q2

- May lose sense of community
- Home Value ↓ living next door

Question 3: If Council should decide to implement caps on short term rentals what do you consider to be the pros & cons?

Responses

PROS

S1 T1 Q3

- Maintain Neighborhood residential character
- Better (improved) livability

S1 T2 Q3

- Some aspects of quality of life be status quo
- Create 'exclusivity" in some neighborhoods
- Maintain neighborhoods, safely, etc.
- ↑ increase rev. w/fewer licenses
- Could increase home value of sale of investment prop.

S1 T3 Q3

- ↓ Taxes collected
- ↓ Traffic

S1 T4 Q3

- Fewer rentals
- Zones protect neighborhoods

S1 T5 Q3

- None

S1 T6 Q3

- Keeps the current balance of full time to rentals
- Cap increase can provide the ability to manage the community.
- Might impact homeowner property values depending on current rental status

S1 T7 Q3

- Priority given to current licenses to renew regardless if one doesn't rent w/in a year

S1 T8 Q3

- Less transient neighbors (know your neighbors)
- Slow down development
-

S1 T9 Q3

- Helps keep a residential feel to IOP
- Helps livability
- Number of rentals are limited - helps define budget
- Adds some type of Check/balance

S1 T10 Q3

- Want the flexibility to rent some years and not all

S1 T11 Q3

—

S1 T12 Q3

- None

S1 T12 Q3

- None

S2 T1 Q3

- Keeps the status quo of today
 - Problems remain, in theory don't yet worse

S2 T2 Q3

- More residential home sales

S2 T3 Q3

- Help to build sense of community
- Help to maintain character that residents came here for
- We continue to know our neighbors
- Full time residents more likely to take care of property + watch for neighbors

S2 T5 Q3

- Still room for some more STRs
- Nicer for permanent res.
- Know your neighbors
- Control density of STRs by zone
- Values go up
- More sense of community

S2 T6 Q3

- Caps would limit Businesses from purchasing multiple Properties - especially all in same area
- Keep integrity of area/neighborhood

S2 T7 Q3

- Neighborhood community
- Less garbage - Environmental impact
- Condition of beach (day tripper/short term)
- Create jobs for locals

S3 T1 Q3

- Maintain residential area.
- Neighbors consistently

*No Zones - Island wide zone if is necessary to cap

S3 T2 Q3

- May improve summer traffic & crowds
- Protect character of neighborhoods
- Livability improvements (potential zone dependent)
- Limit occupancy for newly constructed property
- Distracts council from other issues (especially w/out voter input)
- Exempt areas (zones) are unfair

S3 T3 Q3

- Protection of zoning integrity
- Safety for families / children
- Peace of mind of having neighbor vs. Renter
- Decrease operating expenses of city
- Protect residents' quality of life
- Protect property values

S3 T4 Q3

- Maintain community

S3 T5 Q3

- Use it or lose it house may be more valuable with a license

S3 T6 Q3

- consistency of neighborhoods

S3 T7 Q3

- Caps may preserve sense of community
- Fewer big houses would be built?? - good thing

S3 T8 Q3

- May lose sense of community
- Home Value ↓ living next door

CONS

S1 T1 Q3

- By picking zones, the gov't is picking winners and losers (seldom works) No zones
- Limiting revenue streams
- Lawsuit – infringing, on property rights
- Loss of \$-- may drive rentals underground

S1 T2 Q3

- Homeowner would be severely impacted if they want to change usage at some pts
- Owners who are inconsistent would miss opp'ty to rent – loss of flexibility
- △ resident

S1 T3 Q3

- Lost revenues
- Number of buyers may decrease/sellers restrictions – potential buyer base reduced, i.e., full time owner can't sell to owner who wants to rent
- Property values ↓
- Quality of life
- Does this restrict monthly?
- Burden falls back to perm. residents

S1 T4 Q3

- Loss of 30% of tax revenue for IOP
- STR rentals revenue lost for property owners

S1 T5 Q3

- Will lose businesses (e.g., Harris Teeter, fine restaurants)
- Do not trust that licenses will be equitably distributed or awarded
- Will stifle opportunity & growth of IOP
- Cap zoning is unfair and not equitable
- STR enables property owners to improve property
- Erodes public trust
- People will rent without a license, causing loss of IOP revenue
- Proposed caps /zoning will not reflect population changes
- Once caps are initially implemented, paves the way for more/increased caps.
- Will change demographic because people will not be able to afford the extra costs to an IOP home
- It is pathway for IOP to become a Sullivans Island or Kiawah

S1 T6 Q3

- Might impact homeowner property values depending on current rental status

S1 T7 Q3

- Livability – neighborhood limited to full time residents
- Loss on revenue
- Can you hold “your” place if you don't rent every year
- Affect-property values negatively

S1 T8 Q3

- Tax increase
- Loss of small business
- Government picks winners & losers (equity)
- Loss if property value
- Loss of jobs
- Loss of property rights
- Recreation
- Increase city staff cost to manage new rental regulations/laws
- Effect on WDR – Wild Dunes resort would no longer be a resort for vacation & recreation

S1 T9 Q3

- Limits potential sale & value of Your home
- Current STR owners that are a problem will still be a problem if Rules aren't enforced better
- May drive underground rentals

S1 T11 Q3

- Further division of the island when zones are created
- We see as reduction in the growth of property value
- The policy will create disproportionate property value
- Loss a revenue for local (on island) business = loss local jobs

S1 T12 Q3

- Gov. Intervention, Erosion of property rights
- Erosion of prop. value

S2 T1 Q3

- Keeps the status @quo of today
- **Unfair Property Value Balance**
 - Those w license worth more skewed against full time residents who sell

S2 T2 Q3

- Zone dispersement
- Push away investors
- Existing investors & primary too may need to sell
- Bring prices down
- Property rights
- Lack of future plans to own long term
- Generation homes may be lost
- Hording license

S2 T3 Q3

- Revenue capped
- Unfair zoning – limiting licenses in areas that produce less revenue for the city
- Encourages homeowners to build larger homes to get more revenue
- Restrictions of property rights

S2 T4 Q3

- Need a referendum - not happy this is extreme
- Secondary owners – wouldn't get to vote on the cap and won't have a say
- Create unfairness on the island
- Inequity – zones no good – unfair
- Thinks this is a vacation spot – should not limit
- Caps + zones not good

S2 T5 Q3

- Overall value of real estate will go down +/- 25%
- Cap is not really a cap
- Potential legal action - Class action

S2 T6 Q3

- Taking away property rights
- Reduce property values

S2 T7 Q3

- Restaurants/Local businesses would struggle
- Creating a have and have not
- No flexibility on renting homes
- Impact on revenue from city
 - (Real estate/Short term)
 - Increase taxes (property)
 - Lack of fairness - Zones

Wild Dunes

S3 T1 Q3

- Devaluing homes
- Cannot sell homes to those looking rental options.
- Having Caps does not solve livability issues. Enforcement needed

S3 T2 Q3

- Open us up to lawsuits
- Takes away our rights

S3 T3 Q3

- Long-term consequences for future generations
- Could negatively impact property values
- Potential decrease in IOP businesses
- Decrease city revenue
- Affect property values negatively
- Ability to sell non-rental property

S3 T4 Q3

- Property value/rights

No zones or exceptions (treat all the same)

S3 T5 Q3

- Enforcement of ordinances (occupancy numbers) a problem
- Circumventing the system
- Can't rent out a portion of a house i.e., a room

S3 T6 Q3

- Stripping STR licenses too restrictive
- Stripping property owners' rights
- Limits transfer of estate to heirs
- Limits occupancy / home

S3 T7 Q3

- Potential loss of property value to existing owners
- Caps will impact saleability of existing properties
- Threat of litigation from IOP from property owners

S3 T8 Q3

- Pre- Retirees can rent
- Owners can pay property expenses
- More revenue for city – ATAX & hospitality tax?
- Inheritance (parents) for Children
- Home value ↑ sale

Question 4: What is your recommendation on what action(s) Council should take?

Responses

S1 T1 Q4

- Enforce the current Laws
- Limit occupancy with no grandfathering
- Island wide cap if defensible
- Hire an FTE to manage short term rental activity and data
- No zones - it would be Gerrymandering.

S1 T2 Q4

- If I have a license, I want to be able to keep it regardless of if I rent it Forever
- Increase enforcement of problem areas and accountability (property mgr. + owners)
- No cap – not necessarily from short term rentals
- No restrictions on how I use my property (what if my life circumstances change)
Why should town mandate my financial future
- More into on zones
- Full time residents may need different license categories

S1 T3 Q4

- Add position to staff to manage
- Restrict c/1 – c/o dates to minimize weekend traffic
- Council: Garner real feedback from owners on nature of complaints

S1 T4 Q4

- Staff to enforce current ordinances, i.e., # of cars, occupants, noise
- Livability officer for enforcement

S1 T5 Q4

- Jun -Aug (peak months) or permanently
2 lanes on to island – mornings
2 lanes off the island – afternoons
- No caps on STR
- No more hotels (due to increased traffic)
- City should be allowed charge for parking
- Keep residential parking the way it is

S1 T6 Q4

- Mitigation process for individual harm at the time of rental
- Reduce complaints from 5 to 3
- Caps should not be zone based across the island

S1 T7 Q4

- Property owners holding short-term licenses can renew whether or not they rent w/in any given year
- No penalty for owners (caps) if rental property converts to non-rental for a year
- Who is responsibility for livability issues?
- Yes to cap but we don't have the data to recommend how much
- Enforce current occupancy levels & ordinances

S1 T8 Q4

- Regarding STR= do nothing based on experts findings- building permit department, police, fire departments enforced parking, enforced noise – not rentals + how each are marketed
- What can City Council do to encourage to attract residents vs. reason not being welcoming & limiting
- Passing regulations how homeowners/ property mgmt. to increase a better rental environment
- Use the ATAX \$ to improve island for visitors + residents
- Too much time spent on STR changes
- Marina mgmt.?

S1 T9 Q4

- Start with enforcing existing rules
 - Review + rewrite, ordinances
 - Noise (different standards and not enforced)
 - Number of people in a dwelling
 - Cars /parking(Stricter penalties and consequences)
- Define occupancy cap with focus on adults
- Clarify zone rental. – don't group existing Neighborhoods "outside gate" with Wild Dunes
- Consider rules – around use of rental equipment – golf carts, E-bikes
- Recommend a cap

S1 T10 Q4

- Reconsider what is included in zones
 - Lines drawn for zones doesn't reflect all area of 25% rented (some 25% are not included in "uncapped")
 - Some "uncapped" should be considered 'capped'
 - Include 2nd row Ocean Blvd in "capped" (ocean front more livability issues)
 - Include Twin Oaks in 'Uncapped' (currently over 25% rented. Next to resort)

S1 T11 Q4

- Without data that supports change enforce current livability policies, (noise, parking, # of guests)
- We do not want a cap on short-term rentals

S1 T12 Q4

- Grandfather current residents for License
- Better communication from city
- Consideration of occupancy limits /lower?
- Better enforcement

S2 T1 Q4

- Enforce existing/new ordinances
 - Noise, Parking, Occupancy
- Why exclude Palm Blvd
- Focus on occupancy not STR licenses

S2 T2 Q4

- No min. Profit to report
- No changes / no caps
- Cap of 8 people – referendum/vote
- When property sold go to 8 people occupants
- Keep 12 occupants
- Eliminate grandfather of over 12 cap
- Regulate current ordinance
- Stricter ordinance for repeat offenders
- Penalties/fines
- Livability hot line
- Towing
- Wild Dunes more livability by IOP Police

S2 T3 Q4

- No caps
- Enforcement of regs & rules
- Caps in place on recommendations
- Establish a plan that is enforceable
- Full time residents get STR license priority
- Licenses aren't transferable (table divided)
- No zones (table divided)
- Do nothing - wait til there is a problem

S2 T4 Q4

- Owners or prop. mgr. educate tenants for code violation
- Post list of rules + regulations for that property
- Post the responsible parties name & contact information
- Forget caps
- Enforce Educate

S2 T5 Q4

- Approve exactly what P.C recommended
 - no audibles, no drama
- Family transfer should be allowed rent
- No Caps! Status quo please.
- Real Caps - no license transfer on sale
- Cap it right where we are not +/- 10%
- Maintain sense of community
- Use the Sullivan's Island model – no more STRs
 - license expires on sale - no new licenses
- Have a referendum

S2 T6 Q4

- Cap the number of licenses that investment companies can have
- Only 1 license revoked – livability
 - Enforce livability laws already in place
- Deal w/ Traffic – Day Trips & the Resorts
- Increase the min. nights staying at rental

S2 T7 Q4

- Enforce current rules
 - i.e., Noise, parties
- Leave as is
- Grandfather in... no short term
- Zoning for areas that are residential
- Decisions could be financially impactful on owner's income

S3 T1 Q4

- Clarify regulations & Enforce
- Notification to neighbors (Island Eye Newspaper)
- If cap: No areas exempt/No caps (island wide)
- Occupancy:
 - If by bedrooms:
 - Inspection needed
 - Bedroom: Closet/window (*Should be on license)
 - Also # cars allowed based on space available
 - If sq footage: Enforce by checking advertising site
- Steep penalties for noncompliance (financial)

S3 T2 Q4

- 4 of 5 Say no new rules/caps on licenses or # of people
- 1 of 5 Say would like to see some restriction rental occupancy & some form of restriction on new licenses
- 5 of 5:
 - Tighter controls on property mgmt. (owner renters)
 - Companies – revoke licenses if complaints are excessive – Enforce present rules

S3 T3 Q4

- Keep planning thoughtfully
- Consider day tripper vs. Tourism promotion
- Consider alternatives to cap / no cap
- Enforce current laws
- Cap with grandfather provision
- Cap individually island wide & grandfather those who have rental permits as long as they own their house
- Cap island wide immediately

S3 T4 Q4

- Leave alone or implement caps if all properties equal with conditions

S3 T5 Q4

- Make owner more accountable
- Allow for a portion of a home to be rented, i.e., a room
- A livability court (not just for short term)
- Enforce rules
- Cap # of rentals
- Don't deprive owner of property rights
- Have council look into crest

S3 T6 Q4

- Increase accountability on part of property owners (STR)
- Improve screening process of renters
- Clarity around caps /zones - where are they?

S3 T7 Q4

- Implement a cap to limit building houses strictly for rental
- Let recession do this for us
- Don't impose caps – enforce current rules regarding noise, garbage etc. (ex: police called for issue - ability to call owner right then)
- Rental property must have phone contact for police to address complaints on timely basis - right now
- Limit # of leases that allow less than weekly rentals (1–3-day rentals)

S3 T8 Q4

- Enforcement of current rules license revoked after 5 complaints
- Watch ratio - Property owners: STR
- Record accurately livability violations by police
- No more rules
- Measurable standards of violations

Question 5: What's the ONE most important message for Council that surfaced at your table?

Responses

S1 T1 Q5

- Maintain residential character of neighborhoods.
- Don't make things worse than they are
- Let the market take care of it – Cap must be high enough for future
- Enforce the current & future laws

S1 T2 Q5

- Accountability (enforcement) that maintains livability and quality of life
- No caps

S1 T3 Q5

- Maintain STR numbers – no risk putting cap if #s are stable
- Manage occupancy #s

Opposite views from above »

- Monitor issues related to STR
 - Enforce ordinances
 - Strongly monitor STR + advertisement of them
 - Adopt stronger ordinances if needed.

S1 T4 Q5

- Enforce ordinances on current books
- Identify by income source the tax impact differential – loss of 30% tax base

S1 T5 Q5

- For short term rentals in residential areas... Keep the status quo with no caps, no more (high density) short term rentals (such as hotels and condos)
- Loss of revenue and loss of business

S1 T6 Q5

- Enforcement of issues in Q1

S1 T7 Q5

- Renewing rental license even if don't rent for a year
- Hire a livability officer
- Err on side of residents while realizing our income comes from rentals

S1 T8 Q5

- Continue to monitor the market
- Do nothing and check back in 30 years!
- The trend and consistent renter's that visit year after year love IOP. Let's keep that welcoming mentality

S1 T9 Q5

- Start with enforcing existing ordinances
- Clarify /review / enforce (currently puts current residents in awkward spot)
- With a cap on str

S1 T10 Q5

- Enforce rules
- Re draw lines of zones

S1 T11 Q5

- We see no justification for a change to current policy.
- We want any policy put into place, to apply to all properties equally
- The short term rental policy recommendations do not "fix" the problem for the residents who currently live next to and rentals and have issues with them

S1 T12 Q5

- Why? Is a cap needed?

S2 T1 Q5

Message

- New Ordinances won't help unless enforced
- Size of houses – Occupancy limits drive the number of renters & associated issues

S2 T2 Q5

- Group in general thought: No cap on rental works but acknowledges those REPEAT offenders (owners) need stricter enforcement

S2 T3 Q5

- Better enforcement & priority on public safety
- More police or public safety officers
- All agree that property rights & community livability are important, but divided on how to prioritize

S2 T4 Q5

- Questioning why this is even an issue
- Not enough of an issue
- One person lived on island 20 years – no issue, not that different in last 20 years – Hate caps Hate zones
- Limit occupancy
- Limit sq. Footage
- NO CAPS!!!
- Why now with uncertainty of recession = Politics economic condition(?)

S2 T5 Q5

- We are divided
 - Polar opposite views
 - 0 STRs
 - 100% STRs would be OK
 - And somewhere in between

S2 T6 Q5

- Don't take away our Property Rights
- Don't turn us into Myrtle Beach
- Enforce the existing rules - "Livability"
- Protect Zone 2
 - Both Properly Rights
 - But not looking like Front Beach
- Maybe grandfather existing property holders & transfer to their children

S2 T7 Q5

- Zoning Regulations
 - Want a strictly residential area
 - No zones. Applies to everyone on the island
- Enforcement of current rules
- Development of past to create a resort island. Precedence has already been set on island and people have already purchased based off of these current rules/regulations

S3 T1 Q5

- Cops will not address livability issues.
- Communication: Publicize specific Regulations, Penalties
- Use short term \$ for enforcement personnel

S3 T2 Q5

- If we enforce current rules & revoke licenses for offenders, we wouldn't need new rules / caps, etc.
- Livability issues would resolve

S3 T3 Q5

- No caps
- Not based on zones – island-wide cap
- Caps / responsible
- Occupancy limits based on more fair factors/not universal
- We can be an investor-based island or a residential-based island
- Currently we need to limit IOP becoming a business haven(?)
- We can live next to a business/mini hotel or a neighbor – We can have IOP an investor/builder haven or a family/residential haven. I choose a neighbor!

S3 T4 Q5

- Enough STR Now!
- Enforce livability!
- Monitor rental license compliance (Airbnb, VRBO)

S3 T5 Q5

- Enjoy quality of life
- Grandfather in whatever rentals are in now, capping future rentals.

S3 T6 Q5

- How are will the city enforce this?

S3 T7 Q5

- Quality of life issues not limited to short-term rentals
 - ex: barking dogs - family parties
- Houses are big - lots are small
- High density (house/lot) density

S3 T8 Q5

- Enforcement by Police Dept./Code enforcement of livability + quality of life ordinances, parking, occupancy



CITY COUNCIL MEETING
6:00pm, Tuesday, September 27, 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 Hahn, Bogosian, Anderson, Ward, Streetman, Popson, Miars, Pierce, and Mayor Pounds

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

2. Citizens' Comments

Buddy Gillam and George Page from the VFW thanked the ATAX Committee for their support of a \$30,000 grant request to help fund an elevator at their post. They spoke about the need for the elevator and asked Council for their consideration.

Glenda Nemes, a full-time resident, passed out copies of a recent *Post & Courier* article regarding ATAX. She explained why she resigned from the ATAX Committee. She believes the City should follow the "Folly" model. She is glad awareness has been raised about the spending of the CVB and believes ATAX committees should be more functional.

3. Special Presentations

A. Consideration of Spirit of the Island Award to Geoffrey Forquarean

Mayor Pounds said that Geoffrey Forquarean was nominated for the Spirit of the Island award by two different residents. He shared some of the recommendation that highlighted Mr. Forquarean's efforts to provide meals to residents in times of need.

MOTION: Council Member Ward made a motion to award Mr. Geoffrey Forquarean with the Spirit of the Island award. Ms. Anderson seconded the motion. The motion passed unanimously.

Mayor Pounds presented Mr. Forquarean with the Spirit of the Island award.

B. Recognition of Hartley DePass on his win at the Eastern Surfing Association Championships

Mayor Pounds recognized Hartley DePass for his First Place showings in the recent Eastern Surfing Association Championships.

C. Drainage Masterplan Presentation – Davis & Floyd

Ryan Phillips and Aaron Aiken of Davis & Floyd gave an overview of the work done to date on the Drainage Master Plan. They have given a conditions assessment to Asst. Director Asero who has used that information to begin some maintenance work. Locations between Breach Inlet and 29th Avenue have been identified as needing significant improvement to alleviate flooding during storms and heavy rain events. They spoke about some current improvements being done at 25th Avenue and shared details of proposed improvements at 6th and 7th Avenues for which grants are being sought. Upon completion of the project, Davis & Floyd will recommend improvements in the Phase 3 and Phase 4 areas that the City can work on and funding sources for the same.

