



City Council

6:00 p.m., Tuesday, February 28, 2023
 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. Public Comments submitted via online form [Pgs. 4-17]
3. **Special Presentations**
 Consideration of request for City sponsored status from LOWVELO for fundraising bike ride on November 4, 2023.
4. **Approval of previous meetings' minutes**
 - a. Special City Council STR Workshop – January 23, 2023 [Pgs. 18-28]
 - b. Special City Council Executive Session – January 24, 2023 [Pgs. 26-27]
 - c. City Council – January 24, 2023 [Pgs. 28-32]
 - d. Special City Council STR Workshop – February 6, 2023 [Pgs. 33-44]
 - e. Special City Council Workshop – February 13, 2023 [Pgs. 45-51]
 - f. Committee meeting minutes - [Pgs. 52-77]
5. **Old Business**
 - a. Discussion of IOP Connector alternatives [Pgs. 78-83]
 - b. Discussion of proposed changes to the noise ordinance [Pgs. 84-93]
 - c. Discussion and consideration of alternatives for regulating Short-Term Rentals [Pgs. 94-98]
6. **New Business**
 - a. Approval of an amount not to exceed \$18,000 for the purchase of AED Defibrillators [FY23 Muni ATAX, Fire Department, Non-Capital Tools & Equipment] [Pg. 99]
 - b. Approval of replacement of 2010 Ford F-150 for Fire Department in the amount of \$46,614 State contract pricing [FY23, Muni ATAX, Fire Department, Capital Outlay,\$45,000] [Pgs. 100-101]



- c. Approval of replacement of 2014 Ford F-150 for Fire Department in the amount of \$46,614 State contract pricing [FY23, Hospitality Tax, Fire Department, Capital Outlay, \$42,000] [Pgs. 100-101]
- d. Approval of emergency replacement of Police Department patrol vehicle 502 [FY23 Budget, Capital Projects, Police Department, Capital Outlay] [Pg. 102]
- e. Approval of proposal from Davis & Floyd in the amount of \$7,000 to design an emergency beach access path through the Charleston County Park [FY23 Budget, Beach Maintenance and Preservation, Capital Outlay] [Pgs. 103-108]
- f. Approval of proposal from Rentalscape in the amount of \$42,000 for short-term rental managing compliance software [FY23 Budget, General Fund, Building, IT Equipment, Software & Services] [Pgs. 109-126]
- g. Approval of temporary parking agreement with Islander 71 for the use of the shared parking lot at the IOP marina [Pgs. 127-129]
- h. Approval of increase hourly rate for Beach Services Officers to \$18 [Pg. 130]
- i. Consideration of changing budgeted part time seasonal code enforcement position to a full-time position [Pg. 131]
- j. Consideration of 2023 surfing applications:
 - i. Shane Granigan - Isla Surf School [Pgs. 132-133]
 - ii. Kyle Busey – Carolina Salt LLC. [Pgs. 134-135]
- k. Discussion and consideration of alternatives for the 30% state atax: 1. Options for DMO, 2. Potential projects to pursue for alternative uses [Pgs. 136-143]

7. Boards and Commissions Report

- a. Board of Zoning Appeals – minutes attached [Pgs. 144-145]
- b. Planning Commission – minutes attached [Pgs. 146-147]
- c. Accommodations Tax Advisory Committee – minutes attached [Pgs. 148-149]
- d. Environmental Advisory Committee – minutes attached [Pgs. 150-153]

8. Ordinances, Resolutions and Petitions

- a. **Second Reading** - None
- b. **First Reading**
 - i. Ordinance 2023-01 to provide regulations for dogs biting, chasing or attacking [Pgs. 154-155]
 - ii. Ordinance 2023-02 to prohibit e-bikes and other motorized vehicles on the beach [Pgs. 156-158]
- c. **Resolutions and Petitions**
 - i. Proclamation 2023-01 to celebrate March as National Red Cross month [Pgs. 159-160]
 - ii. Resolution 2023-01 authorizing consumption of beer and wine at the Front Beach Fest on March 4, 2023 [Pg. 161]

9. Executive Session – Executive Session pursuant to S.C. Code §30-4-70(a)(2) to receive legal advice related to the noise ordinance and short term rental regulations. Council may take action on matters discussed in Executive Session upon returning from Executive Session.



10. Adjournment

City of Isle of Palms, SC - Public comments submitted via online Public Comment Form from January 20 - February 24, 2023				
Date Submitted	Name	Address	Comments for Council Meeting	Meeting This Comment is Intended For:
2/24/2023 1:17 PM	Dr Penny Portman	3905 Cameron Blvd, IOP, South Carolina 29451	I am excited that two designated pickle ball courts are being constructed at the Rec center. Pickle ball is certainly one of the up and coming games and I pleased IOP is responding. That said once the pickle ball courts are completed I want the pickle ball lines removed from the tennis courts and the portable pickle ball nets either used on the pickle ball courts or stored- not to return as an option for use on the tennis courts. Two of each courts should satisfy community needs for the time being. Thank you for your time and attention to my thoughts	Recreation Committee
2/24/2023 12:45 PM	mary koziara	3304 Palm Blvd, IOP, South Carolina 29451	Recreation Committee-We would like Pickelball lines removed from BOTH tennis courts when the Pickelball courts are completed and the portable pickleball nets removed as well. That way there will be an equal # of dedicated pickleball and tennis courts.	Recreation Committee
2/24/2023 11:11 AM	Emily Ulrich	3604 Cameron Blvd, IOP, South Carolina 29451	I request removal of all pickleball lines and portable pickle ball from the tennis courts. Now that there are 2dedicated pickle all courts, we should get back our 2dedicated tennis courts.	City Council
2/24/2023 10:43 AM	Corinne Enright	2902 Hartnett Blvd, Isle of Palms, South Carolina 29451	<p>To Whom It May Concern:</p> <p>I would like to request that once the pickleball courts are completed that the pickleball lines (bright blue) be removed when resurfacing is done on BOTH courts. Prior to resurfacing if they cannot be removed at least they can be muted with a color that is not as bright. It is very confusing and difficult for juniors and adults to play with all the lines who are more beginner.</p> <p>I also am requesting that once the pickleball courts are completed that any transportable nets (currently left out on courts) to be removed from the tennis courts.</p> <p>It is fair and reasonable to have 2 pickleball courts and 2 tennis courts available for use.</p>	Recreation Committee

2/22/2023 10:54 PM	Dr Sandra Brotherton	5 Driftwood Ln, Isle of Palms, South Carolina 29451	<p>Why I Support a Reasonable Plan to Cap the Number of STR Licenses on IOP for the Future</p> <p>My name is Sandra Brotherton, and I have lived on IOP since 1993. As current Chair of the IOP Environmental Advisory Committee, I am passionate about livability and quality of life and write in support having reasonable limitations of short-term rental (STR) licenses as outlined in http://www.preserveiop.org. My concerns are related to 1) water quality, 2) air quality, 3) noise, and 4) trash.</p> <p>1. Water water quality</p> <p>Many homes on IOP have a septic system, and residents in these homes are strongly opposed to hooking up to sewer because of costs to tie in and monthly fees for sewer.</p> <p>What is the problem with septic? In coastal communities, rain events, flooding during storms and King tides, and sea level rise raises the groundwater table, which results in decreased vertical separation distance between the wastewater septic drainfields and groundwater and inadequate filtering of bacteria. Runoff into drainage ditches and our waterways can lead to an increase in e coli and subsequent closure of waterways for swimming and fishing and shellfish harvesting.</p> <p>Why might this be important? Water samples taken by Douglas Kerr in Dec and Jan/Feb at 30th, 36th, and 41st drainage ditches after a rain event revealed E coli levels in Dec. were “off the charts”, which means higher than what could be measured. The most recent measures exceeded safe limits in 2 out of 3 sites and were high in the 3rd site.</p>	City Council
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2/20/2023 8:23 PM	Ms. Polly Judson	3800 Cameron Blvd., Isle of Palms, South Carolina 29451	<p>We are not “vulture capitalists!”</p> <p>Contrary to a newly popular narrative, Short Term Rental licenses on Isle of Palms are NOT being “fueled by investor groups” or “owned primarily by corporate investment groups, not individuals” (see recent editorials in the Island Eye). It is common practice for people who rent out their homes to register as an LLC – for the express purpose implied in its name: to limit liability. In this increasingly litigious world, most homeowners want to limit their financial exposure to possible renter lawsuits. They need to protect personal savings and other financial investments, which become increasingly important upon retirement. They may rent their home for just a few weeks each year, but even then, they are probably registered as an LLC.</p> <p>Please look more closely before you leap to conclusions that may be very misleading and misrepresentative of reality. Just because Wild Dunes is also an LLC does not mean other Short Term Rental LLC’s are “businesses.” Most (if not all) of us other LLC’ers are just trying to protect ourselves, and most (if not all) of us also want to protect our beautiful island lifestyle. We are your neighbors, not corporate villains.</p>	City Council
2/17/2023 5:11 PM	Elaine Tessler	3 49th Avenue, Iop, South Carolina 29451	<p>Could a reversible lane for the connector be considered? Two lanes could be used coming into the island in the morning and two lanes could be used going back for rush-hour or late afternoon during tourist season. Keep one lane a constant and have posted hours for the second lane’s direction.</p>	City Council
2/6/2023 8:27 PM	Mrs Beatrice C Love	9 Sand Dollar Dr, Isle of Palms, South Carolina 29451	<p>We need you to cap short term rentals in the residential areas of the Island. I don't see how you can look at the newest map and not see the encroachment of STRs in the subdivisions! Please save the families/full time residents from becoming an island in a rental community.</p>	City Council

2/6/2023 2:19 AM	Mr. Sean Griffin	4 Marsh Point Lane, Isle of Palms, South Carolina 29451	<p>Dear City Council,</p> <p>First let me say that I am not entirely against STR's as they are an important part of our local economy and history. However, I am for a balanced amount of STR's. Council needs to stop granting more licenses and keep percentages at roughly 33%.</p> <p>We realize that City Council is under a great deal of pressure by property management companies (and other outside interests) to bend on the STR issue and not cap future rental permits. The property management companies did not vote you into office. The residents did and they will vote you out if you cave on this and the zoning amendments.</p> <p>The rental companies are conveniently leaving out the fact that many owners of STR's do not use local property management and rental companies. Many owners just rent directly to the end consumer. Your empirical research needs to address this question:</p> <p>How many property owners rent directly to the end consumer, with no local property management?</p> <p>We actually moved from a gated community in Wild Dunes to another area after 17 years because of the plethora of STR's that were destroying the neighborhood. I was on the board and president of the HOA for several years. I can share countless stories of wild parties, prom weekends, noise complaints,</p>	City Council
2/1/2023 3:19 PM	Brian Paul Funcik	3600 Waterway Blvd, IOP, South Carolina 29451	<p>I can say I had the greatest childhood a child could hope for, thanks to the incredible beauty of the island I grew up on. Not just the unbelievable natural beauty of the island and its waters, but by the love of each person who made it the incredible community that it is.</p> <p>Having too many SHORT TERM RENTALS will change Isle of Palms for the worse. You will not have the same community and neighborhoods, which have made Isle of Palms so special for decades. The environment I grew up in (I am 37) shaped me into the man that I am today. I owe my thanks first to God, and also to the loving community of the Isle of Palms. Please do what you can to preserve this type of environment for future generations, so that other young children will be able to experience and grow in such a perfect place.</p>	City Council

2/1/2023 2:30 PM	Amy Grace Funcik Martin	31 26th ave, Isle of Palms, South Carolina 29451	The Isle of Palms was the greatest place to grow up. The neighborhoods were full of families and friends and I felt safe wherever I went, biking around the island with my friends since I was such a little girl. The trend toward so many short term rentals is going to change the face of the island for ever. Please put in place caps on short term rentals!!	City Council
2/1/2023 2:55 AM	Mr Bobby Funcik	308 7th Ave, Mt Pleasant, South Carolina 29464	I had the incredible good fortune of growing up on the Isle of Palms with many other families in the 90s and early 2000s. Both of my parents still live on the island. I strongly believe that there should be a cap put on the amount of short-term rentals on the island. I also believe that owners who use their homes as their primary residence should be allowed to rent their homes for limited amounts of time throughout the year regardless of the license limitations. Houses on the isle of palms should be homes, not hotels. A limited number of short term licenses is reasonable but it would be a shame if real estate investors priced all future families out of owning homes on the island.	City Council
1/27/2023 8:18 PM	Mrs Jane Riley Gambrell	801 Carolina Blvd., Isle of Palms, South Carolina 29451	Please limit short term rental on the island	City Council

1/24/2023 1:09 PM	Christine A Donovan	31 26th Ave., Isle of Palms, South Carolina 29451	<p>Please put STR restrictions in place. After hearing all of the citizen comments at the STR workshop last night, I hope that all of you are finally hearing from and will be paying attention to the island residents. There was a resounding message that residents want you to act quickly to put in place restrictions. Now that residents are becoming educated about the actual trends and the possible "solutions", they are speaking up.</p> <p>The person who spoke for the chamber made it clear that their only reason NOT to put into place restrictions is so that the owners of businesses can make MORE money. No one is trying to take away STRs so why anyone would think that restrictions are going to cost them, is not paying attention.</p> <p>Regarding Mark's comments about "the good job" we did to bring so many people out was incorrect. There was not an organized group. I knew very few of the people who spoke. The truth about what is happening is spreading through individuals. When residents know the facts, they want you to protect their property rights by restricting others from turning their neighborhood into a business district.</p> <p>The man who was in the foreign service told a compelling story. While it would be nice for everyone who wants to own a house here could use our island to earn the money to do so, it is not possible to separate those investors who have a real stake in the island from those who are trying to make simply make money. Even if it was, short term residents do not know our neighborhoods or our children and thus cannot be a part of the community in</p>	City Council
1/24/2023 1:49 AM	Mrs. Margaret Geganto	3407 Hartnett Blvd, Isle of Palms, South Carolina 29451	I am in favor of Short Term Rental caps for investors (non-residents). I am NOT in favor of Short Term Rental caps for island residents.	City Council
1/24/2023 1:46 AM	Chris Geganto	3407 Hartnett Blvd, Isle of Palms, South Carolina 29451	I am in favor of short term rental caps for all non-residents and or investors. There should not be a cap for Residents who apply for short term rentals.	City Council
1/24/2023 1:18 AM	Barbara Gobien	5 51st Ave, Isle of Palms, South Carolina 29451	Please do not allow an increase in rentals on the IOP. 4 very large houses are on our street. 1 is already a rental, 2 are being built and I hear 1 will be a rental and the other isn't sold yet but with 6 bedroom and 8 bathroom and a price tag of 5.4 million, it will become a rental and the above ground pool is right next to our bedroom. At our age we do not want to be harassed by a revolving door of weekly rentals. Please keep the residential flavor of this beautiful island we have called home for 40 years! Thank you!	City Council

1/23/2023 10:55 PM	Katherine Thornton	2706 Hartnett Blvd, IOP, South Carolina 29451	I am in favor of full time residents being allowed to have short term rental license	City Council
1/23/2023 10:51 PM	Ms Susan Geddings	29 32nd ave, Isle of palms, South Carolina 29451	As a full time resident for over 22 years I feel we have the right to have a short term rental license if we wish. Some people may need extra income and real estate is definitely a means to do so! If there is any restrictions to be made it should be a limitation on the corporate properties!	City Council
1/23/2023 9:34 PM	Dr Catherine Malloy	3613 Waterway Blvd, Isle of Palms, South Carolina 29451	As a full time resident since 2000 and a full time resident from 1985-1989, I urge City Council members to vigorously support the IOP Comprehensive Plan Vision statement that declares IOP is a "Premier Residential island." We need you to enact reasonable measures that enhance IOP livability and residential quality of life, otherwise that declaration is just so much window dressing. It is a CHOICE: do you support a balanced residential community or a rental property investment island? IOP has a target on its back. As mentioned at the last workshop, IOP will be the only open coastal RENTAL market within 100 miles. Please enact a cap on short term rentals to maintain a balance of 33% short term rentals on IOP. It can be done. All you need is the will to do so. One place to start is to have accurate data, a system to manage it and the courage to enforce ALL the regulations regarding STRs .	City Council
1/23/2023 8:18 PM	Angela Noto	69 Ocean Point Drive, Isle Of Palms, South Carolina 29451	Short Term Rentals need to controlled to protect the island, the environment and to keep out reits and conglomerates out of IOP. I am opposed to the current council thinking of no restrictions. I feel betrayed both by the mayor and council members voting against this.	City Council
1/23/2023 7:56 PM	MR WILLIAM DENNIS	21 FAIRWAY DUNES LANE, WILD DUNES, ISLE OF PALMS, South Carolina 29451	ONE COMMENT AS TO THE DISCUSSION OF SHORT TERM RENTALS. PROPOSALS THUS FAR WOULD PUT US IN A POSITION WHERE THE PERSON TO THE LEFT OF ME, WHO CURRENTLY RENTS, WOULD APPARENTLY BE ALLOWED TO RENT FOREVER; WHILE THE PERSON TO THE RIGHT OF ME, WHO CURRENTLY DOES NOT RENT, WOULD APPARENTLY NEVER BE ALLOWED TO RENT. THIS SEEMS ODD AND WOULD RESULT IN THE CREATION OF TWO CLASSES OF PROPERTY. SHOULDN'T THERE BE SOME REASONABLE ALLOCATION OF LICENSES AMONG THOSE WHO WISH TO RENT FROM TIME TO TIME? THANK YOU.	City Council

1/23/2023 7:13 PM	Mr Matt R Claxton	41 Grand Pavilion, Isle of Palms, South Carolina 29451	<p>Hello Council - Hope you are well today! I am a long time Realtor (20 years) in Charlotte, NC and own a home at 41 Grand Pavilion. I think that it would be a mistake to limit short term rentals on the island. Here are my reasons why:</p> <p>*I have seen HOAs do that in Charlotte and it caused property values in those neighborhood to slow compared the the surround neighborhoods.</p> <p>*I also think that a large part of the cities income is based on these rentals and I think that would hurt the city in the long run as well. If people starting looking for a rental and everything on the island is always booked - then they will just start looking for a new place to vacation and then the rentals that you still have on the island will start losing bookings as well.</p> <p>*I have rented my home for the last 7 years and had very good success and really no issues with my tenants and have not heard of any other issues on the island. If there are issues with these short term rentals then maybe put some laws in place or act on the laws in place to get those issues resolved.</p> <p>In short - I believe in land rights and do not think that you should restrict short term rentals. Thank you for the work that you do and taking the time to listen to me.</p> <p>Thanks - Matt</p>	City Council
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1/23/2023 6:08 PM	Owner in IOP / Wild Dunes	Back Court, Isle of Palms, South Carolina 29451	<p>As a long termowner in Isle of Palms, SC and also now also with a second home residence in Wild Dunes, I am strictly opposed to any variation of short term rental restrictions for private property owenrs in Isle of Palms. I don't feel that government should be in the bsuiness of telling private property owners what they should or should not be able to do with their properties (outside of HOA CCR's, bylaws and architectural restrictions). I also do not believe that restricing a property owner's use of their property as they see fit is even legal- nor should it be. This is, in my belief, and over reach of government restrictions on private property owners, outside the realm of what government should be doing. Please note this in the public record and in your vote. I am staying anonymous because my comments may be unpopular with my other neighbors and I don't want to be identified by my name or address.</p> <p>And- THANK YOU, THANK YOU, THANK YOU for creating the IOP conservation district- which we fully supported, and followed every meeting and attended what we could. That clearly showed that you ARRE listening to your consituents, and we greatly value and appreciate all of the hard work that you all put in. Hopefully, the new lawsuit from Wild Dunes does not change / allow the resort group to bully their other neighbors as they have been doing for the past two years. We are in full support of your vigorously defending that lawsuit!</p> <p>Thanks again! We'll be watching the meeting today via live stream ronight!</p>	City Council
1/23/2023 5:51 PM	John Odenbach	808 Lake Road, Re: Wild Dunes Mariners Walk 4E, Webster, New York 14580	We have owned a Villa in Wild Dunes at Mariners Walk 4E since 2006. We love everything on Isle of Palms. We do not rent our unit but we have many friends that visit and rent other units short term. We STRONGLY urge you NOT to restrict short term rentals on the island. It has never been a problem for us for 16 years and we have met a great number of visitors from all over the country. We also would suffer a significant impact on our property value if a restriction is enacted. Please do not change anything!	City Council
1/23/2023 5:39 PM	Darrell A A Henry	5 Lake Village Lane, IOP, South Carolina 29451	I'm writing to oppose any changes to the laws and regulations that would prohibit or restrict short term rentals. Among the many reasons, it would negatively impact not only my property value, but for all houses across the island renatal or not.	City Council
1/23/2023 4:47 PM	Dr. & Mrs. Kenneth and Lourdes Dols	50 Seagrass Ln, Isle of Palms, South Carolina 29451	We are full time residents of almost 8 years, relocated here to enjoy our retirement. Our family is very concerned about visitor congestion on IOP, and we SUPPORT a reasonable limit on STRs for our island.	City Council

1/23/2023 4:01 PM	Kutcher Lesliue M Kutcher	9 Ocean Point Drive, Isle of Palms, South Carolina 29451	Short Term Rentals	City Council
1/23/2023 11:59 AM	Savies Shirbacheh	35 32nd Ave, Isle Of Palms, South Carolina 29451	<p>We moved to IOP 11 years ago and consider ourselves blessed to live here and to have the chance to raise a family here. We love the vibrant community and the fact that many other families also call IOP home. We wish for IOP to maintain its roots as a family friendly residential community in the future.</p> <p>Please enact some common sense limits on the total number or proportion of homes that can be used as STRs. Doing so will protect the residential nature of IOP and bring IOP in line with other vacation destination communities that have some sort of bounds on STRs. Some considerations for homeowners whose primary or secondary residence is on IOP would be nice. However, this one consideration should not stop us from placing any sort of limits on STRs whatsoever.</p>	City Council
1/23/2023 2:51 AM	Mark Friedrich	3001 Hartnett Blvd., IOP, South Carolina 29451	Please place limits on the number of short term rentals for outside investors. Thank you.	City Council
1/22/2023 9:05 PM	Joan M Herbert	24 41st Ave, Isle of Palms, South Carolina 29451	I want the Council to know that I am in favor of STR caps for investors	City Council
1/22/2023 7:55 PM	Judy Gogol	8 Summer Dunes Ln, Isle Of Palms, South Carolina 29451	<p>1. Would the STR restrictions apply to full time residents who may choose to maintain their home and rent less than 72 days?</p> <p>2. What happened to the idea of STR caps broken down by zones. Can this alternative be reconsidered?</p>	City Council

1/22/2023 7:32 PM	Mr Charles Gilreath	30 Beachwood West, Isle of Palms, South Carolina 29451	<p>As a long time property owner and full time resident, I applaud the Council taking the time to study Short Term Rentals and work to define a future approach for the Island. Like those on the Council, my wife and I want the Island to continue to be a healthy community and not to transition to a commercially driven area of transitory residents. However, charting the right course will not be easy.</p> <p>Before we moved here full time, we enjoyed the income derived from renting our house on a short term basis and never gave much consideration to the health of the community. Now that we've lived here for years, our priorities have shifted and we feel protective of the culture. I suspect many of those who own property here are also have such diverse views, some favoring more restrictions and others less. The key is to find a workable balance.</p> <p>I suggest incorporating limits, but taking a tiered approach favoring full time residents over those individuals or organizations owning investment property.</p> <p>For example, one possible framework might be:</p> <ol style="list-style-type: none"> 1. Cap the number of short term rental licenses. Use some percentage of total dwelling units to define this number. 2. Issue licenses annually on a first come first serve basis with preference given first to existing license holders (renewals), then to 4% property owners, then to all others. 3. Exempt from regulation rentals of less than 21 days in a calendar year by a 	City Council
1/22/2023 7:17 PM	Mr Matt Breckheimer	2 Waterway Island dr, Isle of Palms, South Carolina 29451	<p>Please vote to cap ST rentals at the current level. We want a residential community that supports a LIMITED number of ST rentals. NOT a ST rental community with a few residents. We need to act NOW as at 40% ST rentals we are in danger of becoming a ST rental community. I believe all of council was elected to serve the needs of the residential community. Please act accordingly.</p> <p>Thank you so much.</p>	City Council
1/22/2023 7:14 PM	Mrs Beatrice C Love	9 Sand Dollar Dr, Isle of Palms, South Carolina 29451	<p>Since most homes have garbage disposals in their kitchens I think a composting program is a waste of time and money. How is the glass recycling going?</p>	City Council

1/22/2023 6:38 PM	Faye and Mike S Davis	12 Oyster Row, IOP, South Carolina 29451	We are owners of 12 Oyster Row. This is a second home but we are there often. We strongly agree there should be a review and some restrictions on Short Term Rentals in IOP. The traffic, clutter, and congestion are obscuring the beauty and serenity of IOP. These negative factors have increased substantially since we first bought a property in 2025. Thank you for your consideration.	City Council
1/22/2023 4:18 PM	Richard B Councill	31 26th St, IOP, South Carolina 28803	Dear Mayor and council members, As a long term full time resident please cap short term rental licenses at current rate for all non residents.	City Council
1/22/2023 4:07 PM	Christine Donovan	31 26th Ave., Isle of Palms, South Carolina 29451	<p>Yes to STR caps. I am very disappointed that nothing has been done and there has been only one meeting about STR after the mayor said that you all would meet every week if necessary. We don't even have a first reading on any time of STR limitations. Time is getting away from us. Please act very soon.</p> <p>The problem with Short Term Rentals (STR) is that they have the potential of turning our residential districts into rental districts. This is the concern that was addressed by the committee that spent a lot of time researching and making recommendations. This is one of the top five concerns identified by Strategic Plan Survey of 2020. "Balance of rental investment property and primary home owners."</p> <p>It was never about needing better enforcement of current rules and regulations. This is a separate issue.</p> <p>Please do not make the mistake of believing that this is what will "solve the problem". It is simply being proposed as a way you can all make "everyone happy". It will only make those who want to have more STR in our neighborhoods happy.</p> <p>Please keep your focus on reducing the possibility of our residential districts becoming rental districts and do so very quickly.</p> <p>If people want things to remain the same in terms of balance, no one should object to putting guardrails up to assure that things will "remain the same".</p>	City Council
1/21/2023 6:51 PM	Mrs Heather Witheford	43 Morgans Cove Drive, IOP, South Carolina 29451	We moved to IOP because we loved the residential feel of the island. Please protect our island and put restrictions on STRs as all other surrounding communities have done.	City Council

1/21/2023 6:37 PM	Cindy Iarussi	2700 Waterway Blvd, Isle Of Palms, South Carolina 29451	<p>Dear Council:</p> <p>Although my work schedule prohibits my attendance at the STR workshop on Monday, I wanted to share my thoughts regarding STR's on our island. First, let me say that I attended an earlier workshop and was very disappointed to find that the others at my table were not even IOP residents, but property managers. Their bias was obvious and even understandable, however that bias regrettably negates the issue of livability. They did not care about resident concerns— only their bottom line. Why were they even invited to participate? Shouldn't this be an IOP resident discussion, since we are the ones who will be negatively impacted by unlimited STR's?</p> <p>What my husband and I believe we need is BALANCE between "commercial" STR's and resident occupied properties. Why are we seemingly the last beach front community to recognize that being overrun with STR's, will destroy our quality of life, and eventually our property values.</p> <p>We need to learn from the mistakes of other beach front communities— rather than repeat them. We are counting on Council to maintain a "residents first" perspective! Thank you for your time and consideration— and most especially, we thank you for your service to our community.</p> <p>Peter & Cindy Iarussi</p>	City Council
1/20/2023 6:40 PM	Jim SMITHERMAN	122 Sparrow Drive, Isle of Palms, South Carolina 29451	<p>As a full time resident I am concerned that the IOP City Council has not acted to better restrict short term rentals. We missed an opportunity to put a temporary moratorium on this recently and I fear the IOP is becoming the choice destination for real estate investors who wish to drive rental income and have no concern about the quality of life of the residents. I urge you to enact restrictive legislation now and to keep us at least in line with our barrier island neighbors. This council has an obligation to adhere to our strategic and comprehensive plans to keep the IOP a residential island that support some short term rentals, not the opposite. Many of you ran on a "residents first" platform and it's time to fulfill that commitment to the residents.</p> <p>Thank you, Jim Smitherman</p>	City Council

1/20/2023 3:41 PM	Mr Randolph W Keuch	7 Summer Dunes Lane, Isle of Palms, South Carolina 29451	Please take immediate action to restrict the growth of short-term rentals. I am not one to follow the crowd, but if ALL of our neighboring beach communities have restricted STR's then there must be a valid reason for doing so. I love our island and our community. Transforming it into an investor paradise should not be our future, as we need (and currently have) loving and caring residents.	City Council
1/20/2023 8:19 AM	Mr Rom Reddy	118 Ocean Blvd, Isle Of Palms, South Carolina 29451	IOP is the ONLY community in the Charleston area. Not to have restrictions on STR's. As a result we have rapidly moved from 80 percent residential to 60 percent residential and headed to a majority rental community in the near term. It is absolutely incredible that a resident first Council cannot act and Mayor Pounds and Councilman Hahn are blatantly betraying their campaign promises to fight for residents. Shame on you regardless of your motives. Rom Reddy	City Council



SPECIAL CITY COUNCIL MEETING – SHORT-TERM RENTAL WORKSHOP
6:00pm, Monday, January 23, 2023
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, Ward, Streetman, Anderson, Popson, Miars, Pierce, and Mayor Pounds

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

2. Citizen's Comments – none

Laura Lovins believes the trend is very clear that Isle of Palms is becoming a short-term rental community. She asked Council to “take action in an expedited way to rein in the growing short-term rental footprint and live up to your stated number one and two priorities and goals, which are reducing the impact of tourism on the quality of life for residents and improving traffic flow and patterns for road safety.”

Elizabeth Campsen's comments are attached to these minutes.

Bev Miller, speaking on behalf of the Barrier Island Preservation Alliance, asked City Council to “preserve, not change what we have here.” She asked them to not dismiss the BIPA survey where most respondents said they would like a cap on short-term rentals. She asked, “Do you want the makeup of this city to be primarily residential with some rentals or do you want it to be primarily a rental community of transients with a few residents?” She would like City Council to focus on restricting commercial short-term rental licenses.

Randy Bell believes the issuing of short-term rental licenses should have been paused while City Council dealt with this issue. He said people rushed in to get licenses because they did not understand City Council's intent. He said it is time for City Council to make a decision and to stand up for the residents first.

Brian Duffy referred to a recent column written by Brian Hicks about the short-term rental situation on Folly Beach. He asked Council, “Do you believe that residential community have a soul and will you do what it takes to protect it?” He expressed concern about reducing the number of dwelling units counted on the island. He believes City Council has three options: limit rentals to 1/3 of the dwelling units, change the zoning to “eliminate single-family residential districts so that zoning would be internally consistent between short-term rentals and single-family residential districts, or do nothing and force a Folly Beach-style referendum.

