



**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