Next steps include assembling cost estimates for major and minor projects, reviewing development standards, and developing a maintenance program to make the drainage system more efficient.

MOTION: Council Member Ward made a motion to suspend the rules of order to allow for the consideration of the recommendation from the ATAX Committee to be discussed next. Mayor Pounds seconded the motion. The motion passed unanimously.

4. New Business

B. Consideration of recommendation from the ATAX Committee to award a \$30,000 grant to the VFW for the replacement of an elevator

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

MOTION: Council Member Ward made a motion to suspend the rules of order to allow for Mr. Gillam and Mr. Page to speak to their request and answer questions from Council. Council Member Bogosian seconded the motion. The motion passed unanimously.

Mr. Page said 4000 people per year use their facility and that veterans from all over the country come to visit this post. He said the full cost of the elevator installation is \$42,000.

Council Member Ward asked about the validity of their request, to which Administrator Fragoso answered, “That is an assessment that the Tourism Expenditure Review Committee will make. We look at the letter of the law, and in State law where it defines tourism-related expenditures, which is what is eligible to receive ATAX funding it includes, and I am going to quote from the State statute, ‘construction, maintenance, and operations of facilities for civic and cultural level activities including construction and maintenance of access and other nearby roads and utilities for the facilities.’”

Council Member Streetman spoke highly of the new courtyard, noting the amount of foot traffic the space sees on summer weekends. Council Member Popson added that all the facilities at the post are on the second floor, so an elevator is necessary for all to access them.

Council Member Anderson spoke with concern that not all island organizations are being treated equally with regards to funding. She is concerned that this request is overstepping the bounds of private vs. public use.

Administrator Fragoso pointed out that the ATAX Committee is responsible for considering \$50,000 in sponsorships each fiscal year, and they have already awarded \$10,000 to the IOP Chamber of Commerce.

The current president of the VFW noted that the VFW supports numerous community activities and allows for public access to the beach via their courtyard.

VOTE: The motion passed unanimously.

5. Approval of previous meetings' minutes

- A. City Council Regular Meeting – August 23, 2022**
- B. Special Personnel Meeting – August 30, 2022**
- C. Special City Council Meeting – September 13, 2022**

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

Council Member Anderson said she would like the following to be included in the minutes of September 13, 2022 under Item C: "Council Member Anderson indicated that there were three alternative parking layouts: the first two are similar except that the lot entrance is move farther from the boat ramp at Mr. Bushnell's request. Mr. Bushnell then prepared a third plan that favors the restaurant to the detriment of the City. Mr. Bushnell wants to maximize the parking while IOP wants a usable park. In her opinion, either of the first two plans would be acceptable for the City."

Council Member Streetman asked for clarification regarding a second motion to approve Ordinances 2022-04 and 2022-05. City Clerk DeNeane said she would go back and listen to the recording so the minutes are accurate.

VOTE: The motion passed unanimously.

Upon review of the 9/13/2022 minutes, two motions were made to approve Ordinances 2022-04 and 2022-05. The second motion came after a lengthy discussion and vote to defer the parking lot configuration to the Real Property Committee.

6. Old Business

- A. Discussion of entering into Automatic Aid Agreement with Mount Pleasant for Fire Protection [*Priority 3, Goal D*]**

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

Administrator Fragoso said, "I did want to clarify for the record that the Automatic Aid Agreement would be with the Town of Mt. Pleasant, but we also wanted you to know that it

would include the City of Charleston, North Charleston, James Island, Johns Island, and St. Andrews. This is a complete regional automatic aid agreement that would be inclusive of all those communities.”

Chief Oliverius said the City will participate in this agreement for a pilot period of twelve months beginning 1/1/23. He said it would “dramatically enhance our capability to respond to emergencies by allowing us the opportunity to utilize staff from other departments and resources from other departments, and also enhance our personnel as well.”

Administrator Fragoso added that the Chief will be setting up public meetings to inform the public about the agreement and what it means for the community. She also noted that the City can pull out of the agreement at any time.

Council Member Bogosian suggested tracking and monitoring all calls answered by the department as a result of the agreement.

VOTE: The motion passed unanimously.

B. Discussion about hiring a consultant to develop conceptual design alternatives for Palm Boulevard between 21st and 41st that accommodates parking, bike path, and emergency lane

Mayor Pounds said that back in 2013 the City contracted with Stantech to create parking strategies and a conceptual design for Palm Boulevard. He reported that Secretary Hall and SCDOT have agreed to engage their consultants to develop and provide alternatives for Palm Boulevard at their expense. Council Member Hahn believes Palm Boulevard is unsafe right now and the City needs to have a study done on their behalf.

Administrator Fragoso said of the current work of SCDOT, “They are currently negotiating with RK&K, which is the consultant that they are currently working with on the connector study to increase, change their scope to include this component. This hasn’t been executed, but I think they are trying to pile on other projects with the same company. I had a meeting with them last week, and we talked about this, conveying to them our concerns with pedestrians, with golf carts and everything that we see happening all the time on Palm Boulevard and wanting to see alternatives developed that address that while maintaining parking and access.”

Council Member Bogosian said that the aesthetics of Palm Boulevard are an important consideration. Mayor Pounds said he did not believe the timing of the City hiring a consultant would be any faster than working with the current SCDOT consultant.

Administrator Fragoso agreed, “We are looking at 60-90 days before we can even have somebody engaged. This would be something that would have to prepare a request for proposals, interview several firms, and then make a selection. Additionally, it is not a budgeted item. Council can certainly approve an out-of-budget expenditure, but just knowing how this sort of process works, I would guesstimate 60 to 90 days.”

Council Member Anderson suggested using the same process and consultant the City is using now with regards to overseeing the work being done on the Connector.

Administrator Fragoso said SCDOT is slated to make their presentation of the alternatives to the Connector on November 15. She added SCDOT “indicated that they are negotiating the change order to the existing consultant contract.” She does not have a timeline on when that will be resolved, but she did not believe it would be a long process. She said, “I would expect a couple more weeks before they finalize that, and they can start working on it. It is the same consultant, so I don’t anticipate them doing any work on the 21st to 41st Avenue work until the Connector study is complete, which should be by November.”

Council Member Hahn agreed that using the City’s current consultant, Jennifer Bihl, would be a good idea. Administrator Fragoso said that there are likely enough funds in the Professional Services budget to cover the additional expenses.

C. Update on efforts to install an elevator in the new marina restaurant

Director Kerr reported on a meeting including staff, Trident Construction, and restaurant representatives had onsite recently regarding a location for an elevator. He believes they have found a feasible, albeit awkward, location for an elevator. Restaurant staff have asked for time to react to it from a functionality standpoint. They are also awaiting rough cost estimates from Trident Construction.

Administrator Fragoso and Council Member Streetman gave background information to the newer Council members on this issue as it had started under the previous council. Council Member Streetman noted that former Council Member Bell suggested the use of ATAX funds to help pay for the elevator.

D. Discussion of Council’s code of conduct and disciplinary hearing procedures

MOTION: Mayor Pounds made a motion that the Personnel Committee develop some disciplinary hearing procedures and bring them back to Council for review and approval. Council Member Anderson seconded the motion.

Council Member Bogosian said this item will be discussed at a Special Meeting of the Personnel Committee and brought back to Council at the October workshop or the regular meeting.

VOTE: The motion passed unanimously.

E. Discussion about changes to the noise ordinance

Mayor Pounds referred to a page in the meeting packet containing thoughts and ideas for consideration in an amended noise ordinance. Administrator Fragoso said the goal is “to take out as much discretion from the officer when they are responding to noise complaints and really try to have some black and white guidance for our officers and in our community and making sure that the residents know what to expect and what the limits are and what kind of resolution may be available.”

Staff has been working with decibel readers to help find reasonable levels for day and night noise. It was suggested that decibel readings be taken at the property line outside the home of a complainant.

Several Council members spoke with concern about the noise situation at 57th Avenue and believe there must be a way to mitigate that situation.

Administrator Fragoso said that Chief Cornett continues his research into how the objectivity of such noise ordinances are working in other communities. She noted that there appears to be a trend of more objective noise ordinances going into effect across the country. A high-level draft of a noise ordinance will be presented at the October workshop.

6. New Business

A. Consideration of request from Suncoast Filming for City-sponsored event status for filming scenes for feature film on October 12 and 13, 2022

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

Administrator Fragoso said the request has changed since the information was added to the meeting packet. They will only be filming on October 13. They will be renting the entire municipal parking lot on that day from 7am-7pm. The request also includes the use of some spaces on Ocean Boulevard on both days.

VOTE: The motion passed unanimously.

C. Consideration of proposal for the construction of two (2) pickleball courts and rehabilitation of two (2) existing basketball courts

Administrator Fragoso said the FY23 budget allotted \$225,000 for both of these projects. The City received one bid for the project: \$107,650 for the construction of two pickleball courts and \$187,856 for the rehabilitation of the basketball courts. This is \$70,000 over budget.

Administrator Fragoso suggested the use of some of the funds in the Recreation Building fund which is funded by donations from the community. There is currently \$98,000 in that fund. One tree will have to be removed for the completion of these projects. The recommended location of the pickleball courts will require the relocation of the batting cage. Staff recommends moving forward with these projects so they are ready for the next season.

Council Member Popson stated that Truluck is a “great company,” and he feels comfortable having them work on this project for the City.

MOTION: Council Member Streetman made a motion to approve an amount not to exceed \$300,000 to award to Truluck Construction the construction of two pickleball courts and the refurbishment and rehabilitation of the two basketball courts with the difference the budgeted amount and the bid amount to be taken from the Recreation Building Fund. Mayor Pounds seconded the motion. The motion passed unanimously.

D. Discussion about changes to the dog ordinance to add a section specific to dogs biting, chasing, or harassing

A recent dog-related attack led Chief Cornett to have conversations with the Animal Control Officer and the City Prosecutor to find ways to adjust the current dangerous animal ordinance so

that it addresses dogs biting, chasing or harassing. He said, “There was some concern about charging a dangerous dog before based off of a fight because a dog has not been deemed dangerous at that point. The bite and the conviction of the bite would be what makes it a dangerous dog. So that is why we are coming forward with this statute, this ordinance that would basically give us the tools to say that we are charging for the bite itself. Sometimes it may not be enough that makes it a dangerous dog. It might be a little barking or something like that. Chasing something around is not necessarily a dangerous dog, but something that we still need to address. So this ordinance would give us that ground to lay first so that we can make the proper charge. Upon conviction of this, if it was in fact a dangerous dog based on the judge’s ruling, it would be declared a dangerous dog for previous or future charges should any of those arrives. It would also give them the ability to designate this a dangerous dog, making them permit with the City and to meet all the requirements outlined in the dangerous dog statute or ordinance for keeping the dog around their property.”

Asked to address the chasing and harassing part of the ordinance, Chief Cornett said, “If you have a dog that doesn’t necessarily get to bite you and they are chasing you, running away from it, it’s still a dog that had the intent to do something. And if we just say biting, then we cannot do anything with it. Not saying that every dog that wants to run and play is going to be charged with this. There is still officer discretion and taking the totality of the circumstances of every call we go on before we make any charges.”

Staff will present a draft ordinance at the next meeting.

F. Workshop Midway Checkpoint

Mayor Pounds explained why there was no workshop on September 13 as scheduled.

Regarding the efficacy of the workshops, Council Member Pierce said while he likes the aggregated information on the dashboard, “I think however though sometimes without all of the committees in place what I am sensing is that by the time we do get to them either they have festered to the point of boil or in some cases they are way too early to address.” He suggested there may be a hybrid of the committee structure that could be considered. He also believes the elimination of the committees eliminated opportunities for residents to speak to Council members.

Council Member Streetman said two workshops is not enough time to properly evaluate the option. He pointed out that one of the reasons for the workshops was for Council members to hear everything all at once instead of having to attend several different meetings.

Council Member Ward said he has not changed his stance on the importance of committees, which he believes are more answerable to residents. He believes workshops last too long and are not specific enough.

Council Member Miars said she is leaning towards going back to committees while Council Member Anderson pointed out the redundancy with information sharing in committees. Council Member Popson would also like to go back to committees.

Administrator Fragoso said, “It would be helpful as you all make these decisions for Council to decide on a process of who and when issues are selected. Let’s say we go through a hybrid model. What are the issues that Council feels like need to be looked at a little bit closer, at an ad hoc or committee meeting? Because in the past what we have seen is issues would go through the committee process and by the time they got to Council, the Council members that were not part of that conversation, that were not part of the decision-making did not feel part of the process.”

Mayor Pounds said what this looks like going forward will be discussed at the next workshop. Council Member Ward noted that government is supposed to be redundant in order to give people time to hear about the issues. He said the Ways & Means Committee used to be only 3 people.

E. Report to Council per Procurement Code Section 1-10-3(c):

i. **Purchase of a de-escalation simulation training system, \$13,600 [Police Department, Hospitality Tax, \$15,000]**

ii. **Purchase of all-terrain vehicle (ATV) for beach patrol, \$20,665 [Fire Department, State ATAX, \$22,000]**

G. Financial Statements

Mayor Pounds referred to Treasurer Suggs notes about the fiscal year to date. “August revenues are generally in line with normal trends with the exception being business licenses and building permit revenues which are up significantly over the same time last year, which were up significantly over the same time the previous years...Expenditures are in line with budget targets. The City ends August with about \$33million in cash deposits” of which “\$2.7million unspent bond proceeds, about million is ARPA funding, and \$13million is restricted for tourism-related expenditures or beach preservation. All expected fiscal 22 revenues and expenditures have been recorded and the audit is prepared for October. Unaudited results indicate General Fund revenues to exceed General Fund expenditures by approximately \$3.5million.”

He continued, “Charleston County has provided property value assessments for purposes of setting the millage rate for October 22 tax bills. Total assessed values have increased 6.7% from prior year. Based on the analysis from Charleston County, the tax revenues are expected to meet or exceed the FY23 property tax budget. Therefore no millage increase will be necessary for the fiscal 23 budget.”

G. Consideration of distribution of FY22 positive net result

Regarding the distribution of the FY22 positive net result, Mayor Pounds recommended leaving 10% in the General Funds (roughly \$358,000), 5% to the Disaster Recovery Fund, and put the remainder Capital Projects. He said the monies put into Capital Projects can be used at any point in time if something comes up.

MOTION: Council Member Ward made a motion to approve the Mayor's recommendation of the distribution of the FY22 positive net result. Council Member Streetman seconded the motion.

Council Member Pierce asked about setting aside some money to create a sinking fund for City assets. Mayor Pounds said this motion would be to designate the funds so the audit can move forward. Setting up a new fund can be done at a later date.

VOTE: The motion passed unanimously.

H. Consideration of millage rate for tax year 2022

MOTION: Council Member Ward made a motion to confirm the budgeted millage rate. Council Member Streetman seconded the motion. The motion passed unanimously.

I. Capital Projects Update

i. Phase 3 Drainage – Outfalls at 30th, 36th, and 41st Avenues

Administrator Fragoso said work has restarted at the 30th Avenue outfall: "The contractor has completed the installation of the pipes up until the point that they needed to move to 36th Avenue and delay the road closure until after they complete 36th Avenue. So they started mobilizing this week to Forest Trails...41st Avenue is still waiting on permits. We did hear back from OCRM that they are very understaffed. That is why they have a huge backlog of permits. It's been over a year, so we should be at the top of the list...Last month we reported that we had requested an amendment to our grant application for funding the construction of 41st Avenue. We submitted an amendment to include \$730,000 for the piping of the section of 41st Avenue between Waterway and the end of the road. We have received official notice that the grant request has been awarded, so we will have a total of roughly \$2.7million, \$2.3million for that grant." She thanked the City's grant writer and Thomas & Hutton for helping with that application and amendment.

ii. Comprehensive Drainage Masterplan

Covered earlier in the meeting.

iii. Overhead to Underground Conversion at 21st Avenue

All equipment needed for this project is on hand. Dominion Energy is still working on getting a required easement from the church. The project is still on schedule to be completed this fall.

iv. Pickle Ball Court Construction and Basketball Courts Rehab

Covered earlier in the meeting. Once the contract is executed, a notice to proceed will be issued.

v. Public Dock Rehabilitation and "T" dock improvements

Administrator Fragoso said the RFP for the improvements to the bulkhead should be going out within a week or two. The goal is to have that work conducted in the off season. The Real

Property Committee will have a meeting next week to discuss the parking layout and how that will work alongside with the greenspace along the bulkhead.

Council Member Streetman asked if something could be done at the public dock to help kayakers get in and out more effectively and efficiently. Administrator Fragoso responded, “The challenge with that is that a kayak launching device is not included in the permit for that dock, so that would be something that we have to submit. It is mostly procedural, but we kind of have to go through the process and request approval from OCRM to get that installed. The cleats, that was something that we intentionally removed as part of the improvements that we did once we took possession of the property to avoid boats tying up to the dock.”

Council Member Miars confirmed that there were boats tied up there last weekend. Council Member Streetman pointed out that the City has the ability to keep boats from being tied up there. Administrator Fragoso said she would look into the matter further.

Council Member Miars asked about having trash and recycling containers at the public dock. Administrator Fragoso said that they were pulled off the public dock because residents were using it to dump household garbage and it became difficult monitor and maintain.

Council Member Ward asked about the possibility of counting the number of people who use the public dock.

vi. **34A Beach Access ADA-Compliant Boardwalk**

Administrator Fragoso said the contract for this work has been executed and work is expected to begin in the next month or two.

vii. **New Garbage Compactor in the small municipal parking lot**

An RFP has been issued and proposals are being evaluated. Both bids came in under budget, and staff will be prepared to make a recommendation to Council in October.

7. **Boards and Commissions Report**

- A. **Board of Zoning Appeals** – minutes attached
- B. **Planning Commission** – no meeting in September
- C. **Accommodations Tax Advisory Committee** – minutes attached
- D. **Environmental Advisory Committee** – minutes attached

8. **Ordinances, Resolutions, and Petitions**

- A. **Second Reading** – none
- B. **First Reading** – none
- C. **Resolutions and Petitions** – none

9. **Executive Session**

MOTION: Council Member Streetman made a motion to enter into Executive Session in accordance with §30-4-70(a)(2) to receive legal advice related to potential claims concerning alterations to Isle of Palms zoning districts. Council Member Popson seconded the motion.

The motion passed unanimously.

City Council moved into Executive Session at 8:28pm.

City Council returned from Executive Session at 9:22pm. Mayor Pounds said no decisions were made.

MOTION: Council Member Bogosian made a motion: “In order to further preserve and conserve significant and vital natural resources and to ensure the continued availability of recreation facilities, I move that an ordinance be prepared to amend the conservation district, Section 5-4-40 of the Isle of Palms Zoning Ordinance, to include preservation of public and private recreation facilities. Further, in order to ensure there continues to be an appropriate ratio between developed areas and conserved/preserved areas in Wild Dunes, I move that an ordinance be drafted to cap the density in the Wild Dunes PRD to reflect the current existing units and approved lots. In so doing, I move that Council engage in a plan of rezoning to protect conservation and recreation areas within Isle of Palms and to reduce the permitted density in the Wild Dunes PRD. I further move that a public hearing on the proposed ordinances be held on or about October 18, 2022, for the receipt of public comment. In so doing, I move that Council invoke the Pending Ordinance Doctrine.” Council Member Hahn seconded the motion. A vote was taken as follows:

Ayes: Ward, Anderson, Bogosian, Hahn, Pierce, Streetman

Nays: Popson, Pounds

The motion passed 7-2.

10. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Hahn seconded the motion. The meeting adjourned at 9:24pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



SPECIAL CITY COUNCIL MEETING
4:45pm, Tuesday, October 11, 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 Hahn, Bogosian, Anderson, Ward, Streetman, Popson, Miars, Pierce, and Mayor Pounds

Staff Present: Administrator Fragoso, Director Kerr, City Attorney Halversen

2. Citizens' Comments

Randy Bell said, "We now have a marina that is controlled by private equity of which Council does not know the composition of the equity group, and that was based on a majority vote of this Council. And I think it is important that people understand that the same developer group has in the past, did on the restaurant and the entire marina property back in 2019. So we know that there are commercial interests from them for the property within the city beyond the residents' interest. This Council voted in the majority to continue to give disproportionate amounts of money for ATAX to the Charleston Visitors' Bureau. That again, you got to question who wins. Waiting to see if I got everybody's attention, who wins when we give away ATAX money to entities that do not benefit the community because that is not a benefit to this community. So the meeting tonight, and I had previously written Council, out there on Nextdoor, there are only three items to consider. You can try to delay this, and I do thank the Mayor for what he just brought up. Delay in this and not having this as a pending ordinance is a big deal because it gives developers time to submit permits. This needs to be passed tonight as First Reading. For those that don't know, First Reading is in title only, so they are not going to go through the detail of these ordinances. I don't believe you are going to go through the detail of the ordinances, and you are just going to put them out there and say does the public deserve a hearing. The public deserves a hearing, and I commend this audience for this many people showing up to let this Council know that this (INAUDIBLE – CLAPPING). I am guessing there is not going to be a 9-0 vote, but many times when I sat up there, we had a 9-0 vote whether you agreed or disagreed on First Reading. And it is for the purpose of allowing this audience and this community a voice in the affairs of the community."