Tony Santiago reviewed a history of short-term rentals on the Isle of Palms post-2008. He believes technology changed the short-term rental industry. He said City Council should not “mess with short-term rentals” and to “protect us.”

Christine Donovan said, “According to data reported by the Pew Trust, as of 2022, investment companies take up about a quarter of the single-family home market. They also report that this number has increased by 10-15% annually over the past 10 years.” She said the trends are obvious. She would like to keep residential neighborhoods residential. She said the argument for property rights is “baloney.” She believes business licenses for non-residents should be capped.

Rod Turnage, representing the IOP Chamber of Commerce, referenced a letter sent to the City Council. He read responses from local business owners who answered the question, “How would a short-term rental cap affect your business?” He said most business owners prefer no cap on rentals. He would like City Council to consider the business community in their decision-making process.

MOTION: Council Member Streetman made a motion to allow additional time for Citizen’s Comments. Council Member Anderson seconded the motion. The motion passed unanimously.

Sean Griffin believes short-term rentals to be a valuable part of the island’s economy, but he would like to see there be a cap in order to retain a balance. He referred to a recent survey cited on ports.com which found that over half of the respondents said that short-term rentals “disrupt the neighbor’s peace and quite and creates safety issues, allow unvetted strangers into a neighborhood, and bring renters that don’t care about the neighborhood,” etc. He would like City Council to protect the rights of the voting residents. He also asked them to not “bow to pressure” regarding the recently filed lawsuit by Wild Dunes.

Tom Schmidt would like City Council to reconsider instituting a moratorium in light of how many short-term rental licenses have been issued since December 1, 2022.

Mark Mitchell said that his clients, many of whom are second home homeowners, are being tagged as “big corporate interests” and says they are individuals who plan to keep their homes in their families. He is concerned about the social media attacks against his clients who are not corporations but actual people.

Nadine Deif said it is “not up to residents to take care of investors.” She is concerned about renters since they are not part of the sex offender registry, and she has no idea who is renting near her home.

Stephen Fallon said the face of home buyers is becoming more corporate. He said, “I just think we have to view this thing in a different light now.”

Edward Gnehm said his home on IOP, which is not his main residence, is his family’s “anchor” as they have moved frequently over his career. He said they would not be able to keep their home without renting it.

Terri Haack sent her comments directly to the City Clerk and they appear at the end of these minutes.

Due to an oversight by the City Clerk, Georgia Roane was not called up to speak during Citizen's Comments. Her comments appear at the end of these minutes.

3. **Discuss Short-Term Rentals**

Mayor Pounds briefly reviewed the questions posted to Council members at the last meeting as well as the information Council currently has to help with making decisions about short-term rentals.

Administrator Fragoso explained the adjustments made to the County data and how it has been merged with the City's licensing data. Since January 9, 23 new rental licenses have been issued, bringing the total number of licenses to 1701, plus 34 pending applications. Of the 34, 27 have been pending for more than 30 days. She said this data is focused on short-term rentals only and does not include long-term rental licenses. This increases the percentage dwelling units holding short-term rental licenses from 37% to 38%.

There are also 56 unlicensed properties that the Building Department is pursuing to determine if they are actively renting. Director Kerr said it is difficult to get those property owners to respond to their inquiries. Council Member Pierce asked if those properties should be included in the number of licenses being used in calculations. Further concern about the correct number of dwelling units with and without short-term rental licenses was expressed.

Council Member Hahn noted that he heard in Citizen's Comments concern expressed about short-term rentals in neighborhoods. He said, "If that is what the concern is, then I believe the denominator is not 4569. The denominator is 3103 because that is how many single family houses and dwellings we have that excludes condominiums, that excludes the hotels, that excludes all the properties and Wild Dunes and front beach that were specifically built and designed for short-term rentals. So let's look at what we are actually wanting to deal with because the numbers change substantially, and if we do that with 3113, and then we look at how many short-term rentals are there for single-family residents, there are 860. We are talking about, and everybody that spoke said we don't want to deal with people that are four percenters, people that are permanent residents that are renting their house as a permanent residence, again, I agree. Take that out. That's 162 people you take out. So now we are down to 697 short-term rentals that we are dealing with. If you put that number on the top and on the bottom you put the 3113 number, that is 23%. So that is a much different number than the number that is being bantered around."

He added that multi-family residences can restrict short-term rentals via their HOAs. He would like to know how many of the 697 short-term rentals in single-family residences are actively renting out their homes. Mayor Pounds said working with the right number is key, adding that of the 1539 licenses, only 1200 had rental activity last year.

Discussion ensued about Grancius, the software used by the Building Department to locate and track active short-term rentals. Director Kerr said Granicus looks at over 60 rental sites, but it is

unable to get every single rental. Administrator Fragoso said that none of the software available today guarantees they will find every active rental.

Director Kerr then reviewed GIS maps showing the locations of rentals in 2010, 2015, 2020, and 2022, adding that the trend shows exactly what the Planning Commission identified which is the migration of short-term rentals into the back neighborhoods of the island. That trend is what led to their recommendation for implementing a cap in those areas.

Council Member Pierce then distributed and reviewed his thoughts for solutions to be discussed at the next meeting. That sheet is posted on the City's website alongside the agenda for this meeting.

The next meeting on this short-term rental issue will be on Monday, February 6, 2023 at 5pm.

4. Adjournment

Council Member Ward made a motion to adjourn, and Mayor Pounds seconded the motion. The meeting was adjourned at 7:37pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

Elizabeth Campsen's Comments:

Our unchecked rental pool is growing. Year to year, month to month and as we see tonight, week to week. It's the reason the issue was sent to planning in 2021, it's the reason a cap was recommended in 2022 and it's the reason council needs to act in 2023. In 2021, Councilmember Mr. Streetman stated that if IOP didn't move to identify trends and protect itself while our neighbors did, we would suffer adverse consequences. He was right. Since that time, surrounding communities are locking down and, as predicted, we are impacted. During the last meeting a slide was shown pointing to local communities with greater limitations than ours. Here is what that map actually looks like.

A lot of lip service is given to a resident first platform, with some claiming the platform *always* existed and they always supported it. I challenge you to explain then how it is we find ourselves with an all-time high number of rental licenses while our residentially occupied units dropped from 50% to 36? Resident first means the foundation of any discussion is, first and foremost, the preservation of our residential community and that trend line is not good from a residential perspective.

I hear how "new people" are trying to change things. How supporting reasonable zoning is creating a pseudo HOA. How capping rentals will "change the look and feel of the island forever". I'm particularly offended by the suggestion that speaking truth to facts and numbers is "injecting divisive rhetoric" while at the same time letters are being mailed to us literally using the words "death", "disability" "disease" and "disaster", yet providing no objective data at all. I wholeheartedly support those dreaded new people who are trying to protect not just this community, but the Lowcountry as a whole. Historic Charleston Foundation, Lowcountry Open Land Trust, and Save Folly's Future are all trying to PREVENT further change to our local landscape and preserve the status quo. Your inaction in the name of fighting change brings with it real consequences that actually **will** change the look and feel of the island forever, negatively. You are holding the door wide open as investment driven rental owners infiltrate and undermine the integrity of our neighborhoods.

I don't know one resident opposed to an unlimited number of rentals in our commercial districts, a full-time residents' right to rent short term for 72 days, or anyone's right to rent monthly, quarterly or annually – ALL we ask is that you recognize our residential districts are NOT commercial zones and should be protected from an UNLIMITED number of short term rentals. Period. We aren't eliminating the use, or changing the current landscape and our revenue won't be reduced by setting an upper limit. Our neighborhoods should be protected from the continued intrusion of 365 day a year commercial investment rentals, and you should take the necessary steps to safeguard them.

The top priority of our strategic plan is managing pressures from population growth in surrounding areas. What pressures do you imagine IOP will feel if we allow surrounding communities to push their rental population growth into our jurisdiction – because that industry

isn't going away – it is only growing in funding, organization and purpose. We need forward looking, strategic thinkers to stand up for the residents living in this community, not those making a living off of it. That's who we thought we elected. Don't sell us out.

Comments of Terri Haack:

Isle of Palms City Council Meeting Workshop STR 1/23/2023
Wild Dunes Resort Statement on Short Term Rentals

My name is Terri Haack, and I represent Lowe and Dart Interests, the owners of Wild Dunes Resort. My thoughts reflect the sentiments of many individuals who actively utilize their Short-Term Rentals within the gates of Wild Dunes.

- Late last year, the overwhelming majority of attendees at the city-sponsored listening sessions spoke out against a cap or moratorium on Short-Term Rentals. We appreciate that the council did not move forward in passing a moratorium, and want to reiterate our support for short-term rentals, particularly within the gates of Wild Dunes.
- Several decades ago, Wild Dunes was envisioned as a community with permanent residences, second home residences and short-term rental properties. Short-term rentals have been a part of the fabric of the Isle of Palms' community for more than 50 years. Wild Dunes Vacation Rentals has been here for decades and is just one of several vacation rental companies on the island. Our guests return year over year based on the unique character of this incredible destination community and we are committed to continuing our role and making Isle of Palms a great place to visit and live.
- Wild Dunes Resort provides professionally managed onsite service for over 300 homeowners with an onsite support staff. If issues arise, we have staff available, ongoing maintenance and housekeeping programs to ensure homes maintain the quiet enjoyment of the community.
- We strongly support property rights, homeowners and professionally managed short-term rentals and because of this, we oppose a moratorium on short term rental licenses, particularly within the gates of the Wild Dunes Community.
- We were strongly against the five ordinances that were quickly passed last month, which changed underlying zoning and stripped away property rights. We were concerned that those changes could set a dangerous precedent for the removal of property rights for homeowners. These ordinances have not even been in effect for 90 days, and already new restrictions are being introduced. We fear a quickly enacted moratorium only further reduces property rights.
- Wild Dunes Resort is willing to assist and help provide effective and reasonable solutions that encourage a welcoming community to visitors and an enjoyable home for full-time residents.

Comments of Georgia Roane:

I am strongly in favor of a limit on new short term rental licenses.

I would like to talk about the workshops held in 2022 regarding short term rentals, since it seems that quite a bit of weight is being given to these meetings. As someone who attended one of these workshops, I felt that the format caused the information gathered to be completely flawed.

First of all, we were told that STR's have remained stable at approximately 30%, varying only slightly from year to year. The truth is that STR's have increased. The STR percentage is now 39%, with 34% being investor owned and 5% resident owned.

We were not told that we were going to be the last remaining community in the region without a limit on STR's. Sullivan's, Mt. Pleasant, Charleston, James Island, Kiawah, Myrtle Beach, all have restrictions on STR's, and Folly Beach is about to vote in restrictions.

We were not told that there has been a significant increase in requests for new STR licenses over the past 6 months.

We were told to come to an agreement or consensus at each table, rather than allowing each person to have their opinion recorded. Since there was not an agreement on STR's, noise was the issue that residents came to agreement on. Also many non-residents and non-voters attended these workshops.

The voters are now aware that STR's have increased significantly; that new license applications have increased significantly; that large investment groups are buying these properties, not individuals. And the voters are particularly aware that we are the only beach community in the entire region without a limit on STR's.

The Barrier Island Preservation Association was formed prior to the last election. The candidates endorsed by this organization won the election, and they campaigned with a promise to protect the quality of life for the residents – "To preserve the barrier island".

If we are the only beach community along the SC coast without a limit on STR's, we will be overrun by investment groups looking for rental properties. This is simply common sense. You don't need a workshop or a consultant to tell you this. It is already happening.

If you ran on a campaign to protect the quality of life here, then you should vote to protect what we have. It's not going to reflect well on this City Council and Mayor, if the IOP is the only community in the region without restrictions on STR's, because the voters are going to demand a referendum.

Thank you for serving on City Council and for all of your hard work on this issue.



SPECIAL CITY COUNCIL MEETING
5:30pm, Tuesday, January 24, 2023
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, Ward, Streetman, Popson, Miars, Pierce, and Mayor Pounds

Absent: Council Member Anderson

Staff Present: Administrator Fragoso, Director Kerr

Also Present: Attorney George Bullwinkel

2. Executive Session

MOTION: Council Member Ward made a motion to go into Executive Session according to Section 30-4-70(a)(2) to receive legal advice related to the complaint filed by Wild Dunes against the City. Council Member Streetman seconded the motion. The motion passed unanimously.

City Council went into Executive Session at 5:31pm.

City Council returned from Executive Session at 5:52pm. Mayor Pounds said no decisions were made.

3. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Hahn seconded the motion. The meeting was adjourned at 5:52pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



CITY COUNCIL MEETING
6:00pm, Tuesday, January 24, 2023
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. Election of Mayor Pro Tem

Council Member Popson nominated Council Member Ward for Mayor Pro Tem. Council Member Hahn seconded the motion.

Council Member Pierce nominated Council Member Streetman for Mayor Pro Tem. Council Member Anderson seconded the motion.

A vote was taken for Council Member Ward as Mayor Pro Tem with Council members Hahn, Miars, Ward, Popson and Mayor Pounds voting in the affirmative. Council Member Ward will serve as Mayor Pro Tem.

3. Citizens' Comments

Ted McKnight said that people are allowed to vote multiple times on the alternatives to the IOP Connector presented by SCDOT. He believes there needs to be a sixth option – no change – added since none of the options offers a safety barrier protecting pedestrians and bicyclists. He mentioned safety barrier options used in Georgia and North Carolina. He asked Council to put the safety of the citizens first. He asked how many deaths are acceptable.

Kathy Campbell said that City Council should make better use of the ATAX money. She said there is no transparency from the Charleston Visitors' Bureau. She cited findings from the ATAX Committee. She said the advertising monies for IOP is spent promoting the Sweetgrass Inn.

Mike Campbell said the City may give the CVB \$1.5 million this year in ATAX funds without a contract or metrics. He said the City has an option to set up a 501(c)(3) like the City of Folly Beach and have its own DMO. He shared some of the projects Folly Beach has spent ATAX dollars on. He asked City Council to move forward with a new path before giving more money to the CVB.

4. **Special Presentations**

A. **Retirement recognition of Joe Washington who served a 42-year career in the Public Works Department**

Mayor Pounds recognized Joe Washington's 42-year career with the City of Isle of Palms by reading a resolution that was read on the floor of the State House by Senator Chip Campsen.

B. **Presentation of request from Charleston County Recycling to change recycling collection date from Wednesday to Thursday starting April 1, 2023 – Randall Rudd, Director of Charleston County Environmental Management Department**

Mr. Randall Rudd asked for City Council's consideration to change the recycling pick up day from Wednesday to Thursday beginning April 1. He believes this change will help with the spotty pickup service that has been experienced since Republic has been involved in collection services. Monday holidays will not affect pickup on Thursdays. Weekly pickup will occur between Memorial Day and Labor Day.

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

- A. **Special Real Property Meeting – November 10, 2022**
- B. **Special City Council Meeting – November 15, 2022**
- C. **City Council Regular Meeting – November 15, 2022**
- D. **Special Public Safety Meeting – November 29, 2022**
- E. **Special City Council Meeting – December 6, 2022**
- F. **Special City Council Meeting – December 7, 2022**
- G. **Special City Council Meeting – December 13, 2022**
- H. **Special City Council Meeting – January 3, 2023**
- I. **Special City Council Meeting STR Workshop – January 9, 2023**
- J. **Special City Council Meeting Workshop – January 10, 2023**

MOTION: Council Member Anderson made a motion to approve the minutes and Citizens Comments, and Council Member Pierce seconded the motion.

Council members Bogosian and Streetman noted changes they would like made to their comments in the January 9 Special Meeting. They will email those changes to City Clerk DeNeane.

VOTE: A vote on the minutes as amended was taken with all in favor.

6. **Old Business**

7. **New Business**

- A. **Consideration of recommendation from the Accommodations Tax Advisory Committee to grant \$30,000 to the Exchange Club for the construction of a seawall and walkway**

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

Mayor Pounds stated that the ATAX Committee has already awarded \$41,000 out of the \$50,000 allotted in ATAX grants this year. Council can approve the amount requested, split it between fiscal years, or vote against it.

Administrator Fragoso further clarified, “The State Accommodations Tax fund balance has an excess from what was budgeted, so you all could approve an unbudgeted or above budget expenditure above and beyond the \$50,000 that are included. That line item is a placeholder. We have kind of used that same amount year over year, but you all could certainly approve an over budget expenditure.”

Ms. Robbie Berg of the Exchange Club reported that the seawall construction is completed, and the price of the walkway increased from \$228,000 to \$261,000 because of the wider sidewalk. The entire project is ADA-compliant and accessible. She said the public has easy access to the area and they encourage the public to visit the area.

Administrator Fragoso explained how ATAX requests and grants will now be made: “Historically, the process is throughout the year any applications that are received for a piece of the \$50,000 that are budgeted would happen as they come and as they were received, they were presented to the ATAX Committee, and then a recommendation would come. We have since changed that process to do it once a year. The deadline for applications for FY24 is January 31. So the ATAX Committee is going to be reviewing all applications at the same time and making a recommendation to you all to then incorporate those that are recommended that you want to fund in the FY24 budget.”

VOTE: A vote was taken with all in favor.

B. Consideration of recommendation from the Environmental Advisory Committee to change policy regarding student committee members

Council Member Bogosian stated that it was difficult for the student members to attend meetings regularly. The Committee welcomes the student participation but would like them to be ex officio members. Director Kerr said that Jordan Burrell will be the next student member of the Environmental Advisory Committee and will make a good addition.

MOTION: Council Member Bogosian made a motion that the student positions on the Environmental Advisory Committee be one-year appointments and non-voting members. Council Member Streetman seconded the motion. The motion passed unanimously.

C. Consideration of recommendation from the Environmental Advisory Committee to engage with Smart Recycling to begin a food composting program

Director Kerr explained this would be a pilot program that is run by Smart Recycling and the City of Charleston. The Environmental Advisory Committee proposes the City contract with Smart Recycling for two bins on the island for twice weekly pickup at the cost of \$240/month.

The program typically has two bins per pickup location, but the Committee would like to see how popular the program is before committing to four bins.

Director Kerr said that people interested in participating in the program must complete training in order to receive a code to unlock the bins. The Committee proposes that one bin be at the marina with the glass recycling container and that the other bin and glass recycling container both be placed at the Carmen R. Bunch Park. He said the twice weekly pickup includes washing each bin to prevent smells and attracting rodents.

Administrator Fragoso said she would have the City Attorney review the contract. She explained that \$15,000 was set aside in the FY23 budget for initiatives from the Environmental Advisory Committee. \$9600 of that was allocated to the glass recycling program. There is enough remaining money in that line item to support this program.

MOTION: Council Member Miars made a motion to approve the expenditure of \$480/month but start at \$240/month until such time the program requires more bins and that the contract with Smart Recycling include an opt-out clause. Council Member Streetman seconded the motion. The motion passed unanimously.

D. Discussion of FY24 Budget Calendar

Mayor Pounds reviewed the FY24 budget calendar in the meeting packet. He asked Council members for any projects or initiatives they are considering for FY24.

E. Consideration of proposed project requests for the Transportation Sales Tax (TST) FY24 Allocation Program

Mayor Pounds said the deadline for the TST application is February 15.

MOTION: Council Member Bogosian made a motion to approve the application for extending the existing sidewalk from Breach Inlet to 2nd Avenue and install a crosswalk on Palm Boulevard at 2nd Avenue, the repair and widening of the existing concrete sidewalk at 21st Avenue, and aligning the existing crosswalks between 46th and 57th avenues with the beach access paths located on the landside of Palm Boulevard to the TST FY24 Allocation Program. Council Member Anderson seconded the motion. The motion passed unanimously.

8. Boards and Commissions Report

- A. **Board of Zoning Appeals** – minutes attached
- B. **Planning Commission** – minutes attached
- C. **Accommodations Tax Advisory Board** – minutes attached
- D. **Environmental Advisory Committee** – minutes attached

11. Ordinances, Resolutions, and Petitions

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

12. **Adjournment**

Council Member Popson made a motion to adjourn, and Council Member Hahn seconded the motion. The meeting was adjourned at 6:46pm

Respectfully submitted,

Nicole DeNeane
City Clerk



SPECIAL CITY COUNCIL MEETING – SHORT-TERM RENTAL WORKSHOP
5:00pm, Monday, February 6, 2023
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, Ward, Streetman, Anderson, Popson, Miars, Pierce, and Mayor Pounds

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

2. Citizen's Comments

Randy Bell said it is time for City Council to act on short-term rentals. He stated that several members of a previous Council voted to be part of a lawsuit against VRBO who is believed to be withholding taxes due to numerous municipalities. He would like to see the City put more resources into compliance.

Georgia Roane said restrictions are needed on investor-owned short-term rentals. She does not want the Isle of Palms to be the only community without restrictions on short-term rentals. She believes there should be a limit on outside investors and short-term rental licenses in residential areas.

Elizabeth Campsen's comments are attached to these minutes.

Bev Miller's comments are attached to these minutes.

Laura Lovins thanked Council Member Pierce for his plans. She believes the properties in Wild Dunes should be included in the numbers being discussed by City Council. She spoke about a short-term rental situation in a New Jersey town. She would like to see rental caps put in place.

Brian Duffy, spoke about the purpose of a single-family residential district: "to provide for quiet, low density residential neighborhoods on comparatively large lots to discourage unwarranted encroachment by prohibiting commercial uses and to prohibit other uses which would interfere with the development or continuation of single-family use, to encourage the cessation of non-conforming uses...and to discourage uses which would generate traffic on minor streets other than required to serve the residents." He expressed his preference for Option 2 which uses zoning definitions to solve the problems. He would like to see a unanimous vote for Option 2.

Krista Swingle spoke on behalf of a group of local property management companies. The entirety of their comments are attached to these minutes.

Byron Davis's comments are attached to these minutes.

Christine Donovan said the restrictive caps are needed on investor-owner short-term rentals. She mentioned citizens who signed a petition that did not understand its meaning and now regret signing it. She cautioned Council to understand who they are listening to. She said AirBNB has been sending mailers to residents encouraging them to speak out for property rights. She said Council should look out for residents and put a rental cap in place.

MOTION: Council Member Ward made a motion to allow additional time for Citizen's Comments. Council Member Pierce seconded the motion. The motion passed unanimously.

Edward Fitzpatrick came before Council to give the viewpoint of a second homeowner. He said second homeowners like himself should not be lumped in with investors. He has no intent to rent his home. He said the livability factors on the island have changed for the worse over the years. He suggested Council impart a 33% cap island-wide. He said the trend towards transient renters is increasing and he supports a cap that would grandfather in existing renters.

Tony Santiago asked if feelings or data comes first. He said people are using data to create feelings and it is creating division.

Shelly Myles stated that AirBNB is an advertising vehicle for those that rent out their homes. The homeowners and property managers still decide who rents from them. She said many of her clients have their rental properties in an LLC so that they can rent it out as a business but intend to move into it one day. She said all of her clients are families and not investment companies.

Cal McCombs said developers are not going to buy up the island because no one is going to sell to them. He believes livability issues are more affected by daytrippers than by short-term renters. He said, "Less government is the best government."

Glenda Nemes said that quality of life issues need to be addressed. She suggested putting in a cap that would sunset after 3 years and then revisit the issue, noting that the economy and other interests will change in that time period.

Gail Brown said she would like the island to "remain paradise." She said her neighborhood is rental-heavy right now. She does not believe capping short-term rentals will hurt island businesses because she sees that Sullivan's Island businesses are full all the time.

Bill McCurry said there are rentals all around him. He loves living here and would like to see a cap on rentals.

3. Discuss Short-Term Rentals

Mayor Pounds referred to data that updated the number of short-term rentals licenses issued to 1757. He asked Council members what is the target and what does City Council need to be looking at in terms of metrics.

Council Member Bogosian said that the short-term rental conversation is going in circles. He expressed concern about the growing number of short-term rental licenses and the validity of the data being produced by the Granicus software. He pointed out that short-term rentals have

increased mostly in residential neighborhoods. Council Member Pierce expressed the same misgivings about the Granicus data.

Mayor Pounds reviewed a list of potential paths City Council could take on the matter, including: increase enforcement activity; no cap on rental licenses; monitor agreed upon metrics, market conditions and analyze trends as they emerge for future Council action; or limit/cap short-term rentals through a variety of approaches.

Council Member Streetman agreed that the conversation does seem to be going in circles, but he believes considering a cap is premature. He would like to put some controls in place while City Council continues to do due diligence on the matter. He believes City Council needs more time to monitor the numbers and analyze the situation.

Council Member Pierce said the Council needs to make a decision. Council Member Bogosian agreed, noting that the 2020 Community Survey showed that this was an issue then and continues to be so.

Council Member Streetman said, “I’m saying basically what we need to do is put a method in place, a process in place that we really take a look at what we need to monitor this situation to make sure we don’t have a runaway investment group or groups that are coming in here and snapping up properties and making long-term investments and a lot of money off of them.”

He added that the BIPA survey revealed many of the same concerns heard in the STR listening sessions: noise, litter, number of occupants, lack of enforcement, strain on Public Works and [Public] Safety.

Without a moratorium that would have given Council time for additional study, Council Member Anderson said it is time for City Council to make a decision on the issue. She said a cap on short-term rentals and the livability issues associated with short-term rentals need to be dealt with simultaneously. She reminded everyone that the noise ordinance is being updated to make it more enforceable. She said the island will always have short-term rentals, but the question is how many is enough.

Council Member Hahn said that while the exact numbers may not be known, the trends are clear. “We do not that the trend for permanent residents is rising and has been for 12 years. We do know that the trend on investment properties is going down and has been for 12 years. We do know that nobody wants to offend primary residents from running their properties. They don’t want caps on any 4% properties.” He believes instituting a cap is “using a very big club to control what does not appear to be that big of a problem.”

MOTION: Council Member Hahn made a motion to “take a directional vote to give our staff guidance for a deliverable to be voted on at our Council meeting on February 28 based on the data information we have received in these workshops. I move that we don’t implement any limits on short-term rental license at this time but continue to monitor as the City is currently doing but to add additional detail in the single-family resident category to show total number of low density versus high density single-family residents by development and the number of licenses in each and ask that staff report those findings to Council on a quarterly basis. I would

also ask that in an effort to increase our enforcement efforts we direct staff to come back with a plan to address just that – software, people, ordinances – or whatever staff believes is needed to assist us as we start the budget process for the fiscal year.” Council Member Streetman seconded the motion.

Discussion ensued as to whether or not votes could be taken in a workshop. Administrator Fragoso clarified, “I would say if you all want something to be prepared for February 28, I would prefer to get direction from the entire body. This is not a final vote on anything. It is just directing staff to do something whatever that something is. So I think I would take it as that. Just bringing something forward, giving staff direction to bring something forward.”

Council Member Ward asked Council Member Hahn to restate the motion in the positive. He said, “A directional vote for staff to continue to monitor the short-term rental licenses as the City is currently doing but add additional detail in the single-family resident category to show total number of low density versus high density single-family residents perhaps by development and the number of licenses in each and report those findings to the Council on a quarterly basis as well as tell us what you need for enforcement efforts whether it is software, people, ordinances or anything else that we can then add into our budget as we start budget talks for the next fiscal year.”

Council Member Bogosian responded, “So it is essentially do nothing. Just continue to look at numbers go up. But can I ask just one simple question? If you don’t think that there’s an issue and you don’t think there’s an overinflated number of people running to the office across the hall to get licenses, what is the issue of putting in a cap? Because they would never be impacted according to your theory, right? In other words, we are not reaching those numbers. They are all fake numbers. People are not using them. So what is the harm of putting in a cap to say if you’re wrong there are protections in place.”

Council Member Hahn replied, “I am not saying that at all. What I am saying is that we don’t know where the trend is. We don’t know what the residents want. What we have been told by the residents is that we don’t want to offend multifamily. We don’t want to offend four-percenters. We don’t want to offend all these other potential groups. So how do we do anything other than watch the trend and see what the trend is. The trend is clearly going down right now.”

Council Member Anderson said, “I would like to propose in addition to what Councilman Hahn has asked for staff is that several of us has prepared alternative proposals to be considered and that they be part of the analysis that we have going forward.” She would like to consider these alternative proposals at the February 28 Council meeting.

Discussion ensued as to whether or not Council Member Hahn’s motion could or should be voted on without first considering the other alternatives.

Administrator Fragoso added, “I think part of Council Member Hahn’s statement included evaluating low density versus high density. So I would like to like to get a little bit more clarity on what that is and what areas we are looking at and identifying whether there is a different trend for certain neighborhoods versus others, which I think goes back to some of the work that the

Planning Commission has done. And part of the recommendation, as you all recall, was implementing caps by zones because of the issue that they had identified in the data where the rentals are at. So I would need a little bit more direction on what the low and high density and what those would be because they are mostly in single-family residential zoning district, so differentiating one from the other would be helpful.”

Council Member Hahn clarified, “That is the whole point. To differentiate one from the other to understand where the trend is and where is there a short-term rental problem and where is there not one. It’s not a one size fits all on the island when you have got developments that are specifically designed for short-term rentals. And so, high density versus low density is my way of talking about it. But there are other ways that we can do it, but I need help from you all on how to do that so that we know where (INAUDIBLE) being affected.”

Mayor Pounds said, “What I am hearing from Blair’s motion is let staff go away and figure out what they need from a staffing/enforcement standpoint, and again whether that is financial or livability or code enforcement or whatever it may be from this list or if we need to expand this list of codes that impact short-term rentals, let our staff go away and figure that out instead of Council trying to dictate.”

Council Member Pierce said he would like to discuss the options. He believes that it would be “a disservice to the community” if Council did not address the issue of a cap on short-term rentals.

Council Member Popson agrees action needs to be taken and would like to vote on Council Member Hahn’s motion. Council Member Ward also spoke in support of Council Member Hahn’s motion, but added that City Council needs to keep an eye on the 2015 Parking plan.

Council Member Miars would like the City Attorney present for the discussion of the options at the February 28 Council meeting.

Discussion about whether or not a vote was appropriate and whether or not members were prepared to vote on anything without first discussing the options continued. Council Member Hahn restated the motion one more time.

Council Member Pierce offered a friendly amendment: “I would like to add, simply stated, the scope of the analysis should be island wide with all categories and all analytical zones.” Council Member Hahn accepted the friendly amendment.

Council members agreed to submit alternative options to Administrator Fragoso who will prepare a similar schedule to “the one that you have with the three alternatives with the alternative that Council Member Hahn wants to look at regarding density and the alternative that Council Member Anderson will provide to us and you all will vote on that at the 28th meeting.”

Mayor Pounds added that one of the alternatives needs to be no cap.

Council Member Hahn rescinded his motion and Council Member Streetman rescinded his second as all alternatives will be discussed on February 28.

4. **Adjournment**

Council Member Streetman made a motion to adjourn, and Council Member Ward seconded the motion. The meeting was adjourned at 6:47pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

I am encouraged by the proposals presented tonight and hope they indicate a willingness to preserve the residential nature of the island. In looking at the proposals, I do not support a path that excludes 32% of our dwelling units from the start, as proposed in Alternative 1. The Beach and Racquet Club Planned Residential Development District was presented, supported and approved as a recreational-oriented *residential* community. The Isle of Palms Beach and Racquet Club was marketed as "a natural place to live" where one could come home after a long day of work and hit the tennis court or golf course. Where one would enjoy the protections provided by City police and fire with close proximity to schools and churches. It is a Planned Residential Development District by its own terms, and should be treated as such.