Bev Miller, Fairway Village Lane, who spoke on behalf of the Barrier Island Preservation Alliance, said, "The ordinances before you are about land use, its density, and its preservation. Period. They are about protecting undeveloped land and slowing development in a specific area so that there continues to be an appropriate ratio between developed areas and conserved areas.

We have a zoning document in Wild Dunes that was written in 1975 when the Sea Pines Company established the Isle of Palms Beach and Racquet Club. 1975, almost 50 years ago, and although Isle of Palms has changed radically since then, this document has not. Like the golf course, it is full of holes and it's about time it is amended, not only to preserve the green space and open land that is critical for stormwater management, but also to limit the density in Wild Dunes, to mitigate the impact of the City's resources and our infrastructure. The Isle of Palms Comprehensive Plan states that the primary planning concept is to enhance the existing character of the island as a quality place to live and protect the environment, both on and around the island. That was a quote with the stated objective to preserve the existing land use relationships. Currently, our land use throughout the City does not support the goals of this comp plan. The new conservation recreation zoning district and this rezoning is the first step in ensuring that land is preserved and protected. Property owners come and go. Zoning decisions need to be grounded in a well-defined plan to meet the needs and constraints of our city, which in 1975 was mostly residential but which now includes a significant transient seasonal footprint that did not exist in that 1975 document. Your community is circulating a petition in support of these five ordinances, and we intent to present these signatures at the Public Hearing on October 18. In one week's time we have secured 448 written signatures. Additionally, an online change.org petition now has 1,482 signatures, the last time I checked of which 640 are identified as Isle of Palms residents. Through these petitions you are hearing the vocal majority of your constituents, and we are in favor of the passage of these ordinances tonight up for First Reading. Your vote tonight tells us whether you embrace our comp plan or you don't, do you hear the will of your constituents. We want nine yes votes on these ordinances to finally show unity in taking these ordinances to the next step of the public hearing on October 18. Vote yes with the knowledge and confidence that your constituents support the zoning ordinance amendments."

Mr. Tony Santiago said, "I want to address things that I think have been out there in the rumor mill about why this might not be right to do from the resort's perspective. Number one, the fact that they are claiming this was a surprise, that we kind of pulled the wool on them on this one. I was asked to attend the meeting, and I did. I met online at a virtual platform to meet the president of Dart Interests, not Ken Dart, but his number one. I also met the SVP of Lowe's as well in person. He flew in to do this, and Dan Batista. They were cordial. They were considerate, and they acted surprised. I said might be a mistake here because two years ago in a voter allocation meeting with your Board representative at the time in the meeting we brought these issues up. Because you challenged us to negotiate the voter allocation issue that why would there be a problem if we gave you control of the Wild Dunes Community Association which is what they would have had had we not stopped that. In there, I talked about the PRD specifically. That is two years ago. In March, I spoke in front of the Wild Dunes Community Association. It's on tape, YouTube, you can pull it up and look at it. I spoke about the problems with the PRD and the development issues we have. Their representative, Rob Walker, stood up and answered my questions and admitted that yes, they were considering development in those two locations, but it was not their intent. It wasn't their intent. It was not their intent to take the tennis centers. It wasn't their intent to do all the development they did without our approval. They then stipulate that besides being surprised, they believed that they should have a chance to speak up before we take actions. I said so we are going to give you a chance to slap in a permit before we block. Is

that what you're asking us to do? On the faith that you're going to have a discussion with us about this. There is nothing about their track record that should give us that confidence. This is not the 25 years before Dart got involved. This is the five years since Dart got involved, and it's completely different. The tenor is different. Their attitude towards the community is different...I will wrap up by saying do not get intimidated by the other two issues. One was that we would not get money in the gate from the community because they would stop investing in it. I doubt that is ever going to happen. And second is we are going to get litigated. Well, I paid for an attorney, one of the top ones. We are on great ground now, and I am sure Phillip and the Board did the same thing. And they did not put these ordinances up being expected to be liable for litigation from the threat of it. Do not back down from these people. They will just keep coming and coming and coming."

Nancy Smith said, "I am on the board at Lake Village...These are my concerns. If we fail to pass these amendments, I fear that we are ceding our ability to influence or slow the resort's continued overdevelopment. I think that the notion that we could negotiate with the resort as a good neighbor presupposes that we think they are a good neighbor. I maintain that they are a self-serving, profit-driven business entity which builds without any real consideration for our residential neighborhoods, but that is what a business is. There are many of us who feel the noise, music, traffic, etc. are examples of lack of concern for residents. We can't knock on the door and ask them to turn down the wedding music. We cannot ask them to change the piped-in pool music that some people have to listen to from inside their homes. At peak times, it takes me 45 minutes to get from Lake Village to Harris Teeter, and that is wrong. The Boardwalk Inn was fine. Each addition gets worse. They have lit up the sky. They have turned up the mega speakers, and they have encouraged short-term rentals. I think it is time to stop that. My suggestions, if we have already given away the farm with the 70s papers and are at their mercy, then I think it is imperative that we refuse all future building permits unless they are tied to the resort paying for all additional bridges, roads, infrastructure, electric, sanitation workers, mail carriers, water and sewer, fire houses, policemen, and firefighters because they are all going to be needed. I think we need to get guarantees and proof before the permits are approved that noise and light pollution will meet our requirements when the project is completed. Lights on in parking lots are lights in our eyes. I think we should demand the resort will increase its percentage of beach nourishment to maybe 100% since they will be impacting the fragile island ecosystem and will profit most from a renourished beach. And I think we have to get the resort to acknowledged in writing that displacing wildlife and vegetation must be considered when they are constructing the buildings. Where do the rats and raccoons go? Our houses. Parking lots, garages for visitors and workers must be designed and fully permitted before any new hotel condo building permit is approved. No more construction workers parking on Palm Boulevard north of the main gate. And if we need another bridge, it should be placed on the end of the island on their golf course and connect with Mt. Pleasant. It can be a toll bridge, and it has to carry all resort traffic. Construction workers, food and beverage trucks, workers, and guests...It should be open to everyone for a hurricane evacuation. Lastly, I have printed a few pictures of a Dart Florida property, and I want to know is this the goal?"

Debbie Stanley said, “I am the current president of the Wild Dunes Community Association Board of Directors. The Board has been elected by association members to govern the association, the association also known as WDCA. It is a legal organization responsible for the management and operation of the Wild Dunes Community in accordance with the planned residential PRD zoning designation. Wild Dunes Board of Directors is concerned with further development in the community and is also aware that number of community members have concerns that relate to further development within the PRD. The Wild Dunes Board is concerned about the limited review of these proposed changes to the zoning ordinances given their significant impacts on the overall community. The process as it is proceeding has not given the Board or Directors of the Association sufficient time to conduct its due diligence on the proposed changes to the ordinances. WDCA respectfully requests that the IOP Planning Commission and the City Council provide the Association with additional information that would support these proposed zoning changes which impact our community.”

3. Purpose – Consideration of First Reading of the following ordinances:

MOTION: Mayor Pounds made a motion to suspend the rules of order to allow for discussion at First Reading. Council Member Hahn seconded the motion. The motion passed unanimously.

Council Member Hahn said, “I appreciate everybody’s comments. They are heartfelt, and everybody sitting up here hears you. I promise you they do. We are a public entity, and what that means is that everything that this Council does at this table has to be public. The reason that some people felt like we just appeared out of nowhere with these ordinances is because we could not craft the ordinances in a public forum. It had to be done in Executive Session so that it could then be presented to all of you. That is what we are doing here tonight, is we are voting on First Reading so it can be presented to everybody here, everybody on the island, and we can have an open discussion, not only with you, but with Wild Dunes and the public. The Pending Ordinance Doctrine that the Mayor mentioned is very simple, and it is designed to create status quo or create a standstill so that everybody is on equal footing with Wild Dunes, and it can all be done in a public setting. I fully support what we are doing, but this is the beginning of what could be a six-month process, and everybody needs to understand that, and during the process there may be negotiation. I don’t know the answer to that question, but there may be negotiation, and it is something that we all, there is going to be some give and take, and we are going to be involved in these discussions, and everybody needs to understand that. Let us know what you think. You have already done a great job of doing that.”

Council Member Miars said, “I would like to reiterate what Mr. Hahn said, and thank you all so much for being here, and let you all know that we hear you. I hear you loud and clear, and I definitely appreciate everyone’s interest in this. It is refreshing to see this much interest in your local government.”

Council Member Streetman also thanked everyone for their input and participation in the process. He said that this process will allow all involved parties to “sit down at the table and come up with plans moving forward that will work for everybody. We have got an island here

that is a beautiful place. It 's a great place to live and we need to make sure we have protected all the interests and protect as much green space as we can. Conservation and all of that is top of mind, so I am taking that stand. I am taking that in mind that what we need to do is protecting what we have it quality of life here going forward and willing to work hard to get to that."

Council Member Popson said, "I want to explain my position because I am about to be the most hated man in this room tonight since I cannot support these ordinances for two reasons. One is property rights. I am a firm believer in property rights whether it be anybody in this room or whether it be a corporation like Lowes or Dart. I would fight for any property rights for any individual or company. To me, there is no difference. I am guessing there are some people in here that are going to vote against capping the short-term rentals because it will affect their property rights, and I totally agree with that. But some of those same people may want to take or change the zoning for the Lowes Dart company, which is again going to affect their property rights. Again, to me, there is no difference. Property rights to me is the Holy Grail. Second reason is the approach we have taken here to get here tonight. I thought or I would have hoped that we could have had some kind of conversation with the Lowe's Dart Group by trying to work something out and sit down with them and express the concerns of our citizens and try to work through something instead of dropping the bomb like we have. The reason why I want to say this is because it is very sensitive to me. Mt. Pleasant did this to me and John Wieland Homes at Dunes West when they changed our zoning on our golf course to conservation open easements, which took our land away from us. And they did it without notice. They did it without a phone call. They did it without a hug and a kiss. We didn't request it, and they just changed our zoning. We ended up in court, spending \$700,000 and some dollars and it just was not the right approach to take. And that is why I have a little bit of an issue with this. Now whether, some of the comments was whether Dar or Lowe's will sit and talk with us or whether we can trust them or not, I do not know that, but it should have been at least an effort on our part instead of going this route. So I realize my vote is not going to make people in here happy, and I am going to be the bad guy, but I just hope that you will kind of understand where I am coming from with my belief in property rights."

Council Member Anderson asked Mayor Pounds to explain the details of the public hearing so people would know what to expect next week.

Council Member Bogosian said, "In the emails that we've received, I cannot think of a more pertinent topic that would fit our City strategic direction or what I personally ran on which was residential quality of life and preserving the residential neighborhoods and our livability, if you will. So I am in full support of this. I think, as Councilman Hahn said, this is the beginning, and I would not want to have anybody's expectation set that when in three weeks it is over. It is going to take us six months to march through this, but we will get there."

Mayor Pounds said, "I think we all have wanted the same thing from this process. Certainly limiting any future development. That is certainly where I've been. My view, kind of where Kevin was early on. I was hopeful we would have a nice collaborative, strategic negotiation to get to a new development agreement with our resort owners. We voted and that didn't happen

last month. So here we are, and I am going to support this because I think we need to take it to the next step to have a public hearing and then see where it goes from there.”

Council Member Pierce encouraged everyone to come to the Public Hearing and speak their minds.

A. Ordinance 2022-08 – AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE FOR A NEW CONSERVATION RECREATION DISTRICT

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

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

Nays: Popson

The motion passed 8-1.

B. Ordinance 2022-09 -AN ORDINANCE ADOPTING AMENDMENTS TO THE OFFICIAL ZONING MAP OF THE CITY OF ISLE OF PALMS TO PROVIDE FOR A NEW CONSERVATION-RECREATION (CR) ZONING DISTRICT AND TO REZONE CERTAIN PROPERTIES FROM THE SR-1 AND PDD DISTRICTS TO THE NEW CR ZONING DISTRICT AS SHOWN ON EXHIBIT 1

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

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

Nays: Popson

The motion passed 8-1.

C. Ordinance 2022-10 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ISLE OF PALMS TO REZONE CERTAIN PROPERTIES FROM THE SR-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AND PDD PLANNED DEVELOPMENT ZONING DISTRICT TO THE CR CONSERVATION-RECREATION ZONING DISTRICT, INCLUDING THE 11 PROPERTIES DESIGNATED AS TMS#571-00-00-001, TMS#604-01-00-001, TMS#604-01-00-059, TMS#571-08-00-226, TMS#604-00-00-032, TMS#604-00-00-033, TMS#604-00-00-034, TMS#604-00-00-035, TMS#604-00-00-036, TMS#604-05-00-185, AND TMS#604-10-00-206, AS SHOWN ON THE PLATS ATTACHED AS EXHIBIT 1

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

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

Nays: Popson

The motion passed 8-1.

D. Ordinance 2022-11 – AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS, SECTION 5-4-39. PDD PLANNED DEVELOPMENT DISTRICT, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE CLARIFICATION BY CORRECTING SCRIVENER’S ERRORS AND DELETING PROVISIONS RELATED TO THE WILD DUNES PDD

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

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

Nays: Popson

The motion passed 8-1.

E. Ordinance 2022-12 – AN ORDINANCE AMENDING THE CITY OF ISLE OF PALMS ZONING ORDINANCE BY AMENDING CERTAIN PROVISIONS OF THE ORIGINAL BEACH AND RACQUET CLUB PRD (ALSO KNOWN AS THE WILD DUNES PRD) TO EXCLUDE CERTAIN PROPERTIES FROM THE PRD DISTRICT, TO REDUCE THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED IN THE PRD DISTRICT FROM 2,449 UNITS TO 2,119, AND TO REDUCE THE MAXIMUM NUMBER OF INN UNITS PERMITTED IN THE PRD DISTRICT FROM 350 UNITS TO 297 UNITS

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

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

Nays: Popson

The motion passed 8-1.

Mayor Pounds stated that public comments during the public hearing on October 18 will be limited to three minutes. Speakers must sign up by 3pm October 17.

Administrator Fragoso elaborated, “During a public hearing we would also present the ordinances that are being heard. The process for public comment will follow the same process as any meeting. People signing up to speak three minutes per person. We will post an agenda with all the instructions tomorrow. The City also accepts written comment via an online form.” Those comments received in the online form are posted alongside the agendas on the City’s website.

Administrator Fragoso explained the process by which the public hearing was advertised. She explained that moving it to the Recreation Center would require re-advertising the public hearing, which would mean it would not happen until later in the month. She noted it would be possible for Council to call for a Special Meeting in the days following the Public Hearing if they felt that was necessary to allow for additional public comment. Administrator Fragoso

encouraged citizens to use the online form to address City Council and to not email them directly as those comments will not be part of the public record.

4. Adjournment

Council Member Ward made a motion to adjourn the meeting, and Council Member Hahn seconded the motion. The meeting adjourned at 5:22pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



SPECIAL CITY COUNCIL MEETING -- WORKSHOP
5:30pm, Tuesday, October 11, 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 Hahn, Bogosian, Anderson, Ward, Streetman, Popson, Miars, Pierce, and Mayor Pounds

Staff Present: Administrator Fragoso, Director Kerr, various department heads

2. Citizens' Comments

Al Clouse said he has been contacted by three Council members since the August Council meeting. The noise ordinance is still be violated on a daily basis at his home. He has attempted contact with the legal counsel for the hotel asking where they are entitled to keep music at 80 decibels, but he has received no response. He would like to speak to the Public Safety Committee about this matter further. Mayor Pounds said a redline version of the noise ordinance will come before the City Council at their October 25 meeting.

3. Special Presentations

A. A Proclamation – Norma Jean Page Day

MOTION: Mayor Pounds read the proclamation honoring Norma Jean Page and made a motion to approve. Council Member Streetman seconded the motion. The motion passed unanimously.

Director Page thanked staff and Council for their support throughout her employment with the Isle of Palms. Mayor Pounds invited everyone to drop by the Recreation Center on the afternoon of October 13 to thank Director Page and to say goodbye.

B. Update on the IOP Water & Sewer Commission's Sewer Plant Consolidation Project

General Manager Chris Jordan gave an update on the construction of the new sewer plant at 41st Avenue and Waterway Boulevard. All basin walls have been poured. He anticipates the roof being completed in January. There have been a few supply chain issues but nothing that has held the project up. Performance testing is planned for June of 2023. The project is expected to be complete by September 2023 at which time they will begin demolition of the Wild Dunes site and construct a pumpstation at that location.

General Manager Jordan said that the plan will be able to cover up to the 1.7 million gallons used on the island today but can expand to handle 2.7 million gallons if the entire island was sewerred including the unbuilt areas of Wild Dunes.

General Manager Jordan was asked about the complaints about the new water meters, and he said they have met with concerned residents to explain to them how their old meters were not properly reading their water usage. He said the new meters are the same brand as the old meters. Because they can constantly read the meters via radio transmissions, they are able to send out about 75 emails to customers per month to notify them of potential water leakage in their homes. An app will soon be available to allow customers to monitor their own water usage.

Regarding the pond on the Wild Dunes property owned by the Water & Sewer Commission, General Manager Jordan said that the pond will not be expanded and cannot be reduced in size. The Commission has not yet made a decision on what to do with the property other than put a pump station on about ¼ of it.

4. Dashboard of City Operations

Administrator Fragoso pointed out that the Building Department has noticed an increase in the amount of short-term rental licenses being issued, bringing the total number of licenses to around 1600. Director Kerr said it will be next year before they know how many of those new licenses are actually businesses generating reservations and income.

Administrator Fragoso said that the activity for the Police and Fire Departments is normal for this time of year. She also spoke to the vacancies in the Police, Public Works, and Recreation departments.

5. Department Reports – included in the meeting packet

6. Strategic Plan Policy Initiatives and Priorities

A. Livability

Discussion and consideration of changes to the noise ordinance

Mayor Pounds reiterated that City Council will review a redline version of the noise ordinance on October 25. Council Member Ward urged Council members to visit the properties in Wild Dunes that have had the most complaints. He said he believed that a change in the speakers at the edge of the property could make a big difference. Mayor Pounds asked Administrator Fragoso to have decibel readings done at 57th Avenue ahead of the October 25 meeting.

Council Member Pierce asked what else can be done given that there have and continue to be noise ordinance violations at that location. Chief Cornett said calls have been responded to and events have been shut down at that location. The Livability Officer has begun to work with the hotel to address the noise issues. He will investigate the speakers mentioned by Council Member Ward. To his knowledge, no noise violation tickets have been issued. He believes the objective measures in the new ordinance will help the officers better address the noise complaints. He has

not spoken to the Wild Dunes Community Association, but they are copied on all the emails regarding this issue.

B. Environmental

Update on proposal to conduct water quality testing of drainage outfalls

Director Kerr reported that the glass recycling bins are in place to the left of the Harris Teeter and at the entrance to the marina.

He also reported that the Environmental Advisory Committee is planning to test water in the ditches that are flowing to the outfalls as they are concerned that some septic systems could be allowing unclean water to get into the City's back waters. They are working with Charleston Water Keepers and Trident Labs to test the waters. Results will be forthcoming in the next few months.

C. Public Services

Discussion and consideration of purchase of a used Vac Trailer Truck for stormwater maintenance

Director Kerr said the staff would like to purchase a used Vac Trailer Truck for stormwater maintenance for \$55,000. Some of the funds for this purchase will come from the monies budgeted for the boom truck and mini excavator. The City now has a Stormwater Manager with experience running a vac truck and staff believes this expertise could save the City money over time by reducing the amount of work currently being completed by Eadie's. Administrator Fragoso said City Council will receive a memo at the next meeting explaining the staff's recommendation and where the monies will come from for the purchase.

D. Personnel

E. Other items for discussion

A. Discussion regarding establishment of a Marina Advisory Board

Council Member Streetman shared research he did into a Marina Advisory Board at Fernandina Beach. Their City Manager said that the effectiveness of that board has been in question due to some personal conflicts.

Council Member Streetman said that Mr. Schuler plans to hold community meetings about the marina and he believes the City should encourage such meetings. Administrator Fragoso added that Mr. Schuler intends to hold those meetings after the lease transfer has closed, noting they will not be City-sponsored events. Some Council members questioned the need for another advisory board.

B. Discussion of Signal 30 Nomination of Harold Hirshmann for saving neighbor's life

Mayor Pounds said this nomination will be voted on at the October 25 Council meeting. He shared the story that led to the nomination.

7. Financial Review

Financial Statements and Project Worksheets

Treasurer Suggs said that expenditures and revenues are where they should be at the end of the first quarter. Large construction projects inside Wild Dunes are driving increases in building permits and licenses. However, those same construction projects could cause a decrease in ATAX monies as those rental units will be unavailable for several months.

The City has \$33million in cash, \$17.6million of which is restricted. She has received notice that the City will receive the second half of their ARP monies by the end of October.

Treasurer Suggs reported that the municipal accommodations fee and the beach preservation fee did not beat the prior year's income, suggesting it might have peaked. However, hospitality tax and the local option sales tax continue to outperform last year.

Only a few expenses paid to Quality Enterprises and Thomas & Hutton were noted on the Phase 3 Drainage project worksheet.

Administrator Fragoso reported that the as-builts for the marina have been completed and will be submitted to OCRM for their records. The maintenance manuals have been provided to the City and the Marina operator.

8. Procurement

Report to Council per Procurement Code Section 1-10-3(c):

- A. **\$20, 963 to Display Sales for Front Beach Holiday Tree**
- B. **\$15,840 to Berkeley Heating and Air for HVAC Unit in Palmetto Room in Rec Center**

9. Capital Projects Update

A. Phase 3 Drainage – Outfalls at 30th, 36th, and 41st Avenues

Administrator Fragoso said Quality Enterprise crews are expected to be back on the island next week after having to return to Naples, Florida where many of them live to deal with the aftermath of Hurricane Ian. They will be working at the 36th Avenue outfall and then go back to complete the 30th Avenue outfall, which will include a road closure.

The City is still waiting for permits for 41st Avenue. OCRM is reportedly understaffed, which is causing the delay.

B. Comprehensive Drainage Masterplan

Administrator Fragoso said, "Work in progress and or complete includes the high and low priority areas for the Phase 4 area...They are working on identifying what the high priority projects are and including cost estimates for that. They continue the groundwater monitoring at 6th Avenue to validate the conceptual designs" for the drainage project in that area which the City submitted for grand funding from RIA.

She continued, “They are also reviewing priority areas for the Phase 3 projects. This is the basin that is connected to the three outfalls that we are working on today, and we will be developing recommendations and cost estimates for those as well. Next steps, they are expected to prepare a draft report for the City of the Phase 4 Master Plan by early November. They continue to review development and planning regulations in relation to stormwater management to develop some policy recommendations for you all to consider. They will also be reviewing our maintenance plan. We talked about what Eadie’s is doing, so they will be reviewing that and identifying if there are any suggestions or changes to that plan.”

C. Overhead to Underground Conversion at 21st Avenue

This project is at a standstill while Dominion Energy secures the easement they need in front of the church. There is also a Comcast line attached to that pole, so they are trying to coordinate with Comcast to bury it at the same time. The project is still expected to be completed by the end of the year.

D. Pickle Ball Court Construction and Basketball Courts Rehab

The contract for this project has been executed. A pre-construction meeting with the contractor is planned for later this month and construction is expected to begin in mid-December. It should be completed in approximately 60 days.

E. Public Dock Rehabilitation and “T” dock improvements

The permit for this project is expected to be submitted this week to OCRM.

Administrator Fragoso said, “We have talked to you all before about some repairs that the bulkhead needs in order to support the extension of a six-foot boardwalk/walkway all along the intercoastal side of the marina that connects the public dock to the restaurant. That RFP is out and we expect to receive bids by October 21. Salmon’s Dredging very graciously had agreed to fix the fenders along the restaurant side of the T dock. They did that work earlier this year as part of our contractual obligation with the restaurant folks to make some aesthetic improvements to their portion of the T-dock.” Salmon’s did this work at no additional cost to the City.

Administrator Fragoso continued, “Council approved a \$400,000 expenditure to fix the entire T-dock as part of the lease discussions with Mr. Schuler and at the request of the restaurant tenants, both of them met with us and we are discussing what options are available for the T-dock and what we have budgeted and what they would like to see. They have requested us to pause on spending any money on the T-docks until Mr. Schuler completes his transactions and gets in. They have discussed other options that they might want to consider for the T-dock, so we have paused it thinking that Mr. Schuler is going to be in place very soon so we can get some feedback from them about what they would like to see with the T-dock. Again, that \$400,000 was meant to pay for replacement of decking and fixing the utilities. It is not to fully replace the T-dock or move it. So based on what their plans are for that T-dock, we will wait and see what direction we get from them before we move on.”

Council Member Bogosian clarified that it is amount up to \$400,000.

F. 34A Beach Access ADA-Compliant Boardwalk

Administrator Fragoso reported that the contractor has begun surveying work in this area and she expects construction to begin in the next month or so and be completed in the off season.

G. New Garbage Compactor in the small municipal parking lot

Administrator Fragoso said an RFB was issued last month for this work, and they received two bids. The staff will present their recommendation to award a contract in the amount of \$44,000 for the construction of a new enclosure for the dumpsters at the October 25 meeting. The next step will be to install an odor control system.

Administrator Fragoso thanked staff for all their work during the recent storm. Staff will share an after-action report with City Council. The roles and responsibilities of Council during an emergency will be discussed at the next meeting.

10. Legislative Report

11. Discussion of remaining meeting dates for 2022

Due to Election Day and Thanksgiving, the November Council meeting will be a combination workshop and regular meeting. The December meeting will be on December 6. The workshop/committee structure will be discussed at one or both meetings.

12. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Streetman seconded the motion. The meeting adjourned at 6:48pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Special Personnel Committee Meeting
9:00am, Tuesday, October 18, 2022
1207 Palm Boulevard, Isle of Palms, SC**

MINUTES

1. Call to Order

Present: Council members Anderson, Pierce, and Bogosian

Staff Present: Administrator Fragoso, Director Kerr

2. Purpose

MOTION: Council Member Anderson made a motion to reorder the agenda to allow for the discussion of the Code of Conduct's compliance and enforcement process first. Council Member Pierce seconded the motion. The motion passed unanimously.

A. Discussion and consideration of Code of Conduct's compliance and enforcement process

Committee members discussed the sections of Robert's Rules of Order that pertained to the investigation and trial of misconduct. Council Member Anderson noted that Robert's Rules said such matters should be handled quietly and disciplinary procedures should be done in extreme circumstances.

Committee members discussed what needs to be added to the process outlined in Robert's Rules of Order including: conducting an investigation prior to a trial, the process of the hearing and the trial, the presence of counsel on both sides, and the makeup of an independent investigative committee.

Council Member Anderson said, "We have on page 4 of the Code of Conduct 'Compliance and Enforcement,' and that's really the trial process that we have dealt with. I think Robert's Rules gets to prior to the trial, what we do in terms of investigation. And so if you use the steps in a Fair Disciplinary Process from Robert's Rules of Order first, that sets up, I think, the groundwork...and then just make sure that when we are doing this...that when we get to the trial part that is already in our Code of Conduct whether it is consistent with Robert's Rules of order or not...I think what we missed is the preliminary steps to all of this. The investigation, quietly questioning, seeing what was going on, how to go about that."

Staff will circulate a draft procedure to Committee members to respond to and bring a more finalized version to a meeting in early November prior to it being sent to the full City Council.

B. Discussion and consideration of public disciplinary hearing per Resolution 2022-08

Council Member Bogosian said Resolution 2022-08 does not layout the part of the Code of Conduct that was violated and that the “whole up-front process” was missing. He does not believe City Council should move forward with this resolution based on “the holes in the process I think has led to a piece that would not be good for the City, not good for anybody, the Council, and not good for the alleged or anyone. It is a lose-lose-lose proposition in my opinion. It is something that we should really consider dismissing.”

Both Council members Anderson and Pierce agreed. Council Member Anderson that the Code of Conduct should be revised with a standard procedure followed by “some sort of informal investigation and leave it at that.”

MOTION: Council Member Pierce made a motion to recommend to City Council to repeal Resolution 2022-08 and “discontinue any pursuit of this individual public hearing.” Council Member Anderson seconded the motion. The motion passed unanimously.

C. Discussion and review of City Attorney and Assistant City Attorney proposals

Administrator Fragoso said the Committee’s recommendations to City Council need to go before them at the November 15 meeting so the Mayor can present them at the December 6 meeting. She also shared that the Mayor will discuss at Council’s October meeting if the Council will accept the recommendation of the Personnel Committee or if other Council members wish to be part of the interview process.

MOTION: Council Member Anderson made a motion to schedule interviews with all three attorneys who responded to the RFP. Council Member Pierce seconded the motion. The motion passed unanimously.

Council Member Pierce suggested some ranking criteria for Committee members to consider while reviewing the proposals and interviewing the candidates: breadth of service, experience with municipalities, experience elsewhere outside of municipalities, depth of the bench, the expertise and experience in court, experience with IOP, the fee structure, availability/SLA, thoroughness of the presentation, commitment and qualifications of the first and second chairs, history in the community and connections at local and state level, and diversity of services in key members.

3. Adjournment

Council Member Anderson made a motion to adjourn, and Council Member Pierce seconded the motion. The meeting was adjourned at 9:38am.

Respectfully submitted,

Nicole DeNeane
City Clerk



PUBLIC HEARING – PRD DOCUMENTS
5:00pm, Tuesday, October 18, 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 Hahn, Bogosian, Anderson, Ward, Streetman, Popson, Miars, Pierce, and Mayor Pounds

Staff Present: Administrator Fragoso, Director Kerr, City Attorney Halversen

2. Public Comments on the following ordinances:

A. Ordinance 2022-08 – AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE FOR A NEW CONSERVATION RECREATION DISTRICT

B. Ordinance 2022-09 -AN ORDINANCE ADOPTING AMENDMENTS TO THE OFFICIAL ZONING MAP OF THE CITY OF ISLE OF PALMS TO PROVIDE FOR A NEW CONSERVATION-RECREATION (CR) ZONING DISTRICT AND TO REZONE CERTAIN PROPERTIES FROM THE SR-1 AND PDD DISTRICTS TO THE NEW CR ZONING DISTRICT AS SHOWN ON EXHIBIT 1

C. Ordinance 2022-10 – AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ISLE OF PALMS TO REZONE CERTAIN PROPERTIES FROM THE SR-1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AND PDD PLANNED DEVELOPMENT ZONING DISTRICT TO THE CR CONSERVATION-RECREATION ZONING DISTRICT, INCLUDING THE 11 PROPERTIES DESIGNATED AS TMS#571-00-00-001, TMS#604-01-00-001, TMS#604-01-00-059, TMS#571-08-00-226, TMS#604-00-00-032, TMS#604-00-00-033, TMS#604-00-00-034, TMS#604-00-00-035, TMS#604-00-00-036, TMS#604-05-00-185, AND TMS#604-10-00-206, AS SHOWN ON THE PLATS ATTACHED AS EXHIBIT 1

D. Ordinance 2022-11 – AN ORDINANCE AMENDING TITLE 5, PLANNING AND DEVELOPMENT, CHAPTER 4, ZONING, ARTICLE 2, DISTRICT REGULATIONS, SECTION 5-4-39. PDD PLANNED DEVELOPMENT DISTRICT, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE CLARIFICATION BY CORRECTING SCRIVENER’S ERRORS AND DELETING PROVISIONS RELATED TO THE WILD DUNES PDD

E. Ordinance 2022-12 – AN ORDINANCE AMENDING THE CITY OF ISLE OF PALMS ZONING ORDINANCE BY AMENDING CERTAIN PROVISIONS OF THE ORIGINAL BEACH AND RACQUET CLUB PRD (ALSO KNOWN AS THE WILD DUNES PRD) TO EXCLUDE CERTAIN PROPERTIES FROM THE PRD DISTRICT, TO REDUCE THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED IN THE PRD DISTRICT FROM 2,449 UNITS TO 2,119, AND TO REDUCE THE MAXIMUM NUMBER OF INN UNITS PERMITTED IN THE PRD DISTRICT FROM 350 UNITS TO 297 UNITS

Director Kerr gave a brief overview of the ordinances. He said a second public hearing will be held on Tuesday, November 1 at the Recreation Center. Following that, the Planning Commission will review the ordinances and make a recommendation to the City Council at their November 9 meeting.

Council Member Hahn clarified that Second Reading cannot happen tonight as there is a process that must be followed which includes the public hearings and a review of and recommendation from the Planning Commission.

Tony Santiago said the developer is looking to divide people on this issue. He said the developer is not interested in taking care of people. He encouraged City Council to not be afraid of litigation. He does not believe a task force is needed on this issue.

Randy Bell's comments are attached to these minutes.

Elizabeth Campsen's comments are attached to these minutes.

Bev Miller, speaking on behalf of the Barrier Island Preservation Alliance, said City Council needs to focus on the greater good of what it can do for the island. She said there are 752 residents and property owners who have signed a petition supporting the passage of these amendments. She encouraged Council to follow the Strategic Plan and Comprehensive Plan when discerning their vote.

Jeff Simon spoke to Council Member Popson's comments at last week's First Reading, stating that the Town of Mt. Pleasant "acted legitimately" as land use planning is a government's role. He believed there was nothing inappropriate in the action Mt. Pleasant took with regards to the golf course in Dunes West. He believes properly crafted legislation will survive litigation. He encouraged City Council to stand united against the developers.

Brian Duffy's comments are attached to these minutes.

Laura Lovins read the vision statement and the first two goals of the Strategic Plan. She said it is City Council's job to take care of the residents and protect their quality of life, which cannot be negotiated.

Carly David said the island needs to be protected from overdevelopment and the City needs to be proactive. She is a property rights supporter, but she believes Dart has no vested interest in the Isle of Palms. She said it is important stop this at an early stage.

Brenda Rosenthal said she voted for some of the Council members because they said they were “for the residents.” She said the 1975 PRD document is outdated. She encouraged City Council to pass the ordinance before any negotiations with Dart and Lowes.

Suzi Wheeler’s comments are attached to these minutes.

Tony Santiago spoke again encouraging City Council to not delay in passing these ordinances as he believes Dart is “maneuvering behind the scenes.” He reiterated that no task force is needed.

Brian Duffy asked City Council to set deadlines on getting these ordinances passed. He understands that the issue has to go to the Planning Commission, but he said that is where “things go to die.”

Tom Schmitt said a recent vote of Ocean Point homeowners added an amendment limiting the number of properties any one person or entity can own within that section to one. He wants them to live up to their campaign promises. He does not want a task force.

Council Member Streetman invited people to comment at the 6pm meeting.

3. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting was adjourned at 5:51pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



SPECIAL CITY COUNCIL MEETING
6:00pm, Tuesday, October 18, 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 Hahn, Bogosian, Anderson, Ward, Streetman, Popson, Miars, Pierce, and Mayor Pounds

Staff Present: Administrator Fragoso, Director Kerr, City Attorney Halversen

2. Citizen's Comments

Randy Bell said there is nothing in City code that allows for the formation of a task force. He believes a task force reduces Council representation. He said it is reprehensible that five City Council members would vote for this and someone should make a motion to end the meeting.

Tony Santiago said City Council does not need more time behind doors to discuss this matter. He said to listen to the citizens and pass the ordinances without a task force.

Elizabeth Campsen said the Planning Commission is the City's task force in this instance and said Wild Dunes could come speak with the Planning Commission. She also noted there is no provision for the creation of a task force. She said the City's Code of Conduct requires they comply with State and local laws and so there should be no task force.

Brian Duffy said he was concerned about how rapidly this meeting was called without more notice to the public. He cannot see what the emergent issue is that must be dealt with so quickly. He asked why a task force is needed when the Planning Commission exists.

Terrance Smith said a task force shows lack of leadership and is an attempt to "kick the can down the road."

Tom Schmitt said there is no reason for a task force since the City Council members are the decision makers for the City.

Patsy Hindman said passing these ordinances is a "no brainer." She said negotiations can be made through a variance and no task force is needed.

Brenda Rosenthal asked who recommended the task force and why.

3. **Purpose** – discussion and consideration of a councilmember-led task force to serve as liaison related to the Wild Dunes zoning

MOTION: Council Member Miars made a motion to not move forward with a task force. Council Member Pierce seconded the motion.

Council Member Ward said the City should “stick with the process” and send this matter to the Planning Commission. Council Member Streetman agreed.

Council Member Hahn said City Council has been asked to receive some information from Wild Dunes and needs to speak with the City Attorney in Executive Session. He said, “We have been asked by Wild Dunes to receive information. How we do that is very important for our legal position with all of this, and all I want to do is talk to our lawyer about how information can be received from Wild Dunes and whether it should be in different formats, and I am not willing to vote on any of this until that time. So I would like to ask that we have that opportunity just to get legal counsel before we make any vote on anything.”

Mayor Pounds said Mr. George Bulwinkle is here tonight to answer Council’s questions. The next steps are the second Public Hearing on November 1, followed by the Planning Commission’s review on November 9 before the matter comes back before the City Council.

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

The meeting was adjourned at 6:23pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Special Real Property Committee Meeting
10:00am, Thursday, October 20, 2022
1207 Palm Boulevard, Isle of Palms, SC**

MINUTES

1. Call to Order

Present: Council members Miars, Popson, and Streetman

Staff Present: Administrator Fragoso, Director Kerr, Attorney Brian Kitz

Also present: Dave and Chrissy Lorenz, Jon Bushnell, Dan Slotchiver, Matt Cline

2. Citizen's Comments – none

3. Purpose

A. Discussion of parking layout options for the intracoastal side of the marina to eliminate shared parking area and establish City and greenspace area and consolidate/expand Islander 71's exclusive parking lot

Matt Cline of Cline Engineering detailed the iterations and options for different parking lot designs for the intracoastal side of the marina. Administrator Fragoso said Mr. Cline is the same engineer who was hired by Mr. Schuler, the new marina operator, to reconfigure the side of the parking lot covered in his lease. She said this is a unique opportunity to redesign the lot to meet everyone's needs, and she seeks guidance from the Committee on what the City would like to see in the lot.

Option C has 105 car parking spaces and 25 golf cart parking spaces for the restaurant and 27 car, 9 golf cart, and 10 trailer parking spaces for the City.

Option E has 116 car parking spaces and no golf cart parking for the restaurant and 25 car, 5 trailer, and 5 golf cart parking spaces for the City.

Neither option includes the potential parking spaces along 41st Avenue that may come as a result of the drainage project planned for that area. Both options protect the landing area of the public dock.

Mr. Cline said he prefers Option E for access and safety reasons as well as the additional maneuverability. The restaurant tenants also prefer Option E as they believe it makes the most efficient use of the space and allows for an area where employees can double stack their cars. Mr. Bushnell said that since there is no public transportation to the marina and none of their employees live on the island, they need as much parking space as possible for them. Option E

also allows for 20' of greenspace for the length of the intracoastal and specific defined resident-controlled parking spots.

Council Member Popson said he prefers Option C because the restaurant and resident parking areas are split and it allows for more boat trailer parking. Mr. Bushnell said that Option C does not allow them to segregate employee parking and provides for less parking spaces at night.

Council Member Miars noted that Option E provides for 5 trailer parking spaces, which is 5 more than is down there now.

Director Kerr spoke to the zoning compliance. The restaurant and the parking layout for the restaurant predate the requirements of the zoning code. So from a zoning standpoint, the City views the "restaurant and the spaces that were built when the restaurant was built as being a legal, non-conforming but compliant" area. He said the formula determining the required number of spaces for a restaurant that size dictates the restaurant should have 102 spaces.

Further detailed explanation of zoning code requirements and the needs of the restaurant went on between Administrator Fragoso, Director Kerr, and Mr. Bushnell. The possibility of shuttling employees was also discussed. Administrator Fragoso pointed out that making parking difficult for employees could be the difference between someone deciding to work at Islander 71 or not.

Council Member Streetman believes Option C is a good compromise to start with and that shuttling could be an option during the high season.

MOTION: Council Member Streetman made a motion to recommend Option C to City Council and have Mr. Cline bring another option with him to next week's City Council meeting. Council Member Popson seconded the motion.

Mr. Dan Slotchiver, attorney for Marker 116, said, "I appreciate your comments about Option C. One of the things that has not been to the Islander is that it just does not work for the restaurant. We are in a position where we are trying to figure out something that works better for the City. The whole idea about switching the parking from the old Tidal Wave lot, which is the employee parking lot that Islander has now, and it has it under contract until the expiration of their lease. And switching that in some capacity with the shared parking and at that point giving up all rights to the shared parking, that was an idea that the Islander had because they thought it would benefit the City. It would give them a parking lot next to the dock, and at the same time, it would allow the restaurant a consolidated parking lot, which they could then spend money on to fix up and to organize in a manner that would put them in as good a position as they are now. The problem with Option C is that it does not put them in as good an option as they have right now. For example, shuttling employees back and forth. If they have to shuttle employees, the concern is they are going to lose employees. We have beach traffic, and right now, they have ample parking at the restaurant. As we sit here today, if we do nothing, they have the employee parking lot. They have got the restaurant parking lot, and in between is the shared parking, which they have the right to share. And because of what has happened with the marina, they have ample parking to survive right now if they do nothing. The City wants to provide to the residents, and all of the Islander owners are residents, they want to provide to the residents parking that allows them to

park next to the docks. But it has to make sense to the restaurant, and it does not make sense if it is going to put the Islander in a worse position than it is in right now. So the idea in coming here today and listening the presentation that Mr. Cline gave is to see if we could proceed under the mechanism that makes sense for the restaurant, or if we can come up with another plan, a plan that would afford them an isolated parking where they could put their employees in and have all of the restaurant customers in. Because one thing we know for sure, once they give the right to shared parking, there is no more parking out there. The marina has its shared parking. The City, we anticipate, is going to designate parking to the residents, which the residents have never had before. They have always wanted it, but they have never had it. The idea is to give the residents that piece of parking that they don't have, and at the same time make sure that the restaurant is not going to get hurt." Mr. Slotchiver asked the Committee to reconsider Option E.

Administrator Fragoso said it would be helpful to give Mr. Cline some guidance on what the City will accept in another option, specifically numbers of spaces for each type of parking.