I support the exclusion of all units within our commercial zones as shown in Alternatives 2 and 3. I also support the exclusion of licenses issued to residents holding a 4% tax classification, which only Alternative 3 does. Our historically referenced 33% rental footprint had no qualifying locations or conditions, is considerably higher than the surrounding communities and should be the community wide goal. No proposal seeks to retain the fragile balance so many have given lip service to over the years. Alternative 2 comes close, which makes Alternative 3 the middle of the road solution.

This issue isn't simply the number of rental licenses in residential zones. 64% of our entire dwelling unit inventory is wide open to short term rental. That industry and the policies of municipalities around us have changed so much we cannot and should not rely on past trends. The top priority of our strategic plan is to reduce the impact of tourism on our residential quality of life. In most ways, we cannot sustain any further increase in seasonal visitation and tourism, no matter where located, and the only way to accomplish your top priority is through the reasonable limitations presented in Alternative 3.

Other jurisdictions have deemed short term rentals incompatible with single family residential zoning. One appellate court said they "undoubtedly affect the essential character of a neighborhood and the stability of a community."... Tenants of Short-term rentals do not participate in our government, coach at the Rec, or keep an eye on an elderly neighbor. As our ordinances are written, with no minimum stay requirements, short term rental tenants are literally here today and gone tomorrow. That same court found that only the permanence and stability of people living in single-family residential zones creates a sense of community and provides an overall quality of place where people are invested and engaged in their neighborhood and care about each other. That's who we claim to be. Please preserve that by moving forward with Alternative 3.

Back again. Different day, same question. Is your vision for IOP's future a Residential or Rental community? Your stance on these 3 alternatives will answer that question, for it is apparent most of you think my question was rhetorical. It was not.

If you believe this island should remain residential in character, perhaps we can agree on three things, as a start:

- 1) A cap is needed to ensure the residential character that exists today.
- 2) When setting a cap, the cap should not be less than the number of licenses issued to date. Let's not take away licenses.
- 3) If you do represent residents, ensure you separate the 4% and 6%, allowing those primary residents to rent their homes for 72 days without placing their licenses under a cap.

As you analyze each alternative, or any others considered, it is imperative that you consider the overall impact to the city and calculate the STR license saturation both within and without the cap. The percentages below will likely be higher as additional license applications are received, given that we have no moratorium in place.

Alternative 1 yields a 54% saturation: the cap allows for additional licenses to be issued, BUT we become a rental community.

Alternative 2 yields a 39% saturation: we remain a residential community, BUT the cap is less than the number of licenses issued to date. AND, the cap includes all dwelling units. I am hoping this alternative was placed here for discussion only, and the discussion should be short.

Alternative 3 also yields a 39% saturation: we remain a residential community, the cap exceeds the number of licenses issued to date, and it allows those 4% residents to rent their homes for 72 days. Hits all three elements I think we can agree on!

Even if you dismiss the facts and trends, we all feel the impact of short-term rentals, and we as residents change our way of life to accommodate the influx of renters. Everyone feels it. On any Saturday in the summer, we have learned not to leave the island and to only go to Harris Teeter at 7 a.m. Between June and August, we hope that we don't have a medical emergency. And that is with a 39% saturation.

We need to all acknowledge that, for any alternative considered, residents are conceding that the goal post of 33% island-wide saturation has been moved to at least 39% island-wide.

So, back to my question: what footprint will you leave? One that shaped the city prepared for the future so that the complexion of the city doesn't change? Or will your footprint be the one that changed this city to a rental mecca?

It's time to lead, and act now to place a cap on investment STR licenses. Please, cap licenses now before this city flips its character and the residential footprint becomes minimal. Focus on restricting Investment STRs and protect the city and residents you serve.

February 6, 2023

Isle of Palms City Council
1207 Palm Boulevard
Isle of Palms SC, 29451

Members of City Council,

We are writing you today representing many of the Professional Vacation Rental Companies on the Isle of Palms, to offer Council our assistance as you gather information and data regarding family vacation homes on the Island.

According to the City of Isle of Palms rental software, there are 1,539 marketed family vacation properties on the Isle of Palms with a little over 1,200 having rental activity. We represent over 1,000 of these families who entrust us to care for their homes on the Island.

It is impossible to share with you the individual stories that brought these families to the Island and elected a professional vacation manager to care for their homes. But there is a common theme that they all share. The majority of each of these homeowners' goal is to be on the Island as much as possible and to one day move here full time. In 2022, the property owners that we represented spent 69,495 nights on the Isle of Palms, visiting the island 4,760 times. This is where they spent birthdays, anniversaries, holidays, and summer weeks. For 69,495 nights in 2022, these families did not call the Isle of Palms an investment, it was and is their home.

There are some in our community that describe these families as hedge funds, investors, and individuals trying to make a quick buck at the expense of neighborhoods. These depictions cannot be further from the truth. Of the thousand families we represent, the majority live within 200 miles of the Island and for 95% of them, this is their only beach home.

We are so pleased that 16 of the families that we represented in 2022 were able to make their dream to live on the island a reality. These families are not an exception but part of a trend. According to tax records, the number of primary residents on the Island increased by 3% over the past 12 years.

There are three additional indicators supporting the growth of residents on the Isle of Palms. First, according to City records, most new homes built on the Island are not purchasing short-term rental licenses. In 2020, for example, only 2 of the 24 homes that were built became a family vacation home.

Second, the economics are not there in many parts of the Island regarding new construction and vacation homes, especially in comparison to the early 2000's when nearly 50% of new construction went into a rental program. With the Isle of Palms average price point now \$3 million with a high of \$7.8 million, a family with this wherewithal is not typically interested in strangers renting their home or sleeping in their beds. As seen on Palm and Ocean Boulevard, as prices continue to accelerate, fewer and fewer buyers will require vacation rentals to make their dream home possible. Charleston's population just surpassed one million with the expectation this will double in four to six years. With this surge in population and a lack of beach inventory in Charleston, prices on the Island will dramatically increase in the future. This trend of price increases will continue to reduce the number of vacation homes on the island.

Finally, the number of short-term rental licenses issued per year has been gradually trending downward since 2010. Yes, there has been a substantial increase in the number of rental licenses purchased following Councilman Moye's first comments regarding a rental moratorium two years ago. It is only logical that when an item is deemed valuable with supply about to run out, there will be a run to purchase that item. In the past two weeks, as rental caps continue to be in the news, according to City data, 5 residents and 28 second homeowners have purchased a short-term rental license. Yet, there has not been 33 additional properties added during this period to professional rental programs. Property owners are protecting their property rights by purchasing rental licenses with no intent or need in offering their homes as a vacation rental. This is the reason that there are 1,724 rental licenses but only 1,539 being marketed and just over 1,200 are reporting rental activity.

As a professional family vacation rental manager on the Isle of Palms, nearly every day, I am asked by a vacationing family why they should pick the Isle of Palms over Folly Beach, Kiawah, Seabrook and Edisto. It is one of my favorite questions, since so much of what we have to offer is so different from these other Charleston beach communities.

One major selling point is the diversity on the Isle of Palms regarding accommodations. No other island in Charleston (including Kiawah and Seabrook) has the number of different property types to offer. There are 1,463 non-single-family dwellings on the island. Of the 3,106 single family dwellings, there are 298 single family homes built specifically as vacation homes such as the Boardwalk Homes in Wild Dunes (which were designed as hotel rooms), Beachside, Sea Oats, Pelican Bay, Seaside and the homes between the Post Office and Front Beach. It is important therefore that any analysis of the Island be broken down correctly. Homes along Palm and Ocean Boulevard, multifamily dwellings, condo-hotels, and single-family homes designed and constructed as vacation homes should be considered for what they truly are. It is impossible to look at the Island strictly by a tax bracket or dictionary definition.

There are a few of us that have been on the Island since the 70's, 80's and 90's. For nearly five decades, professional vacation home managers have been committed to the Isle of Palms and what makes this island special. As a group, we have worked well with past City Councils in supporting policies regulating parking, occupancy, trash service, and noise. We fully supported the creation of a livability officer and the livability court.

Professional family vacation managers require guest signatures that they agree to abide by the short-term rental regulations. None of our homeowners want their homes to be used for parties, weddings, bachelor, or bachelorette weekends. For over 1,000 families that we represent, the Isle of Palms is their home that they have offered to other families as a vacation destination. These homes in 2022 were occupied 54.6% of the year by rental guests. It is not surprising how many of these vacation families now call the Isle of Palms their home.

The professional family vacation rental managers on the Island are committed to seek a solution to any problem presented to City Council. Making the Island better is not only the goal of the 1,663 residential property owners, but also the 2,906 families that hope to make the Isle of Palms their full time home one day. As we have done in the past, the professional vacation home managers would like to do our part to assist City Council by providing data and support in making the best decisions for all the 4,440 families that own a home on the Island.

Sincerely,

Michael Long
Beachside

Alex Stone
Island Realty

Win Walker
Carolina One

Mel and Shelley Miles
Exclusive Properties

Hugh and Krista Swingle
Palm Boulevard Realty

Terri Haack
Wild Dunes Resort

City Council

BYRON DAVIS
38 WATERWAY ISL. AZ

- ☐ 26 year resident
- ☐ Live here year round
- ☐ Wild Dunes
- ☐ Waterway Island Dr
- ☐ Moved here from Buffalo NY
- ☐ Besides the Beach freedom.
- ☐ A community Friendly people
- ☐ Noteworthy is what is happening in our country at large. We seem to be expanding Government in every area, except for police and the border policy.
- ☐ Here in IOP, When you start talking about rental caps and other such laws & regulations in an effort to make our paradise better, I get very concerned. NY has a lot of laws on rental properties which have caused an exit of capital and population.
- ☐ I don't have a dog in this rental fight, but I do have a home that I don't need you to change any of the laws which may have the unintended consequences of lowering its value.
- ☐ I am here to ask you to Please not grow the reach of government on such a great community. We have enough laws and regulations.
- ☐ In fact one of the most difficult things for you to do is to do less. But could be the best path.
- ☐



SPECIAL CITY COUNCIL MEETING -- WORKSHOP
5:00pm, Monday, February 13, 2023
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 – none

Elizabeth Campsen's comments are attached to these minutes.

3. Special Presentations – none

4. Dashboard of City Operations

Administrator Fragoso offers have been made recently for several of the staff vacancies including the PR position, Assistant Director of the Recreation Department, and a Recreation Department Specialist. Upcoming events include the Front Beach Fest and the Community Yard Sale.

As of February 10, 1,768 short-term rental licenses have been issued.

5. Department Reports – in the meeting packet

6. Strategic Plan Policy Initiatives and Priorities

A. Livability

Discussion of changing short-term rental compliance managing software

Director Kerr said he would like to run Granicus and RentalScape simultaneously until May and then make a final decision on which platform to use to track short-term rentals. He will use the base program before considering the add-ons that have been offered. He said he does not think RentalScape will find that many more rentals, but the program appears to be more sophisticated and better at tracking. It crawls more sites than Granicus does on a daily basis, and it is better at tracking bookings which could provide better estimates of rental activity.

There is money in the budget for this purchase. The City will be paying for both programs for a few months.

B. Environmental – none**C. Public Services****i. Discussion of paramedic program**

Chief Oliverius gave a presentation on the Isle of Palms' emergency response model. The City is an "all hazards response" meaning it responds to fire, medical, and water calls. He gave a breakdown of the department's organization and the level of Emergency Medical Responders in the department. Currently, Chief Oliverius is the sole paramedic.

He explained the difference between offering Basic Life Support (currently what the department can do) versus Advanced Life Support. He would like to offer emergency medical services without transport. The department would have two medical doctors develop protocols on what the paramedics could do for a patient.

Of the emergency medical calls received last year, 261 of 477 required advanced life support. Providing this advanced life support would increase the department's capabilities.

The next step is to conduct a cost/benefit analysis for various emergency medical service delivery models. He said implementing a new model would take 8-12 months because it takes 12-16 months to go through paramedic school. He has three staff members interested in becoming paramedics. He added that part of the cost of adding such a program is the need to fill the shifts of the personnel attending paramedic school.

Administrator Fragoso said the Chief's analysis will be brought to the Public Safety Committee in March.

ii. Discussion of recommendation from Public Safety Committee to prohibit electric bikes on the beach

Administrator Fragoso pointed to the redline draft of the ordinance in the meeting packet noting the definition of motorized vehicles has been expanded to include e-bikes due to safety concerns. Lt. Forsyth stated that they do get complaints about them on the beach, but there have been no recorded incidents involving an e-bike.

Council Member Anderson said she believes Wild Dunes will be restricting where e-bikes can be on the beach. Council Member Pierce said they don't seem hazardous when the beach is empty, but he has seen close calls. Council Member Hahn said he has seen people riding them in the dunes. He would like to see e-skateboard included in the expanded definition. Council Member Miars suggested a broader definition to include any motorized vehicle.

The draft ordinance will come to the City Council meeting for changes on February 28.

iii. Discussion of proposals from engineering firms to design an emergency beach access path through the Charleston County Park

Director Kerr said Assistant Director Asero is having trouble keeping a beach access path clear on the Breach Inlet end of the island. Staff has been looking for a beach entrance that is closer to

the Public Safety Building. They believe the County Park may be an ideal location. He said, “We have been engaged with the County Park. We have had meetings with them over this concept, and in short, what it would be is really a driveway right there at the curve of Ocean Boulevard and 14th, a break in the fence, and then a new path that would lead them all the way through.”

Four proposals, ranging in price from \$8,000-\$50,000, have been received. Staff feels that Davis & Floyd understood the request and their price reflected that. He explained, “They will develop plans and then hold a series of meetings between our staff and the County staff to get everybody comfortable with the plan. Once everybody likes those plans, we would then use those plans and go out for pricing with the hopes of doing this next winter.” Engineering and construction costs will be budgeted for FY24. Cost sharing will be discussed with the County at a later date. Staff will also investigate grant funding opportunities.

iv. Discussion of proposed temporary parking agreement with Islander 71 for the “shared parking lot at the IOP Marina

Director Kerr explained that Staff and Islander 71 agree there is a need to see how the shared lot is used this summer before making a final agreement. He briefly explained the shared concept that will be executed this summer with the assistance of a parking lot attendant, the cost of which will be shared by the City and the restaurant. The parking lot attendant will work Thursday through Sunday from Memorial Day to Labor Day and will be tasked with directing traffic and keeping track of how the spaces are being used and when. Administrator Fragoso said there is a camera available to track usage Mondays through Wednesdays.

Administrator Fragoso said an agreement for this concept will be drawn up and brought to City Council on February 28.

D. Personnel

i. Discussion of recommendations from Administration Committee

Council Member Bogosian said the hourly rate the City offers for BSOs needs to be increased to fill the positions. Assuming all positions are filled with the same number of hours worked as last season, raising the rate ends the year \$60,000 over budget. The proposed rate of \$18/hour and \$18.50/hour for returning BSOs is slightly higher than surrounding communities. The program is funded by State ATAX monies.

Council Member Streetman said he fully supports the pay increase as the program pays for itself. He also suggested seeing if offering college credit could be an incentive.

Council Member Bogosian also stated that the second code enforcement position needs to be made full-time in order to fill it. Administrator Fragoso said this person would be enforcing business licenses, addressing livability complaints such as noise and parking, and short-term rental management. She said the Administration Committee’s request for someone with more experience will require more money.

E. Other items for discussion

A. Update on RFP for design and engineering of elevator in marina restaurant

Administrator Fragoso reported that only one response was received for this RFP. The City has begun direct negotiations with that vendor for cost estimates for the design and engineering of the elevator at the marina restaurant. More information will be available at the February 28 meeting.

7. Financial Review

Financial Statements and Project Worksheets

Director Suggs said revenues are “in good shape” and expenditures in the general fund are “right on budget.” All other funds are a bit below budget, likely due to some budgeted projects.

Year-to-date, the City has heard \$620,000 in interest, compared to a budget of \$28,000.

She noted that the municipal accommodations tax schedule is a bit off due to personnel issues in that office. She believes it will catch up with the February payment. The City received a quarterly State ATAX payment that is 9% ahead of last year. Hospitality tax is 21% ahead of last year. The healthy increases from the prior year “indicates the strong economic activity on the island from all sources.”

Only some engineering expenses appear on the Phase 3 Drainage project worksheet. A new worksheet for the improvement at the marina for the T-dock and greenspace has been added. The only recorded activity is for design, engineering, permitting, and bidding fees.

8. Procurement

Request for approval of an amount not to exceed \$18,000 for the purchase of AED Defibrillators [FY24 Muni ATAX, Fire Department, Non-Capital Tools & Equipment]

Mayor Pounds said this is a non-budgeted item. Administrator Fragoso said the cost is fully supported by Municipal ATAX funds.

9. Capital Projects Update

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

Administrator Fragoso reported that the scheduled road work has started and will take 8-10 weeks to complete.

She shared, “We have been contacted and we have been meeting with some of the neighbors that are directly adjacent to the project area, concerns with the integrity of their foundation and just potential results of a lot of the shaking, a lot of the digging, a lot of the movement there. So we have been proactively working with them.”

The permit from the Army Corps of Engineers for the 41st Avenue project has still not arrived. They, too, are experiencing staffing issues.

B. Comprehensive Drainage Masterplan

Administrator Fragoso said the two contractors working on this project have transitioned to a new company. Staff has met with the new project managers who are committed to finishing the project. Work will be done on the development standards and the review of the current maintenance plans. She hopes to have a presentation before Council in March.

Davis & Floyd has been asked for a proposal “for what it would take to fold in Thomas & Hutton’s work [analysis of the Phase 3 drainage area between 41st and 30th avenues] work so that when we build a list of projects and priorities they would all be built with the same modeling so that we could be really comparing apples to apples when we are prioritizing what the next projects are.”

Council Member Anderson asked for the draft report “including existing assessment hydraulic modeling and recommended improvements.”

C. Overhead to Underground Conversion at 21st Avenue

This project is set to begin on February 21 and will take about three weeks.

D. Pickle Ball Court Construction and Basketball Courts Rehab

These projects should be completed by mid-March.

E. Public Dock Rehabilitation and “T” dock improvements

Administrator Fragoso said work on the boardwalk along the intercoastal side of the marina has begun. She reported that the modification to the existing permit for the work on the public dock was submitted in December. Kirby Marshall of ATM said “the permitting agencies have been engaging in a lot of conversation about it, which is a good sign.” They are hopeful to have that permit in place and be ready for construction during the next winter season.

F. 34A Beach Access ADA-Compliant Boardwalk

Administrator Fragoso said this project is complete, and staff is considering additional locations for similar boardwalks.

G. New Garbage Compactor in the small municipal parking lot

Administrator Fragoso said this project is also nearly complete with the exception of the installation of the security camera and odor control system. Council Member Ward asked about having art students paint a mural in this area. Council Member Anderson suggested having the Chamber of Commerce handle that, and Administrator Fragoso noted the Chamber is already handling the mural to be painted on the Public Works building.

10. Legislative Report

Mayor Pounds said the City’s lobbyist will attend their March meeting. Administrator Fragoso added, “Last year with the newly added lobbyist to the team, we secured a grant of \$1.5 million for future dredging of the marina. We have been working with them in the past several weeks on

new projects for funding. The two that we have already submitted...is \$2.5 million for additional boardwalks...and a \$7 million grant for three different drainage projects, and those three drainage projects were those that were identified as priorities by the Comprehensive Master Plan.” They are also preparing to submit funding requests for undergrounding utility lines and improvements around the municipal parking lot at the Front Beach.

Mayor Pounds reported that recent legislation introduced by Representative Bustos was not what they had hoped for. The City had requested reducing or capping the 30% of ATAX funds required for tourism-related expenditures, and this legislation is proposing additional uses of the 65% portion.

Council Member Bogosian recommends asking for a proviso to use some of the 30% funds for a one-time project. He thinks a request for approximately one-third of the 30% would be appropriate. Mayor Pounds said staff will generate a list of potential projects in that price range.

11. **Miscellaneous**

12. **Adjournment**

Council Member Streetman made a motion to adjourn, and Council Member Popson seconded the motion. The meeting adjourned at 6:49pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

I appreciate administration putting forward the rentalscape proposal and I hope steps are taken to approve the purchase.

While no program is perfect the numbers referenced in the proposal seem more in keeping with the activity we should expect from the licenses issued to date. 1600 rentals for 1768 licenses seems like a more accurate number than the 1200 from our current system. I spoke with Jane at the town of Mt. Pleasant this morning regarding the pros and cons of the programs and asked her about the difference in the numbers the two programs have produced as she has used both. I learned that our current system only considers something a listing if a review is left and that rentalscape is a much better analysis tool. It is an investment worth making.

I encourage you to add some of the optional products offered. Our manual license entry process requires hiring temps every year just to get the information added to the accounting system that we use to log rental licenses. Adding the STR Registration and Renewal Portal would be well worth the money and actually would probably be paid for by not having to hire temp workers - letting the applicants do the work in the portal. I also see that it can be customized to get all types of data points upon application allowing the City to quickly analyze trends and impacts by housing type or area.

Since enforcement is one thing everyone seems to agree on - please add the 24/7 Complaint Line and Online Form option. Three years ago council passed an ordinance providing for the revocation of a business license after 5 or more founded complaints of unlawful activity. During the hotel noise violation discussions I believe it was stated that we don't have a way to log or track those complaints. This option seems like a great fit for that need and a great help to code enforcement and livability bridging the gap between planning/licensing and public safety.

Finally I'd ask that you add the Public Facing Portal. The public should have a way to access information regarding rentals on the island that doesn't involve multiple email requests to our overloaded administration and planning employees.



**Administration Committee Meeting
3:30pm, Thursday, January 26, 2023
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 Bogosian, Pierce, and Streetman

Staff Present: Administrator Fragoso, Director Kerr, HR Officer Ladd

2. Election of Chair and Vice Chair

Council Member Pierce nominated Council Member Bogosian as Chair of the Administration Committee. Council Member Streetman seconded the motion. The motion passed unanimously. Council Member Bogosian was elected Chair of the Administration Committee.

Council Member Streetman nominated Council Member Pierce as the Vice Chair of the Administration Committee. Council Member Bogosian seconded the motion. The motion passed unanimously. Council Member Pierce was elected Vice Chair of the Administration Committee.

3. Old Business – none

4. New Business

A. Consideration of increasing hourly rate for Beach Services Officers to \$18/hour

Administrator Fragoso explained they are struggling to fill all the BSO positions and would like to increase the hourly rate to \$18/hour from \$15/hour as well as offer an incentive (\$1-\$1.50/hour) to returning BSOs. She added that Sullivan's Island increased their pay rate to \$18/hour and Kiawah raised theirs to \$16.50/hour. She pointed out that all positions being filled at this higher rate would result in a \$60,000 budget overage. These positions are open from March to Labor Day, but many positions are not filled until after colleges recess for the summer.

Council Member Streetman said the positions pay for themselves. He suggested working with schools to create an internship-type program that could earn BSOs school credit.

MOTION: Council Member Bogosian made a motion to recommend to City Council paying a rate of \$18/hour to new BSOs and \$18.50/hour to returning BSOs for the coming season. Council Member Streetman seconded the motion. The motion passed unanimously.

B. Consideration of changing budgeted part-time seasonal code enforcement position to a full-time position

Administrator Fragoso reported that they have two people interested in this position if it becomes full-time. City Council's approval is needed if it is to become a full-time position. She added, "The budget that we have would support hiring somebody around the minimum range that you see for that position. We would be over budget by about \$5-\$10,000 approximately" depending on how much experience the person has. Additional monies need to be added for benefits.

Committee agreed this is a position that needs to be filled as a full-time position.

MOTION: Council Member Pierce made a motion to recommend to City Council that the part-time seasonal code enforcement position be changed to a full-time position. Council Member Streetman seconded the motion. The motion passed unanimously.

C. Discussion of adding a Short-Term Rental Compliance Officer position

Administrator Fragoso said this position was brought up in the short-term rental listening sessions. This would be an addition to the Building Department which has had the same number of employees for many years. Time is needed to develop the position but having this position filled would send a message as to the importance of the short-term rental issue.

Committee members agreed it is important to fill this position since short-term rentals make up 50% of all business licenses.

Administrator Fragoso will bring job descriptions from other communities to discuss at the next committee meeting.

D. Update on the hiring of Finance Director and Public Relations & Tourism Coordinator Position

Administrator Fragoso said that after interviews, they narrowed down the candidates for the Public Relations position to 3 people. They were given an exercise to complete, and from that two candidates will come to meet City and CVB staff in the next couple of weeks.

Administrator Fragoso has met with the recruiter for the Finance Director position and directed resumes they have already received to them for their review. The goal is to have someone in place in April so they have a few months to work with Treasurer Suggs. While Administrator Fragoso is the person who will do the hiring, she will bring the final two candidates before City Council.

She noted that City Hall is running out of space for the additional staff. The expansion of City Hall needs to be considered, and she is looking at options and costs for such a project.

5. Miscellaneous Business

The Committee will meet on the first Tuesday of each month at 8:30am. However, due to Legislative Day, the next meeting of the Administration Committee will be Thursday, February 9 at 8:30am.

6. Adjournment

Council Member Streetman made a motion to adjourn, and Council Member Pierce seconded the motion. The meeting was adjourned at 3:58pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Administration Committee Meeting
8:30am, Thursday, February 9, 2023
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 Bogosian, Pierce, and Streetman

Staff Present: Administrator Fragoso, Director Kerr, HR Officer Ladd

2. Citizen's Comments -- none

3. Approval of Previous Meeting's Minutes – January 26, 2023

Council Member Streetman made a motion to approve, and Council Member Pierce seconded the motion. The motion passed unanimously.

4. Old Business

Review of Job Description for Short-Term Rental Coordinator position

Administrator Fragoso said this job description comes from their research into similar positions in other municipalities. Some of the job duties may change depending on whether City Council decides to implement a cap on rentals. Discussions with the STR compliance officer for Mt. Pleasant revealed that 80-90% of what she does is manage the rental cap.

Council Member Pierce said that while the description is a good start, he would like to see more skill requirements to elevate the position above entry-level. He will share some suggested language with the City Administrator.

Administrator Fragoso said this person will be expected to interact with the police department and rental agencies. They are considering adding the ability to issue citations. The process of reviewing State and municipal accommodations tax applications needs to be added to the job description. This person will be part of the Building Department and report to Director Kerr.

5. New Business

A. Discussion of draft FY24 10-year capital plan for General Government

Administrator Fragoso reviewed the requests in the 10-year capital plan for General Government, including replacing the fence in the City Hall parking lot, replacement of metal doors and frames and the HVAC unit at City Hall, moving all systems to Office 365,

contingency funds for building maintenance, and replacement of Building Department's HVAC upon failure.

Discussion ensued about options for the significant repairs needed at City Hall and the need for the reconfiguration of or addition to City Hall in light of staffing increases. Direction from the full City Council is needed before an engineer is engaged to price out the options for work on City Hall. Council Member Bogosian said, "My recommendation would be we get that architect. We get those plans. We start to think about how this building could be better utilized."

Administrator Fragoso believes the City's strong fund balance and increased grant revenue puts the City in a good position to complete these renovations without incurring debt.

B. Discussion of legislation introduced in current legislative session of the General Assembly regarding the use of accommodations tax revenue

Administrator Fragoso reported on a bill recently introduced in the General Assembly by Representative Joe Bustos: "His bill would expand the definition of tourism-related expenditures to include workforce housing, but that definition of tourism-related expenditures would apply to the balance of the 65%. So that bill, the way it is written today, does not give any additional flexibility on the use of the 30% fund. I know we have had conversations with Representative Bustos and other stakeholders to advocate for potentially an amendment or a new bill that would speak to the concerns that we have been hearing about and I think Council has discussed in the past of wanting to either expand the potential use of the 30% money that is right now by State law required to be used on publicity and advertising to include other potential uses or consider maybe potentially a cap or ceiling to the expenditure of what the 30%" can be used for.

Administrator Fragoso has shared Section 4B of the bill with the City's lobbyist to discuss with Representative Bustos. Council Member Bogosian said this is definitely something that should be discussed at the City Council workshop next week. He added, "We should talk about and maybe bring up a part of this to try to get a one-time budget item pushed through this assembly for some portion of our ATAX funds to be used on a special project. Time would be of the essence with that because the budget process is currently going on. This is something we should all think about and maybe even bring up at Monday's workshop to discuss what a use of that would be so we can get back with our lobbyists to try to push something through for this session."

Administrator Fragoso said this item would be added for discussion under the Legislative Report at the workshop. She said that the ATAX Committee has not generated a list of specific projects for the 30% funds but has been working with the CVB to better engage VRBO to generate more business to short-term rental owners.

Council Member Bogosian suggested staff come up with a list of potential tourism-related projects to be considered if the bill passes.

6. Miscellaneous Business

The next meeting of the Administration Committee will be Tuesday, March 7, 2023 at 8:30am.

7. Adjournment

Council Member Pierce made a motion to adjourn, and Council Member Streetman seconded the motion. The meeting was adjourned at 9:11am.

Respectfully submitted,

Nicole DeNeane
City Clerk



Public Safety Committee Meeting
10:00am, Thursday, January 26, 2023
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, Ward, and Anderson

Staff Present: Administrator Fragoso, Director Kerr, Chief Cornett, Chief Oliverius

2. Election of Chair and Vice Chair

Council Member Hahn nominated Council Member Ward as the Chair of the Public Safety Committee. Council Member Anderson nominated herself as Chair of the Public Safety Committee.

A vote was taken with Council members Ward and Hahn voting for Council Member Ward. Council Member Ward was elected as Chair of the Public Safety Committee.

Council Member Anderson nominated herself for Vice Chair of the Public Safety Committee. Council Member Hahn seconded the nomination. A vote was taken with all in favor. Council Member Anderson was elected as Vice Chair of the Public Safety Committee.

3. Citizen's Comments

Al Clouse said the new draft of the noise ordinance is "discriminatory and narcissistic allowing 75dbs from a commercial property located" in a residential neighborhood when those residents living in the neighborhood are allowed a 60dbs noise maximum when abutting a commercial property. He spoke about an afternoon concert on November 4 and how much it disturbed nearby homes. He said, "We contend no more concerts from Hell part 1 or part 2. Fact, Wild Dunes Community Association Board and the GP HOA have ignored us on every complaint refusing to help, both being joined at the hip with Wild Dunes, LLC, the resort. We are the classic microcosm of what is currently evolving on the IOP right now. We are the proverbial bone being given to the big dog as a result of the five new ordinances which have been passed against the resort. We are the ones being punished. Please tell us what the reason is we are having to put up with this nuisance. To the IOP administrators, you are screwing with our property values. We have worked in good faith with Ms. Haack on the issues, and we have made some progress. Frankly, we have a long way to go. She will tell you we have been patient. However, the busy season is not far off. We are not enemies. However, we do have differences of opinion. Unfortunately, this is a major setback in what we have been doing with her. It's all about the money."