Council Member Miars said the City cannot force the Islander to change the parking lot to Option C. She believes the only positive in Option C over Option E is the larger number of trailer parking spots. She said, "E gives us more safety, less liability for the City, better ingress, egress for the trucks, better employee parking, better for the restaurant. Five trailer parking spots is what we are talking about that we never had a single one."

Mr. Cline said that any other option would be an extension of Option E because all he would be doing is adding trailer parking spaces.

Council Member Popson said he likes the separate entrances of Option C, but he is open to looking at other options. He said he wants to get the most for the residents in the lot.

VOTE: A vote was taken as follows:

Ayes: Popson, Streetman

Nays: Miars

The motion passed 2-1.

B. Discussion of proposed amendment to Islander 71's lease received by restaurant tenant Marker 116

Mr. Lorenz said he would like to have the lease amended to allow for the restaurant to have exclusivity for liquor by the drink.

Council Member Streetman asked if this affects the marina lease in anyway. Administrator Fragoso said that Mr. Schuler's lease limits him to beer and wine only.

Mr. Kitz said, "With respect to alcohol sales, the marina store lease as amended, as it will be amended, allows for the sale of beer and wine for onsite consumption, does not allow for the sale of liquor."

MOTION: Council Member Miars made a motion to recommend to City Council that the City's legal team develop an amendment to the Islander 71/Marker 116 lease that

includes exclusivity of liquor by the drink. Council Member Pospon seconded the motion. The motion passed unanimously.

4. Adjournment

Council Member Miars made a motion to adjourn, and Council Member Popson seconded the motion. The meeting was adjourned at 11:45am.

Respectfully submitted,

Nicole DeNeane
City Clerk

ORDINANCE 2022-

AN ORDINANCE AMENDING TITLE 9, OFFENSES, CHAPTER 2, OFFENSES AGAINST PUBLIC PEACE, TO REPEAL AND REPLACE SECTION 9-2-5, NOISE, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Section 9-2-5, "Noise," is hereby deleted in its entirety and replaced with the following new Section 9-2-5, "Noise," to state as follows:

"Sec. 9-2-5. Noise.

- a. *Definitions.* In addition to the common meaning of words, the following definitions shall be used in interpreting this section.
 1. *"A" weighted scale.* The sounds pressure level, in decibels, as measured with the sound level meter using the "A" weighted network (scale). The standard unit notation is "dB(A)."
 2. *Amplified sound.* Sound augmented by any electronic means which increases the sound level or volume.
 3. *ANSI.* American National Standards Institute or its successor bodies.
 4. *Complainant.* Any owner, lessee, manager or person with a legal interest in real property within the corporate limits of the City who reports to the police department being disturbed by sound heard at their residence or place of business and not originating therefrom.
 5. *Construction.* On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting and landscaping.
 6. *dB(A).* Sound level in decibels, determined by the "A" weighted scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI, S 1.4-1971, or its successor publication(s).

7. *Decibel (dB)*. a unit of level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.
8. *Excessive noise*. Any unnecessary or unusually loud sound or any sound which disrupts the peace and quiet of any neighborhood and which does annoy, disturb, injure, or endanger the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensibilities.
9. *Emergency work*. Work made necessary to restore property to a safe condition, work required to protect, provide, or prevent persons or property from danger or potential danger, or work by a private or public utility when restoring utility service.
10. *Person*. Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, or agency.
11. *Plainly audible*. Able to be clearly heard by a person of normal sensibilities using only unaided auditory senses. *Plainly audible* shall refer to a sound heard at a volume level above that of normal conversation and shall not include sounds which are just barely audible. With respect to music and amplified sounds, the detection of rhythmic base reverberating type sound, beat or cadence shall be deemed plainly audible.
12. *Receiving property*. Any residence or place of business on which uninvited noise is plainly audible.
13. *Sound level*. In decibels, a weighted sound pressure level determined by the use of a sound level meter whose characteristics and frequency weightings are specified in ANSI standards.
14. *Sound level meter*. is an instrument including a microphone, an amplifier, an output meter, and "A" frequency weighting network for the measurement of sound levels that conforms to American National Standards Institute (ANSI) Standard S 1.4-1971 "Specifications for Sound Level Meters," or the latest revision.
15. *Sound pressure level*. In decibels, twenty (20) times the logarithm to base 10 of the ratio of the magnitude of a

particular sound pressure to the standard reference pressure. The standard reference pressure is 0.0002 microbars.

16. *Sound source.* Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

17. *Uninvited noise.* Noise not originating from the receiving property.

b. *Noise measurement.* Noise measurements shall be employed by the police department in the following manner:

1. Noise measurements shall be made using a sound level meter taken from the property line of the complainant's property. If measurement is not possible from the property line from the complainant's property, noise measurements may be taken at the nearest boundary line of the public right-of-way.
2. No individual other than the sound meter operator(s) shall be within ten (10) feet of the sound level meter during the sample period.
3. Sound measurements shall be conducted at that time of day or night when the suspect noise is emitting sound.
4. The sound level meter shall be employed in accordance with the manufacturer's instructions.
5. It shall be unlawful for any person to interfere, through the use of sound or otherwise, with the taking of sound level measurements.

c. *Maximum decibel levels.* Unless otherwise specifically indicated, it shall be unlawful for any person to cause or allow the emission of sound from any source or sources which, when measured pursuant to paragraph (b) above, to exceed:

1. 60dB(A) during daytime hours (10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday) in residential zoning districts;
2. 75 dB(A) during daytime hours (10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday) in commercial zoning districts; and

3. 55dB(A) during evening hours (10:00 p.m. to 10:00 a.m. Sunday through Thursday and 11:00 p.m. to 10:00 a.m. Friday and Saturday) in residential and commercial zoning districts.

The sound meter operator may cease taking readings as soon as the readings already taken show a violation of this ordinance.

d. *Excessive noise prohibited.*

1. It shall be unlawful for any person to intentionally produce, intentionally cause to be produced, or intentionally participate in the producing any excessive noise within the municipal limits.
2. In determining whether a sound is excessive noise for purposes of this section, factors that may be considered include, but are not limited to:
 - a. The volume of the noise;
 - b. The intensity of the noise;
 - c. Whether the nature of the noise is usual or unusual;
 - d. Whether the origin of the noise is natural or unnatural;
 - e. The volume and intensity of the background noise, if any;
 - f. The proximity of the noise to residential sleeping facilities;
 - g. The nature and zoning of the area within which the noise emanates;
 - h. The time of the day or night the noise occurs;
 - i. The duration of the noise; and
 - j. Whether the noise is recurrent, intermittent, or constant.

The determination of whether a noise or sound is excessive noise shall be made without considering the content of any message conveyed by the noise or sound.

e. *Specific prohibitions.* The following acts are specifically prohibited:

1. Horns/signaling devices. The sounding of any horn or signaling device on any motor vehicle or any street or public place, except as a danger warning.
2. Radios, televisions, musical instruments, and similar devices. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or

reproduces sound in a manner as to be plainly audible from inside any residence or place of business other than the sound source.

3. Amplified sound. Amplified sound that is plainly audible from inside of a residence or place of business of a receiving property and not originating from the receiving property.

4. Mufflers. Sound emitting from a motor vehicle's muffler in violation of S.C. Code Ann. § 56-5-5020.

5. Loudspeakers, etc. It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the street, sidewalks, parks or other outdoor public places owned or under the control of the City, except as permitted under paragraph (g) of this section; provided, however, that any City-owned property subject to a commercial lease and a noise control agreement or permit is exempt from the requirements of this paragraph.

6. Hawking or peddling. It shall be unlawful for any person to make any noise on a public street or in such proximity thereto as to be distinctly and loudly audible on such street by any kind of crying, calling, or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever. It is the express intention of this paragraph to prohibit hawking, peddling, soliciting or using other loud noises to attract attention to a business and not to prohibit the spill-over noise emanating from a lawfully operating business.

f. *No employee liability.* No employee of any place of business acting within the scope of his or her employ shall be liable for a violation of this section, unless an employee is also an owner of the business.

g. *Exceptions.* This section shall not apply to the following sources:

1. Any City-hosted, City-sponsored or City-sanctioned special events.
2. Excavations or repairs of bridges, streets or highways, by or on behalf of the City, county or state during the night, when the public welfare and convenience renders it impossible to perform the work during the day; nor shall the same apply to

work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor.

3. Construction activities performed by or on behalf of a governmental agency, including, but not limited to, construction, repair or maintenance of public buildings and drainage facilities, dredging activities, beach renourishment activities, and other public projects.
4. It shall be unlawful for any contractor, subcontractor, landscaper, supplier or vendor to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, at any time other than between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays.
5. The maximum decibel level shall not exceed dB(A) during daytime hours (10:00 a.m. to 10:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:00 p.m. Friday and Saturday) in the GC-2 general commercial zoning district.

- h. *Violations.* Any person who violates any provision of this section shall be fined not more than \$500 or imprisoned for not more than 30 days. However, no penalty shall exceed the penalty provided by state law for similar offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues.”

SECTION 2. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.

SECTION 3. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 4. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE _____ DAY OF _____, 2022.

Phillip Pounds, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Ratification: _____

DRAFT

Sec. 9-2-5. Noise.

- a. *Declaration; specific noises.* It shall be unlawful for any person to create, assist in creating, permit, continue, or permit the continuance of any noise in the City that is unreasonably loud or disturbing in the circumstances to a reasonable person of ordinary sensibilities except as expressly allowed pursuant to subsections e. and f. of this section. The following are declared to be unreasonably loud or disturbing noises in violation of this section, but such acts shall not be deemed to be exclusive:
- (1) *Blowing horns.* Except as required by law, no person shall blow or cause to be blown within the City any steam whistle, electric horn, or other signaling or warning device, except as alarm signals in case of fire or collision or other imminent danger.
 - (2) *Pets.* It shall be unlawful to keep, stable, harbor or maintain any animal or bird which disturbs the comfort or repose of any reasonable person of ordinary sensibilities in the vicinity by making continually or frequently loud noise.
 - (3) *Loudspeakers, etc.* It shall be unlawful to use, maintain or operate loudspeakers, sound trucks, amplifiers or other mechanical or electrical devices for increasing the volume of sound, upon the street, sidewalks, parks or other outdoor public places owned or under the control of the City, except as permitted under subsection e. and f. of this section; provided, however, that any City-owned property subject to a commercial lease and a noise control agreement or permit is exempt from the requirements of this paragraph.
 - (4) *Hawking or peddling.* It shall be unlawful for any person to make any noise on a public street or in such proximity thereto as to be distinctly and loudly audible on such street by any kind of crying, calling, or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of attracting attention or of inviting patronage of any persons to any business whatsoever. It is the express intention of this paragraph to prohibit hawking, peddling, soliciting or using other loud noises to attract attention to a business and not to prohibit the spill-over noise emanating from a lawfully operating business.
 - (5) *Radios, phonographs, televisions, etc.* The use, operation or playing of or permitting the use, operation or playing of any radio, hi-fi, stereo system, phonograph, piccolo, television or any musical instrument in such manner or with such unreasonably loud volume in the circumstances as to disturb any reasonable person of ordinary sensibilities, or the playing of such instrument in such manner as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.
 - (6) *Use of vehicle.* The use of any automobile, motorcycle, motor boat, personal watercraft, water jet pack or other type of vehicle in such a state of disrepair, or so loaded, or used or repaired in such a manner as to create unreasonably loud or disturbing noises in the circumstances, particularly grating, grinding, rattling, riveting, revving or other disturbing noises.
 - (7) *Exhaust discharge.* To discharge into the open air the exhaust from any steam engine, stationary internal combustion engine, motor boat engine, motorcycle or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - (8) *Noise in proximity to schools, courts, etc.* The creation of any excessive noise on any street adjacent to any school, institution of learning, library, or court, while the same is in session, or adjacent to any church during church services, which interferes with the work or worship at any such place or institution.
- b. *Amplified Music—Nighttime play.* It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument (including but not limited to brass

or drum instruments), or other amplification device or apparatus making or reproducing musical or other sounds between the hours of 10:00 p.m. and 10:00 a.m., Sunday through Thursday, or between the hours of 11:00 p.m. and 10:00 a.m., Friday and Saturday, in such a manner as to be plainly audible in any adjacent street or right-of-way, adjacent place of public accommodation, or adjacent dwelling or other residence. For the purpose of this section, plainly audible shall mean any sound that can be detected by a reasonable person of ordinary sensibilities using his or her unaided hearing faculties.

- c. *Amplified Music—Daytime Play.* It shall be unlawful for any person, entity or establishment to play, operate or cause to be played or operated, any radio, amplified musical instrument (including but not limited to brass or drum instruments), or other amplification device or apparatus making or reproducing musical or other sounds between the hours of 10:00 a.m. and 10:00 p.m., Sunday through Thursday, or between the hours of 10:00 a.m. and 11:00 p.m. Friday and Saturday, in such a manner or with such unreasonably loud volume in the circumstances as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence.
- d. *Piledrivers and other apparatus, tools or equipment.* It shall be unlawful for any contractor, subcontractor, landscaper, supplier or vendor to operate or use any piledrivers, steam shovels, pneumatic hammers, derricks, steam or electric hoists, or other apparatus, tools or equipment, the use of which is attended with loud or disturbing noises, at any time other than between the hours of 7:30 a.m. and 6:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 4:00 p.m. on Saturday. No such use shall be permitted on Sundays or on the following legal holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; and Christmas Day. Approval for such use may be granted by the City for performing emergency repairs outside of the hours specified. Nothing in this paragraph shall be construed to prohibit an owner or member of an owner's immediate family from performing maintenance, repairs, or other work on their own property at any time, provided that such work is otherwise in compliance with City ordinances.
- e. *Public interest events.* Notwithstanding any other provision of this section, on application to, and approval by, the Chief of Police, written permits may be granted to broadcast programs of music, speeches, general entertainment, or announcements as a part of and incident to community celebrations of national, State, or City occasions, public festivals, or other public interest events, provided that traffic on the streets is controlled. In determining whether or not to issue such a permit, the Chief of Police shall weigh the public interests in the event against the noise and disturbance anticipated to be created by the event and must consider the intensity and duration of the noise and the area that will likely be affected. The language or content emanating from the event shall not be considered.
- f. *Exceptions.* None of the foregoing prohibitions shall apply to or be enforced against:
 - (1) Any City vehicle engaged in City business;
 - (2) Any City-hosted, City-sponsored or City-sanctioned special events;
 - (3) Excavations or repairs of bridges, streets or highways, by or on behalf of the City, county or state during the night, when the public welfare and convenience renders it impossible to perform the work during the day; nor shall the same apply to work performed by public utility companies under like conditions and circumstances, or when there is urgent necessity therefor;
 - (4) Construction activities performed by or on behalf of a governmental agency, including, but not limited to, construction, repair or maintenance of public buildings and drainage facilities, dredging activities, beach renourishment activities, and other public projects.
- g. *Enforcement factors.* Factors to be considered in determining whether a noise is unreasonably loud, disturbing, or excessive for the purposes of this section shall include, but are not limited to, any or all of the following:
 - (1) The intensity and volume of the noise;

-
- (2) The intensity of the background noise, if any;
 - (3) Whether the nature of the noise is usual or unusual;
 - (4) Whether the origin of the noise IS associated with nature or human-made activity;
 - (5) The proximity of the noise to sleeping facilities;
 - (6) The land use, nature, and zoning of the area from which the noise emanates and the area where it is received;
 - (7) The time of day or night, along with the day of the week and time of year, when the noise occurs;
 - (8) The time duration of the noise;
 - (9) Whether the sound source is temporary;
 - (10) Whether the noise is recurrent, intermittent or constant;
 - (11) Whether or not noise abatement measures are possible and whether or not they are used to reduce the noise level;
 - (12) The number of people and their activities that are affected by the noise;
 - (13) The existence of complaints concerning the noise from persons or premises affected by the noise;
 - (14) Whether the noise in the circumstances would disturb a reasonable person of ordinary sensibilities; and
 - (15) The nature of any communicative content of the noise shall not be considered for the purpose of this section.
- h. *Violations and penalties.* A violation of this section is a misdemeanor punishable pursuant to section 1-3-66. Each day that a violation continues shall constitute a separate offense.
- i. *Nuisance.*
- (1) Violation of this section is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
 - (2) In addition to the penalties set forth in subsection (h) of this section, repeated violations of this section by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of any business license issued to the premises on which the violations occurred in accordance with section 7-1-15.
- (Code 1994, § 9-2-5; Ord. No. 1999-15, 6-22-1999; Ord. No. 2001-4, § 1, 3-27-2001; Ord. No. 2003-15, § 1, 11-25-2003; Ord. No. 2016-02, § 1, 2-23-2016; Ord. No. 2018-04, § 1, 4-24-2018)

BID FORM

BID OF: BURY'S FOOTERS

(Contractor)

BID TO: The City of Isle of Palms

(Owner)

PROJECT NAME: Compactor Enclosure

PROJECT NUMBER: RFB 2022-03

BID DATE: 9/22/22

BASE BID AGREEMENT

The undersigned, having examined all the Bidding Documents, including all Addendum(a) as follows:

shall execute the entire Work in the Bidding Documents described as the Base Bid for the lump sum of:

\$ 39,405
Dollars

(\$ 39,405) which sum is hereafter called the **BASE BID**.

ITEMIZED COSTS (sum of each item should total BASE BID amount)

1. Foundation and footing
\$10,015 Cost (BID DOES NOT INCLUDE FENCE REMOVAL)
2. Vertical wall construction
\$22,040 Cost
3. Ramp repair and modification
N/A Cost
4. New concrete dumpster pad and driveway extension at sidewalk
\$1350 Cost
5. Paint all wall surfaces
N/A Cost

TOTAL BASE BID \$39,405

BID DOES NOT INCLUDE SUPPLYING / REMOVING DIRT
NO SURVEY

**CITY OF ISLE OF PALMS, SOUTH CAROLINA
REQUEST FOR BIDS (RFB) 2022-03
CONSTRUCTION OF COMPACTOR ENCLOSURE**

The City of Isle of Palms is seeking bids from qualified contractors for the construction of 1,000 square feet of concrete sidewalk/slab, a 140' long by 10' tall concrete masonry unit (CMU), steel, and poured concrete wall, and about 100 square feet of miscellaneous concrete repair around an existing trash compactor at 8 JC Long Boulevard. The enclosure will be constructed to create a solid barrier between the compactor and the surrounding areas. This request is being made and awarded pursuant to the City's procurement ordinance. The City reserves the right to reject any and all bids and to waive irregularities.

Bids should be submitted to the following:

Robert Asero
Deputy Director of Public Works
City of Isle of Palms
1305 Palm Boulevard
Post Office Box 508
Isle of Palms, South Carolina 29451

Deadline for Questions

The deadline for questions is 5:00 p.m., Eastern Time, Friday, September 9th, 2022. Bidders should send questions regarding this Request for Bids to Robert Asero, Deputy Director of Public Works, in writing or email to rasero@iop.net. Questions received before this deadline will be answered via addendum posted on the City's website at <http://www.iop.net/requests-for-bids-proposals>. Questions received after this deadline will not be answered.

If an addendum is issued, Bidders must acknowledge receipt of the addendum with their bid.

Deadline for Submissions

The deadline for submission is 10:00 a.m., Eastern Time, Friday, September 23rd, 2022. Bids will be received at the front desk of the Building Department, on the first floor of 1207 Palm Boulevard, Isle of Palms, South Carolina 29451 in a sealed envelope. Sealed envelopes must be clearly marked "RFB 2022-03, Compactor Enclosure" and include one (1) hard copy and one (1) electronic copy saved to a USB flash drive. It will be the responsibility of the bidders to verify receipt by the City.

Bids may be delivered by hand or by mail, but no bid shall be considered which is not actually received by the City at the place, date and time appointed by the City and the City shall not be responsible for any failure, misdirection, delay or error resulting from the selection by any bidder of any particular means of delivery.

Proprietary and/or Confidential Information: Your bid is a public document under the South Carolina Freedom of Information Act (FOIA), except as to information that may be treated as confidential as an exception to disclosure under the FOIA. If you cannot agree to this standard, please do not submit your bid. All information that is to be treated as confidential and/or proprietary must be **CLEARLY** identified, and each page containing confidential and/or proprietary information, in whole or in part, must be stamped and/or denoted as **CONFIDENTIAL**, in bold, in a font of at least 12-point type, in the upper right-hand corner of the page. All information not so denoted and identified will be subject to disclosure by the City.

Bidders acknowledge and agree that the City will not be liable for any costs, expenses, losses, damages (including damages for loss of anticipated profit) or liabilities incurred by the respondent or any member of the respondent's organization as a result of, or arising out of, submitting a bid, negotiating changes, or due to the City's acceptance or non-acceptance of the bid or the rejection of any and all bids. Bidders are responsible for submission of accurate, adequate and clear descriptions of the information requests. Neither issuance of the RFB, preparation and submission of a response, nor the subsequent receipt and evaluation of any response by the City of Isle of Palms will commit the City to award a contract to any respondent even if all the requirements in the RFB have been met.

Bidders must have or be able to procure an Isle of Palms Business License.