Valerie Krause, 4 Hidden Green Lane, believes the proposed noise ordinance will cause harm to the residents of properties adjacent to the Sweetgrass Inn. She said, “The National Institutes of Health along with the EPA and the World Health Organization have stated that any prolonged noise above 70 decibels causes permanent hearing loss. In addition, the EPA recommends a maximum indoor noise level of 45 decibels and a maximum outdoor noise level of 55 decibels in mixed use communities where commercial property abuts residential properties. The proposed level of 60 decibels during daytime hours in a residential neighborhood is 5 decibels above this limit. But more importantly, the recommended maximum in a commercial area of 75 decibels is 20 decibels higher than the proposed maximum limit from the EPA.” She said exposure to higher than recommended noise levels is linked to numerous health problems including hypertension, lower cognitive ability, cardiovascular disease, hearing loss, interference with sleep, communication and the simple enjoyment of daily activities. She would like to see the maximum decibel level lowered.

Ted McKnight would like to have safety barriers added to the IOP Connector to protect bicyclists and pedestrians. He would like to know what information the City has asked for from SCDOT regarding safety on the Connector. He posed numerous questions about the efforts of the City and SCDOT regarding the IOP Connector and parking along Palm Boulevard.

Terri Haack said Wild Dunes will be conducting a sound study with an outside company. They will visit in February and then return in the busy season. She said there needs to be a noise ordinance that allows an active resort to exist in a residential neighborhood.

4. Old Business

A. Discussion of changes to the noise ordinance

Administrator Fragoso briefly reviewed the changes made to the draft ordinance since the last meeting, adding that the City Attorney had no comments at this time but did not see anything that concerned him.

Regarding the maximum decibel levels noted in Subsection C, Administrator Fragoso said, “The language here that would apply different decibel levels, which we can have that discussion whether or not those limits are acceptable, but there would be a 60 decibel limit during the daytime in residentially occupied properties and 75 for those that are commercially occupied properties. The question at the time of our last meeting that some members asked, and we have just discussed this with our City Attorney, is what decibel reading is taken when you have properties that are abutting each other, one residential and one commercial. The advice that we were given is that the decibel reading that would apply would be the one that’s provided to the, where the noise is emanating from. So if the complaint is from a residential property, but they are complaining about noise emanating from a commercially used property, that commercially use limit decibel reading limit would be applied to that instance.”

She added that everything is subject to adjustment. She shared that the daytime decibel limit on Kiawah Island is 70 and this ordinance is proposing 60. The daytime and nighttime hours for

enforcement are set in the current ordinance. The timeline for implementing any changes to the noise ordinance will depend on City Council.

Council Member Hahn asked Chief Cornett about the enforceability of the proposed ordinance. Chief Cornett said, “That is one of the things that we really appreciate about the decibel levels. It is a clear, defined, violated statute. Right now, it is open to somebody’s personal opinion, and this gives a clear, articulate argument. In a court of law, if we said somebody violated, we can show proof that they violated by having a decibel level higher than what is in the ordinance. That is the whole thing that we love about this is it is more enforceable because it takes away my personal opinion on it. It’s just clear, and we look at a decibel reader based on what is written in the ordinance, and it is either right or it is wrong, and that is easy to defend in court, too, as opposed to me just telling a jury well, I thought it was too loud. I can actually articulate it was too loud based on this reading from a decibel reader. I am a fan of this. I think it takes away any guesswork. It is pretty black and white.”

He added that the decibel limits in this draft are based on what has been seen in other ordinances as well as WebMD and CDC guidelines. He also likes that noise readings can be taken from elevated floors on a property since sounds seem louder on higher levels. Adding decibel restrictions on low frequency noises that don’t meet the decibel limits could be discussed and added to the ordinance at a later date.

Council Member Hahn spoke about the possibility of incorporating the use of noise tracking software like noiseware.com to the ordinance at some point. Chief Cornett has heard it is being used and the police department likes it because it addresses noise issues before it becomes a problem. Administrator Fragoso said encouraging the use of something like that could be done but requiring it would need to be discussed.

Administrator Fragoso pointed out a new section, Permits for Additional Amplification, which was taken from the ordinance in Charlotte, NC. This section would limit the number of hours a location could request for additional amplification over the course of a year. Repeated violations could result in the revocation of a business license. Chief Cornett would like to have City Council approve the applications for these types of permits.

Discussion ensued about the requirement for five founded noise complaints on a property before a business license faces revocation. Director Kerr said the business license revocation process is dictated by State law.

Council Member Ward said he believes the decibel levels need to be lowered but would like City Council’s input on the matter.

MOTON: Council Member Hahn made a motion to recommend the draft noise ordinance with the noted adjustments to City Council for consideration and discussion. Council Member Anderson seconded the motion. The motion passed unanimously.

Administrator Fragoso said she would provide a chart detailing decibel level limits in other municipalities. Council Member Hahn would like limits suggested by the EPA to also be included.

B. Discussion of the alternative configurations for the IOP Connector

Council Member Anderson asked Chief Cornett about the temporary use of an emergency lane for outbound traffic. He said that any use of such a lane would take coordination with Mt. Pleasant, Charleston County, and possibly Highway Patrol as well as more IOP personnel than what is normally available. It requires advance planning and would not be something that could be done every summer weekend.

Chief Oliverius said that the Fire Department can make any of the alternative configurations work. He said fire personnel see roadways as dangerous and have no issue shutting down the road to work an incident scene. He said a larger center lane is beneficial.

Chief Cornett said police look to divert traffic around incidents in order to keep traffic flowing. They will push traffic into a bicycle lane but prefer not to. He said shutting down lanes requires more personnel on both sides of the Connector.

Council Member Hahn said, “From my perspective, Option 3 is the only viable option because of safety. One death is one death too much. I don’t care about whether or not people have to take an extra 10 minutes to get off the island in the summer. I care about whether or not somebody dies. And what I am hearing from both chiefs is that an emergency lane is safer. I have also read with great interest our Fire Chief, Anne Graham’s op-ed piece. She says we have to have an emergency lane. That is Option 3. She talks about the people that have died on the Connector. Again, we go to Option 3. I also have a letter and I have got both of these to put into the record [they are attached to the minutes] from the Deputy County Administrator for Charleston County Eric Watson. He has over 20 years’ experience with First Responders. He says we have to have an emergency lane because of safety. If people have to go a little bit slower, fine. I’m interested in safety. So those people have told us that we need Option 3. Both our chiefs, I believe, have just told us that they would rather us have Option 3. The problem with Option 3, however, is it does not meet SCDOT’s own safety standards. Their own safety standards and under South Carolina law, we have the ability to force them to either comply with the law or do nothing. They have already restriped our bridge in violation of South Carolina law, and I don’t see us doing anything here other than forcing them to comply with the law. We have to have a hard barrier between the vehicles and the pedestrian bicycle lane. We also have to increase the size or the height of the outside bridge so that the pedestrians are safe and there’s not a kill zone created. Both our chiefs have just talked about that, and the risk to pedestrians and bicyclists when there is an accident. One death is too many, people. We have to do this. I don’t see any way around it. And it was put on the record. I know SCDOT has said that a ‘Jersey Barrier’ the concrete barriers are too heavy for the bridge. It took me less than five minutes to find highwayguard.com. They are approved in Georgia. They are approved in North Carolina, and they make metal barriers that weigh 60 pounds per foot that stop the kill zone situation. SCDOT then complained well, if it’s a hard barrier we cannot do maintenance. The highway guard barriers will decouple so that you can do maintenance. I don’t see that we have any choice but to force SCDOT to do the right thing.”

Council Member Ward also stated his preference for Option 3, adding that nothing should trump safety.

Council Member Anderson said, “I think Option 5 gives us the balance we need to serve the people on the island both with safety and added capacity so that the delays will not be as great in the future. My experience as a traffic engineer tells me that there are many roads that function well without these center breakdown lanes in them. If you look at other bridges in the Charleston area, you will see they don’t have these breakdown lanes in them. The Ben Sawyer bridge doesn’t have one. So it’s something that I believe that our emergency staff are accustomed to dealing with, that we actually will already, we will have an extra lane in each direction that can be used for briefly for bypassing any kind of crash that is on these roads. We don’t have that many that occur, and I think they are being handled very well.”

She would like to see the expanded availability of an emergency vehicle on the island. She believes Option 5 plus the expanded availability of an emergency vehicle is what the City should do.

Council Member Hahn responded, “What I am hearing is that you are choosing expediency over safety. I don’t understand that. You are talking about putting people, our people, our First Responders, at risk. They both just sat here and said that they need to have that center lane because it puts people at risk. I have had a conversation with Chief Oliverius. Just changing the flag at the top of the Connector puts his people at risk because traffic can hit his people. I’ve seen mothers jogging with a stroller on the Connector. What do you do when a car swerves towards you? You’re going to swerve into the lane where the mother is. Well no, we have to stand up for safety. I don’t care how long it takes to get off the island. Safety has to be the number one concern, and we have to follow the advice of our First Responders, that they know what they are talking about.”

He said if people are being invited to be on the bridge, it should be made safe for all users. He would like the City to follow Chief Cornett and Chief Oliverius’s recommendations.

MOTION: Council Member Hahn made a motion to recommend Option 3 to City Council “but only if additional barriers are part of that option so that the bridge complies with SCDOT’s own safety regulations.” Council Member Ward seconded the motion. A vote was taken as follows:

Ayes: Hahn, Ward
Nays: Anderson

The motion passed.

5. New Business

A. Discussion of drone rules and regulations

Council Member Ward asked if the City had regulations regarding drone usage. Chief Cornett said that the FAA has regulations that every recreational drone operator has to abide by including

testing and certification. He said the downside to that is the FAA is the agency to enforce those regulations and they won't have representatives readily available to do so.

Administrator Fragoso said that she would like to look into the number of complaints about drones before adding another ordinance for the Police Department to enforce.

B. Discussion of request to lower speed limit at Oak Harbor Boulevard from 25mph to 10 or 15mph

Council Member Ward would like to see if SCDOT would lower the speed limit on Oak Harbor Boulevard. Chief Cornett said he would make the request and see what they say.

C. Discussion of regulations of electric bikes on the beach

Council Member Ward expressed concern about the safety of electric bikes on the beach. Chief Cornett said there is a regulation prohibiting driving a vehicle on a beach. He added that even at its lowest levels, the State statute does not recognize motorized bicycles as vehicles. He said, "My recommendation would be to keep it clear and consistent to add a clause to our section right now, that is 8-1-19, Vehicular Operation on the Beach or Beach Accesses" to add "or an electric assist bicycle" following "after a vehicle."

Council Member Hahn suggested changing the phrase to "to include an electric assist bicycle."

MOTION: Council Member Hahn made a motion to recommend to City Council the change to Section 8-1-19 for consideration. Council Member Anderson seconded the motion. The motion passed unanimously.

D. Discussion of firework regulations

Council Member Ward would like to see the "Fireworks Prohibited" signs put back up around the island at July 4th and New Years Eve.

E. Discussion of installing a people counter system at the public dock

Council Member Ward would like to know how many people are using the public dock before a lot of money is put into improving it. He would like to have something in place by Memorial Day. Administrator Fragoso said she would look into what sorts of systems are available. Council Member Ward would like the topic to remain on the agenda.

F. Discussion of improvements to the Harris Teeter entrance to improve safety

Council Member Ward said that residents have noted the trouble they have getting in and out of the parking lot at the Harris Teeter. He suggested trimming the shrubs and looking into the possibility of adding an additional ingress/egress.

Council Member Anderson said, "This is just an opinion, but probably DOT would prefer to close the middle entrance and force everybody to use the 18th Avenue entrance to create distance from the 14th Avenue intersection. Another one would be to separate the exiting left turns and force them all to use 18th Avenue to reduce conflicts."

Council Member Hahn noted any improvement would take coordination with The Beach Company.

G. Discussion of Police Department annual award ceremony

Council Member Ward asked much the Police Department paid for their annual award ceremony. Chief Cornett said, “The Police Department expenses were \$1,262.12, and that includes awards, uniform citations and things like that for the employees to be recognized.”

Administrator Fragoso said no additional city monies were used to pay for the ceremony. She said, “This is the fourth year that the City and the Police Department have done this event. I think it is a fabulous event. I’m really glad that Chief Cornett brought it the first year he was appointed. It gives us an opportunity to recognize our officers. I think they really enjoy it. This year I saw all of you attend that meeting. Everybody on Council was invited, so I think that hopefully we can get more engagement from the community in these events. I believe this year, too, scholarships were awarded to family members of our police officers, and it was really exciting to hear their stories and their plans and how they plan to use those funds that were donated through different organizations that raises money for or to support law enforcement. So I just want to publicly say that I think it is something that we should support and hopefully do more of in other departments as well, not just the police department.”

Chief Cornett said the LENS Foundation donated and paid for the venue and “some of the other things and then we did have other donations that came from local businesses and our Chaplain.”

H. Consideration of approval for an amount not to exceed \$18,000 for the purchase of 9 AED Defibrillators [FY24 Muni ATAX, Fire Department, Non-Capital Tools and Equipment]

MOTION: Council Member Hahn made a motion to recommend the purchase of 9 AED Defibrillators to City Council. Council Member Anderson seconded the motion.

Administrator Fragoso said, “This is the line item that I would recommend we use for this unbudgeted expenditure. We currently do not have any amount included in that line item, but we usually run light in some other line item, so that we can make up and not be over budget at the end of the day in that Capital Projects line. So I am recommending approval. We will identify potential additional sources of revenue within that line item, but it is an unbudgeted expenditure.”

6. Miscellaneous Business

The next meeting of the Public Safety Committee will be Tuesday, February 7 at 10:00am. The Committee will meet the first Tuesday of each month at 10am.

Council Member Ward asked to have short-term parking issues added to the February agenda.

7. Adjournment

Council Member Hahn made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting was adjourned at 11:35am.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Public Safety Committee Meeting
9:00am, Tuesday, February 14, 2023
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, Ward, and Anderson

Staff Present: Administrator Fragoso, Director Kerr, Chief Cornett

2. Approval of Previous Meetings Minutes – January 26, 2023

Council Member Hahn made a motion to approve the minutes of the January 26, 2023 meeting, and Council Member Ward seconded the motion. The motion passed unanimously.

Council Member Ward made a motion to suspend the rules of order to allow for citizen speakers to speak for more than three minutes and to allow for Committee interaction with the speakers. Council Member Hahn seconded the motion. The motion passed unanimously.

3. Citizen's Comments

Al Clouse's comments are attached to these minutes. During his comments, he referred to the attached map, noting how surrounding residential properties are affected by the noises coming from the Sweetgrass Inn.

Mr. Clouse believes the City is trying to put other communities' noise ordinances as templates on to the Isle of Palms, and he believes this island and situation to be different. He said they have enforcement fatigue from having to constantly report the noise offences.

Council Member Hahn asked if financial remuneration would be considered instead of lower noise standards. Mr. Clouse said he would consider it, but he would need to speak with everyone involved. He is asking for an end to afternoon concerts from 2pm-5pm adding that removing some of the speakers helped with that noise. He said the Sweetgrass Inn is an echo chamber that pushes noise out to the neighborhoods towards the ocean. He believes the ownness should be on the resort to come up with ways to abate the noise and not on the residents to constantly complain to the police.

Council Member Anderson said that her research into recommended noise levels is different than what he has found and would like their research.

Valerie Krause said that her focus on noise is as a medical professional and that consistent exposure to noise is medically harmful. She said the noise from the hotel is the reason she has

put her home on the market, and several interested buyers have noted the noise when they came to view her home. She disagrees with Council Member Anderson that 45 dba is a “whisper.” She does not believe that “75 decibels should even be considered remotely because it is a known fact that that contributes to permanent hearing loss, prolonged exposure.”

Referring to a different decibel chart, Council Member Anderson said that 60 dba is “normal conversation and background music would be at 60.” She added, “When we are looking at ranges, first of all, we don’t want to control what people are doing inside their homes, and secondly, we want it to be reasonable.”

Mrs. Krause confirmed that the hotel said it was built to direct noise away from Wild Dunes. However, that noise goes right into her neighborhood. She continued, “I think the thing that I personally object to most is the measurement at the extreme of the hotel property because it is so close to the residential houses.” She said the hotel is not good at monitoring their own noise.

4. Old Business

Discussion of changes to the noise ordinance

Administrator Fragoso said the version of the noise ordinance in the meeting packet has been reviewed by the City Attorney and he will be present at the February 28 City Council meeting. She said this version allows for individual property owners to apply for exceptions to the noise ordinance for a certain number of hours per year. Council Member Ward would like clarification on the measurements for noise being used. Council Member Anderson noted that EPA levels are focused on noise in the workplace.

Administrator Fragoso shared that a member of the Planning Commission is a sound engineer and his comments will be shared at the next City Council meeting. Council members Anderson and Ward noted that the Front Beach area and the Sweetgrass Inn are two very distinct areas on the island.

Administrator Fragoso clarified, “So you like the previous version that had a separate distinction on commercially used properties even though they may not be in commercially zoned area? Commercially used properties having a different threshold for those. There is another one for residential and another one for GC2.” She added that GC2 is still carved out as a distinct area in this version.

Council Member Anderson said she has an issue with just one noise level for the island, believing there needs to be one for commercial and one for residential. The problem is how to deal with the issue when those two properties abut each other. Referring to a recent email from Terri Haack, Council Member Anderson suggested that instead of limiting the exception to the noise ordinance to hours per year changing it to days per year and limiting the number of hours the noise could be elevated.

5. New Business

A. Parking Plan Ideas

Council Member Hahn said he had spoken to a number of residents who are concerned about the traffic congestion on the island and believe it has to do with short-term rentals, construction on the island, and day visitors. He would like the City to hire an outside vendor to handle parking across the island. He said he would like “for us to look at charging for parking island-wide for day visitors on the island with the exception of the City-owned parking lot, make that free, so that we are driving business to the commercial area.”

Administrator Fragoso said that there has not been “an appetite” for charging for parking on Palm Boulevard in the past. She said the City does have to provide a certain amount of free public parking. However, there are many benefits to outsourcing all of the parking. Staff will complete an analysis of the potential cost savings to the City if parking was handled by a third-party vendor.

Administrator Fragoso reported that they will have a meeting with the County in early March to discuss how they might handle payment at their lot differently.

Regarding short-term rentals and parking, Council Member Anderson “would like to get a handle on what the complaints are about it, what current enforcement policies are, and how we can improve what we have on the books.”

Director Kerr reviewed the current restrictions for short-term rental parking. He added that while the intent is to indicate a limit at a property, when necessary, renters will move to public parking.

Discussion ensued briefly about parking in residential areas to which Administrator Fragoso said, “I am going to go back and look at some of the discussion several years ago. Actually, Council discussed changing the hours [of residential parking] and there was a lot of pushback from the community about doing that, and that is why the City kept it from 9am to 6pm. There are also people from other places than the Isle of Palms that come and go to the beach to walk their dogs and do that before 9am and after 6pm. So I think that the goal was to manage parking in the peak traffic and peak utilization times which is 9 to 6.” She added that 24/7 parking enforcement is unmanageable.

Director Kerr said, “We would want to know is the problem too many cars at houses, is the problem too many cars in public rights of way. For us to focus on a solution we would need to know which is the problem.”

B. Discussion of citizen request to install a 4-way stop at 29th Avenue and Waterway Boulevard

Chief Cornett said a request for a four-way stop must be made to SCDOT who will conduct a study to determine if one is needed. He noted that many tickets are written in that area of Waterway Boulevard. Council Member Anderson suggested asking for a school crossing zone in the area. Administrator Fragoso pointed out there are no sidewalks there.

Administrator Fragoso added, “As you all know, DOT has approved as part of the Connector study, one of the recommendations that they did was to make 25th and Palm a four-way stop. There is already a stop sign on Waterway. We can make the request and see what they think. I don’t know what their standards are between four-way stop, how close they can be.”

Council Member Anderson said she did not think that would be a problem. She believes it is a good place to put a four-way stop and “I would suggest that you put a crosswalk in with it as well and maybe even if you need an extra push for them just say there is a playground/school nearby that would encourage safe crossing.”

Administrator Fragoso said the request would be made and SCDOT’s recommendation will be brought back to the Committee.

C. Discussion of draft FY24 10-year capital plan for Police and Fire

Administrator Fragoso reviewed the requests in the 10-year capital plan for the Police Department, including: replacing 2 patrol SUVs and a 4WD pickup truck for the Animal Control office, purchase of a pickup truck for Code Enforcement, replacement of computer servers, replacement of radios, license plate reader on the IOP Connector for investigative services, and the facilities maintenance contingency.

Fire Department requests included the replacement of two F-150s, replacement of radios, Porta-Count machine for SCBA mask fit testing, medical monitor for carbon monoxide and oxygen (upon failure), exhaust system for both stations, physical agility testing equipment (some of which covered by a grant), replacement of HVAC units (upon failure), and the facilities maintenance contingency.

Council Member Hahn asked about the offer from a resident group to pay for the license plate reader. He also asked to speak with Chief Oliverius about the exhaust system and whether or not it is needed. He said he has previously voted for the purchase of the exhaust system because he was told grant money could pay for it.

6. Miscellaneous Business

The next meeting of the Public Safety Committee will be Tuesday, March 7 at 10:00am.

Council Member Anderson would like an update about the IOP Connector traffic study added to the February 28 Council meeting agenda.

7. Adjournment

Council Member Hahn made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting was adjourned at 10:36am.

Respectfully submitted,

Nicole DeNeane
City Clerk



3-CLOUSE
16-WILLIAMSON
14-GREMAN
11-5th AVE
1-KUMB
9-360
BOOSE SPEAKERS
4-WILHELMAN
2-KRAUS

SHIPPING/RECEIVING

UPDATED 1/16

PUBLIC SAFETY MEETING: 2/14/23

1. The architectural design of the Lowe/Dart hotel (Hyatt Flag) results in physical and mental punishment to a number of IOP Residents.
2. Said hotel is **abutting, adjacent to and in line of sight to a residential neighborhood.**
3. Said hotel's height, acoustics and configuration creates a **"wall of sound"** (not your dad's "Phil Spector's Wall of Sound"), which directly emits noise toward residential properties; eliminating said resident's ability to enjoy a normal, common, peaceful livability standard in their sanctuary.
4. Said noise is a result of: Amplified music at various hours; Pool noise from 10:00 AM to Late PM; Events with Amplified music and loud speaker systems; Supply delivery trucks as early as 4:00 AM; Trash Pick up services at 6:00AM; Event break down services at all hours; Food Trucks; Athletic play/Day Care on the "green artificial turf area"; The After Parties; Hooping and Howling late at night around the hotel hot tub and fire pit.
5. Said Hotel's above actions are a Nuisance, Annoyance and Health Hazard to residents situated in **Tract A Block D (57th Ave) and Wild Dunes ("residents")**.
6. To date (over two (2) years) Wild Dunes Community Association board ("WDCA") has egregiously ignored and failed to help said residents.
7. Grand Pavilion HOA has ignored and failed to help said residents.
8. The Village Garden's (Lowe project during Mrs. Haack's previous tenure) design also contributes to said noise Nuisance, Annoyance and Health Hazard. Massive overhangs which trap and reflect the sound.
9. IOP Police have failed to enforce said hotel's egregious noise disturbances; in a two (2) year period, only issuing five (5) citations. All five were during the concert from Hell (part 1) held on November 4, 2022. 9-2-5(c). Resulting is a very low Citation/Complaint ratio; even with their failure to track complaints for 1 1/2 years. Repeat Offenders!
10. Somehow, Lowe/Dart obtained a permit to build a hotel without notifying the residents.
11. Subsequently obtaining a license from IOP to operate a hotel.
12. Residents contend said hotel narcissistically invaded our neighborhood and has operated said hotel in a narcissistic manner.
13. Residents contend said hotel does not have a license to be an Annoyance, Nuisance and Health Hazard to said resident's neighborhood.
14. The proposed noise ordinance decibel levels of 75 dBA's is egregiously discriminatory and unconscionable to the residents who are located in a dense community. The IOP Administration is promoting a "one size fits all" at the expense of residents in the IOP community.
15. Round peg in a square hole.

16. The Administration's recommendations are not responsible; extremely detrimental to home values. We are not playing with Monopoly money.
17. NIH, EPA and WHO state prolonged exposure to environmental noise levels above 70 dBA's leads to permanent hearing loss.
18. EPA recommends a **maximum indoor** noise level of 45 dBA's and a **maximum outdoor** noise level of 55 dBA's.
19. NASCAR's 2023 Rules require mufflers on their cars for all short tracks and road courses; in an effort "to reduce the noise of the car for the overall fan experience".

RECOMMENDATIONS

20. The Sweetgrass Inn be carved out of "Commercial Properties". Said Inn be placed in a noise zone noted as "Commercial Properties located in Residential Communities".
21. Designation noise standards: **50 dBA's; 10:00 AM to 10:00 PM.**
45 dBA's; 10:00 PM to 10:00 AM.
22. Measurements: **Amplified Music/Sound**— 10 foot from the source of the noise. **Crowd noise**—Areas generally larger than 30 feet in diameter are to be measured inside at the center of the circumference. Less than 30 feet in diameter are to be measured 10 foot from the source; in direct alignment with the complainant.
23. Enforcement: fines; license suspension
24. Reasoning:
 - a). Sweetgrass Inn is surrounded by a dense number of residential homes. It is not located in a typical "commercial area".
 - b). The design and site location of said Inn places a number of residents in harms way, not of their choosing, as a result of the noise being intentionally emitted directly towards said residents.
 - c). We contend the occupancy rate in the pool area is not in compliance with state standards; compounding the noise situation.
 - d). The lack of Police Enforcement has given the Sweetgrass Inn a sense of entitlement, at the expense of IOP Residents. Time for said residents to be treated fairly. Question: How many warning tickets would we be allocated if we drove down Palm Blvd at 50 mph?
 - e). **Not the Windjammer.** Windjammer: Commercial Property located in a Commercial District. Noise from said Windjammer is of short duration (not all day and night). Windjammer is an Icon; **we do not recommend any changes which would have a negative impact on said Icon.** If people want to continue to pay admission to hear loud music (which is detrimental to their health), their decision.
 - e). Sweetgrass Inn was not invited into our neighborhood.

- f). We believe we are entitled to hear the ocean and the birds, unencumbered by the noise at the Sweetgrass Inn.
- g). We respectfully request the above measures are in place before high season commences. After two (2) years we do not deserve to hear any more nuisances.



Public Services & Facilities Committee Meeting
2:00pm, Thursday, January 26, 2023
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 Streetman, Popson, and Miars

Staff Present: Administrator Fragoso, Director Kerr

2. Election of Chair and Vice Chair

Council Member Popson nominated Council Member Streetman as Chair of the Public Services & Facilities Committee. Council Member Miars nominated herself as the Chair of the Public Services & Facilities Committee. A vote was taken with Council members Popson and Streetman voting for Council Member Streetman as Chair of the Public Services & Facilities Committee. Council Member Streetman was elected Chair of the Public Services & Facilities Committee.

Council Member Streetman nominated Council Member Popson as Vice Chair of the Public Services & Facilities Committee. Council Member Popson seconded the motion. The motion passed unanimously.

3. Old Business

Discussion of temporary parking agreement with Islander 71 for the “shared parking lot” at the IOP Marina

Administrator Fragoso reminded the Committee that Matt Cline had developed several parking layouts for the shared lot and City Council struggled to identify the exact number of resident trailer parking spaces it wanted. The City and Islander 71 would like to have the season to collect data and see how the lot is used before presenting a more permanent agreement. They are looking for a way to take photos of the lot across a variety of times to document its use.

Director Kerr detailed the proposed use of the lot this season using Exhibit C in the meeting packet which includes shared use of the trailer spots. Administrator Fragoso pointed out that there will eventually be 25-30 additional parking spaces in the area when the ditch at 41st Avenue is piped over. They will refine the plan over the season to allow for a permanent agreement to be executed in the off season.

The City is still in discussions with Islander 71 about the cost sharing of an attendant for the lot Thursdays-Sundays during the season to direct people to the proper parking areas.

Committee members would like to discuss the details more with City Council. They expressed concern about not having enough trailer spots open in the late afternoons. Director Kerr said Islander 71 doesn't think all 12 trailer spots will be in use at one time.

More information will be brought to the City Council workshop in February.

4. Miscellaneous Business

The Committee will meet on the first Tuesday of each month. The next meeting of the Public Services & Facilities Committee will be Tuesday, February 7 at 1pm.

5. Adjournment

Council Member Popson made a motion to adjourn and Council Member Streetman seconded the motion. The meeting was adjourned at 2:44pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Public Services & Facilities Committee Meeting
1:00pm, Tuesday, February 14, 2023
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 Streetman, Popson, and Miars

Staff Present: Administrator Fragoso, Director Kerr, Director Pitts, Assistant Director Asero, Director Ferrell

2. Approval of Previous Meeting's Minutes – January 26, 2023

Council Member Popson made a motion to approve the minutes of the January 26, 2023 meeting. Council Member Miars seconded the motion. The motion passed unanimously.

3. Citizen's Comments -- none

4. Old Business -- none

5. New Business

Discussion of draft FY24 10-year capital plan for Public Works, Recreation, Front Beach, Beach, and Marina

Director Pitts reviewed the items in the 10-year capital plan relating to Public Works, including: replacement of 2006 Caterpillar trash loader, replacement of an F-150, radio replacements, surveying equipment for stormwater management, and undergrounding of electrical lines at the Marina. Administrator Fragoso said the price listed for the undergrounding project will need to be revisited. She suggested that the list of undergrounding projects may need to be reevaluated. She will invite Dominion Energy to speak about the scope of the project.

Administrator Fragoso reviewed the items related to drainage projects including a \$100,000 contingency to cover smaller drainage projects during the year, provision for future drainage projects as identified by the Drainage Master Plan, \$197,000 for the three-year Eadie's contract, permitting costs (\$29,000) for the drainage project at 41st Avenue, \$1.1 million for the Waterway Boulevard Elevation Project (grant monies may be able to fund some of this),

Building Department requests include HVAC replacement (upon failure) and the facilities maintenance contingency.

Director Farrell reviewed the 10-year capital plan requests for the Recreation Department, including: replacement of the scoreboard with failure, A/V upgrade to the Magnolia/Palmetto room for live streaming, acoustical panels for the gym, replacement of 2014 SUV and the server for the security camera, replacement of curtains in the gymnasium, HVAC replacement as needed, replacement of the dog park fence and equipment, construction of an outdoor fitness court (some of which could be paid for with grant funds), lighting for the pickleball court, and the facilities maintenance contingency.

Administrator Fragoso then reviewed the 10-year capital plan requests for the front beach area including replacement of some parking kiosks, benches, replacement/repair/addition of dune walkovers, vehicle access improvements at the County Park (will speak to the County about cost sharing of the project), replacement of the MobiMat as needed, repair of sidewalks on Ocean Boulevard as needed, a \$75,000 fund balance assignment towards road resurfacing, and facilities maintenance contingency for the Front Beach facilities.