Contractors considering submission under this RFB will be expected to have read and be prepared to enter into the attached contract, which is a part of this RFB. The City of Isle of Palms reserves the right to accept or reject any and all bids, or any parts thereof; to waive irregularities or informalities in any bid received to allow the bid to be considered; to negotiate terms and conditions with Bidders; and to select a Bidder or to cancel in whole or in part this RFB, if it is in the best interest of the City to do so. Those bids determined not to be in compliance with provisions of this RFB and the applicable laws and or regulations will not be processed.

By signing its bid, Bidder certifies that it will comply with the applicable requirements of Title 8, Chapter 14 of the South Carolina Code of Laws and agrees to provide the City upon request any documentation required to establish either: (a) that Title 8, Chapter 14 is inapplicable both to Bidder and its subcontractors or sub-subcontractors; or (b) that Bidder and its subcontractors or sub-subcontractors are in compliance with Title 8, Chapter 14. Pursuant to Section 8-14-60, "A person who knowingly makes or files any

false, fictitious, or fraudulent document, statement, or report pursuant to this chapter is guilty of a felony and, upon conviction, must be fined within the discretion of the court or imprisoned for not more than five years, or both." Bidder agrees to include in any contracts with its subcontractors language requiring its subcontractors to (a) comply with the applicable requirements of Title 8, Chapter 14 and (b) include in their contracts with subcontractors, language requiring the sub-subcontractors to comply with the applicable requirements of Title 8, Chapter 14.

Scope of Work

A site visit to the compactor site behind 8 J.C. Long Boulevard is strongly suggested prior to submitting a bid as there are markings on the ground showing the location for the wall, the construction and laydown area is constrained, and access through the site for patrons using the compactor must be retained throughout the project.

The Scope of work for the project includes, but is not limited to the following:

1. Remove the existing wooden fence
2. Construct a 24" wide footing including three #5 rebars as shown on the attached detail pages
3. Install #5 rebar vertically at 32" on center and grout all cells with rebar in lifts no higher than five feet
4. Install a solid bond beam at the top of the wall with a continuous #5 rebar
5. All concrete must be 3000 psi
6. All grout must be 2000 psi
7. All mortar must be 1800 psi
8. Each wall must have foundation vents no less than every ten feet and no higher than 12" above the slab
9. All surfaces of the new walls must be painted with an acrylic-epoxy sealing paint specifically formulated for concrete
10. Remove and replace the broken section of concrete at the bottom of the vehicle access ramp and pour a new concrete 6" thick section to connect the bottom of the ramp to the adjacent sidewalk with a new drive aisle
11. Pour new 800 square foot 6 inch thick concrete pad for recycling

The chosen contractor shall provide all materials, equipment, supplies, freight, state sales tax, labor and supervision as necessary.

Time is of the essence for this project and all work associated with this RFB must be completed within 90 days of the issuance of the Notice to Proceed.

Bid Format

In responding to this request, contractors should provide a price quote for the scope of work to accomplish this work on the attached "BID FORM". Contractors should also provide a cost breakdown of the scope of work on the "ITEMIZED COST" form.

If any addenda(um) are issued, the contractor must acknowledge reviewing the addenda(um) by listing them on the BID FORM.

In addition to submitting the completed BID FORM, contractors submitting bids should provide examples of experience with similar projects. Provide a brief description of similar projects of comparable size and complexity for which the Bidder provided services within the past five (5) years. Limit information to no more than five (5) projects.

A performance bond for 100% of the construction contract amount will be required.

All such descriptions should include:

1. Project location.
2. Renovation and/or Replacement.
3. Description of original project budget versus actual cost.
4. Name and contact information for a reference with knowledge of the Bidder's work on the specified project.

Provide the Contractor(s) and if possible the names and bids of all sub-consultants that will be part of the Bidder's Team and identify the specific work the sub-consultant will perform. Once the City issues a contract, no change in sub-consultants assigned to the project will be permitted without prior written approval from the City.

Evaluation Criteria

The City will evaluate bids based on the factors outlined within this RFB and the City's procurement ordinance, which shall be applied to all eligible, responsive bids in selecting the successful contractor. The City reserves the right to disqualify any bid from a bidder it deems as non-responsive and/or non-responsible. The City reserves the right to make such investigations of the Bidders as it deems appropriate.

Award of any contract may be made without discussion with Bidders after bids are received. The City reserves the right to cease contract negotiations if it is determined that the Bidder cannot perform the services specified in their response.

Recommendation of award for contract will be made based not only on price, which is an important factor, but also on quality of bid, qualifications, experience, technical

DATE FOR COMMENCEMENT AND SUBSTANTIAL COMPLETION

The Date for Commencement shall be established in the Notice to Proceed. The Contractor shall not incur any expense until the contract has been awarded. An award requires that either the Contract be signed by both the awarding authority and the contractor or a Notice to Proceed is executed.

All work for additions shall be substantially completed (as evidenced by the date on the CERTIFICATE OF SUBSTANTIAL COMPLETION) within: NINETY (90) calendar days from the date set forth in the NOTICE TO PROCEED, subject to adjustments as provided in the Contract Documents.

Final completion of all work shall be performed within: THIRTY (30) calendar days from the scheduled contract time for substantial completion, subject to adjustments as provided in the Contract Documents.

The undersigned further agrees that from the compensation to be paid, the owner may retain as liquidated damages the sum of one thousand dollars (\$1,000) for each calendar day the actual contract time for Substantial Completion for the project exceeds the specified or adjusted contract time for Substantial Completion as provided in the Contract Documents.

THIS AGREEMENT IS SUBJECT TO BINDING ARBITRATION PURSUANT TO
SOUTH CAROLINA CODE SECTION 15-48-10, ET SEQ., AS AMENDED

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

RFB 2022-03 Compactor Enclosure

THIS AGREEMENT ("Agreement") is made and entered into this 22 day of SEPTEMBER, 2022, by and between the City of Isle of Palms, S.C., a South Carolina municipal corporation ("City"), and BVLY'S FOOTER'S ("Contractor").

WHEREAS, Contractor was the successful bidder under the City's solicitation for bids for the Compactor Enclosure; and

WHEREAS, the parties hereto desire to enter into this Agreement to set forth the exact rights, duties and obligations of each party regarding the services to be performed by Contractor pursuant to the bid.

THEREFORE, in consideration of the mutual covenants and promises set forth herein,

City and Contractor agree as follows:

1. SCOPE OF WORK.

A. Contractor agrees to provide all labor, equipment, tools, materials, supplies, and incidentals necessary for the Compactor Enclosure project, pursuant to the bid submitted by Contractor to City dated 9/22/22 (the "Bid"), a copy of which is attached hereto as "Exhibit I" and made a part of this Agreement by reference thereto. In the event of any conflict between the provisions of this Agreement and the Solicitation, the term of this Agreement shall control.

B. Contractor agrees to use its best skill and attention and be solely responsible for all means, methods, techniques, sequences, and procedures in the performance of the work on the Project. Contractor hereby warrants to City that all work on the Project shall be performed in a good and workmanlike manner. Contractor agrees to comply with all applicable federal, state and local laws, rules and regulations regarding all work performed by Contractor pursuant to this Agreement.

2. CONTRACT PRICE. For all work under this Agreement, City agrees to pay to

Contractor the sum of THIRTY NINE THOUSAND FOUR HUNDRED FIVE (\$39,405) Dollars, payable upon completion of the Project.

3. **CHANGE ORDERS.** The City has the right to require alterations or changes ("Change Orders") to the Project and in such case Contractor agrees to make such alterations or changes; provided, however, that the details and additional cost or credit of such Change Order must be agreed to by the City and Contractor in writing prior to the commencement of the Change Order.

4. **COMPLETION SCHEDULE. TIME IS OF THE ESSENCE.** Contractor agrees to complete the Project within ninety (90) days from the date of this Agreement. Provided, however, that if performance by the Contractor is delayed for reasons or causes beyond the control of Contractor (including but not limited to, acts of God, weather conditions, site conditions, labor or material shortages, delays caused by City, and casualty losses) the Project completion date shall be extended accordingly.

5. **INSURANCE.** Contractor agrees to maintain comprehensive general liability insurance coverage on the work under the Project in an amount not less than \$1,000,000.00 per person, \$2,000,000.00 per claim, and \$250,000.00 per claim for property damage. Contractor also agrees to maintain worker's compensation coverage on its employees as required by the State of South Carolina workers' compensation laws. All insurance coverage required hereunder shall be with companies approved in advance by City, who shall be named as an additional insured on all such policies. Proof of such insurance shall be provided to City prior to commencement of any work by Contractor.

6. **PERMITS, FEES AND LICENSES.** Contractor agrees to apply for, obtain and pay for all permits, fees, licenses and inspections by governmental agencies necessary for the Contractor's proper performance and completion of the Project, including, but not limited to, a City business license.

7. **INDEMNIFICATION.** Contractor agrees to hold harmless and indemnify City and its officers, agents and employees from and against any loss or damage, including all reasonable attorney's fees and expenses, incurred as a result of any and all claims, demands, causes of action, suits, judgments, fines or penalties (including but not limited to all fees and expenses incurred as a result of death or injury to persons or for loss of or damage to property) arising out of or in connection with Contractor's performance of the work under this Agreement.

8. **SITE INVESTIGATION.** Contractor acknowledges that Contractor has had the opportunity to inspect the service areas, has determined the nature of the work and the difficulties and facilities attending performance of the work, and all other matters which Contractor contemplates may in any way affect the work under this Agreement.

9. BINDING ARBITRATION. Any dispute or controversy arising under or in connection with this Agreement shall be submitted to binding arbitration in accordance with the requirements of the South Carolina Uniform Arbitration Act as then in effect ("SCUAA"). All arbitration proceedings shall be conducted in Charleston County, South Carolina. The arbitrators shall be selected as provided in the SCUAA, and the arbitrators shall render a decision on any dispute within ninety (90) days after the last of the arbitrators has been selected. If any party to this Agreement fails to select an arbitrator with regard to any dispute submitted to Arbitration under this Section within thirty (30) days after receiving notice of the submission to arbitration of such dispute, then the other party or parties shall select an arbitrator for such nonselecting party, and the decision of the arbitrators shall be final and binding upon all the parties to the dispute, their personal representatives, legal representatives, heirs, successors and assigns. The prevailing party in any such proceeding shall be entitled to reimbursement by the losing party, in addition to any damages awarded, for all reasonable costs and expenses, including attorney's fees, incurred in any such proceeding, including all trial and appellate levels. Nothing contained in this Section shall preclude either party from seeking injunctive relief through a court of competent jurisdiction in connection with the Arbitration, and the prevailing party shall also be entitled to reimbursement by the losing party for all reasonable fees and costs, including attorney's fees, incurred in the proceedings seeking injunctive relief.

10. BREACH.

A. In the event that either party breaches any provision of this Agreement, and the same continues for a period of seven (7) days after receipt of written notice thereof, then the nonbreaching party may exercise any and all remedies at law or in equity regarding the breach of this Agreement. Without prejudice to any other rights or remedies available for the said breach, the non-breaching party may terminate this Agreement and cease further performance under this Agreement.

B. Unless authorized by this Agreement, if the Contractor completely ceases work on the Project for a period of fifteen (15) days, or defaults or persistently fails or neglects to carry out the Project, the City may, after seven (7) days' written notice to the Contractor, complete the Project and if the unpaid balance of the contract price exceeds the City's actual cost of completing the Project, such excess shall be paid to the Contractor, but if such expense exceeds the unpaid balance, the Contractor shall pay the difference to the City.

11. EFFECT OF WAIVER OR CONSENT. A waiver or consent, express or implied, to or of any breach or default by a party in the performance of its obligations under this Agreement is not a consent or waiver to or of any other breach or default in the performance by that party of the same or any other obligations of that party with respect

to this Agreement. Failure on the part of a party to complain of any act of the other party or to declare a party in default with respect to this Agreement, irrespective of how long that failure continues, does not constitute a waiver by that party of its rights with respect to that default until the applicable statute-of-limitation period has run.

12. SUB-CONTRACT OR ASSIGNMENT. Contractor agrees not to enter into any subcontracts or assignments pertaining to the performance of all or any part of this Agreement, either voluntarily or by operation of law, without prior written approval of City.

13. BINDING AGREEMENT. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

14. GOVERNING LAW; SEVERABILITY. This Agreement is governed by and shall be construed and interpreted in accordance with the laws of the State of South Carolina. If any provision of this Agreement is held invalid or unenforceable to any extent by a court of competent jurisdiction, the remainder of this Agreement is not affected thereby and that provision shall be enforced to the greatest extent permitted by law.

15. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties hereto relating to the subject matter hereof, and supersedes and nullifies all prior or contemporaneous contracts, agreements, understandings or representations, whether oral or written, which are not expressly stated in this agreement. Neither party is relying upon any representation not expressly contained herein. This Agreement may be amended and modified from time to time only upon the written mutual consent of City and Contractor.

16. SECTION HEADINGS. The headings of Sections or paragraphs used in this Agreement have been inserted for convenience only and are not to be used in determining the contents contained herein.

IN WITNESS WHEREOF, the City and Contractor have hereunto set their hands and seals, by and through the undersigned officers, as of the day and year first above written.

WITNESS:

Contractor:

(#1 as to Contractor)

By: _____

(#2 as to Contractor)

Title: _____

The City of Isle of Palms, S.C.:

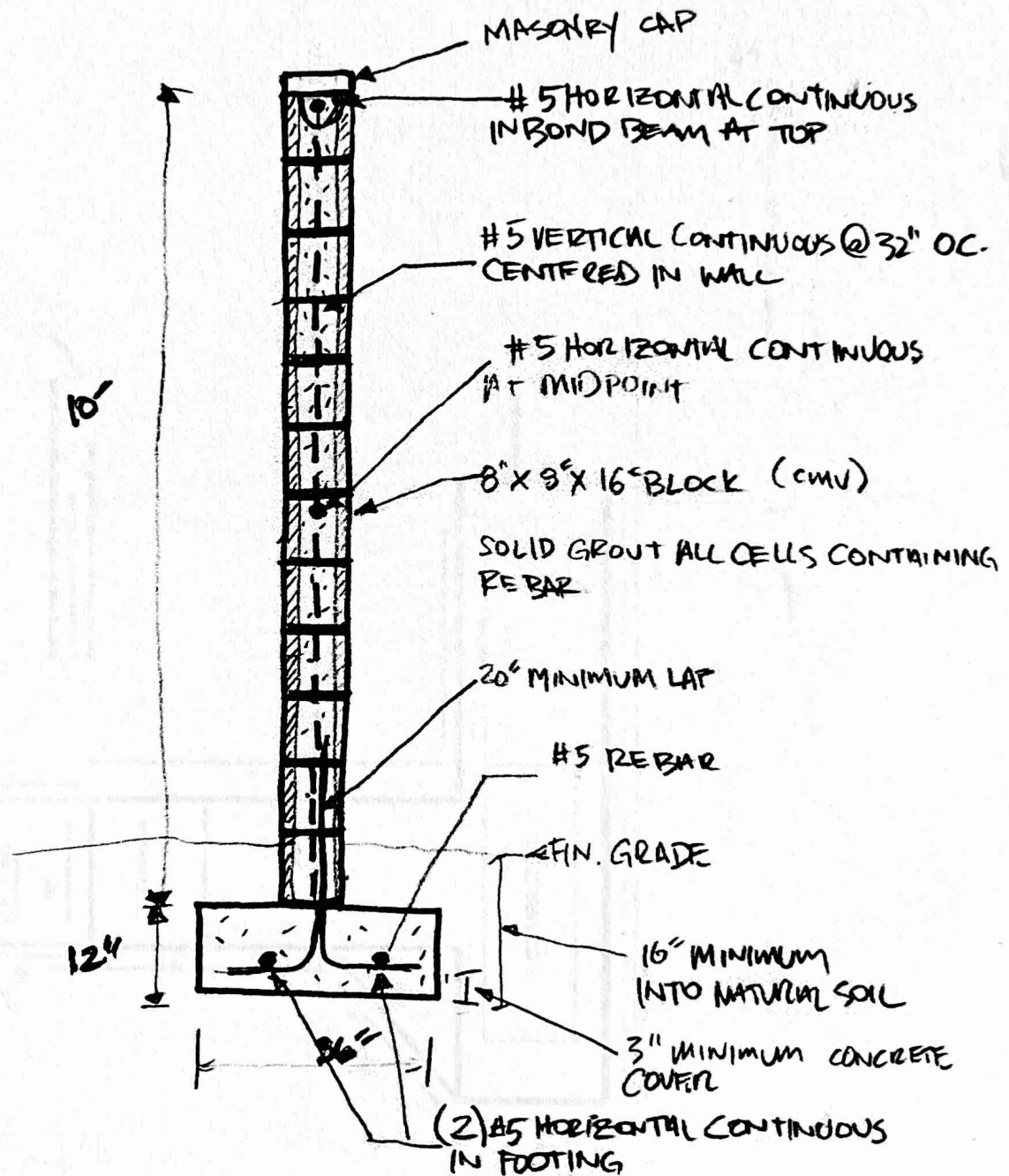
(#1 as to City)

By: _____

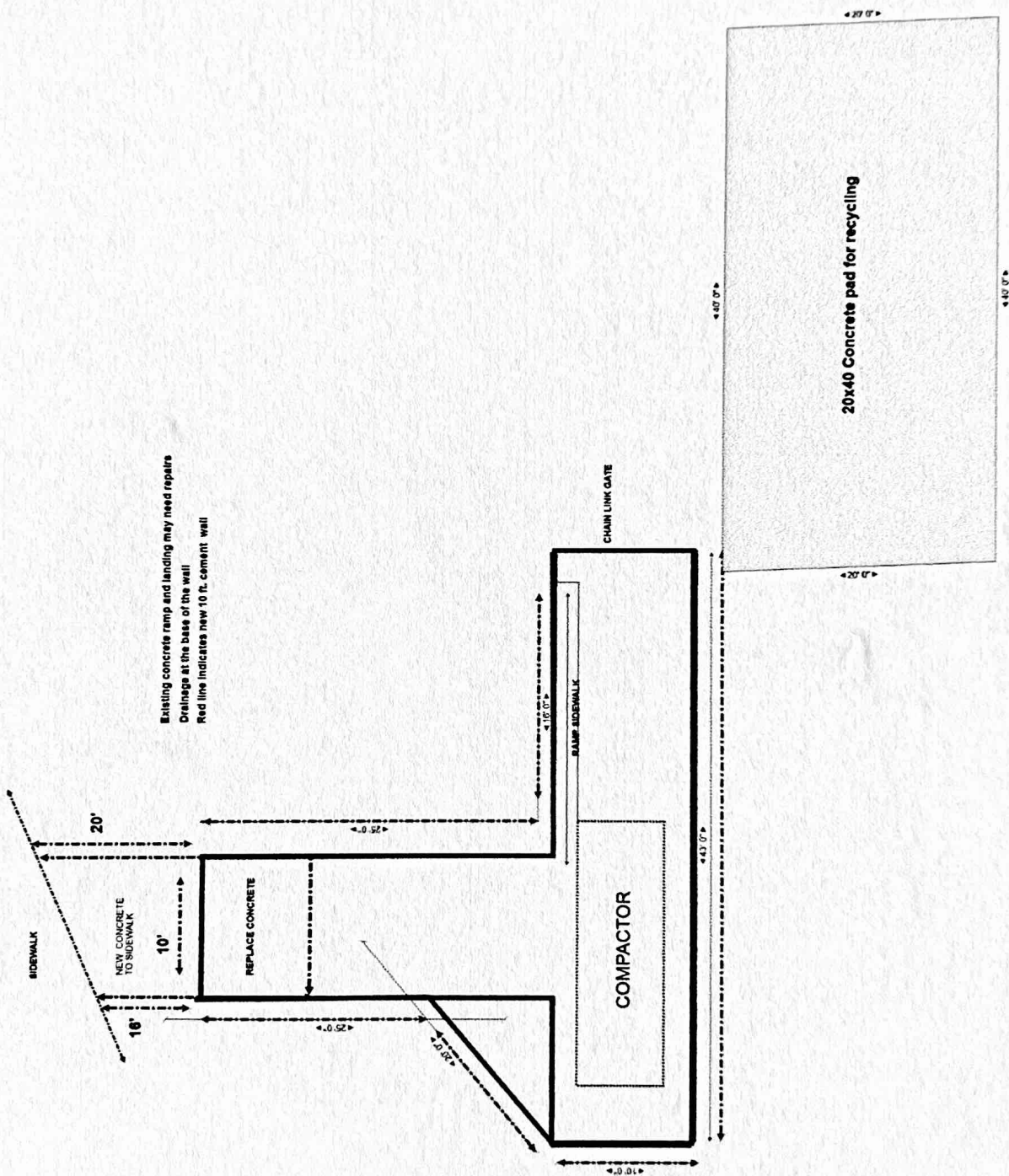
(#2 as to City)

Title: _____

BLOCK WALL SECTION




$$\frac{1}{2}" = 1'$$



CONCEPT DESIGN NOTES

- CONCEPT DESIGN NOTES
1. PLAN IS NOT FOR CONSTRUCTION.
 2. ALL DIMENSIONS TO BE CONSIDERED APPROXIMATE AND TO BE VERIFIED BY A SURVEYOR.
 3. LAYOUT TO BE VERIFIED AND REVIEWED BY LOCAL PLANNING OFFICE FOR COMPLIANCE TO ZONING CODE.