\$50,000 is included in the budget for the rehabilitation of the Breach Inlet Boat Ramp. Administrator Fragoso said she will speak with ATM about what needs to be done to the ramp, adding that it is used by so few people. Council Member Popson pointed out that it is needed for water rescues.

Capital expenditures related to beach monitoring and maintenance include funding for the design and permitting for the next large-scale off-shore renourishment project, required post-project monitoring, and ongoing monitoring of the shoreline. Re-budgeted expenditures from FY23 include a feasibility study of Breach Inlet and the Sea Level Rise Adaptation Plan.

Capital expenditures at the Marina include numerous projects related to the greenspace and public dock, some of which will be offset by ARP funds.

4. Miscellaneous Business

The next meeting of the Public Services & Facilities Committee will be Tuesday, March 7 at 1pm.

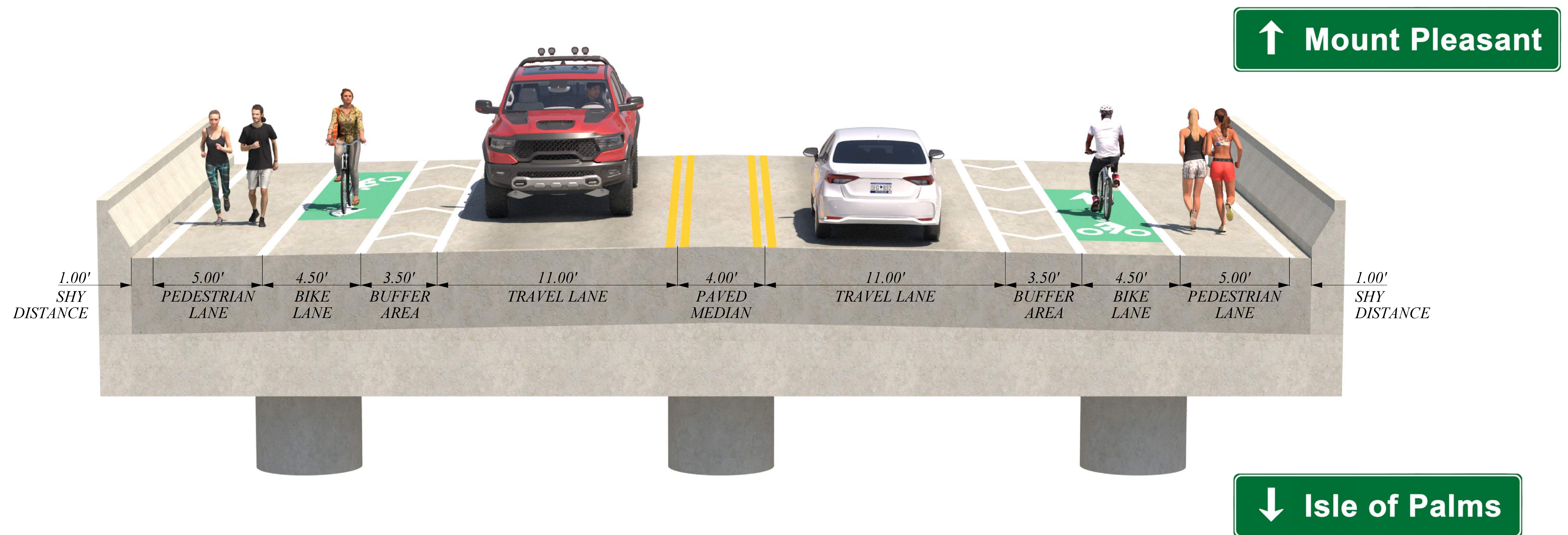
5. Adjournment

Council Member Popson made a motion to adjourn and Council Member Streetman seconded the motion. The meeting was adjourned at 1:56pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

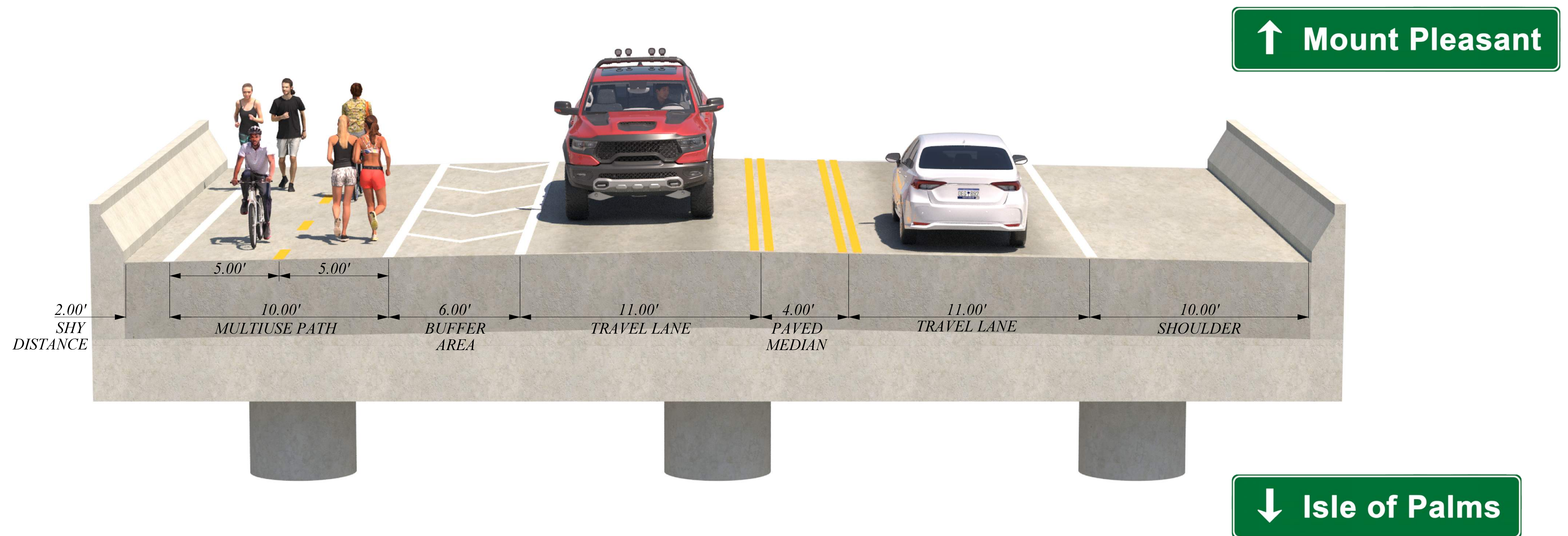
EXISTING CONFIGURATION



Notes:

1. One travel lane in each direction.
2. Bike / Ped accommodations on each side in a single direction.
3. Ties to both Multi-Use Paths on the north end of the bridge.

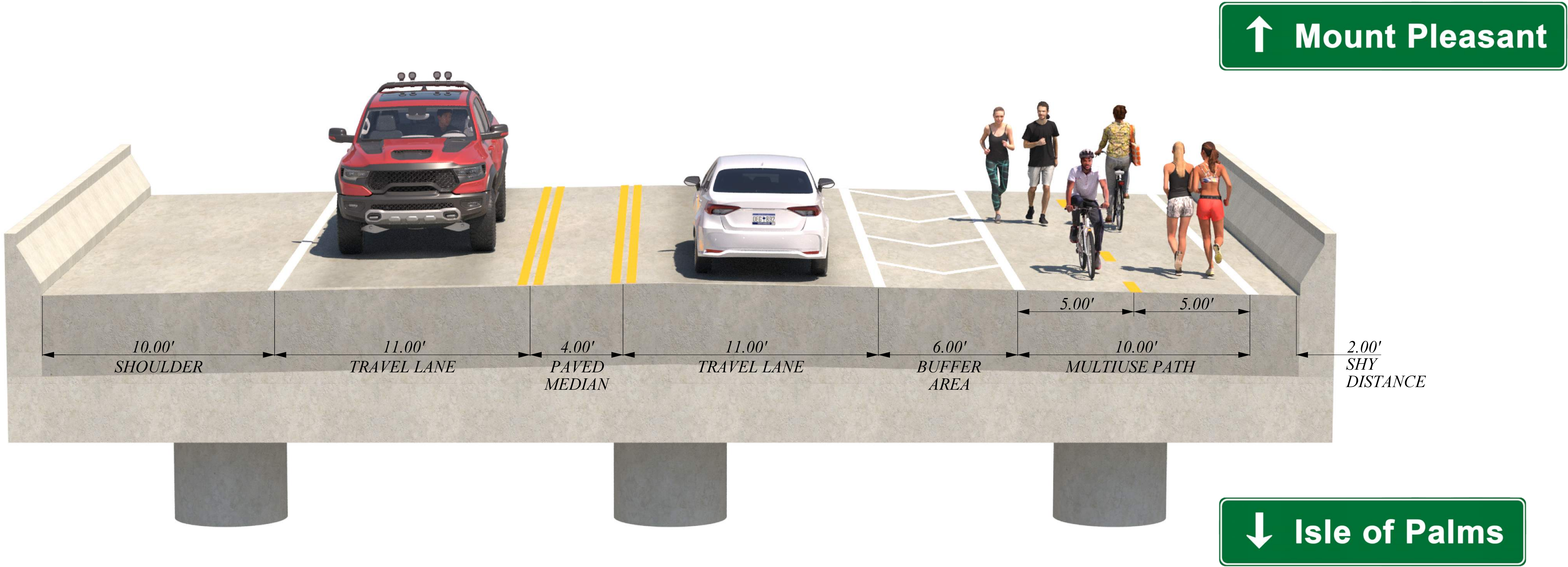
CONCEPT NO. 1



Notes:

1. One travel lane in each direction.
2. Two-Way Multi-Use Path on the west side of the bridge.
3. Requires removal of the existing MUP on the east side of SC 517 in Mount Pleasant from the bridge to Rifle Range Rd.

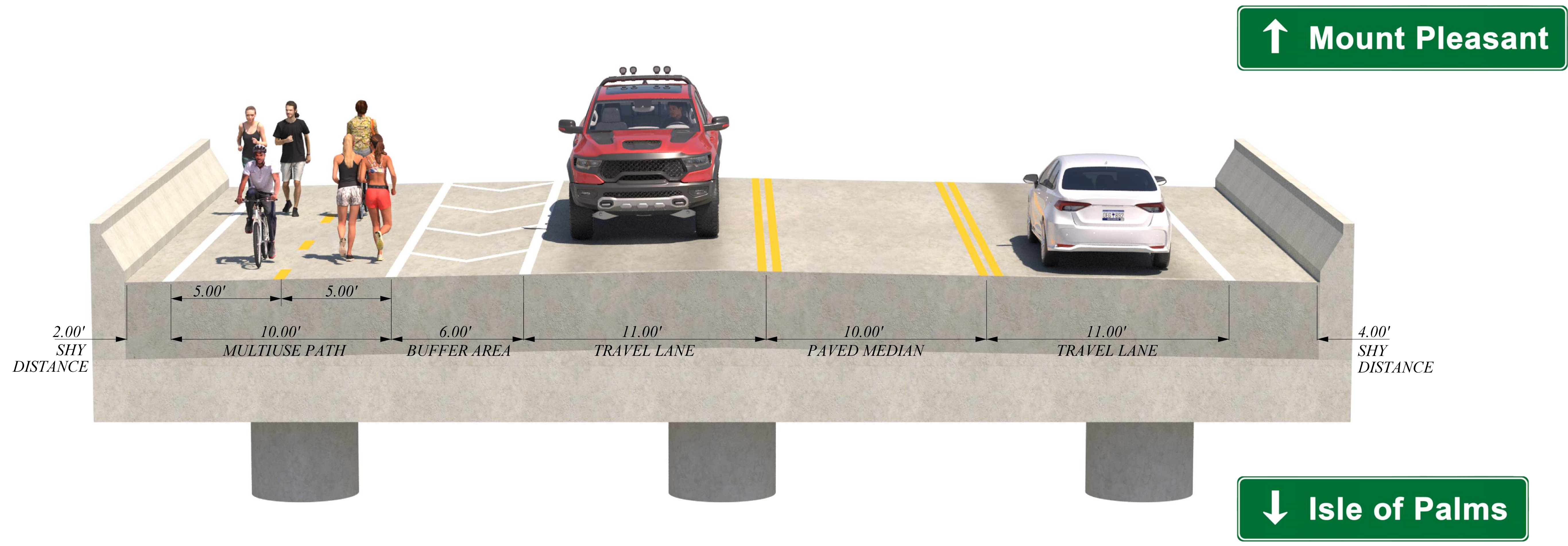
CONCEPT NO. 2



Notes:

- 1. One travel lane in each direction.**
- 2. Two-way Multi-Use Path on the east side of the bridge.**
- 3. Requires removal of the existing MUP on the west side of SC 517 in Mount Pleasant from the bridge to Rifle Range Rd.**
- 4. MUP would need to be extended on the west side of SC 517 in Isle of Palms from the bridge to the SC 703 intersection.**

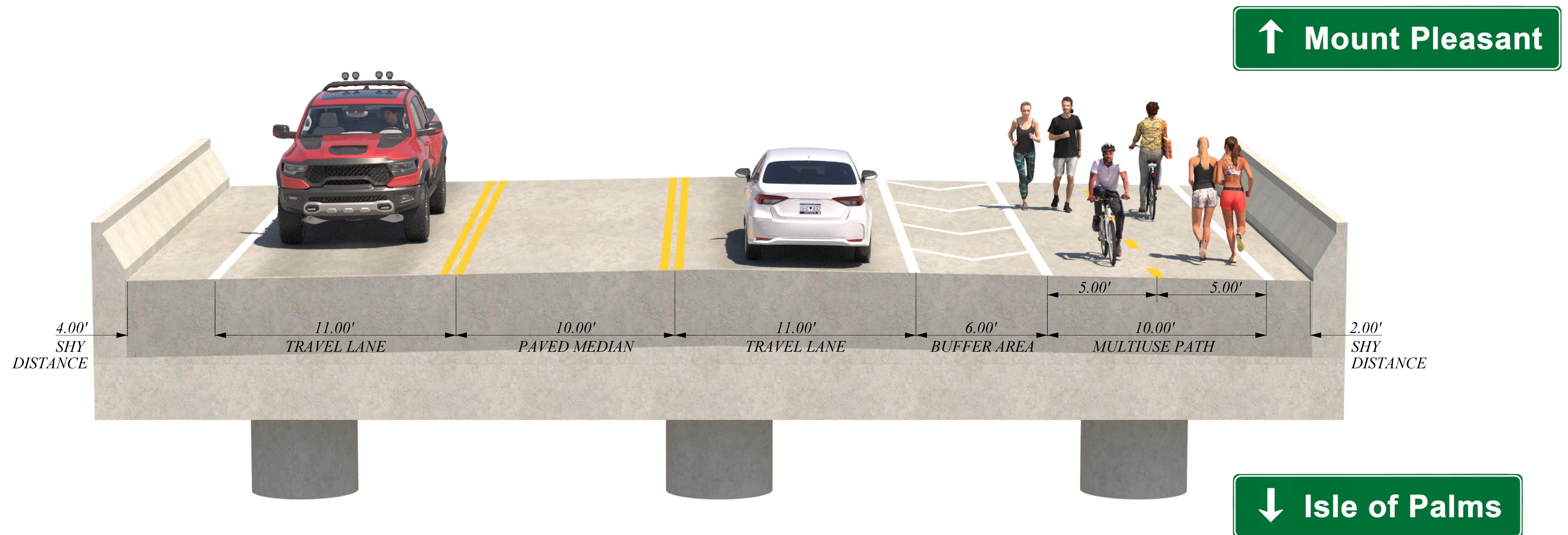
CONCEPT NO. 3



Notes:

- 1. One travel lane in each direction with a 10' center median.**
- 2. Two-way Multi-Use Path on the west side of the bridge.**
- 3. Requires removal of the existing MUP on the east side of SC 517 in Mount Pleasant from the bridge to Rifle Range Rd.**

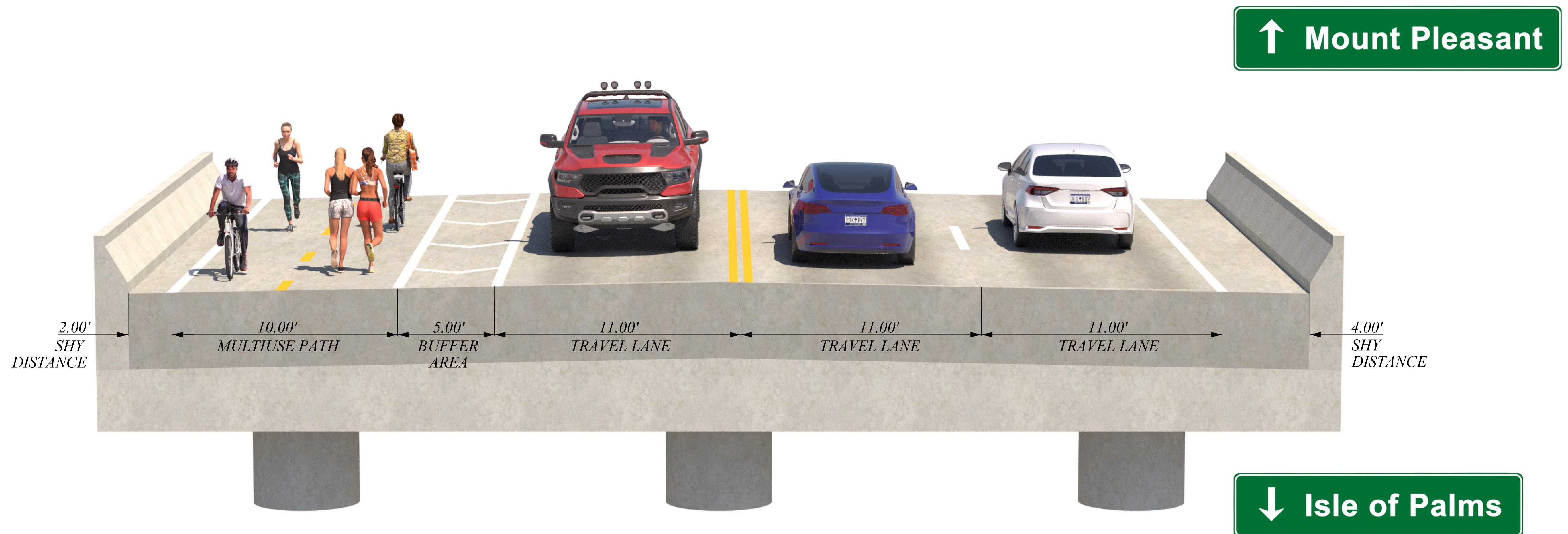
CONCEPT NO. 4



Notes:

1. One travel lane in each direction with a 10' center median.
2. Two-way Multi-Use Path on the east side of the bridge.
3. Requires removal of the existing MUP on the west side of SC 517 in Mount Pleasant from the bridge to Rifle Range Rd.
4. MUP would need to be extended on the west side of SC 517 in Isle of Palms from the bridge to the SC 703 intersection.

CONCEPT NO. 5



Notes:

1. One inbound travel lane and two outbound travel lanes.
2. Two-way Multi-Use Path on the west side of the bridge.
3. Requires removal of the existing MUP on the east side of SC 517 in Mount Pleasant from the bridge to Rifle Range Rd.
4. Requires widening and paving from end of bridge to existing widened section of SC 517 in Mount Pleasant to accommodate two outbound lanes and some reconfiguration of SC 517 in Isle of Palms from the end of the bridge to SC 702.

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 anywhere within the boundary line of the of the complainant's property. If measurement is not possible 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) for residential and rental properties,
2. 70dB(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) for commercial establishments; 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) for residential properties, rental properties, and commercial establishments.

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. 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.

2. Mufflers. Sound emitting from a motor vehicle's muffler in violation of S.C. Code Ann. § 56-5-5020.
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 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.
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.
- 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, 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.
5. The maximum decibel level shall not exceed 85 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.
6. A property owner or business may apply to City Council for an exception to this ordinance, and City Council may issue a permit that modifies the maximum decibel levels as it deems reasonable in light of the circumstances to support public good, infrastructure, and resources of the City, including the time and resources of law enforcement and code enforcement. Such permit shall not extend beyond (three) 3 years, unless a new application for extension is approved by City Council.

h. Permits for additional amplification

- a. *Application.* An application for a permit for additional amplification on commercially used property under this section shall be submitted to the Isle of Palms City Council at least thirty (30) business days in advance of the planned use. The application shall designate and provide contact information for an individual person who shall be in control of the sound amplification equipment and ensure that its use complies with the terms of the permit.
- b. *Notice of tentative approval.* Upon tentative approval, the applicant for a permit shall be responsible for giving written notice of the name, nature, date, and time period of the event,

and the name of and contact information for the permit holder to the occupants of each property within 500 feet of the property for which the permit has been granted. The notice shall be hand delivered to each occupant or, if the occupant is unavailable, affixed to the front door of the building or business or residential unit at least 72 hours in advance of the event. The permit shall not be actually granted and issued until the applicant submits a notarized statement affidavit to the Isle of Palms City Council that such notices have actually been so delivered.

- c. *Limits on hours.* Permits for additional amplification at a commercially used property, shall be limited to 15 hours in a calendar year. Permits issued pursuant to this section may allow additional amplification only between 10:00 a.m. and 10:00 p.m. Sunday through Thursday and between 10:00 a.m. and 11 :00 p.m. on Friday or Saturday.
- d. *Sound limits.* In no event shall a permit be granted which allows the creation of sounds registering more than 85 db(A) anywhere within the boundary line of the nearest residentially occupied property.
- e. *Denial; issuance of exceptional permit.* If an applicant has been denied a permit under this section and believes the denial is illegal by virtue of applicable state or federal law, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the city manager or his designee. The city manager or his designee shall have the discretion to grant an exceptional permit waiving locational, time, and/or db(A) requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to the city council.
- f. *Violation.* It shall be unlawful to violate the restrictions or requirements of this section or the terms of a permit issued pursuant to this section.
- i. *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.”
- j. (2) In addition to the penalties set forth in subsection (h) of this section, five (5) 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.

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: _____

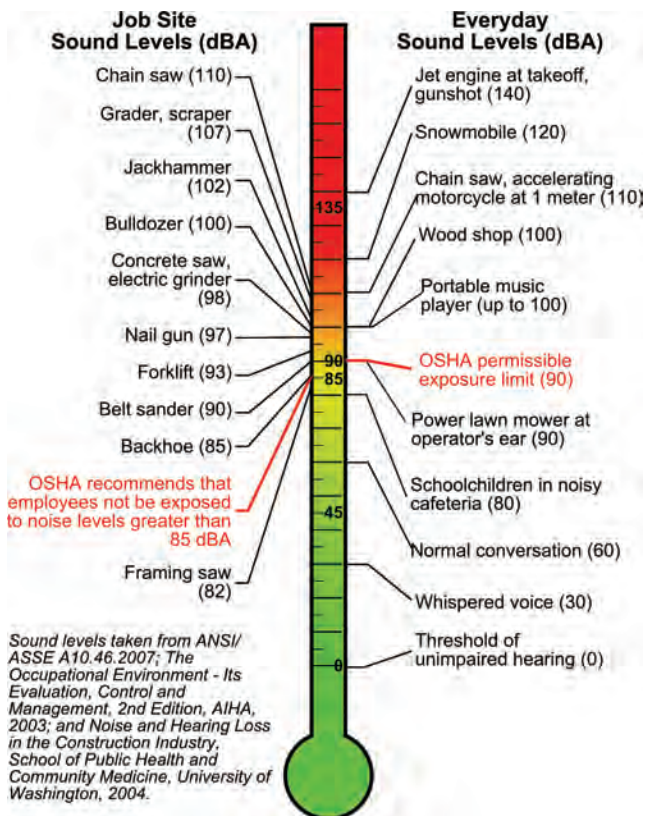
Public Hearing: _____

Second Reading: _____

Ratification: _____

Sound Level Chart

Equipment and daily activities at construction job sites can expose workers to high levels of noise. Sound levels on the chart below are listed in decibels (dBA) – the larger the number, the higher the volume or decibel level. How loud the noise is (volume), how long the noise lasts, and how close you are to the noise are all important in determining the hazard.





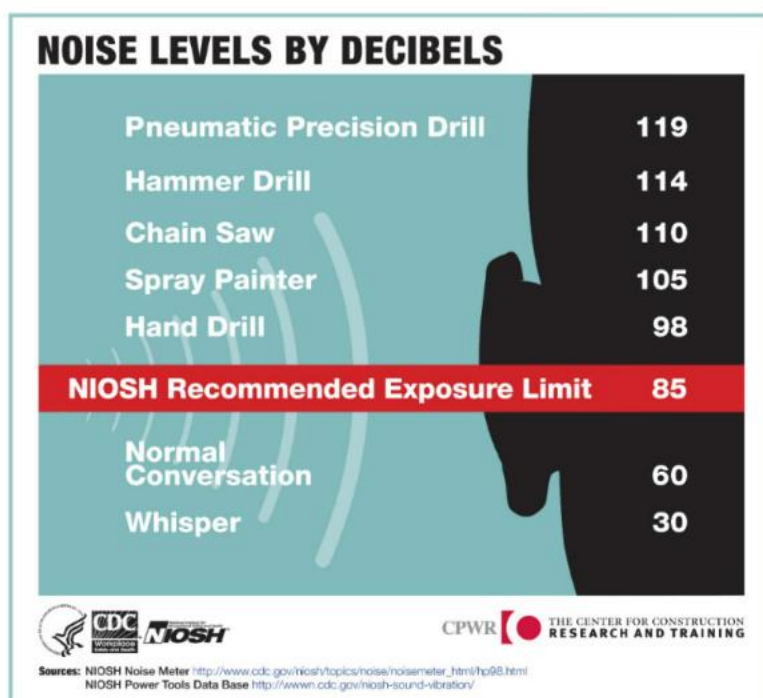
The National Institute for Occupational Safety and Health (NIOSH)

The National Institute for Occupational Safety and Health (NIOSH) Home

Promoting productive workplaces
through safety and health research



Noise Infographic – Levels by Decibels



[Download this Infographic as a PDF](#)

- [Learn More about Noise and Hearing Loss Prevention](#)
- [RUIDO – NIVELES DE RUIDO POR DECIBELES](#)
- [Learn More about CPWR – The Center for Construction Research and Training](#)

Copy the code below to get this infographic on your web page.

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<a href="https://www.cdc.gov/niosh/topics/noise/infographic-noiselevels.html">
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Last Reviewed: February 6, 2018

City of Isle of Palms Analysis of Dwelling Units and Short Term Rentals

Data from County Property Tax and IOP Short Term Rental License (STRL) Records as of 2/17/2023

POSSIBLE ALTERNATIVES FOR REGULATING SHORT TERM RENTALS

ALTERNATIVE #1: Cap only non-owner occupied (6%) single family residences

	35% Cap	33% Cap	30% Cap	25% Cap
Single Family Dwelling Units	3,114	3,114	3,114	3,114
Cap %	35%	33%	30%	25%
Cap	1,090	1,028	934	779
6% Single Family STRLs currently issued	723	723	723	723
STRLs currently available	367	305	211	56

ALTERNATIVE #1A: Cap all non-owner occupied (6%) dwelling units

	35% Cap	33% Cap	30% Cap	25% Cap
All Dwelling Units	4,570	4,570	4,570	4,570
Cap %	35%	33%	30%	25%
Cap	1,600	1,508	1,371	1,143
All 6% STRLs currently issued	1,570	1,570	1,570	1,570
STRLs currently available	30	(62)	(199)	(428)

ALTERNATIVE #2: Cap all dwelling units outside of the Front Beach commercial district. Set cap at 33% of all dwelling units outside the Front Beach commercial district.

Dwelling Units outside Front Beach commercial district	4,190
Cap	33%
Cap	1,383
STRLs currently issued outside of the commercial district	1,467
STRLs currently issued in excess of the Cap	(84)

ALTERNATIVE #3: Cap only non-owner occupied (6%) dwelling units outside of the Front Beach commercial district. Set cap at 33% of all dwelling units outside the Front Beach commercial district.

Dwelling Units outside Front Beach commercial district	4,190
Cap %	33%
Cap	1,383
6% STRLs currently issued outside of the commercial district	1,270
STRLs currently available	113

ALTERNATIVE #4: Use Planning Commisson model to set Caps by Zone. Only cap non-owner occupied (6%) units. Council would determine the cap for each zone.