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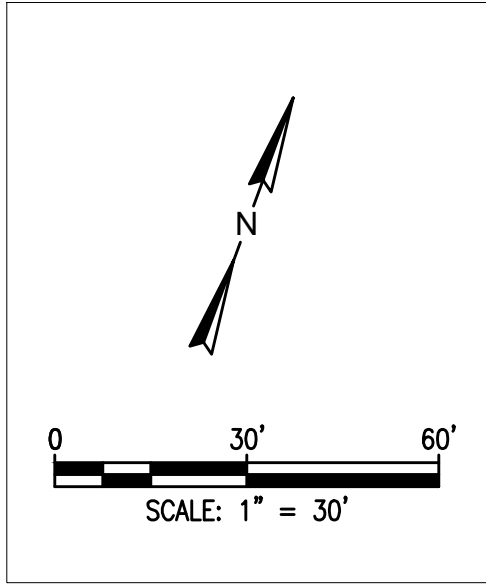
CLINE
ENGINEERING
PROFESSIONAL DESIGN CONSULTING

TOP MASTER PLAN		50.41ST AVENUE ISLE OF PALMS, SOUTH CAROLINA
SITE PLAN		
PROJECT MANAGER		NBC
DRAWN BY		AJL/RS
PROJECT DATE		AUGUST 01 2022
JOB NUMBER		22047
SHEET NUMBER		
C		

THIS DRAWING AND ASSOCIATED CAD FILES ARE AN INSTRUMENT OF SERVICE AND THE PROPERTY OF CLINE ENGINEERING, INC. AND SHALL NOT BE USED OR REPRODUCED IN ANY WAY OTHER THAN AUTHORIZED BY CLINE ENGINEERING, INC. IN WRITING.
PLOT DATE: 8/8/2023 12:37 PM FILE LOCATION: S:\2023\2023 424050\WORKS\2023\2023 424050\2023 424050 SITE PLAN.DWG (ASB) 2023 424050

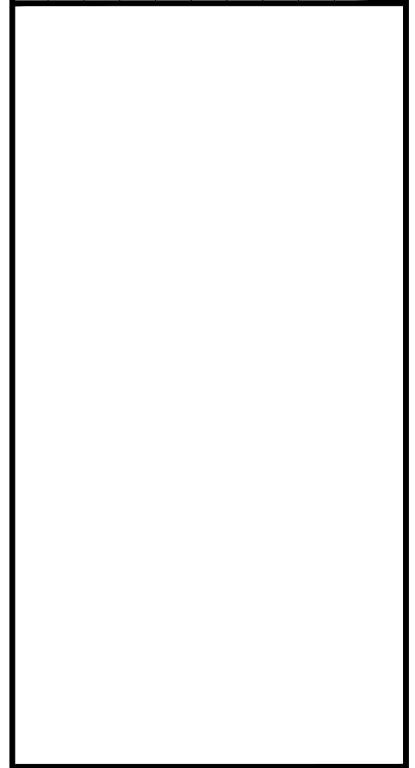
DISCLAIMER
INFORMATION DEPICTED IN THIS PLAN IS PROVIDED FOR GENERAL REFERENCE PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS A SURVEY OR LEGAL DOCUMENT. ERRORS FROM NON-COINCIDENCE OF FEATURES FROM DIFFERENT SOURCES MAY BE PRESENT. CLINE ENGINEERING PLAN MAKES EVERY REASONABLE EFFORT TO ENSURE THAT THE INFORMATION PROVIDED HEREIN IS CURRENT AND ACCURATE. HOWEVER, CLINE ENGINEERING PROVIDES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THIS DATA FOR ANY PARTICULAR USE OR PURPOSE. CLINE ENGINEERING ASSUMES NO LIABILITY WHATSOEVER ASSOCIATED WITH THE USE OR MISUSE OF SUCH DATA.

CONCEPT DESIGN NOTES
1. PLAN IS NOT FOR CONSTRUCTION.
2. ALL DIMENSIONS TO BE CONSIDERED APPROXIMATE AND TO BE VERIFIED BY A SURVEYOR.
3. LAYOUT TO BE VERIFIED AND REVIEWED BY LOCAL PLANNING OFFICE FOR COMPLIANCE TO ZONING CODE.

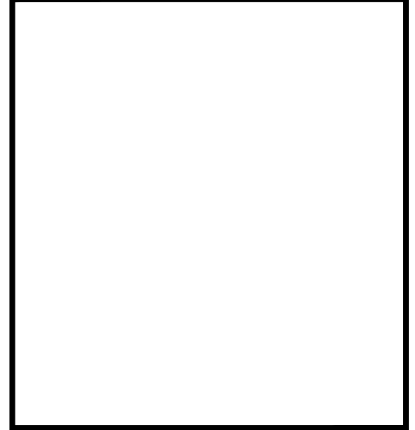


NOT FOR
CONSTRUCTION

REV	DATE	DESCRIPTION	DRAWN	APPV



PROFESSIONAL DESIGN CONSULTING



PROJECT MANAGER	MDL
DRAWN BY	ASB
PROJECT DATE	AUGUST 2023
DWG NUMBER	2023 424050
SHEET NUMBER	
E	

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

First Amendment
to
Lease Agreement

This First Amendment to Restaurant Lease Agreement (“**First Amendment**”) is entered into by and between the CITY OF ISLE OF PALMS, a political subdivision of the State of South Carolina, having an address at c/o City Administrator, 1207 Palm Boulevard, Isle of Palms, SC 29451 (“**Landlord**”) and MARKER116, LLC, a South Carolina limited liability company, having an address at 27 26th Avenue, Isle of Palms, SC 29451 (“**Tenant**”) this _____ day of _____, 2022. Landlord and Tenant may be referred to herein as the “parties.”

RECITALS

WHEREAS, the Landlord and Tenant are parties to that certain Restaurant Lease Agreement dated November 12, 2020 (“**Lease**”) to lease certain property located at the City of Isle of Palms Marina, 50 41st Avenue, Isle of Palms, South Carolina, known generally as the “Marina Restaurant” and more specifically defined in the Lease and referred to herein as the “Premises.”; and

WHEREAS, as consideration for the parties desiring to enter an amended and revised parking arrangement, Landlord and Tenant wish to amend the Lease pursuant to the terms stated herein.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Landlord and Tenant, for themselves and their successors and assigns, agree as follows:

1. The foregoing recitals are incorporated herein.

2. The Lease is hereby amended as follows:

A. The following provision hereby replaces Section 2.07 in its entirety:

Section 2.07 Restaurant Dock. Landlord agrees that the Restaurant Dock is and shall be part of the Premises leased to Tenant, subject to the terms and conditions of this Lease. Tenant shall be entitled to exclusive use of the Restaurant Dock for the purpose of temporary, daily or overnight docking of boats and other watercraft by Tenant’s patrons, employees, agents, customers, contractors, licensees, and invitees. Tenant shall be authorized to charge boaters, patrons and other parties and to otherwise collect revenue for the right to dock at the Restaurant Dock. Any such revenue received by Tenant shall be subject to the provisions of Section 3.02 regarding Percentage Rent. Subject to Tenant’s discretion, Tenant shall be expressly authorized to permit overnight docking of boats or other watercraft on or along the Restaurant Dock, provided no boat docked overnight at the Restaurant Dock may extend waterward beyond the mooring piles into the

one hundred twenty-five foot (125') channel offset. Patrons, licensees, and invitees of Tenant using the Restaurant Dock in accordance with this Lease shall be entitled to use all floating docks or elevated walkways connecting the Restaurant Dock to the land as may be necessary for pedestrian access, ingress and egress to and from the Restaurant Dock. Landlord covenants and agrees to maintain the Restaurant Dock and to replace all damaged or missing dock bumpers and boat fenders from the Restaurant Dock.

B. Section 3.02(a) shall be amended to require Tenant to make Percentage Rent payments on an annual basis (subject to the provisions of revised Section 3.02(c)), rather than a quarterly basis.

C. The following provision hereby replaces Section 3.02(c) in its entirety:

Section 3.02 Percentage Rent - Subsection (c). Notwithstanding anything in this Lease to the contrary, within ninety (90) days after the end of each Lease Year or partial Lease Year, Tenant shall provide Landlord a statement showing the Gross Sales for the preceding year. The Tenant may provide the Landlord a copy of all ST-3 State Sales and Use Tax Returns filed by Tenant for the preceding year, and shall remit to Landlord the cumulative Percentage Rent to Landlord based on such returns. Any intentional or deliberate misrepresentation by Tenant of its Gross Sales in any ST-3 State Sales and Use Tax Return, statement of Gross Sales, or other document or material provided to Landlord shall constitute an Event of Default hereunder.

D. **Section 7.02** shall be amended to add and include the following provisions:

a. During the term of this Lease and any amendments thereto, Landlord shall be subject to the following terms and conditions regarding current and prospective tenants (generally, the items below shall be collectively referred to as the "**Landlord Lease Restrictions**"):

i. Current and prospective commercial tenants or sub-tenants shall be forbidden and shall not have the authorization or authority from the Landlord to obtain a liquor license for the service of on-premises liquor, spirits, or mixed drinks in which liquor is incorporated, including, without limitation, pre-made or canned alcoholic beverages; or

ii. Current and prospective commercial tenants or sub-tenants shall be forbidden and shall not have the authorization or authority from the Landlord to have an inside seating capacity of greater than twelve (12) people for the service of food or beverages or alcoholic beverages within any building or structure nor have greater than thirty-four (34) people consuming food or beverages or alcoholic beverages of any kind or nature in, on, above or around any leased premises. Landlord agrees that during the term of the Lease and any renewal or extension thereof, that Landlord shall not permit to any person or entity other than Tenant to prepare or serve the following food items: Shrimp, oysters, lobster, crab, tuna, mahi-mahi, flounder or scallops (the "Restricted Seafood"). These restrictions shall

Marker 116 is only requesting consideration of this proposed amendment.

include any sandwiches, dips, soups, tacos, wraps or other type of foods in which the Restricted Seafood listed above are a part of the ingredients of such food item. Such exclusivity shall not include or be deemed to restrict any other food items other than the Restricted Seafood.

iii. Current and prospective tenants shall be forbidden and shall not have the authorization or authority from the Landlord to allow the docking of boats or other watercraft in which food is served on the boat, regardless of whether such food is prepared onshore or prepared in a kitchen on the boat. No such boat shall be allowed to operate or dock at the Isle of Palms marina or on property owned by the Landlord. The current business using the current boat titled "The Osprey" shall be exempt from this restriction.

b. Landlord shall be required to provide notice of the Landlord Lease Restrictions to all current and prospective tenants that desire to lease property from Landlord. All prospective leases between Landlord and such prospective tenants and co-tenants must contain the Landlord Lease Restrictions and have provisions that any violation of the Landlord Lease Restrictions shall constitute a default under such lease and Landlord shall be required to take all actions, whether legal or equitable, to enjoin such tenant from breaching the Landlord Lease Restrictions.

c. All Landlord Lease Restrictions shall apply to current and future tenants of property leased by Landlord other than Tenant, as Tenant shall be expressly authorized to engage in such activities outlined herein.

E. The following provision hereby replaces Section 7.06 in its entirety:

Section 7.06 Continuous Operations. Except for events of Force Majeure and a commercially reasonable period not to exceed thirty (30) days in any Lease Year for purposes of renovating the Premises or periodic cleaning of the Premises, Tenant shall diligently and continuously operate its business on the Premises on days and hours that are, in the Tenant's sole discretion, commercially reasonable. Such factors that Tenant may consider include, but are not limited to: (i) staffing availability and (ii) seasonal considerations.

F. Article IX Parking, is hereby amended pursuant to the following terms:

i. Section 9.02 is hereby deleted in its entirety. The lot that is reflected on Exhibit C of the Lease currently referenced as the "Shared Parking Lot" shall now be considered to be part of the Tenant's Exclusive Parking Lot as reflected on the updated Exhibit C Parking Plan, which is hereby amended and attached hereto as "Revised Exhibit C Parking Plan."

- ii. Section 9.03 is hereby deleted in its entirety. The lot that is reflected on Exhibit C of the Lease currently referenced as the “Private Parking Lot” shall no longer be leased to the Tenant for any purpose, and any such leasehold rights that Tenant may have to the “Private Parking Lot” shall be conveyed to the Landlord for use as a public use space. However, during the Term of this Lease and any amendments thereto, Landlord shall be restricted from leasing the “Private Parking Lot” to any commercial tenant for any purpose. The former “Private Parking Lot” shall now be referred to as “Leased Parking Premises” in the updated Exhibit C which is hereby amended and attached hereto as “Revised Exhibit C Parking Plan.”

- G. Section 11.01 is hereby amended to remove the obligation to maintain the Restaurant Dock as an obligation of the Tenant and Section 11.02 is hereby amended to include the obligation to maintain the Restaurant Dock as an obligation of Landlord.

3. Electrical Transformer Relocation. Should Landlord provide any monies, funds or services of any kind or nature to any tenant or sub-tenant leasing real property from Landlord for the removal, burial, or relocation of any electrical power transformer, substation, utility box or other electrical component that may be located on such tenant’s property under lease, then Landlord must offer identical terms to Tenant for the removal, burial, or relocation of any electrical power transformer, substation utility box or other electrical component to a location that is mutually agreeable to the parties.

4. Termination of Guaranty. The parties hereby acknowledge that Tenant has performed all requirements and conditions outlined in Exhibit F of the Lease, and that all individuals who executed any Guaranty, including, without limitation, Dave Lorenz, Chrissy Lorenz, Jon Bushnell and Bridget Bushnell (collectively, the “Released Parties”), are hereby discharged from all such guaranty obligations, and Landlord does hereby consider any such Guaranty as irrevocably discharged and terminated, and Landlord shall have no recourse against the Released Parties for any default of the Lease or this Amendment by Tenant.

5. Miscellaneous. Except as expressly amended hereby, each and every term, condition, warranty and provision of the Lease shall remain in full force and effect, and is incorporated herein by this reference, such that the Lease and this Amendment shall be read and construed as one instrument, all of which are hereby ratified, confirmed and approved by the parties hereto. Landlord and Tenant each represent and warrant to the other that, as of the date hereof, neither party is aware of an event of default existing under the Lease. If there is a conflict between this Amendment and the Lease, then the terms of this Amendment shall control. This Amendment may be executed by email, electronic or other digital signatures and in multiple counterparts, each of which shall be deemed an original but all of which, taken together, shall constitute the same instrument. This Amendment shall be effective immediately upon execution and delivery of the parties. This Amendment shall be governed by the laws of the State of South Carolina.

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[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, Landlord and Tenant have executed this First Amendment to Restaurant Lease Agreement as of the Commencement Date.

LANDLORD:

CITY OF ISLE OF PALMS,
a political subdivision of the State
of South Carolina

Witness

By: _____
Name: _____
Title: _____

TENANT:

MARKER116, LLC
a South Carolina limited liability company

Witness

By: _____
Name: Dave Lorenz
Title: Authorized Member

City of Isle of Palms, South Carolina
Official Sealed Bid Opening
RFB 2022-04 Construction and Modification of Marina Bulkhead
Council Chambers, City Hall
1207 Palm Boulevard, Isle of Palms

Present: Amy Lee, Clerk of Court

Clerk of Court Amy Lee announced the sealed bid opening of the Request for Bids 2022-04 Construction and Modification of Marina Bulkhead. The RFB was advertised in accordance with the City's Procurement Code.

Bids:

1. Associates Roofing and Construction Inc. - \$287,750
2. IPW Construction Group, LLC - \$288,223
3. Blutide Marine Construction - \$288,800
4. Baxley's Dock and Seawall Repair, LLC - \$165,000* (staff verifying LLR licensing)

Administrator Fragoso stated that the bids will be evaluated for accuracy and compliance with the specifications defined in the RFB. A recommendation for award will made to City Council on Tuesday, October 25, 2022.



Position Description

To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.

Job Title:	Public Relations and Tourism Coordinator
-------------------	---

Department: General Government

Pay Grade:

FLSA Status:

JOB SUMMARY

The purpose of this position is to direct certain aspects, activities and functions on matters relating to public relations and tourism for the City of Isle of Palms.

ESSENTIAL JOB FUNCTIONS PUBLIC RELATIONS:

- Plans, develops, implements, and coordinates a variety of public information and community outreach programs in support of marketing the City's services and programs.
- Develop departmental programs and policies to better improve community connectivity and relations, explore, develop, and foster relationships with new and existing community partners and stakeholders representing populations in the city.
- Ensure that public inquiries or concerns are conveyed to appropriate department or City staff.
- Facilitates dialog between City and public.
- Will oversee all public relations and media related activities pertaining to the City and other activities including performing related administrative work as required.
- Receives and handles requests from media and schedules and coordinates public interactions for both Council and City Administrative staff as directed.
- Creates/utilizes a Social Media Plan for the marketing of the City as directed, ability to attract and interact with targeted virtual communities and network users
- Develops and keeps Social Media Plan current, ability to revise, edit, and update accordingly to execute the social media strategy through competitive research, platform determination, benchmarking, messaging, and audience identification.
- Generate, edit, publish and share daily content (original text, images, video or HTML) that builds meaningful connections and encourages community members to take action where appropriate within the guidelines set by the City Administrator.
- Continuously improve by capturing and analyzing the appropriate social data/metrics, insights, and best practices, and acting on the information.

- Serve as central point for quality and branding control for all City websites, publications, social media accounts and outreach programs
- Publicizing upcoming meetings, events, utility project status, power outages, road work and all other pertinent information as it pertains to the City of Isle of Palms.
- Attends, as needed, City Council Meetings, City Boards and Commissions Meetings, Community Events and Functions as they relate to the City media focus
- Attends City activities and events as needed. (i.e. may be after hours or weekends)
- Prepares and/or writes both newspaper and magazine articles, produces and edits promotional videos for social media and alike, and handles the coordination of public informational meetings and opportunities (non-political events)
- Work closely with the city council, city administrator and staff to appropriately coordinate messaging for council initiatives as well as for the City's departmental programs and activities
- Serve as primary liaison person with news media. Must be proactive in getting information out to the media and coordinating interaction between the media and City officials
- Serve as central point for quality and branding control for all City websites, publications, social media accounts and outreach programs.
- Maintain the City's website(s) and social media accounts for all departments. Also create new content and strategies for enhancing the City's reach through these media outlets.
- Respond to emergency situations and coordinate release of information to the media.
- Coordinate events, photo opportunities, speaking engagements, etc. for the Mayor and City Council Members and City Staff.
- Performs other related duties as assigned.

ESSENTIAL JOB FUNCTIONS TOURISM:

- Creates and implements advertising, campaigns, events and projects to advance tourism information in Isle of Palms.
- Serves as a liaison between Charleston Convention & Visitors Bureau (CACVB or Explore Charleston) and Isle of Palms Chamber of Commerce.
- Receives and/or reviews various reports including tourism statistics for region and marketing strategies.
- Serves as liaison between the city and the CACVB on all fronts. Stays engaged with tourism strategies and initiatives, as it relates to the Isle of Palms, and its role in the overall Charleston regional community.
- Serves as point-of-reference in content development through various platforms for marketing, advertising, and promotion impacting the island.
- Assists CACVB Media team with vetting and preparation for various travel writers, editorial boards, visiting journalists, film crews, and bloggers to the island. This may include preparing fresh, unique itineraries, continual development and management of photography and videography assets, and engagement with preparing advertorial copy when needed.
- Addresses any visitor inquiries that come directly into the city including information distribution, directions, visit planning, access to public facilities and general promotion of the island.

- Receives group inquiries and, as it makes sense, refers them to the CACVB, Wild Dunes and/or other businesses that can best facilitate the request.
- Refers to leading industry research and statistics provided by the CACVB in analyzing tourism performance.
- Knowledgeable about the SC Code of Laws pertaining to the allocation of accommodations tax revenues.
- Engages fully in CACVB employee onboarding process, staff meetings, and events. Reports to the CACVB one day per week during regular working hours.
- Perform any other duties as assigned.

MINIMUM REQUIREMENTS TO PERFORM WORK:

- Bachelor's Degree in Communications, Public Relations, or Marketing.
- Minimum five (5) years of related experience with a governmental agency.
- Directly related work experience may be substituted for the formal education.
- A valid SC Driver's License

Knowledge, Skills, and Abilities:

- Knowledge of computer technology and operational software for word processing and social media.
- Knowledge of proper business correspondence techniques.
- Skill and proficiency in the operation of personal computers and the ability to use other office machinery.
- Ability to communicate clearly and concisely in all matters of city hall with co-workers and members of the public.
- Skill with organization and building interpersonal relationships.
- Ability to pay attention to detail and proofread for errors.
- Ability to deal tactfully with members of the public concerning affairs of city.
- Ability to communicate effectively in oral and written communications.