	Total # of Units	Total STRLs	% of Total Units	6% STRLs	% of Total Units
ZONE 1 - Breach Inlet to IOP Connector, Non Ocean Front	363	116	32%	86	24%
ZONE 2 - IOP Connector to Wild Dunes, Non Ocean Front	1,144	290	25%	193	17%
ZONE 3 - Wild Dunes, Non Ocean Front	1,071	232	22%	206	19%
ZONE 4 - Ocean Front and Most Condominiums	1,992	1,134	57%	1085	54%
Total All Zones	4,570	1,772	39%	1,570	34%

ALTERNATIVE #5: No Cap, but continue to increase enforcement efforts and monitor trends and metrics at least semiannually

City of Isle of Palms

Analysis of Dwelling Units and Short Term Rentals - **BY PLANNING COMMISSION ZONE**

Data from Charleston County Property Tax Records and IOP Short Term Rental License (STRL) Records as of 2/17/2023

	ZONE 1 - Breach Inlet to IOP Connector, Non Ocean Front									
	4%			6%			Total			
	W/ STRL	No STRL	TOTAL	W/ STRL	No STRL	TOTAL	W/ STRL	No STRL	TOTAL	% W/STRL
Single Family	28	152	180	72	68	140	100	220	320	31%
Townhouse										
Duplex/Triplex	2	11	13	14	16	30	16	27	43	
Condominium										37%
Commercial Condo										
Total Dwellings	30	163	193	86	84	170	116	247	363	
STRs as a % of Dwellings	8%			24%			71 STRLs in 2022			
	63% Increase									

ZONE 2 - IOP Connector to Wild Dunes, Non Ocean Front										
4%			6%			Total				
W/ STRL	No STRL	TOTAL	W/ STRL	No STRL	TOTAL	W/ STRL	No STRL	TOTAL	% W/STRL	
Single Family	95	593	688	183	220	403	278	813	1091	25%
Townhouse										
Duplex/Triplex	2	16	18	10	15	25	12	31	43	28%
Condominium					10	10	0	10	10	0%
Commercial Condo										
Total Dwellings	97	609	706	193	245	438	290	854	1144	25%
STRs as a % of Dwellings	8%		17%		165 STRLs in 2022					
	76% Increase									

	ZONE 3 - Wild Dunes, Non Ocean Front									
	4%			6%			Total			
	W/ STRL	No STRL	TOTAL	W/ STRL	No STRL	TOTAL	W/ STRL	No STRL	TOTAL	% W/STRL
Single Family	23	429	452	165	364	529	188	793	981	19%
Townhouse		1	1		2	2	0	3	3	0%
Duplex/Triplex										
Condominium	3	6	9	41	37	78	44	43	87	51%
Commercial Condo										
Total Dwellings	26	436	462	206	403	609	232	839	1071	22%
STRs as a % of Dwellings	2%			19%			131 STRLs in 2022			
	77% Increase									

	ZONE 4 - Ocean Front and Most Condominiums									
	4%			6%			Total			
	W/ STRL	No STRL	TOTAL	W/ STRL	No STRL	TOTAL	W/ STRL	No STRL	TOTAL	% W/STRL
Single Family	28	184	212	303	207	510	331	391	722	46%
Townhouse	3	35	38	80	114	194	83	149	232	36%
Duplex/Triplex	3	4	7	8	4	12	11	8	19	58%
Condominium	15	50	65	576	259	835	591	309	900	66%
Commercial Condo				118	1	119	118	1	119	99%
Total Dwellings	49	273	322	1085	585	1670	1134	858	1992	57%
STRs as a % of Dwellings	2%			54%			1048 STRLs in 2022			
	8% Increase									

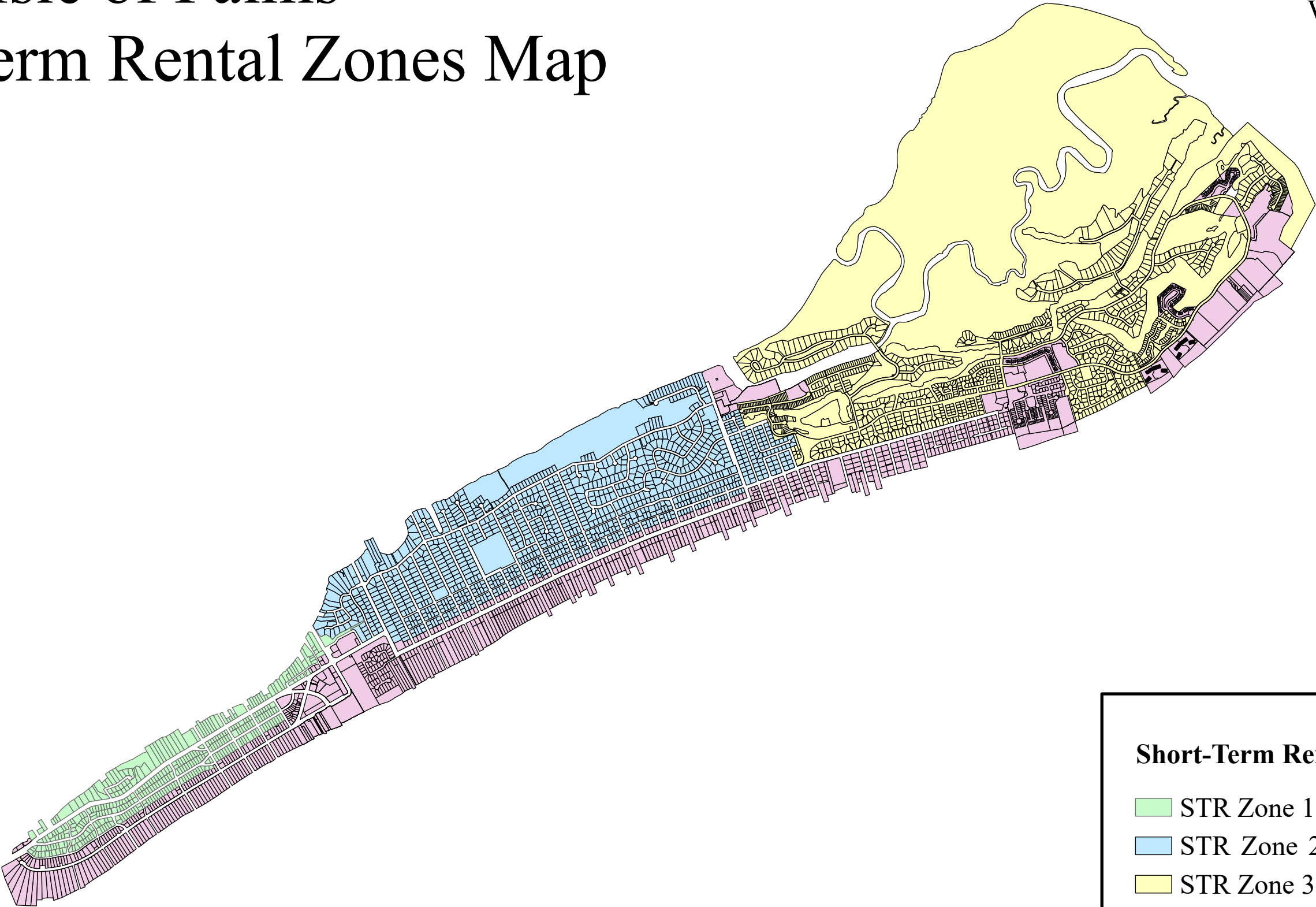
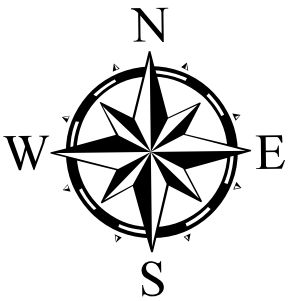
TOTAL ALL ZONES										
4%			6%			Total				
W/ STRL	No STRL	TOTAL	W/ STRL	No STRL	TOTAL	W/ STRL	No STRL	TOTAL	% W/STRL	
Single Family	174	1358	1532	723	859	1582	897	2217	3114	29%
Townhouse	3	36	39	80	116	196	83	152	235	35%
Duplex/Triplex	7	31	38	32	35	67	39	66	105	37%
Condominium	18	56	74	617	306	923	635	362	997	64%
Commercial Condo	0		0	118	1	119	118	1	119	99%
Total Dwellings	202	1481	1683	1570	1317	2887	1772	2798	4570	39%
STRs as a % of Dwellings	4%			34%			1415 STRLs in 2022			

25% Increase

Note: One newly constructed SFR has been added to the dataset for a total of 4570 dwelling units.

City of Isle of Palms

Short-Term Rental Zones Map



Short-Term Rental Zones

STR Zone 1

STR Zone 2

STR Zone 3

STR Zone 4




City of Isle of Palms, SC

Short Term Rental Regulations

Things to Consider:

- Implement a Rental Registration Fee or increase Base License/Permit Fee to generate revenue to cover additional personnel: STR Compliance Coordinator, Finance Analyst and additional Code Enforcement Officer
 - Current fee: Base Rate - \$350 plus \$4.60 per \$1,000 of reported income
 - A \$200 increase to the base fee would generate approximately \$360K additional revenue annually.
 - FY23 FTE costs - \$95,600
 - Rentalscape annual cost - \$42,000
 - Fee increases could go into effect in 2024 ahead of renewal deadline (April 1st)
- Limit occupancy of newly constructed or substantially reconstructed homes
- Require minimum night stays – year-round or seasonal
- Amend parking requirements to incentivize less vehicles and more carpooling
- Require STR listings to include STR license number
- Require new STR applicants to be considered for a special exemption by BOZA
- Revamp STR application process and require applicants to submit:
 - fire safety checklist signed by property owner
 - copy of Schedule E Form 1040 to verify gross receipts (Require Schedule C Form 1040 for regular business licenses)
 - documentation to verify state and local accommodations payments
 - homeowners' insurance showing personal liability and that policy is active

City of Isle of Palms FY23 Budget Request Form

Department:  FIRE	Date Submitted: <u>02/09/23</u>
Project Name: <u>Zoll AED Plus</u>	Fund: <u>ATAX</u>
Estimated Start Date: <u>Immediately</u>	Estimated Completion Date: <u>3-Months</u>

Project Description/Justification: *Provide a detailed description of the project/expenditure. Attach backup documentation as necessary.*

Zoll AED Plus



Product Features

- Real CPR Help provides real-time CPR feedback on the rate and depth of chest compressions
- Audio prompts and visual icons complement the American Heart Association's Chain of Survival
- Easy-to-place, one-piece CPR-D-padz® electrodes with a 5-year shelf life
- Fully automatic feature available — unit will deliver a shock on its own when a shockable heart rhythm is detected
- Rugged design with an IP (ingress protection) rating of IP55 for dust and water
- Can withstand conditions like extreme temperature, altitude, vibration, and shock
- Off-the-shelf lithium batteries (Duracell 123a) with a 5-year battery life
- Intelligent pediatric capability: Pedi-padz® pediatric electrodes can be purchased separately for -children up to 8 years old or weighing less than 55 pounds
- Automatic self-testing helps ensure a state of readiness
- Soft carry case for easy travel
- 5-year warranty (7-year warranty with online registration)

Project Cost Estimate: *Attach detailed breakdown of cost & written quote or vendor cost estimate .*

\$1,799.00/unit - Heartsmart.com, P.O. Box 78084 Milwaukee, WI 53278, 866-254-1135
 \$1,799.00/unit - AEDbrands.com, 55 Chastain Road NW, Ste.112, Kennesaw, GA 30144
 866-450-9906
 \$1,799.00/unit - AEDUSA.com, 877-978-3110
 \$1,799.00/unit - AEDsuperstore.com, 1800 US Highway 51 N, Woodruff, WI 54568--9558
 800-983-5306

VIC BAILEY FORD		3045205085	For 2 Vehicles
David Vetter 864.585.3600 or 800.922.1365			
LE-6 2023 FORD F150 RESPONDER			Total # 90,228
Contract #: 4400027151			
Standard Equipment Included w/ F150 Responder Upgrade:			
3.5L V-6 EcoBoost Engine	Power Steering		
Automatic Transmission	Power Brakes		
A/C	Cruise Control		
AM/ FM Radio	Cloth 40/blank/40 Front Seats		
Crew Cab 4x4 5 1/2' Pick-Up Body	Vinyl Rear Bench Seat		
Power Windows and Door Locks	Heavy Duty Vinyl Floor		
No Front Center Console			
SC STATE CONTRACT PRICE:			\$44,614.00
IMF-Sales Tax			\$500.00
TOTAL SC STATE CONTRACT PRICE:			\$45,114.00
ADDITIONAL AVAILABLE FACTORY INSTALLED OPTIONS:			
53A Trailer Tow Package			\$1,326.00
85H Back Up Alarm			\$146.00
41A Badger Delete - Removes Rear Police Responder Badge		No Charge	
18B Factory Installed Black Platform Running Boards			\$252.00
91B BLIS - Blind Spot Monitoring System w/ Cross Traffic Alert			\$767.00
435 Power Sliding Rear Window			\$672.00
55B BoxLink			\$80.00
17C Chrome Front and Rear Bumpers (Requires 595 Fog Lamps)			\$176.00
60C Pre-Collision Assist w/ Pedestrian Detection			\$146.00
942 Daytime Running Lights			\$46.00
41H Engine Block Heater			\$90.00
*595 Fog Lamps			\$142.00
168 Carpeted Floor Covering			\$146.00
47R Floor Liner - Tray Style w/ Matching Carpeted Floor Mats (Requires Carpeted Floor Covering)			\$200.00
67T Trailer Brake Controller			\$320.00
19A Interior Upgrade Package - Full Cloth Seating, Carpeted Floor and Center Console			\$598.00
Note: Shifter is still located on the column w/ 61A.			
54R/5 Manual Folding, Power Glass Side View Mirrors w/ Heat and LED Security/Approach Lamps			\$1,072.00
54R Mirrors Include 91B BLIS			
54R/4 Manual Folding, Power Glass Side View Mirrors w/ Heat Turn Signal		Call for Pricing	
50M Interior Work Surface - Requires 61A Interior Upgrade Package			\$196.00
47P Police Engine Idle Feature			\$260.00
61P Power Passenger Seat			\$296.00
57Q/9 Rear Window Defroster w/ Privacy Glass			\$320.00
96L Rear Wheel Arch Liner			\$180.00
524 SYNC 4			\$326.00

INTEROFFICE MEMORANDUM

TO: DESIREE FRAGOSO
FROM: CHIEF KEVIN CORNETT
SUBJECT: REQUEST FOR EMERGENCY FUNDING FOR THE
PURCHASE OF A REPLACEMENT PATROL VEHICLE
DATE: 2/14/2023
CC:



This memorandum is being sent as a request to replace patrol vehicle 502 which was involved in a collision and was ultimately totaled by the insurance adjuster. The MASC sent the City \$7,712 for the vehicle.

The loss of that patrol vehicle puts the police department in a position to no longer have a spare patrol vehicle. This would mean that if a vehicle were disabled due to any reason including an extended mechanical work, we would not have a patrol vehicle for that officer to use. The department is now fully staffed with officers graduating the SC Criminal Justice Academy and needing patrol vehicles.

The patrol vehicles being requested in the upcoming budget are to replace old vehicles that would not be reliable for an additional year.

There is currently a vehicle on the lot of a Ford vendor that is approved by the SC Procurement Contract.

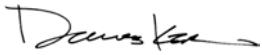


DEPARTMENT OF BUILDING, PLANNING AND LICENSING

MEMORANDUM

TO: City Council

C: Desiree Fragoso, City Administrator

FROM: Douglas Kerr, Deputy Administrator 

RE: recommendation to hire civil engineer for emergency beach access path through the Charleston County Park

DATE: February 9, 2023

Due to the instability of the beach access paths on the Breach Inlet end of the island, the City staff has been investigating alternatives that would allow the public safety personnel and response vehicles to access the beach more efficiently. Currently there are emergency access paths at 5th Avenue and 9th Avenue, but the dune systems here erode and leave a sharp escarpment making access challenging. At this time the 9th Avenue is completely inaccessible, making 5th Avenue the only option in the area.

The City staff has identified the Charleston County Park as a good alternate location for a beach access path because of its proximity to the Public Safety Building and the stability of the dune system. The concept is to create a pathway leading from Ocean Boulevard at 14th Avenue, through the white fencing, down the edge of the County's property, and onto the beach. The City staff has met with the Charleston County Park staff, and they are agreeable with this concept, but need plans developed and presented for approval.

The City staff has sought and received proposals from four design firms and the design costs range from \$7,900 to \$49,000. The lowest cost proposal is from Davis and Floyd and the City staff believes that they fully understand and will provide an excellent service and therefore recommends that the City engage Davis and Floyd for an amount of \$7,900.

DAVIS & FLOYD

SINCE 1954

November 29, 2022

Mr. Douglas Kerr
Deputy Administrator
Director of Building, Planning, and Licensing
City of Isle of Palms
P.O. Drawer 508
Isle of Palms, SC 29451

Re: Proposal for Professional Services
Ocean Boulevard and 14th Avenue Emergency Beach Access

Dear Mr. Kerr:

Davis & Floyd, Inc. appreciates the opportunity to offer this proposal for professional services to complete survey, conceptual planning, and construction drawings for an emergency beach access located near Ocean Boulevard and 14th Avenue. We would like to extend these services on a lump sum basis for **\$7,900**.

Task	Fee
1 – Survey	\$2,000
2 – Conceptual Planning	\$2,900
3 – Bidding and Construction Drawings	\$3,000
Total =	\$7,900

We truly appreciate the opportunity to offer our services in this capacity. Please do not hesitate to contact us should you have any questions regarding our proposal. We look forward to hearing from you.

Very truly yours,

DAVIS & FLOYD

Ryne C. Phillips, PE
Associate

1940 Algonquin Road Suite 301, Charleston, SC 29405
(843) 554-8602

WWW.DAVISFLOYD.COM

DAVIS & FLOYD

SINCE 1954

SUMMARY OF SCOPE

Davis & Floyd, Inc. (D&F) will provide professional planning and engineering services to design and develop plans for an emergency beach access off Ocean Blvd and 14th Avenue located within the City of Isle of Palms (City) near the Isle of Palms County Park. Services to be provided include survey, conceptual planning, and bidding/construction drawings. The final deliverable associated with these tasks will be a set of drawings for use in bidding.

TASK 1 – SURVEY

Surveying services to support the Project will be provided along the project corridor (Exhibit A) and include the following subtasks.

A. Detailed Design Survey

A detailed design survey will be completed within current public right-of-way to gather topographic and planimetric information necessary for design. Detailed survey will establish location/limits of property lines, rights-of-way, roadway limits, driveways, fences, apparent utilities, and other site features to include trees and other vegetation within the project limits that could reasonably affect construction. Utility locations within the topographic survey limit will be identified by Palmetto Utility Protection Service (PUPS). Utilities on private property not identified by PUPS will not be included in the survey unless otherwise marked by the property owner prior to commencing field work. Task 1 does not include wetland platting and/or jurisdictional determinations, preparation of easement plats, or subsurface utility mapping.

B. Process Survey Data and Mapping

Field survey data will be processed and drafted to produce a base drawing file reflective of field conditions at the time of field survey. Complete mapping and linework will be included displaying surveyed planimetric information and will include a digital terrain model.

C. Survey Assumptions

It is assumed that all proposed drainage improvements will be placed within public rights-of-way. As a result, easements, right-of-way, and acquisition services have been excluded from the scope of services.

TASK 2 – CONCEPTUAL PLANNING

D&F will develop a conceptual master plan laying out the proposed emergency access path. This plan will identify the proposed access location off 14th Ave and Ocean Blvd as well as the access route through Isle of Palms County Park and the connection point to the beach. The master plan will also identify proposed materials and landscaping options for the proposed access drive.

A. Existing Conditions

D&F will produce an existing conditions plan based on the survey provided to D&F. The existing conditions plan will serve as the base for the conceptual master plan. The existing conditions plan will also be used to identify any existing site features that need to be demolished or relocated to accommodate the proposed access drive.

B. Conceptual Master Plan

D&F will produce a conceptual master plan that will lay out the proposed access drive from 14th Ave./Ocean Blvd. to Isle of Palms Beach. The conceptual master plan will also identify all modifications needed to the existing site layout to accommodate the proposed design. The conceptual master plan will also provide material options for the emergency access drive as well as the surrounding landscaping.

C. Meetings

D&F will submit the conceptual master plan to the client for review and comment. D&F will meet with the client and county park personnel virtually to review the plan and discuss any proposed changes or modifications. This scope of services assumes a total of two review meetings.

D. Plan Revisions

Upon the conclusion of the review meeting, D&F will take the feedback provided and make requested changes to the conceptual master plan. Once the revisions are completed D&F will submit updated plans for final review. If additional changes or modifications are required, D&F will provide an updated fee schedule at that time.

E. Final Master Plan

Once the conceptual master plan is accepted, D&F will produce the final master plan. The final master plan deliverable will be a fully colored plan in digital PDF format.

TASK 3 – BIDDING AND CONSTRUCTION DRAWINGS

D&F will take the final master plan completed in Task 2 and develop drawings/exhibits for bidding. These drawings/exhibits will show the final site layout, details, and specifications required to bid and construct the proposed emergency access drive. It is assumed that the City will handle bidding, permitting, and construction administration.

A. Demolition Plan

D&F will produce a demolition plan that specifies all existing site elements that will need to be relocated, altered, or demolished to accommodate the proposed emergency access drive.

B. Site and Landscape Plan

D&F will produce a site plan specifying the information needed to layout and construct the emergency access drive. This information will include dimensions, material selection, furnishings, and any additional information needed to implement the access drive. A detailed grading plan or utility design will not be provided as part of these scope of services.

In addition to the site plan, D&F will provide a landscaping drawing/exhibit identifying any repairs needed to the existing landscape that was impacted by construction. This plan will identify plants that need to be relocated or preserved during construction and will specify any replacements to damaged material.

C. Details and Specifications

D&F will provide drawings/exhibits identifying any details and material specifications required to bid on the project. These details and specifications may include but are not limited to all paving, furnishings, site elements, and landscape specified within the site and landscape drawings/exhibits.

TASK 4 – ADDITIONAL SERVICES

Any professional services requested by the City that is not otherwise included in the above scope of services will be classified as additional services and can be performed through a formal contract amendment.

(End of Scope of Services)




Legend

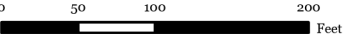

— Road

▬ Project Limits

DAVIS & FLOYD
SINCE 1954



Ocean Blvd/14 Ave Beach Access
City of Isle of Palms, SC
Exhibit A - Project Area
11/29/2022





Dustin Reilich
VP Sales
(949) 701-0501
dustin@deckard.com

JANUARY 27th, 2023

PRICE PROPOSAL

for the
City of **Isle of Palms**, SC

SHORT-TERM RENTAL ("STR") INVENTORY, COMPLIANCE & ANALYTIC SERVICES

presented by



engineered by



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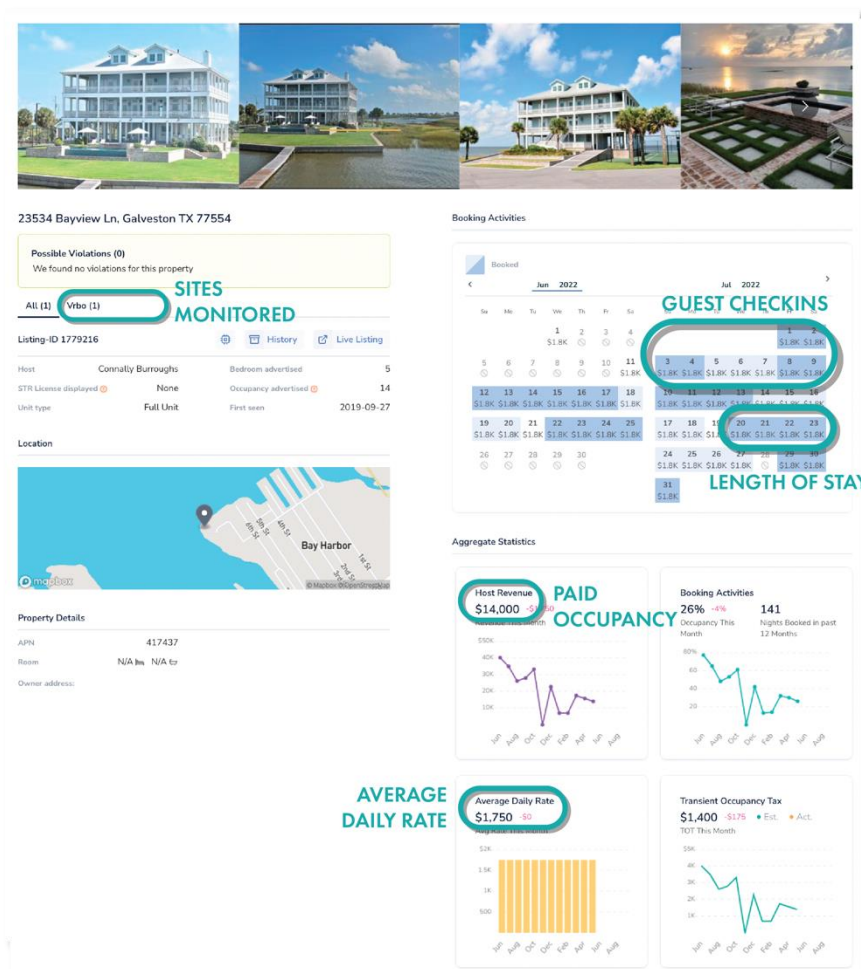
Optional products..... 12

EXECUTIVE SUMMARY

Rentalscape Short Term Rental ID & Monitoring Platform

Deckard Technologies utilizes data science expertise to assist local governments with managing their compliance activity and enforcement, such as short-term rental (STR) properties. Our technology ensures that everyone is held accountable to play by the same set of rules, follow all guidelines and ordinances, and pay their fair share of fees and taxes. To accurately track activity within the City of Isle of Palms, the Rentalscape platform identifies the exact address of the STR listings within the City limits, enabling accurate display of STR activity within the City and within community districts. Rentalscape groups listings and calculates statistics on a per-property basis. By mapping the exact location of properties, Rentalscape avoids double-counting activity. Knowing the exact location of STR properties enables compliance, enforcement, tax collection and complaint management activities.

About Rentalscape



Deckard's Dashboard management platform for STR will discover, identify, and efficiently present all STR activity in the City of Isle of Palms, using unique technical capabilities such as its proprietary future booking detection software, automatic non-compliance recognition, industry-best address identification

Rentalscape is the only platform that shows upcoming rentals and bookings as they occur within 24 hours of the reservation being made.

This allows Rentalscape users to reach out to owners and hosts who are unlawfully renting and address any issues relating to these future rentals long before guests arrive, thereby eliminating disturbances, neighbor complaints and other common issues that often arise from illegal rentals.

FIGURE 1: **Rentalscape** Property card

Rentalscape maintains a database of every booking and stay made on all major platforms. Our system contains information dating back to late 2019 for every STR in the City of Isle of Palms. All data can be viewed interactively on the Rentalscape portal with unlimited user access and downloaded on demand in Microsoft Excel format.

Rentalscape dashboard map view shows the exact location of all STR activity, includes districts as defined by the City and displays individual property information and aggregate statistics on a per district basis.

Rentalscape presents detailed STR activities including the precise address, owner information, booking history, availability and more. For each individual booking, the platform provides the actual date the reservation was made as well as the start and end date of each booking, ensuring that the City is able to distinguish back-to-back bookings. These insights are not possible to achieve by simply viewing the listings itself.

Guest review data is collected by Rentalscape and could be used as additional proof of occupancy.

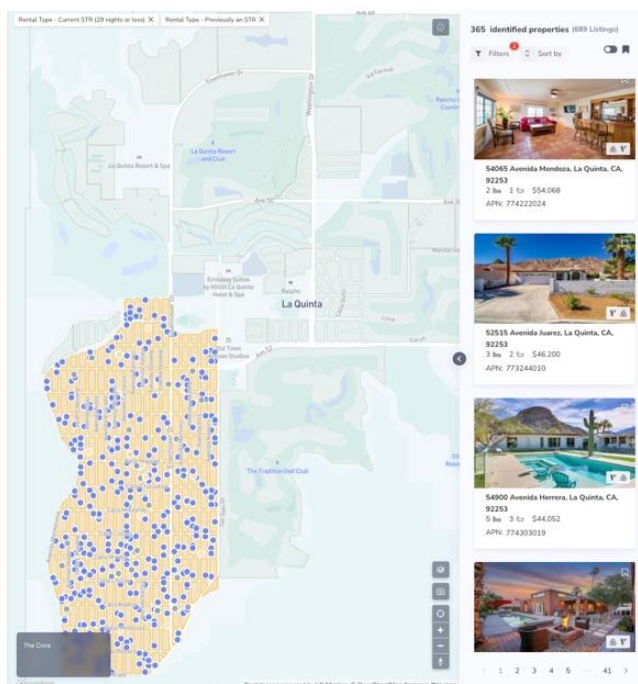


FIGURE 2: **Rentalscape** Map

In Summary

In every jurisdiction in which we are providing service we have increased compliance and improved tax collection. Our process starts with producing the cleanest data possible – ensuring reporting is accurate and compliance levels are carefully monitored. We have in-house property appraisers and STR property managers. We also regularly consult with City staff to ensure we are always up to date with the latest STR best practices. Our systems come with unlimited user access and unlimited end-user training. Our customers give testimonials regarding the ease of use of our systems and vastly superior level of customer service when compared to other providers in the market.

REFERENCES

We believe that **continuous innovation** is required to face the challenges of today and of tomorrow. We are proud of our achievements and solutions that enable cities and counties to manage short-term rental activities and to ensure local rules and ordinances are enforced for the betterment of local residents.

The following References are examples of successful partnerships between Deckard Technologies and its clients.

REFERENCES

- Mt. Pleasant, SC**
 Jane Yager-Baumrind, PLANNING & DEVELOPMENT
 jyager-baumrind@tompsec.com
 843-884-1229
 Rentalscape, STR Registration Portal

- La Quinta, CA**
 Gil Villalpando, ASST. CITY MANGER
 gvillalpando@laquintaca.gov
 (760) 777 - 7094
 Rentalscape, Custom Services

- Town of Mammoth Lakes, CA**
 Rob Patterson, FINANCE DIRECTOR
 rpatterson@townofmammothlakes.ca.gov
 (760) 965-3661
 Rentalscape

PROPOSED PRODUCTS

THE RENTALSCAPE PORTAL

The Rentalscape portal is a cloud-based system for City staff to track STR properties, monitor STR activity, manage STR permits and record information about properties. The data in the system is constantly being updated as new properties are discovered and address identified, as new permit applications are made and as permits are expired or revoked.

The Rentalscape portal displays information on all STR listings found within the City going back at least 12 months. We use US Census data to identify City limits and any parcels or listings within the limits are monitored. Rentalscape also tracks properties outside the City until they are accurately identified. On occasion, the STR listing estimated location for a property falls outside the City, but the actual location of the property once address identified is inside the City. Rentalscape displays:

1. Any permitted STR property
2. Any property with a currently live STR listing
3. Any property with historic STR listings
4. Any property with a future or past STR booking (even if the property currently does not have a live listing)

Rentalscape includes the ability to filter the properties displayed (e.g., only permitted properties, or only properties in a specific HOA), and to download all results. All data displayed is available for direct download from Rentalscape.

Information shown in Rentalscape for each property includes:

Property Characteristics

1. Property address
2. Owner name and mailing address
3. Ownership type (primary residence, secondary/investment property)
4. Property type
5. Number of bedrooms and bathroom at the property, per public records data
6. A map showing the property's location
7. Maximum occupancy per the City of Isle of Palms ordinance

Listing Characteristics

8. Listing URL for each listing associated with each specific property
9. Listing ad ID for each listing associated with each specific property
10. Rental calendar showing current month's activity as well as past twelve months and upcoming three months booking activity (calendars update daily)
11. Rentalscape clearly and easily differentiates between regular bookings and host-blocked dates that are not revenue-generating
12. Host name (when available)
13. Stay limitations (minimum/maximum)
14. Permit/license number if included in the listing
15. Daily Rental rate at time of booking
16. Rental frequency
17. Individual links to all active listing for the property
18. **PDF copy of each listing, as well as a history of all previous versions of the listing**, to identify any possible changes, as well as keep a record in case the listing is taken down by the host. Each image has a date-stamp showing when it was created and is kept indefinitely.
19. Rental type (Whole home, shared home)
20. Bedrooms and bathrooms advertised
21. Maximum occupancy, per listing

Estimated Sales Tax Based on Rental Activity

22. Occupancy rate
23. Estimated rental income
24. Estimated tax

Rentalscape is configured to match the City's ordinance and is capable of flagging violations following the City's exact rules, including but not limited to permit registration and occupancy advertised versus permitted occupancy.

Rentalscape looks for bookings less than 30 days when flagging STRs. When bookings longer than 30 days are created, these are correctly categorized as long-term rentals and do not cause a property to be treated as an STR.

Rentalscape actively monitors permit status and STR listings daily, flagging violations as they occur. We have encountered situations where other providers have flagged properties as "no longer listed" or "only performing long-term rentals", that later re-list or take a short-term booking, and are subsequently missed by these other vendors as violating the City ordinance. **Rentalscape continuously monitors every listing every day** including bookings up to a year in advance. As soon as an unpermitted booking is taken, Rentalscape sets a violation.

Rentalscape includes a **Dashboard** that provides an overview of all STR activity in the City. This Dashboard includes aggregated revenue, bookings, and property data, and highlights top-earning hosts and owners as seen below. Please note that some charts will not be activated until we go live in the City of Isle of Palms.

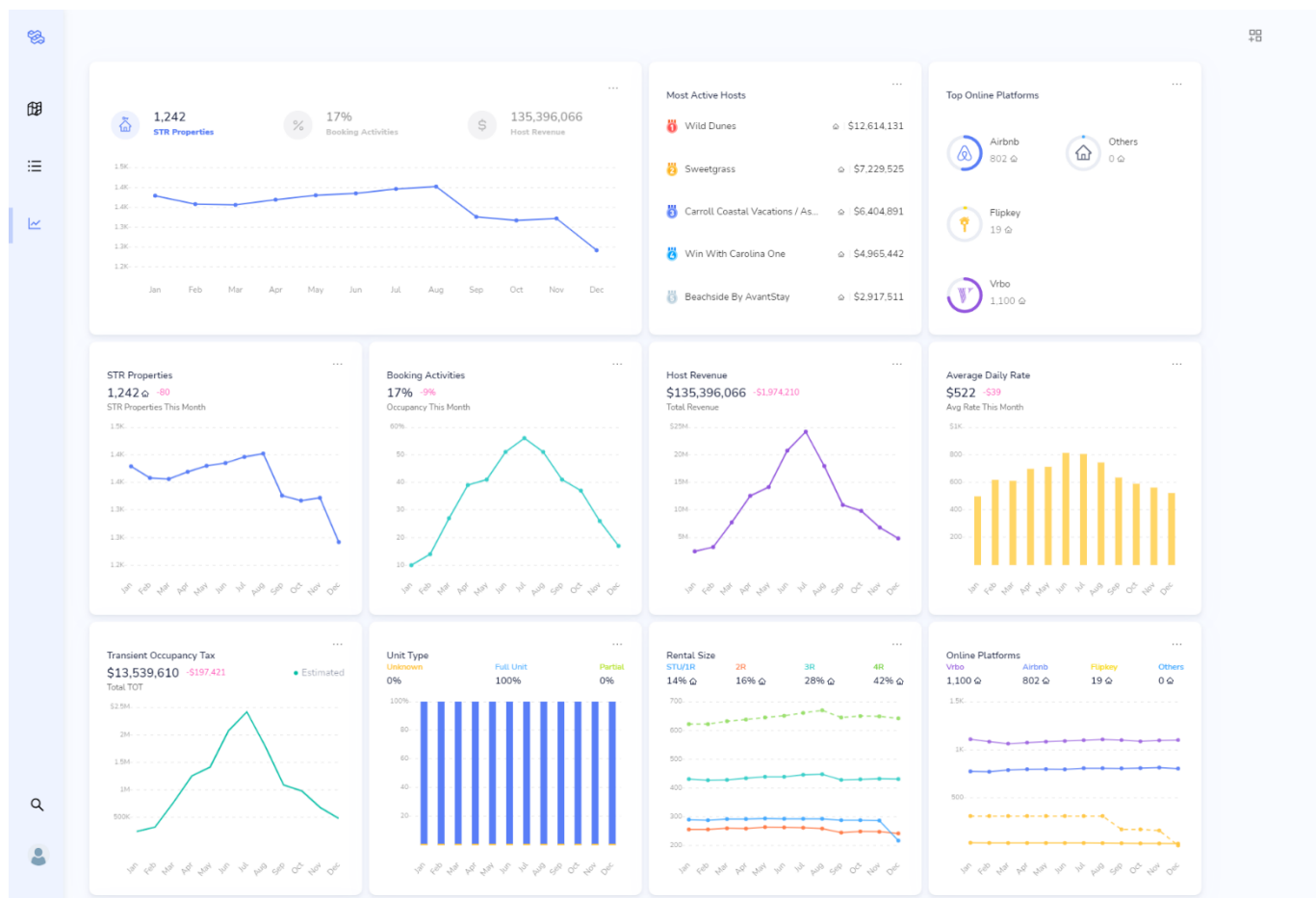


FIGURE 3: **Rentalscape** the City of Isle of Palms Dashboard Example

IMPLEMENTATION & TRAINING

Implementation is on your timeline!! Upon Contract signing, Deckard will assign the City of Isle of Palms a Dedicated Account Manager, who will work with the City to develop “best practices” based on Deckard’s experiences with other clients. The account manager will ensure that the implementation process proceeds smoothly and will be the main point of contact for any questions, suggestions, training, or concerns. The account manager will also participate in periodic calls with City staff as requested.

And since Rentalscape is Cloud Based, no hardware or software is installed!

Most jurisdictions have been up and running with Rentalscape within a couple weeks with Address Identification complete within 4 weeks of receipt of the permit and listing data.

PRICING PROPOSAL

Currently, Rentalscape is showing close to **3207 live STR listings in the City of Isle of Palms**. Based on the number of live STR listings, we estimate there are **1600+ short-term rental properties in the City**, advertised on one or more platforms.

While other providers charge a recurring identification fee annually, Deckard Technologies only charges an identification fee once when the property is initially identified. In addition, we only charge fees on a per property, not per listing, basis. Since a single property can have multiple listings, we feel it is unfair to charge fees based on listing count. Finally, we do not charge one fee for compliance monitoring and another for rental activity monitoring as, in our view, these are the same service.



PROPERTY IDENTIFICATION	PRICE
<ul style="list-style-type: none"> Estimated 200 new properties at \$10 per property per year Identify property address & address Identify property owner address 	\$2000 (\$10/property/year)
MONITORING & REPORTING	
<ul style="list-style-type: none"> Estimated 1600 properties at \$25 per property per year Real-time reporting of all new listings & daily calendar monitoring FutureCast™ - Identify future bookings as they are made on the rental platform Automatic identification of violations Daily calendar monitoring 	\$40000 (\$25/property/year)
OUTREACH CAMPAIGN	
<ul style="list-style-type: none"> Letter campaign to inform STR owners/hosts about tax requirements and procedures All letter templates will receive City approval pre-campaign Campaign includes one Introductory letter and two additional escalation letters 	\$5000 (OPTIONAL)
STR REGISTRATION PORTAL	
<ul style="list-style-type: none"> Online, intuitive portal for registration and renewal Fields customizable to meet City needs Pursue delinquent payments from hosts Provide daily reports on new and modified permits 	\$15000 (OPTIONAL)
COMPLAINT 24/7 HOTLINE & ONLINE FORM	
<ul style="list-style-type: none"> 24/7 Hotline with live agents Online complaint form 	\$15000 (OPTIONAL)
CONSTITUENT PORTAL	
<ul style="list-style-type: none"> Public facing portal (Link placed on Jurisdiction's website) Permit Data and Responsible Party contact info for STR Property (Standard) 	\$10000 (OPTIONAL)
REPORTING & ANALYSIS	
<ul style="list-style-type: none"> Dynamic reporting, offering multiple ad hoc reports Filters allowing users to focus on specific segments of the STR population 	INCLUDED
DEDICATED ACCOUNT MANAGER	
<ul style="list-style-type: none"> Single Point of Contact for City staff for all matters Ensures the City is following Industry best practices Shepherds the implementation process from start to finish Periodic meetings/calls throughout the life of the account 	INCLUDED
UNLIMITED ACCOUNTS & TRAINING SESSIONS	
<ul style="list-style-type: none"> No limit on the number of Rentalscape user accounts No per-session training costs 	INCLUDED
TOTAL YEAR ONE	\$42000

NOTE – Pricing valid for 90 days

OPTIONAL PRODUCTS

STR Registration and Renewal Portal is a configurable system that is customized for each client.

Customization of this portal to include the City of Isle of Palms branding.

- Adding custom fields such as occupancy rules specific to the City (e.g., occupancy limits, bedroom counts)
- Collection of documents as required for the STR registration process
- STR registration approval portal
- Configurable STR permit pricing and expiration
- Collection of any STR permit fees
- Regular reporting

Rentalscape STR Registration collects permit fees via the Stripe secure payment processing system and allows payment via credit card or ACH bank transfer.

Should the City wish to individually approve each STR permit (some of our clients automatically issue STR permits once payment is received, while others individually approve permits), the **Rentalscape Permit Management** portal allows City staff to view and then approve or reject permit applications. In addition, the portal can be used to suspend or revoke permits when operators are not in good standing.

The **Rentalscape Registration** portal allows STR operators to update contact details pertaining to their permit for themselves, their property managers, and their local contacts. Rentalscape emails both the applicant and the City for each new application received and every permit approved. Rentalscape also generates a report daily containing the status and details of all permits.

FIGURE 4 below shows the Placer County Lodging Tax Certificate system showing Placer County specific fields. The Rentalscape staff will work with the City of Isle of Palms to configure the registration system as needed.

Please report each listing advertising your short-term rental. Adding your listing makes payment verification process easier.

This is optional.

Listing Platform

Airbnb

URL

https://www.airbnb.com/rooms/12345678

Example: https://www.airbnb.com/rooms/12345678

+ Add listing

Select the type of the rental: (Select One)


☒ Home
 ☐ Apartment
 ☐ Bed and Breakfast
 ☐ Condotel ⓘ

☐ Condo
 ☐ Duplex
 ☐ Mobile Home
 ☐ Motel

☐ Triplex
 ☐ Timeshare
 ☐ Hotel

Select all that apply:

☐ The property has a unit number.
 ☐ The rental unit is a secondary dwelling.
 ☐ More than one residential unit is proposed to be used as a short-term rental.


Placer County TOT Certificate Application

Main Menu

- Parcel number
- Property Details
- Owner
- Manager and Contact
- Optional: listings
- Parcel number
- Property Details
- Owner
- Manager and Contact
- Optional: listings

What is the parcel number of your rental property?

Example: 123-123-123-000. If the parcel number of your property is 9 digits, add "000" at the end to make it 12 digits.

094-130-007-000

*

[Lookup parcel number by address](#)

- Parcel number
- Property Details
- Owner

Owner Information - All Fields Required

Owner Name

* Thomas H Hardley

Phone Number

* 555-555-5555

Email

* cmb@deckard.com

Mailing Address

945 N LAKE BLVD, TAHOE CITY, CA, 96145

☒ Same as rental unit

Who is the certificate holder?

☒ The owner
 ☐ The property manager

Who is the local contact person?

☒ The certificate holder
 ☐ Someone else

- Parcel number
- Property Details
- Owner
- Manager and Contact
- Optional: listings
- Confirmation

FIGURE 4: **Rentalscape** STR Registration System

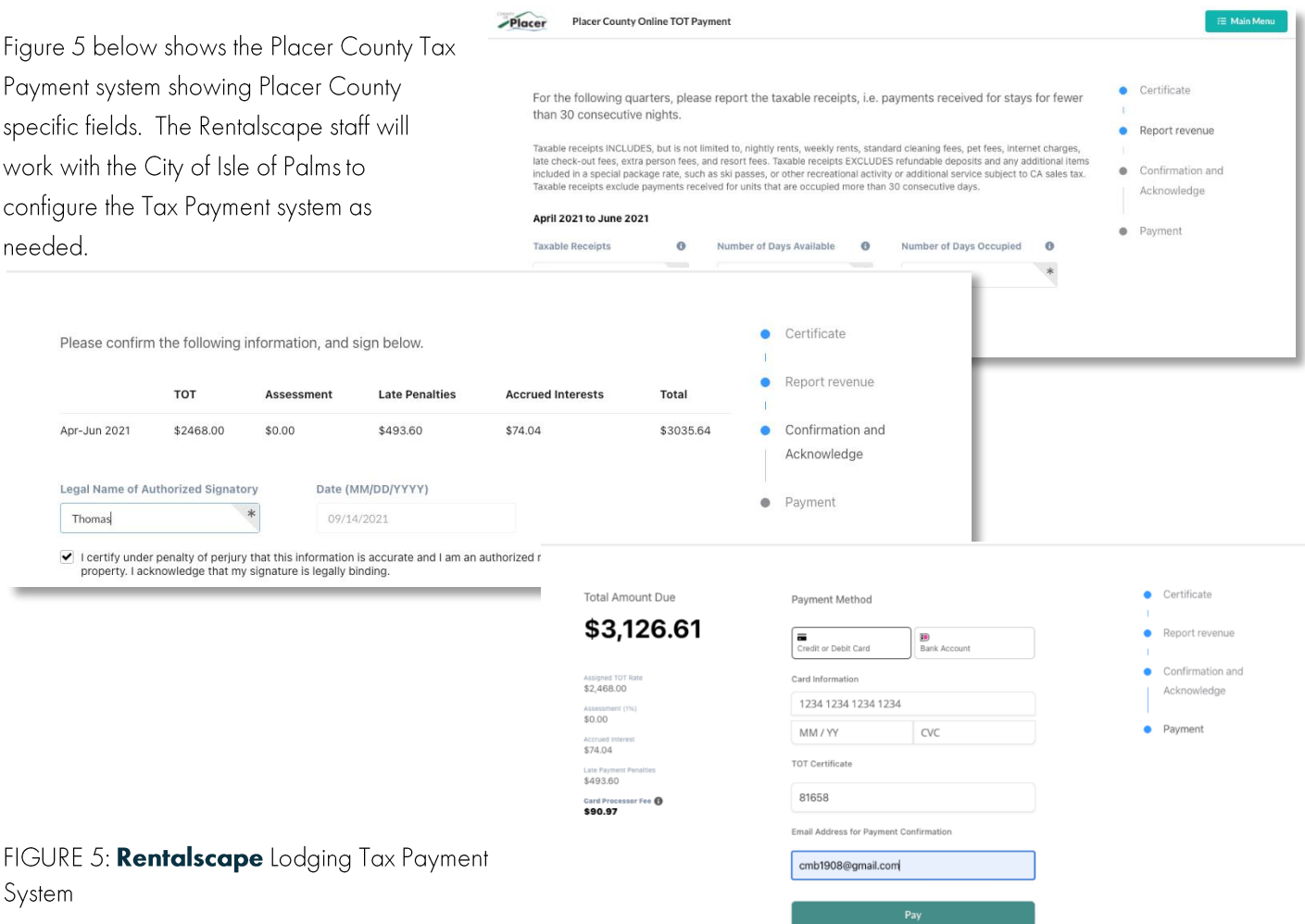
Tax Payment Option

The **Tax Payment Portal** can be utilized to collect taxes from STR operators on a monthly, quarterly, or yearly basis. The Rentalscape Tax Payment system collects information regarding the number of nights available for booking, and the number of nights booked.

The Rentalscape Tax Payment system is customized for each jurisdiction and includes automatic calculation of tax due based on the City's tax rate, automatic calculation of late fees and penalties, and the ability to apply leniency on a per-property basis for late fees should it be required.

The Rentalscape Tax Payment system utilizes Stripe payment processing that allows for payment by credit card or by ACH payments. Payments are directly remitted to the City. Our existing customers have seen an increase in tax payments following the adoption of this system due to the ease of use of the portal. The Rentalscape Tax Payment system generates nightly reports that are delivered to the City allowing for easy reconciliation of transactions. This system reduces the manual work required when processing paper forms.

Figure 5 below shows the Placer County Tax Payment system showing Placer County specific fields. The Rentalscape staff will work with the City of Isle of Palms to configure the Tax Payment system as needed.



Placer County Online TOT Payment

For the following quarters, please report the taxable receipts, i.e. payments received for stays for fewer than 30 consecutive nights.

Taxable receipts INCLUDES, but is not limited to, nightly rents, weekly rents, standard cleaning fees, pet fees, internet charges, late check-out fees, extra person fees, and resort fees. Taxable receipts EXCLUDES refundable deposits and any additional items included in a special package rate, such as ski passes, or other recreational activity or additional service subject to CA sales tax. Taxable receipts exclude payments received for units that are occupied more than 30 consecutive days.

April 2021 to June 2021

	Taxable Receipts	Number of Days Available	Number of Days Occupied
Apr-Jun 2021	\$2468.00	\$0.00	\$493.60

Please confirm the following information, and sign below.

	TOT	Assessment	Late Penalties	Accrued Interests	Total
Apr-Jun 2021	\$2468.00	\$0.00	\$493.60	\$74.04	\$3035.64

Legal Name of Authorized Signatory: Thomas

Date (MM/DD/YYYY): 09/14/2021

☒ I certify under penalty of perjury that this information is accurate and I am an authorized r property. I acknowledge that my signature is legally binding.

Total Amount Due: \$3,126.61

Assigned TOT Rate: \$2,468.00
Assessment (%): \$0.00
Accrued Interest: \$74.04
Late Payment Penalties: \$493.60
Card Processor Fee: \$90.97

Payment Method: Credit or Debit Card

Card Information: 1234 1234 1234 1234
MM / YY: CVC

TOT Certificate: 81658


Email Address for Payment Confirmation: cmb1908@gmail.com

Pay

FIGURE 5: **Rentalscape** Lodging Tax Payment System

Permit Management Option

The Rentalscape City portal allows City staff to view STR permits and applications, to change the permit status (approve, deny or revoke) and to create notes. The STR permits are automatically associated with any identified STR listings that match the permit address. Rentalscape associates permits with listings using APNs and unit numbers to ensure accuracy.



1074 Holly Ave

STR License Submitted

Application number A73117 Applicant name Julie Vincent

Application date 2020-03-24

▼ Collapse details

Submitted ▼

Returned

Reviewed

Denied

Current

Send license

Owner name
Julie Vincent

Mailing address
447 Mack Hill Suite 736 Port Jennifer

Local contact name
Kimberly Walker

Mailing address
67160 Davis Vista Johnsonport

Issue date
2021-05-18

Expiration date
2021-07-18

Parcel number
6262469920

Property address
32373 MONTE VISTA LN, DUTCH FLAT, CA, 95714

Rental type
Secondary Dwelling

Secondary dwelling
No

Maximum overnight occupancy
11

Number of bedrooms
6

Possible Violations
We found no violations for this property

Add Note

Talked to owner. Tennant Notice is in place and back-taxes have been remitted.

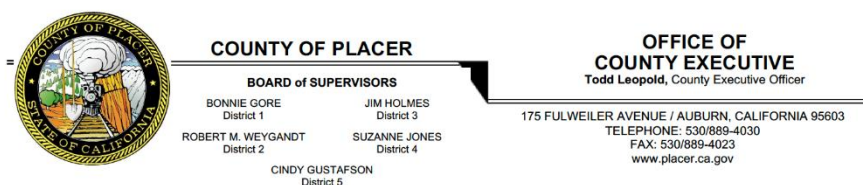
Add

FIGURE 6: **Rentalscape** Permit Details Screen showing notes, permit status and details of all permits

Letter Campaign for STR Hosts Option

Rentalscape will create and send letters to all Identified STR hosts, explaining the tax requirements, current rate, and payment process. The letter templates will be approved by the City of Isle of Palms staff prior to beginning the mailings.

Rentalscape's targeted letter campaign, timed to generate best results, have shown great efficacy in cutting the number of unregistered hosts by over 50% within the first six months of a new client engagement. Earlier this year, Placer County in California utilized Rentalscape to identify one property where the taxes due totaled more than \$50,000.



Thursday, July 29, 2021
Miners Camp LLC
29780 School St
Foresthill, CA, 95631
Cc:
24381 Foresthill Road
Foresthill, CA, 95631

Subject: 24381 Foresthill Road, Foresthill, CA, 95631 APN 007101009000

Dear Miners Camp LLC,

Placer County was unable to verify that your property, listed with an online website, was properly registered with a Transient Occupancy Tax Certificate. In the unincorporated areas of Placer County, all lodging businesses and private home vacation rentals must collect and remit Transient Occupancy Tax (TOT) from guests staying 30 days or less. These requirements apply whether properties are rented directly by owners, through a local property manager, or through an online listing site.

As the owner of the property listed above, Placer County would like to work with you in completing the process to fully comply with the County's Transient Occupancy Tax Ordinance. The first steps are to register and obtain a TOT Certificate for your rental property, report and remit the appropriate transient occupancy tax for the period of January 1, 2018 to June 30, 2021 and ensure compliance for all future rental activity.

For the next 15 days Placer County will waive any penalties and interest normally assessed for the period you operated your short-term rental property in a non-compliant state. If you do not complete the registration process and provide payment, Placer County will calculate estimated taxes due, including penalties and interest, for up to three years.

You may register your property and remit payment online at <https://placer-ca-str.deckard.com/>. If you have any questions, please email us at TOT@Placer.ca.gov or call a Revenue Services Division's compliance specialist at (916) 543-3950. For additional information about Placer County's Transient Occupancy Tax Ordinance, please visit our website at www.placer.ca.gov/tot.

Sincerely,

Doug Jastrow
Revenue Services Manager

FIGURE 7: **Rentalscape** Placer County Complaint Letter

STR Public Facing Portal - Optional

The Rentalscape STR public facing portal is an interactive public online map for publication of all registered short-term rentals within the City. The exact information on the map can be configured to meet the City's needs and includes information such as the property owner and emergency contact information. The portal is branded with the City's information and can include links to systems such as the short-term rental registration system.

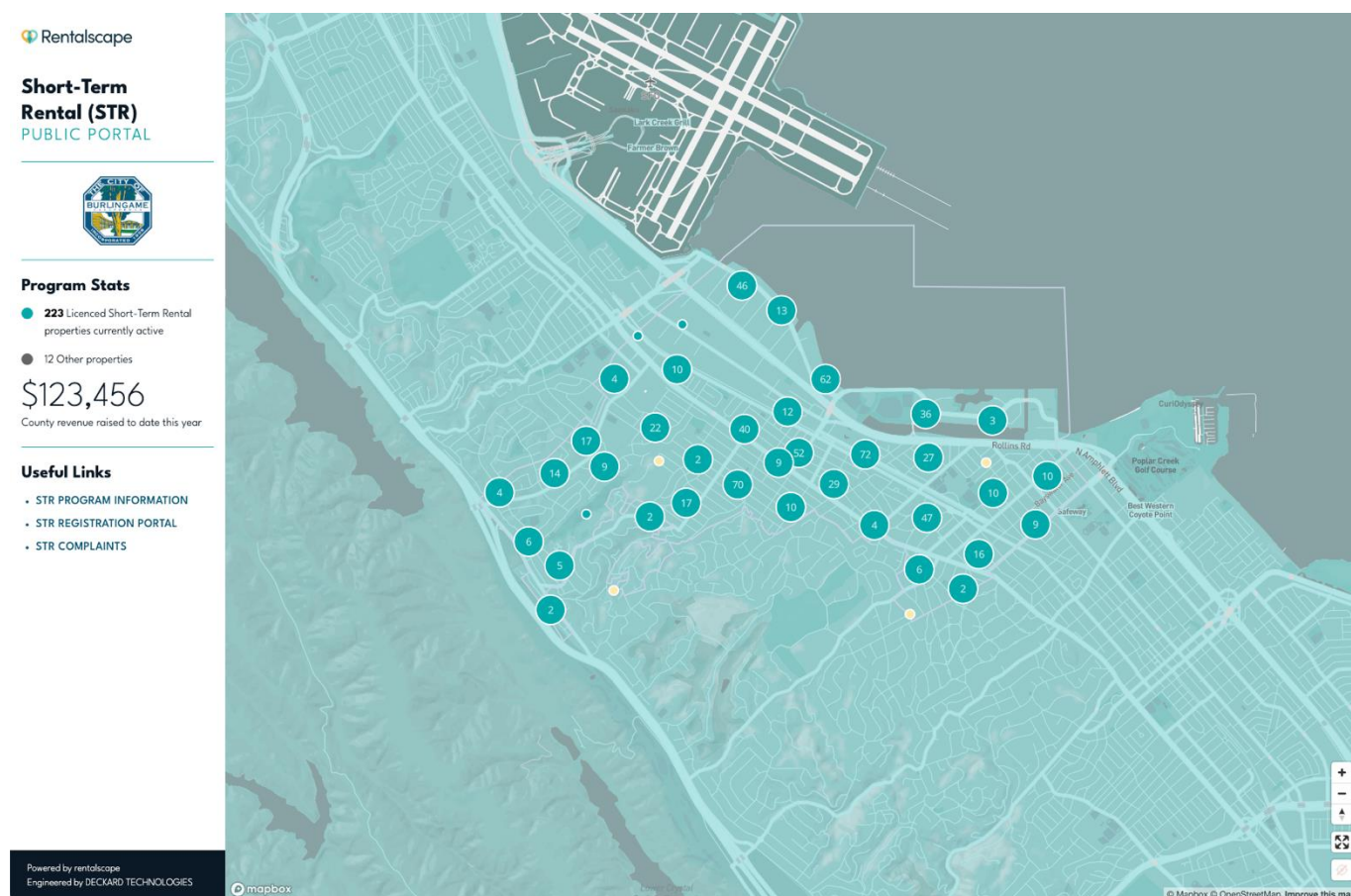
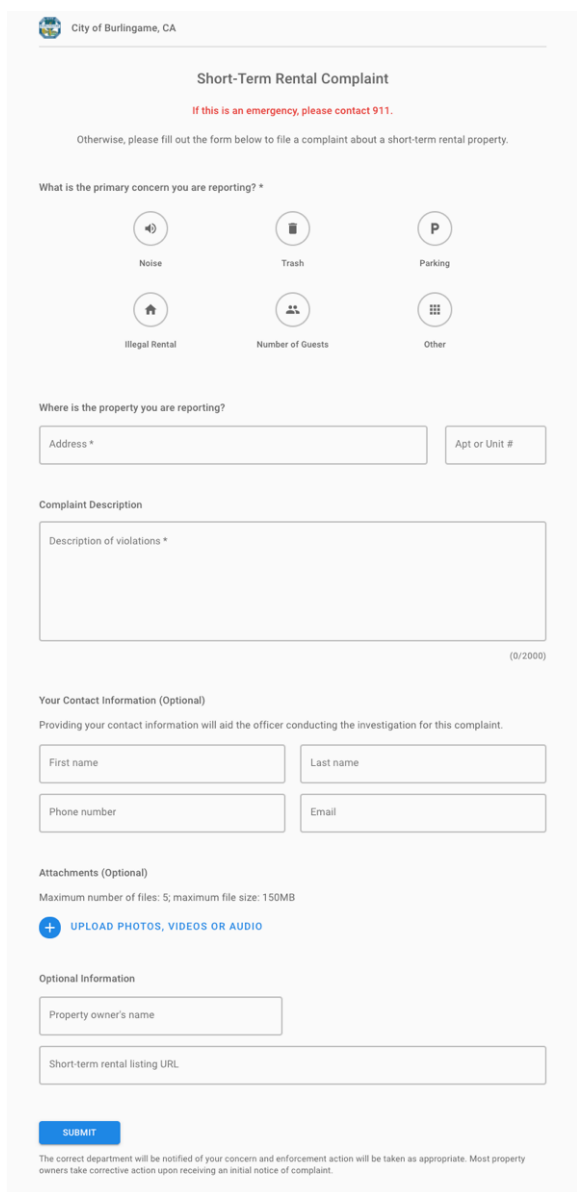


FIGURE 8: **Rentalscape** STR Public Facing Portal

24/7 Complaint Line & Online Form

The Rentalscape 24/7 Complaint Line is available for fielding complaints raised by the public related to short-term rentals. The Complaint Line is a 24/7 Live Call Taker environment. The Call Taker collects the appropriate information (ie address, property owner, type of incident, date of incident, etc) and contacts the designated City contact.

Rentalscape Online Complaint Form is also included. Neighbors can report and provide evidence for non-emergency concerns. The Complaint Form is customized with your logo. All complaints are logged and reported to the appropriate staff/department.




City of Burlingame, CA


Short-Term Rental Complaint


If this is an emergency, please contact 911.


Otherwise, please fill out the form below to file a complaint about a short-term rental property.


What is the primary concern you are reporting? *



Noise


Trash


Parking


Illegal Rental


Number of Guests


Other

Where is the property you are reporting?

Complaint Description


(0/2000)

Your Contact Information (Optional)

Providing your contact information will aid the officer conducting the investigation for this complaint.

Attachments (Optional)

Maximum number of files: 5; maximum file size: 150MB

 **UPLOAD PHOTOS, VIDEOS OR AUDIO**

Optional Information

SUBMIT

The correct department will be notified of your concern and enforcement action will be taken as appropriate. Most property owners take corrective action upon receiving an initial notice of complaint.

FIGURE 9: **Rentalscape** Online Complaint Form

Memorandum of Understanding
IOP Marina Shared Parking Area
Between the City and Marker 116

This Memorandum of Understanding ("Agreement") is entered into this _____ day of March 2023 by and between the City of Isle of Palms ("City") and Marker 116, LLC ("Marker 116") (collectively, the "Parties" and individually, a "Party").

WHEREAS, Marker 116 and City entered into a lease on November 12, 2020; and

WHEREAS, the Shared Parking Lot ("Parking Area"), is comprised of the area shaded green and outlined in Exhibit A; and

WHEREAS, section 9.02 of the lease establishes that all parking spaces in the Parking Area shall be used and operated on an unreserved, self-park basis, and free of charge after 8:00 p.m.; and

WHEREAS, both Parties would like to pursue plans and improvements that make more efficient use of the parking area and eliminate the need to share parking areas; and

WHEREAS, to better understand the new parking patterns of the Marina and to guide the future plans reference above, both Parties would like to enter into a temporary agreement for the equitable use of the Parking Area and collect data on usage and demand; and

WHEREAS, after the terms of this Agreement, both Parties will collectively re-evaluate how to permanently reconfigure the Parking Area to be equitable and efficient; and

NOW, THEREFORE, the Parties agree as follows:

1. **Term.** This Agreement shall be for a trial term of one summer and shall terminate on October 1, 2023.
2. **Expenses.** Marker 116 and the City will equally split the expenses related to the Parking Area, including but not limited to: management, installing ropes to delineate the areas, insurance, signage, grading, parking stops and maintenance.
3. **Existing lease.** Nothing herein shall limit or alter Marker 116's previous lease obligations with the City including but not limited to reporting and remitting revenues to the City as defined and set forth in their lease.
4. **Overnight parking.** There shall be no overnight parking permitted in the Parking Area. Overnight parking shall be defined as when a vehicle or trailer has remained in the Parking Area past 12:00 a.m.
5. **Perimeter car spaces.** Each party gets exclusive use of 50% of the spaces on the perimeter of the Parking Area. The number of spaces in the area could be dynamic, but for example, if 38 spaces fit in the area, this would result in 19 exclusive spaces each.

The area of perimeter spaces is shown on Exhibit B. At no time will the City have less than 16 exclusive spaces in the perimeter area.