PHYSICAL DEMANDS:

The physical demands consist of sedentary work which requires exerting up to 10 pounds of force occasionally and/or negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects, including the human body. The incumbent must have the ability to balance while maintaining body equilibrium; and crouch by bending the body downward; use hands and fingers to feel, grasp, and handle; hear by perceiving the nature of sounds at normal speaking levels; mental acuity; use hands and arms to lift, pull, push, and reach; make repetitive motions; speak and talk, stand, walk, and stoop; and use visual acuity by viewing things including color, depth perception, and field vision.

WORK ENVIRONMENT:

Work is typically performed in an indoor environment.

The City of Isle of Palms has the right to revise this position description at any time and does not represent in any way a contract of employment.

Employee Signature

Date

Supervisor (or HR) Signature

Date

DRAFT

City of Isle of Palms

Consideration of Employee COLA adjustments for 1/1/2023

1/1/22 Payroll Adjustments related to Comp Study:

- Average Increase was 7.5%
- Total Estimated Cost was approx \$418,000
- Breakdown of % Increases:

# of Employees with a < 3% Increase	5
# of Employees with a 3% Increase	12
# of Employees with an incr btwn 3% and 7%	12
# of Employees with an incr btwn 7% and 10%	35
# of Employees with an increase > 10%	18
Total Employees receiving an adjustment	82

CPI Increase Sept 22 vs Sept 21	8.2%
---------------------------------	------

Survey of Recent Pay Adjustments:

Charleston County	1,250	1-time
North Charleston	4,000	1-time
Goose Creek	5.0%	COLA
Sullivan's Island	8.5%	COLA
City of Charleston	7.5%	COLA
Folly Beach	8.0%	COLA
Hanahan	5.0%	COLA

- 1/1/22 Budgeted Merit Pool - most non-shift employees received a 2-2.5% adjustment, Police & Fire shift employees received one 1.25% step

1/1/23 Payroll Adjustment Scenarios for Discussion - Estimated Costs

1. The FY23 Budget includes a 2.5% Merit pool for adjustments effective 1/1/23. This includes 2 steps for Public Safety.

2. Add a 1-time COLA

Cost for 93 budgeted FT employees
 Estimated Fringes @ 31%*
 Total Cost
 Average % increase

1-time	1-time
\$3,000	\$5,000
279,000	465,000
86,490	144,150
365,490	609,150
5.4%	9.0%

Note: All cost estimates assume full staffing. Actual costs will likely be less due to position vacancies that invariably occur.

3. Add a 2.5% COLA

Payroll
 Estimate Fringes @ 31%*
 Total Cost

FY23	FY24	FY25	FY26	FY27
6 Months	1 Year	1 Year	1 Year	1 Year
66,806	135,282	138,664	142,131	145,684
20,710	41,937	42,986	44,061	45,162
87,516	177,220	181,650	186,191	190,846

4. Add a 5.0% COLA

Payroll
 Estimate Fringes @ 31%*
 Total Cost

FY23	FY24	FY25	FY26	FY27
6 Months	1 Year	1 Year	1 Year	1 Year
133,612	270,564	277,328	284,262	291,368
41,420	83,875	85,972	88,121	90,324
175,032	354,439	363,300	372,383	381,692

* Fringes include FICA (7.65%) + Retirement Average (18.5%) + Workers Comp Average (4.8%) = 31%



BOARD OF ZONING APPEALS
4:30pm, Tuesday, October 4, 2022
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Brian Abel, Ted McKnight, Glenn Thornburg, Elizabeth Campsent, and Douglas Kerr, Director of Planning

Absent: Arnold Karig

2. Approval of Previous Meeting's Minutes

MOTION: Mr. McKnight made a motion to approve the minutes of the September 6, 2022 meeting, and Mr. Abel seconded the motion. The minutes passed unanimously.

3. Swearing in of applicants

Ms. Campsen swore in the applicants.

4. Home Occupations

A. 2403 Cameron Boulevard

Director Kerr said that the applicant, Lisa Gastaldi, is requesting a special exception to allow for the establishment of a college consulting business at her home. The house will be used for office work and no business-related traffic will be coming to the house. There will be no exterior evidence of a business. Mrs. Gastaldi said meeting are conducted via Zoom.

MOTION: Mr. Thornburg made a motion to approve the application, and Mr. Abel seconded the motion. The motion passed unanimously.

5. Miscellaneous Business -- none

6. Adjournment

Mr. McKnight made a motion to adjourn and Ms. Campsen seconded the motion. The meeting was adjourned at 4:34pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Planning Commission Meeting
4:30pm, Wednesday, October 12, 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: Steve Corney, Sue Nagelski, Sandy Stone, Marty Brown, Ron Denton, Jeffrey Rubin, David Cohen, Matt Sims, Zoning Administrator and Douglas Kerr, Director of Planning

2. Approval of minutes

Mr. Stone made a motion to approve the minutes of the August 10, 2022 regular meeting. Ms. Nagelski seconded the motion. The motion passed unanimously.

5. New Business -- none

6. Old Business

A. Discuss Resiliency Element of Comprehensive Plan Update

Director Kerr shared the “first pass” of the new Resiliency Element to the Comprehensive Plan. He said he pulled verbiage from other municipalities’ Resiliency elements. He noted that some sections of the current IOP Comprehensive Plan would and or could be pulled to put into this section, e.g. flooding and natural resources.

He reported that a Sea Level Rise Adaptation study is in the FY23 budget. However, he would like to see this review of the Comprehensive Plan finalized by the end of the year prior to the completion of the study. The adaptation study could be added into the full review of the Comprehensive Plan. Commissioners agreed the Comprehensive Plan needs to be finalized. Mr. Corney suggested adding more data and clarification about the purpose of the resiliency element to the opening narrative. Mr. Stone said information about the effects of flood waters on low-lying structures and roads needs to be added as well as a definition of resiliency, supporting renourishment, budgeting for large-scale drainage projects, partnering with the Army Corps of Engineers, studying the risk assessments of surrounding communities, and maintaining a healthy disaster recovery account. Mr. Corney suggested adding information about protection and maintenance of the dunes.

Director Kerr said that he and Zoning Administrator Kerr will incorporate the ideas discussed and begin work on goals and strategies for the section. They will work with Mr. Corney to pull data from the South Carolina Coastal Study, dated October 2021.

B. Update on short-term rental recommendations and implementing a cap

Director Kerr reported on City Council's three short-term rental listening sessions held in September. He said the overwhelming response was no caps and to work on enforcing existing ordinances. City Council expects a comprehensive report in the near future and will then take the matter back up for discussion.

7. Miscellaneous Business

Director Kerr explained the history and current situation of the Wild Dunes PRD and how it has become a recent topic of discussion. The proposed ordinances being considered by City Council reduce the number of allowable units within Wild Dunes to the current numbers and create conservation-recreation overlays to protect the golf courses and tennis courts. The Planning Commission will be tasked with reviewing the suggested zoning changes through the lens of the Comprehensive Plan and making a recommendation to City Council. He said it is City Council's intent to negotiate with the Wild Dunes ownership at some point.

Mr. Stone expressed concern about the legal exposure of the Planning Commission regarding a zoning change. Director Kerr said that any legal recourse would be on the City Council. The Planning Commission does not have to make a recommendation, but no recommendation will be seen as recommendation to approve. Director Kerr will ask the City Attorney to attend the next Planning Commission meeting and provide legal advice during Executive Session about the rezoning process.

A brief discussion was held about adding Citizen's Comments to the Planning Commission agenda.

8. Adjournment

Mr. Stone made a motion to adjourn, and Mr. Corney seconded the motion. The meeting was adjourned at approximately 5:57pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



ACCOMMODATIONS TAX ADVISORY COMMITTEE

1:00pm, Tuesday, October 18, 2022

1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Doug Truslow, Ray Burns, Barb Bergwerf, Chas Akers, Gloria Clarke, Rebecca Kovalich, Chrissy Lorenz

Staff Present: Administrator Fragoso, Treasurer Suggs

2. Approval of the previous meeting's minutes

MOTION: Ms. Bergwerf made a motion to approve the minutes of the August 23, 2022 meeting. Ms. Kovalich seconded the motion. The minutes passed unanimously.

3. Financial Statements

Treasurer Suggs reported that there is \$2.7million in cash in the ATAX account. No quarterly payments have been received as of yet. She then reviewed the expenditures to date.

Administrator Fragoso pointed out that the new loading zone at the Windjammer, paid for with ATAX funds, came as result of quarterly meetings with local business owners and helps alleviate traffic backups during the season. Treasurer Suggs said the overage for the cost of the fireworks will be brought to the Committee next month for a vote.

4. Old Business -- none

5. New Business

A. Quarterly Presentation from the CVB – Laurie Smith and Chris Campbell

Laurie Smith and Chris Campbell gave a quarterly review to the ATAX Committee including a general vacation rental market overview, a review of the IOP rental market, and recent and upcoming IOP-specific marketing plans via the CVB.

Mr. Campbell shared that traveler behavior is returning to pre-COVID levels. While hotel occupancy seems to be plateauing, vacation rentals continue to grow. The Average Daily Rate has increase 15% over January-September of 2021. Looking forward, the Average Daily Rate is expected to increase 14% from October 22-March 2023.

IOP-specific marketing efforts included inviting all island businesses to list their businesses on ExploreIOP.com, paid Google ads leading people to ExploreIOP.com, videos featuring IOP, paid and unpaid social media posts, digital investment in ongoing paid streaming TV campaigns, a

media pitch event at the Marina and Islander 71, print ad placements, and participation in numerous tradeshow.

Upcoming IOP-specific marketing plans include working with the City's PR & Tourism Coordinator (upon hire), continued push to island businesses to participate on ExploreIOP.com, a new promotional video with a family focus, new photography, continued paid and unpaid social media posts, and IOP-specific ad placement.

Mr. Campbell explained more about how KeyData works with regards to short-term rental data.

Mr. Akers suggested that some of the advertising seems to focus on daytripper types of activities, and he would like to see a concentration on visitors staying on the island overnight.

B. Consideration of ATAX application from the Coastal Family Vacation Foundation for a \$6,000 sponsorship

Dina Dockery of Coastal Family Vacation Foundation came before the Committee requesting a \$6,000 sponsorship to help bring a family needing a respite from the effects of cancer treatment to IOP for a week-long all-inclusive vacation during the off season, specifically before the end of May 2023. The Foundation is less than a year old, receiving its 501(C)(3) status at the end of 2021. They have raised money and awarded three families vacations to Folly Beach to date. Families have to be nominated by their doctors. Their ad campaigns are in medical offices in the middle and upstate.

Ms. Clarke said that she did not believe this request promoted tourism on the Isle of Palms.

Administrator Fragoso spoke about the Committee should look to State law when making these decisions. She said, "I reached out to Folly Beach who has provided ATAX funding for this organization and their justification was the fact that it could help in the advertisement for the promotion of tourism to develop and increase tourists attendance through the generation of publicity. It is a very worthwhile organization. As it grows, it can bring good, positive publicity to the Isle of Palms being connected and supportive of an organization like that."

She added that the family would need to live more than 50 miles from IOP.

MOTION: Ms. Bergwerf made a motion to approve and Mr. Burns seconded the motion.

Administrator Fragoso said that the Committee has committed \$41,000 of the \$50,000 earmarked in FY23 for sponsorships. The Committee can make a recommendation to City Council in excess of the sponsorship amount, and it will be up to City Council to approve the request.

Ms. Kovalich said that there are other social agencies that can provide for this sort of charity and it does nothing to promote tourism on the island. Both Mr. Truslow and Mr. Burns said they could not find anything in the law that supports this sponsorship request. Mr. Burns said he would like to see how it could be rental income to IOP.

VOTE: A vote was taken as follows:

Ayes: Bergwerf

Nays: Lorenz, Kovalich, Truslow, Akers, Clarke, Burns

The motion failed 1-8.

C. Discussion of projects and initiatives for collaboration with the CVB within the 30% allocation

Mr. Burns said he has been speaking with Laurie Smith about the possibility of using some of the 30% funds for other tourism-related projects. He explained one that had been done in Hilton Head that generated information to help market the island.

Administrator Fragoso reminded the Committee that all expenses in the 30% must be used for the generation of tourism, and they should refer to the State statute when making those types of decisions.

Mr. Truslow said he “fundamentally disagreed” with Administrator Fragoso and that promotion means more than advertising. He suggested looking beyond the statute to the courts to find other ways to promote tourism.

D. Review of ATAX application guidelines

Administrator Fragoso reviewed the sheet in the meeting packet listing potential information to be requested on a streamlined application for ATAX funding. The goal is to have this application finalized at next month’s meeting so that the application can be posted in December. Previous ATAX recipients will be contacted directly so they are aware of the new application process.

Mr. Akers expressed concern that the new application would not contain enough information for City Council to vote on any funding recommendation from the Committee.

Administrator Fragoso said Committee members should review the draft information and decide what information is good for the application and what are questions better asked in the interview process. Committee members should send their feedback directly to Administrator Fragoso prior to the next meeting so their responses can be considered for the new application.

E. Discussion of *Post & Courier* Article

Ms. Kovalich said she would like to be able to answer the question of where the ATAX money goes once the CVB has it.

Ms. Smith answered, “Over the three months that Chris spent back and forth with the journalist, we were asked that question. We responded, and it didn’t make the paper. So when we received monies from the State and accounting to do business with British Airways, we went to our banker at the time who was Wells Fargo and said we don’t want to hedge out bets on exchange fluctuations. We want to go ahead and put this currency that is intended for international promotion into pounds because that is how we were required to pay British Airways. So we went to Wells Fargo who held their funds in the Cayman Islands. So it never mentions that in the

article. Our funds were held with Wells Fargo who held their funds in the Cayman Islands. We have since pulled that money back and left. We still do business with Wells Fargo, but we moved our foreign account to do business with a regional bank, First National. So First National holds their funds in a different location. But we have always been with a valid banking institution when we converted those funds into pounds.”

Mr. Truslow said he believed that the City and the ATAX Committee looked good in the article. He said his takeaway from the article is that the City needs to better communicate its desires to the CVB. He said, “We want the tax money spent to benefit the Isle of Palms rather than have it go somewhere else.”

6. Miscellaneous Business

The next meeting of the ATAX Committee will be held on Thursday, November 17, 2022 at 11am.

8. Adjournment

Mr. Truslow made a motion to adjourn, and Ms. Bergwerf seconded the motion. The meeting was adjourned at 12:49pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



RESOLUTION 2022-10

AUTHORIZING CONSUMPTION OF BEER AND WINE, AMPLIFIED MUSIC AND STREET CLOSURES
AT THE LOWVELO BIKE RIDE ON NOVEMBER 5, 2022

WHEREAS, the MUSC Hollings Cancer Center LOWVELO is hosting the 2022 LOWVELO Bike Ride on Saturday, November 5, 2022, on Ocean Boulevard from Pavilion Drive to 14th Avenue and inside of Municipals Lot B; and,

WHEREAS, the MUSC Hollings Cancer Center LOWVELO is requesting permission for the temporary closing and use of Municipal Lot B for set up, the kick-off, clean up, staging of the event and the post ride celebration event from 9:00 am on Wednesday, November 2, 2022 through 12:00 pm on Sunday, November 6, 2022 and the temporary closing and use of Ocean Boulevard (southbound traffic lane) from 14th Avenue to Pavilion Drive for set up, for the kick-off, clean up, and bike riding portions of the event from 9:00 am on Thursday, November 3, 2022 through 12:00 am Sunday, November 6, 2022 for the event that will be held on Saturday, November 5, 2022 from 5:00 a.m. to 6:00 p.m.; for participants to consume beer and wine beverages in Municipal Lot B only between 8:00 a.m. to 6:00 p.m.; and for the use of amplified noise throughout the event on Saturday, November 5, 2022 between 8:00 a.m. to 6:00 p.m.; and,

WHEREAS, it has been determined that such an event would be in the public interest; NOW, THEREFORE, **BE IT RESOLVED** by the Mayor and Council this 25th day of October 2022, that possession and consumption of beer and wine beverages only and the use of amplified noise is authorized in the event space in Municipal Lot B on Saturday, November 5, 2022, between 8:00 a.m. and 6:00 p.m.; and,

BE IT FURTHER RESOLVED that the closure of the southbound lane of traffic on Ocean Boulevard between 14th Avenue and Pavilion Drive is authorized between the hours of 9:00 a.m. on Thursday, November 3, 2022, and 12:00 a.m. on Sunday, November 6, 2022; and,

BE IT FURTHER RESOLVED that possession and consumption of alcoholic liquors or alcoholic beverages other than beer and/or wine beverages within the event area is prohibited; and,

BE IT FURTHER RESOLVED that outdoor possession and consumption of beer and wine beverages only, all outdoor musical performances and use of sound-amplifying devices shall end by 6:00 p.m. due to the proximity of the event to residential properties; and,

BE IT FURTHER RESOLVED that all vendors be restricted to stationary location; and,

BE IT FURTHER RESOLVED that only pedestrian traffic will be allowed in the area. All other traffic including, but not limited to, Automobiles, trucks, motorcycles, mopeds, bicycles, skateboards, golf carts, LSVs, except police and fire LSVs, is prohibited; and,

BE IT FURTHER RESOLVED that during the designated times the closed portion of Ocean Boulevard between 14th Avenue and Pavilion Drive is deemed to be the site of a public event at which only beer and wine beverages may be consumed and the prohibition against possession or consumption of alcoholic beverages set forth in Section 7-2-1 shall not apply as to the possession and consumption of beer and/or wine beverages only.

Mayor

City Clerk



RESOLUTION 2022-11

AUTHORIZING CONSUMPTION OF BEER AND WINE ONLY AND AMPLIFIED MUSIC AT THE
HOLIDAY STREET FESTIVAL ON DECEMBER 3, 2022

WHEREAS, the City of Isle of Palms Recreation Department is hosting the 2022 Holiday Street Festival on Saturday, December 3, 2022, on Ocean Boulevard between 10th Avenue and Pavilion Drive and in Municipal Lot A; and,

WHEREAS, the City of Isle of Palms Recreation Department is requesting permission for the temporary closing and use of Municipal Lot A from 12 noon on December 2, 2022 and 8 pm on December 3, 2022 and the temporary closing and use of Ocean Boulevard between 10th Avenue and Pavilion Drive from 6:00 am and 10:00 p.m. for set up, clean up, and staging of the event to be held on Saturday December 3, 2022 from 2:00 p.m. to 7:00 p.m.; for patrons to consume beer and wine beverages only at the event during the hours of 2:00 p.m. to 7:00 p.m.; and for crowd control; and,

WHEREAS, it has been determined that such an event would be in the public interest; NOW, THEREFORE, **BE IT RESOLVED** by the Mayor and Council this 25th day of October 2022, that possession and consumption of beer and wine beverages, the closure of event spaces and the use of amplified music is authorized on Ocean Boulevard between 10th Avenue and Pavilion Drive and in Municipal Lot A between the hours of 2:00 p.m. and 7:00 p.m. on Saturday, December 3, 2022; and,

BE IT FURTHER RESOLVED that possession and consumption of alcoholic liquors or alcoholic Beverages other than beer and/or wine beverages within the event area is prohibited; and,

BE IT FURTHER RESOLVED that outdoor possession and consumption of beer and wine beverages only, all outdoor musical performances and use of sound-amplifying devices shall end by 7:00 p.m. due to the proximity of the event to residential properties; and,

BE IT FURTHER RESOLVED that all vendors be restricted to stationary location; and,

BE IT FURTHER RESOLVED that only pedestrian traffic will be allowed in the area. All other traffic including, but not limited to, Automobiles, trucks, motorcycles, mopeds, bicycles, skateboards, golf carts, LSVs, except police and fire LSVs, is prohibited; and,

BE IT FURTHER RESOLVED that during the designated times the closed portion of Ocean Boulevard is deemed to be the site of a public festival at which only beer and wine beverages may be consumed and the prohibition against possession or consumption of alcoholic beverages set forth in Section 7-2-1 shall not apply as to the possession and consumption of beer and/or wine beverages only.

Mayor

ATTEST:

City Clerk



PROCLAMATION

DECLARING NOVEMBER 17, 2022 AS WORLD PANCREATIC CANCER DAY

WHEREAS in 2022, an estimated 62,210 people will be diagnosed with pancreatic cancer in the United States and 49,830 will die from the disease;

WHEREAS pancreatic cancer is one of the deadliest cancers, is currently the third leading cause of cancer death in the United States, and is projected to become the second leading cause around 2030;

WHEREAS pancreatic cancer is the only major cancer with a five-year relative survival rate at just 11 percent;

WHEREAS when symptoms of pancreatic cancer present themselves, it is generally in later stages, and 91 percent of pancreatic cancer patients die within the first five years;

WHEREAS approximately 880 deaths will occur in South Carolina] in 2022;

WHEREAS pancreatic cancer is the seventh most common cause of cancer-related death across the world;

WHEREAS there were an estimated 418,000 new pancreatic cancer cases diagnosed worldwide in 2020;

WHEREAS the good health and well-being of the residents of the City of Isle of Palms are enhanced as a direct result of increased awareness about the symptoms and risks of pancreatic cancer, and research into early detection, causes, and effective treatments;

THEREFORE BE IT RESOLVED that on this 25th day of October 2022, the Isle of Palms City Council declares November 17, 2022 as World Pancreatic Cancer Day in the City of Isle of Palms, South Carolina.

Mayor

ATTEST:

City Clerk