6. **Interior trailer spaces.** From 7:00 a.m. until 3:00 p.m., the City will have exclusive use of these spaces to be used as 12 resident-only trailer parking spaces. From 3:00 p.m. until 12:00 a.m., Marker 116 will have exclusive use of these spaces as they become available as outlined below, to be used as 24 car spaces. Trailers parked in the interior spaces as outlined herein, will be allowed to remain parked until midnight and will not have to be removed at 3:00 p.m. The area of the interior trailer spaces is shown on Exhibit C.
7. **Interior trailer spaces transition period.** Between 3:00 p.m. and 6:00 p.m., Marker 116 patrons will be able to park cars in the interior area when at least one trailer space would remain available. For example, if two trailer spaces become available (four car spaces), Marker 116 patrons can park in one of the two trailer spaces (two cars in one trailer space). If a resident trailer parks in the remaining space, another Marker 116 patron will not be able to park until two trailers leave. After 6:00 p.m., Marker 116 can use all interior spaces exclusively as they become available.
8. **Management.** An attendant to direct parking in compliance with this Agreement will work at the direction of the City at times agreed to by Marker 116 and the City. Unless separately agreed to, the attendant will work Thursday-Sunday, 7:00 a.m. until 6:00 p.m., from May 25th until September 5th.
9. **Public parking area.** Outside the Parking Area is an employee parking lot which is controlled by Marker 116. Included in this employee parking lot are eight (8) reserved spaces that were previously leased to the former marina operator. These spaces will be used for the purpose of public parking and not to be used by marina employees.
10. **Signs.** All signage in the Parking Area shall be subject to mutual approval.
11. **Towing and booting.** Marker 116 and City both have the authority to tow and/or boot vehicles if any parking space is used in violation of the terms of this Agreement. In the event that one party tows and/or boots a vehicle, the other party shall not be responsible for providing said customer with information to retrieve their vehicle. The customer will be directed to speak with the Party that towed and/or booted the vehicle.

WHEREOF, the Parties have caused this Memorandum of Understanding be executed as of the date first written above.

Marker 116, LLC

City of Isle of Palms

By:
Name:
Its:

By:
Name:
Its:

Exhibit A Parking Area- Shown in Green

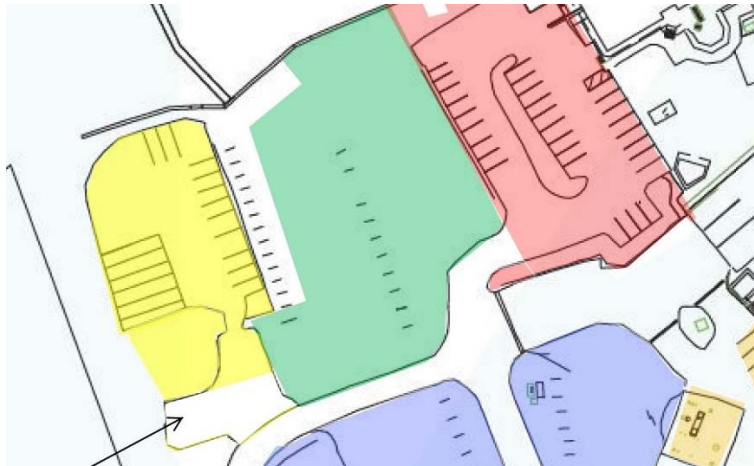


Exhibit B Perimeter Parking Area- Shown in Red Cloud

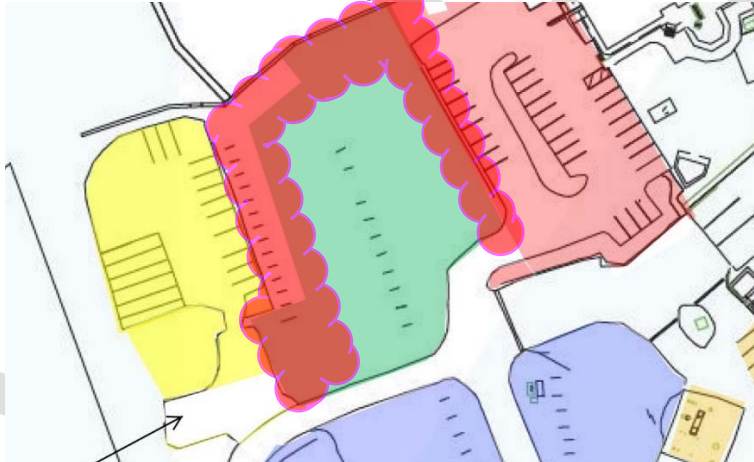
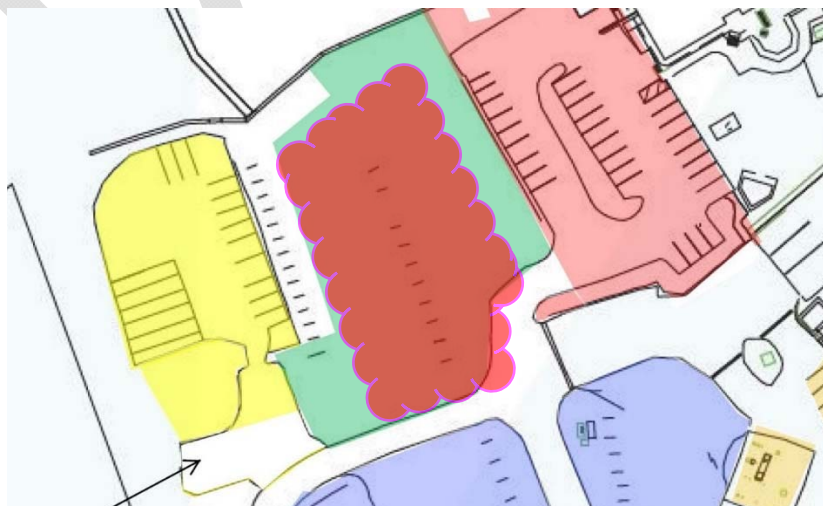


Exhibit C Perimeter Parking Area- Shown in Red Cloud



City of Isle of Palms Police Department
Estimate BSO Hours and Cost for Jan-June, 2023
Increase hourly rate to \$18

ESTIMATE #1 - COST IF FULLY STAFFED (6400 HOURS):

	Hrs	Rate						
10 BSOs, 40 hrs/wk Mid March to June 30:	6400	\$18	\$115,200	\$	56,276			

**FY23 BUDGET
REMAINING AT
1/17/23**

**Over FY23
Remaining
Budget**

(\$58,924.07)

ESTIMATE #2 - ASSUME SAME LEVEL OF STAFFING AS LAST YEAR (3663 HOURS):

	Hrs	Rate	OT Hrs	Rate				
	3596	\$18	67	27	\$66,537	\$	56,276	

(\$10,261.07)

City of Isle of Palms

Cost Analysis of 2nd Full-time Code Enforcement Officer

	FY23 Budget Part Time	Proposed Full Time			Current Actual
		Min	Mid	Max	
Wages	45,000	39,177	49,951	60,724	41,332
FICA	3,443	2,997	3,821	4,645	3,162
Retirement	8,352	7,271	9,271	11,270	7,671
Health		6,735	6,735	6,735	6,736
Workers Comp	3,020	2,629	3,352	4,075	2,773
Fully Loaded Cost	59,814	58,809	73,129	87,450	61,674

Application for Commercial Surf Instruction - 2023

Name

Shane Granigan

Phone

(843) 813-7897

Email

shane@islasurfschool-charleston.com

Business Name

Isla Surf School

Business License Address

53 Amherst St, Apt C, Charleston, South Carolina 29403

Location where lessons will be provided

8th Avenue

I certify that I have completed an application for a business license through the City of Isle of Palms Building Department.

Yes

Copy of CPR Certification

Screen Shot 2023-01-30 at 11.53.45 AM.png

Copy of First Aid Certification

Screen Shot 2023-01-30 at 11.53.45 AM.png

Copy of Lifeguard Certification

Screen Shot 2023-01-30 at 11.53.51 AM.png

Copy of Insurance Policy showing minimum coverage of at least \$1,000,000 and naming the City of Isle of Palms as an additional insured

Certificate 2.pdf

I have read, understood, and agree to abide by the stipulations listed below:

(a) Area where surf lessons are allowed shall be dictated by the current boundary restrictions stated in the City Ordinances.

(b) At least one instructor attending each lesson must be lifeguard, CPR, and first aid certified, with current certifications on file with the city. There must be a first aid kit on site.

(c) Each surf instructor provider must carry liability insurance of at least \$1,000,000 that names the City of Isle of Palms as an additional insured.

(d) Surf instructions shall be limited to groups of four (4) or fewer students and at least one (1) instructor, with a maximum of twelve (12) students and three (3) instructors per day per provider.

(e) Surf instruction shall not exceed more than two (2) hours per day per provider.

(f) Surf instruction providers may not advertise on the beach. All signs, merchandise or other article that violate Article 7-SIGNS of the City's ordinances are prohibited.

(g) Surf instruction providers may not solicit for students on the beach, beach accesses, public

parking lots, or the Breach Inlet Bridge parking lot.

(h) Surf instruction providers must indicate on the application the location where the lessons will be provided.

(i) Surf instruction providers shall execute an indemnification agreement to be submitted with the application.

(j) Failure to adhere to these standards will result in automatic revocation of permission to conduct surfing instruction on the beach by City Council.

(k) City Council shall have the authority to limit the number of permissions issued for commercial surfing instruction on the beach.

(l) Permission shall be granted for one (1) year which may be renewed annually upon application.

Signature

Date

1/30/2023

A handwritten signature in black ink, appearing to be a stylized name, possibly "J. H. Smith" or similar, written in a cursive or semi-cursive style.

Application for Commercial Surf Instruction - 2023

Name

Kyle Busey

Phone

(843) 452-4833

Email

carolinasaltsurflessons@gmail.com

Business Name

Carolina Salt LLC

Business License Address

1111 oakcrest dr, CHARLESTON, South Carolina 29412

Location where lessons will be provided

6th and ocean

I certify that I have completed an application for a business license through the City of Isle of Palms Building Department.

Yes

Copy of CPR Certification

Red Cross Certificate MERGE for Achievement Assignment_SD-33334823.pdf

Copy of First Aid Certification

Red Cross Certificate MERGE for Achievement
Assignment_SD-33334823.pdf

Copy of Lifeguard Certification

Red Cross Certificate MERGE for Achievement
Assignment_SD-33334823.pdf

Copy of Insurance Policy showing minimum coverage of at least \$1,000,000 and naming the City of Isle of Palms as an additional insured

W02167683City of Isle of Palms.pdf

I have read, understood, and agree to abide by the stipulations listed below:

(a) Area where surf lessons are allowed shall be dictated by the current boundary restrictions stated in the City Ordinances.

(b) At least one instructor attending each lesson must be lifeguard, CPR, and first aid certified, with current certifications on file with the city. There must be a first aid kit on site.

(c) Each surf instructor provider must carry liability insurance of at least \$1,000,000 that names the City of Isle of Palms as an additional insured.

(d) Surf instructions shall be limited to groups of four (4) or fewer students and at least one (1) instructor, with a maximum of twelve (12) students and three (3) instructors per day per provider.

(e) Surf instruction shall not exceed more than two (2) hours per day per provider.

(f) Surf instruction providers may not advertise on the beach. All signs, merchandise or other article that violate Article 7-SIGNS of the City's ordinances are prohibited.

(g) Surf instruction providers may not solicit for students on the beach, beach accesses, public parking lots, or the Breach Inlet Bridge parking lot.

(h) Surf instruction providers must indicate on the application the location where the lessons will be provided.

(i) Surf instruction providers shall execute an indemnification agreement to be submitted with the application.

(j) Failure to adhere to these standards will result in automatic revocation of permission to conduct surfing instruction on the beach by City Council.

(k) City Council shall have the authority to limit the number of permissions issued for commercial surfing instruction on the beach.

(l) Permission shall be granted for one (1) year which may be renewed annually upon application.

Signature

Date

2/20/2023

A handwritten signature in black ink, appearing to read "Kye R. L.", written over a horizontal line.



ALAN WILSON
ATTORNEY GENERAL

May 31, 2022

Edward W. Riggs, Sr.
Chairman
Tourism Expenditure Review Committee
986 Scotland Drive
Mount Pleasant, SC 29464

Dear Mr. Riggs:

You have requested an opinion from this Office regarding whether a municipality or county can create a nonprofit organization pursuant to section 6-4-10(3) of the South Carolina Code of Laws without determining if there is an existing organization that has, or is capable of developing, an effective tourism promotion program. You inform us that a local government wants to replace the visitor and convention bureau that has been managing and directing the expenditure of its local accommodations taxes for tourism promotion.

LAW/ANALYSIS

To provide some background:

Pursuant to S.C. Code Ann. § 12-36-920(A) (Revised 2000), a sales tax of seven percent is imposed by the state on accommodations provided to transients in South Carolina. One component of that tax is a two percent "local" accommodations tax which, pursuant to S.C. Code Ann. § 12-36-2630(3) (Supp. 2003), must be credited to cities and counties in accordance with S.C. Code Ann. §§ 6-4-5, *et seq.* (Revised 2004).

Florence County v. Tourism Expenditure Review Committee, No. 04-ALJ-30-0086-CC, 2004 WL 3154879 (June 25, 2004).

Municipalities and counties who have collected more than \$50,000.00 in local accommodations taxes must allocate the tax revenue in the manner provided by section 6-4-10:

The funds received by a municipality or a county in county areas collecting more than fifty thousand dollars from the local

Edward W. Riggs, Sr.
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May 31, 2022

accommodations tax provided in Section 12-36-2630(3) must be allocated in the following manner:

(1) The first twenty-five thousand dollars must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.

(2) Five percent of the balance must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.

(3) Thirty percent of the balance must be allocated to a special fund and used only for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity. To manage and direct the expenditure of these tourism promotion funds, the municipality or county shall select one or more organizations, such as a chamber of commerce, visitor and convention bureau, or regional tourism commission, which has an existing, ongoing tourist promotion program. If no organization exists, the municipality or county shall create an organization with the same membership standard in Section 6-4-25. To be eligible for selection the organization must be organized as a nonprofit organization and shall demonstrate to the municipality or county that it has an existing, ongoing tourism promotion program or that it can develop an effective tourism promotion program. Immediately upon an allocation to the special fund, a municipality or county shall distribute the tourism promotion funds to the organizations selected or created to receive them. Before the beginning of each fiscal year, an organization receiving funds from the accommodations tax from a municipality or county shall submit for approval a budget of planned expenditures. At the end of each fiscal year, an organization receiving funds shall render an accounting of the expenditure to the municipality or county which distributed them. Fees allocated pursuant to this subsection must not be used to pledge as security for bonds and to retire bonds. Also, fees allocated pursuant to this subsection must be allocated to a special fund and used only for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity, and not used to pledge as security for bonds and to retire bonds.

(4)(a) The remaining balance plus earned interest received by a municipality or county must be allocated to a special fund and used

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for tourism-related expenditures. This section does not prohibit a municipality or county from using accommodations tax general fund revenues for tourism-related expenditures . . .

S.C. Code Ann. § 6-4-10 (1976 Code, as amended).

We must rely on the rules of statutory construction in order to construe section 6-4-10(3). The most important rule is to determine legislative intent:

The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature. Charleston County Sch. Dist. v. State Budget and Control Bd., 313 S.C. 1, 437 S.E.2d 6 (1993). Under the plain meaning rule, it is not the court's place to change the meaning of a clear and unambiguous statute. In re Vincent J., 333 S.C. 233, 509 S.E.2d 261 (1998) (citations omitted). Where the statute's language is plain and unambiguous, and conveys a clear and definite meaning, the rules of statutory interpretation are not needed and the court has no right to impose another meaning. Id. at 233, 509 S.E.2d at 262 (citing Paschal v. State Election Comm'n., 317 S.C. 434, 454 S.E.2d 890 (1995)). "What a legislature says in the text of a statute is considered the best evidence of the legislative intent or will. Therefore, the courts are bound to give effect to the expressed intent of the legislature." Norman J. Singer, Sutherland Statutory Construction § 46.03 at 94 (5th ed. 1992).

Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000).

The portion of section 6-4-10(3) that is pertinent to your question provides:

To manage and direct the expenditure of these tourism promotion funds, the municipality or county shall select one or more organizations, such as a chamber of commerce, visitor and convention bureau, or regional tourism commission, which has an existing, ongoing tourist promotion program. If no organization exists, the municipality or county shall create an organization with the same membership standard in Section 6-4-25. To be eligible for selection the organization must be organized as a nonprofit organization and shall demonstrate to the municipality or county that it has an existing, ongoing tourism promotion program or that it can develop an effective tourism promotion program. Immediately upon an allocation to the special fund, a municipality

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or county shall distribute the tourism promotion funds to the organizations selected or created to receive them.

S.C. Code Ann. § 6-4-10(3) (emphasis added).

Section 6-4-10(3) expressly states that a municipality or county “shall select” one or more tourism promotion organizations. “Under general principles of statutory construction, the word ‘shall’ is interpreted as mandatory rather than permissive.” Op. S.C. Atty. Gen., 1980 WL 120615 (Jan. 21, 1980) (citing 2A Sutherland Statutory Construction § 57.03 (1973)). The word “select” means “to choose in preference to another or others; pick out” and “chosen from a number or group by fitness or preference.” See Merriam-Webster at www.merriam-webster.com/dictionary/select; Dictionary.Com at www.dictionary.com/browse/select; and Collins Dictionary at www.collinsdictionary.com/us/dictionary/english/select.

Section 6-4-10(3) provides for the selection of an organization that has an “existing, ongoing tourist promotion program.” It also plainly states that “if no organization exists, the municipality or county shall create an organization.” Id.

Based on this language, it is clear that the Legislature intended for a municipality or county to choose an existing organization that meets the eligibility requirements of the statute to manage and direct the expenditure of its tourism promotion funds. A local government is only authorized to create an organization when one does not already exist. Therefore, a municipality or county must determine whether an eligible¹ organization exists before creating a new one.

Section 6-4-10(3) does not expressly provide for replacement of a tourism promotion organization. However, “the power to remove one so employed or appointed is generally incidental to the power to appoint.” Op. S.C. Atty. Gen., 1984 WL 159941 (Nov. 26, 1984). The same procedure applies when replacing a tourism promotion organization.

Your letter states that TERC’s [Tourism Expenditure Review Committee’s] authority is limited to acting upon the annual reports and complaints provided for in section 6-4-35(B)(1) and (2) and that it cannot employ other methods to ascertain whether an expenditure of local accommodations taxes complies with the Accommodations Tax statutes. See Conclusion, footnote 2. You cite Tourism Expenditure Rev. Comm. v. City of Myrtle Beach, 403 S.C. 76, 742 S.E.2d 371 (2013) for this proposition. We must therefore address TERC’s authority.

Section 6-4-35(B) provides:

(B)(1)(a) The Tourism Expenditure Review Committee shall serve as the oversight authority on all questionable tourism-related

¹ Whether an organization is eligible is a fact-specific issue that must be answered by a court and not by this Office. See Op. S.C. Atty. Gen., 1989 WL 406130 (April 3, 1989) (“[b]ecause this Office does not have the authority of a court or other fact-finding body, we are not able, in a legal opinion, to adjudicate or investigate factual questions.”)

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expenditures and to that end, all reports filed pursuant to Section 6-4-25(D)(3) must be forwarded to the committee for review to determine if they are in compliance with this chapter. The municipality or county must be notified if an expenditure is questioned, and the committee may consider any further supporting information the municipality or county may provide. If the committee finds an expenditure to be in noncompliance, it shall certify the noncompliance to the State Treasurer, who shall withhold the amount of the expenditure found in noncompliance from subsequent distributions in accommodations tax revenue otherwise due the municipality or county. An appeal from an action of the committee under this subitem lies with the Administrative Law Judge Division.

(b) If the committee determines that a municipality or county has failed to file the reports required pursuant to Section 6-4-25(D)(3), it may impose a fee of five hundred dollars a month or part of a month for each month the report is not filed, but not more than five thousand dollars. The committee shall certify the penalty to the State Treasurer, who shall withhold the amount of the penalty from subsequent distributions otherwise due the municipality or county. An appeal from an action of the committee under this subitem lies with the Administrative Law Judge Division.

(c) Allocations withheld must be reallocated proportionately to all other recipients.

(2) The committee has jurisdiction to investigate and research facts on written complaints submitted to it with regard to the appropriate tourism-related expenditures and resolve these complaints as provided in item (1) of this subsection.

(3) The committee shall forward copies of information submitted by the local governments and regional tourism agencies pursuant to Section 6-4-25 arising under the tourism provisions of this chapter to the Department of Parks, Recreation and Tourism, which shall publish an annual report on the information submitted.

S.C. Code Ann. § 6-4-35(B) (1976 Code, as amended) (emphasis added).

Because of the provision in section 6-4-35(B) stating that TERC “shall serve as the oversight authority on all questionable tourism-related expenditures,” TERC is granted broad authority to

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prevent unauthorized expenditures. Section 6-4-35(B) provides two methods for finding unauthorized expenditures, reviewing annual expenditure reports and investigating complaints.² While the Legislature gave TERC the specific authority to review annual reports and investigate complaints, we do not believe this specific authority limits TERC's general authority to oversee any questionable tourism-related expenditures. In our opinion, TERC is required to act whenever it becomes aware of expenditures that are not compliant with the Accommodations Tax statutes, S.C. Code Ann. § 6-4-5 et seq (1976 Code, as amended).

CONCLUSION

In our opinion, the Legislature intended by section 6-4-10(3) for a municipality or county to choose an existing organization that meets the statutory eligibility requirements to manage and direct the expenditure of its tourism promotion funds. A local government is only authorized to create an organization when one does not already exist. Therefore, a municipality or county must determine whether an eligible organization exists before creating a new one pursuant to section 6-4-10(3). We recognize that whether an organization is eligible is a fact-specific issue that must be answered by a court and not by this Office. See Op. S.C. Atty. Gen., 1989 WL 406130 (April 3, 1989) (“[b]ecause this Office does not have the authority of a court or other fact-finding body, we are not able, in a legal opinion, to adjudicate or investigate factual questions.”)

We also believe that the Tourism Expenditure Review Committee has broad authority to act whenever it becomes aware of expenditures that are not compliant with the Accommodations Tax statutes, S.C. Code Ann. § 6-4-5 et seq (1976 Code, as amended). It is not limited to acting upon the annual expenditure reports and the complaints provided for in section 6-4-35(B)(1) and (2).

Sincerely,

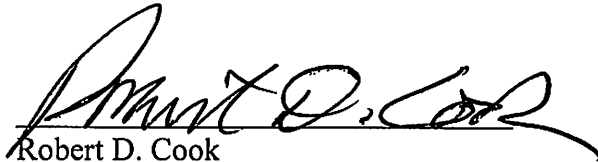


Elinor V. Lister
 Assistant Attorney General

² The court, in Tourism Expenditure Rev. Comm. v. City of Myrtle Beach, 403 S.C. 76, 742 S.E.2d 371, explained that the Legislature also established an exclusive procedure for TERC to challenge expenditures of local accommodations taxes in section 6-4-35.

Edward W. Riggs, Sr.
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REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General

City of Isle of Palms, SC**Potential Projects for 30% State ATAX Funding**

1. IOP Public Dock Rehabilitation – Total Cost estimated at \$1.7M. City allocated \$1M from ARPA Funds
2. Drainage projects identified and prioritized by Comprehensive Drainage Master Plan – Total cost \$40M +
3. Island wide walkability study and construction of multi-use paths, sidewalks and crosswalks
4. Front Beach beautification, including parking lots
5. Others?



BOARD OF ZONING APPEALS
4:30pm, Tuesday, February 7, 2023
1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. Call to order

Present: Brian Abel, Ted McKnight, Arnold Karig, Glenn Thornburg, and Matt Simms, Zoning Director

Absent: Elizabeth Campsen

2. Election of Chair and Vice Chair

MOTION: Mr. Thornburg made a motion to move this item to the next meeting when everyone is present. Mr. McKnight seconded the motion. The motion passed unanimously.

3. Approval of Previous Meeting's Minutes

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

3. Swearing in of applicants

Mr. Thornburg swore in the applicants.

4. Home Occupations

A. 3403 Cameron Boulevard

This application has been deferred to the next meeting.

B. 253 Forest Trail

Zoning Director Simms said that the applicant, Gregory Bores, is requesting a special exception to allow for the establishment of a residential painting business at his home. The house will be used for office work and no business-related traffic will be coming to the house. There will be no employees working there other than those living in the home. Mr. Bores indicated he would store the business vehicle that has related signage on it at a storage facility and not at the home.

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

C. 251 Forest Trail

Zoning Director Simms said that the applicants, Andrew and Jessica Adams, are requesting a special exception to allow for the establishment of a mobile boat detailing business at their home. The house will be used for office work and no business-related traffic will be coming to the house. There will be no employees working there other than those living in the home. There will be no outward indication of a business in the home.

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

5. Miscellaneous Business

6. Adjournment

Mr. McKnight made a motion to adjourn and Mr. Abel seconded the motion. The meeting was adjourned at 4:41pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**Planning Commission Meeting
4:30pm, Wednesday, February 8, 2023
1207 Palm Boulevard, Isle of Palms, SC and
broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>**

MINUTES

1. Call to Order

Present: Sue Nagelski, Sandy Stone, Marty Brown, Ron Denton, David Cohen,
Steve Corney, Jeffrey Rubin

Staff present: Director Kerr, Zoning Administrator Simms

2. Approval of minutes

Mr. Cohen made a motion to approve the minutes of the January 11, 2023 regular meeting. Mr. Stone seconded the motion. The motion passed unanimously.

3. New Business

A. Discussion of Population Element of the Comprehensive Plan

Director Kerr pointed out that since City Council has been focused on the number of dwelling units on the island due to the short-term rental conversation, the Comprehensive Plan will use County tax records for that number. He pointed out that number changes daily, so a point in time will have to be selected to finalize the Plan. Mr. Denton suggested using County tax records for those numbers back to 2010 to show trend and consistency. Director Kerr will add a paragraph indicating the City keeps records from Charleston County as they are more accurate.

Ms. Nagelski suggested taking out “per capita” from the chart discussion median income.

Discussion ensued about the wording surrounding the impact of the increase in the 65 and older population on the island from 2010 to 2020, pointing out that while the population has increased the trend has slowed.

Mr. Stone suggested adding in County population data to show the impact of the overall growth of the area and the pressure it puts on the Isle of Palms.

B. Discussion of Cultural Resources Element of the Comprehensive Plan

Director Kerr will ask the Recreation Department for their feedback on the events to be included in this section.

Discussion ensued about adding a goal of creating a repository of historical documents related to the Isle of Palms. Director Kerr suggested adding some photographs of such documents to this section of the Plan.

4. Old Business – Short-Term Rental Update

Director Kerr shared that City Council continues to discuss short-term rentals. Some sort of policy vote may happen at the February 28 City Council meeting. Council has asked staff to vet several options for discussion and consideration. Mr. Stone asked that the plan recommended by the Planning Commission be one of those options. Director Kerr said that their plan was not well received by the Council or at the short-term listening sessions, but added it is a good compromise. Mr. Stone said that no plan will be perfect and whatever the choice is it will have to be reevaluated over time.

Director Kerr said that if the plan City Council decides to move forward with involves any changes to zoning, it will come back to the Planning Commission for their recommendation.

5. Adjournment

Mr. Corney made a motion to adjourn, and Mr. Stone seconded the motion. The meeting was adjourned at approximately 5:22pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



ACCOMMODATIONS TAX ADVISORY COMMITTEE

11:00am, Tuesday, February 14, 2023

1207 Palm Boulevard, Isle of Palms, SC

MINUTES

1. **Call to order**

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

Absent: Chas Akers

Staff Present: Administrator Fragoso

2. **Presentation of applications received for funding in FY24**

A. **VFW – Bo Stallings and George Page**

Mr. George Page and Mr. Bo Stallings came before the Committee requesting \$5000 to repair their front walkway. This walkway, while private, allows for public access to the front beach and about 95% of those who use it are visitors and tourists. Repairs to the walkway will also be beneficial to those with mobility issues. Mr. Page said it is their job to keep the walkway safe for everyone. They are asking for \$5000 towards the full cost of \$7200. The 8' wide and 60' long walkway will extend from the pavers to over the dunes.

B. **Make-a-Wish Foundation – Shannon Rice**

Ms. Rice is requesting funding to promote a fundraising event to be held at Wild Dunes in March 2024. They will host this year's event on March 11, 2023 and would like to make Isle of Palms the "home" of the event. Next year's event will be a weekend-long event with the intent to "push" attendees into the Isle of Palms' commercial district on the last day of the event.

This year's event will have approximately 360 attendees, 23% of which come from outside the area. Committee members would like to see information about how many people are staying in Wild Dunes or on the island for this event. Ms. Rice will send that information to Administrator Fragoso who will share it with the Committee. Administrator Fragoso said that the amount of ATAX monies collected can be extrapolated from the number of people and the number of rooms booked for the event. The Committee would also like to see how the Foundation will market the island and place to stay on the island to the attendees.

3. **Adjournment**

The ATAX Committee will meet on Tuesday, March 7, 2023 at 11am to discuss these applications.

Mr. Truslow made a motion to adjourn, and Ms. Bergwerf seconded the motion. The meeting was adjourned at 11:21am.

Respectfully submitted,

Nicole DeNeane
City Clerk

DRAFT



ENVIRONMENTAL ADVISORY COMMITTEE

4:00pm, Thursday, February 9, 2023

1207 Palm Boulevard, Isle of Palms, SC

and broadcasted live on YouTube: <https://www.youtube.com/user/cityofisleofpalms>

MINUTES

1. Call to order

Present: Deb Faires, Linda Plunkett, Doug Hatler, Mary Pringle, Sandra Brotherton, Jonathan Knoche, Jordan Burrell, Council Member Bogosian

Absent: Belvin Olasov

Staff Present: Director Kerr, Zoning Administrator Simms

2. Approval of previous meeting's minutes

MOTION: Dr. Plunkett made a motion to approve the minutes of the January 12, 2023 meeting, and Dr. Knoche seconded the motion.

Ms. Pringle asked that Dr. Knoche be referred to as Dr. instead of Mr. in item 2.

Dr. Brotherton asked that the location of the food composting bin be changed to the Carmen R. Bunch Park in item 4 and that the locations of the bins be added to the motion made by Mr. Hatler.

Mr. Hatler corrected the spelling of PFAS from PFOS.

VOTE: The amended minutes passed unanimously.

3. Citizens' Comments

Susan Smith introduced Laura Russ of the Lowcountry Marine Mammal Network who came before the Committee to discuss the availability of two 3-sided signs that could be placed on the island to bring awareness to any number of environmentally-oriented educational issues. The signs and their installation are funded through NOAA. They are hurricane proof and six feet tall when installed. She suggested Breach Inlet and the City Marina as possible locations for the signage. She indicated that the signs have already been made but no text has been placed on them yet.

Dr. Plunkett expressed concern about too much signage. She suggested the City's Municipal parking lot near the front beach as a location for one of the signs. Dr. Knoche suggested Thompson Park on Sullivan's Island since the City already has a sign about marine mammals at Breach Inlet.

Ms. Pringle said a sign on the beach where the dolphins strand feed is a good idea and could include information about the migratory birds on the island.

Director Kerr asked Ms. Russ to speak with OCRM about whether or not they would allow signs ahead of the primary dune. He also suggested that these signs be a project of the Wildlife subcommittee. Dr. Plunkett said it would also be a good idea to speak with the City's new Public Relations person about the signs, their topics, and their placement.

4. Old Business

The presentation and discussion about the Charleston County Greenhouse Gas Audit will be held at the March meeting, and the PFAS discussion will happen in April.

Dr. Brotherton introduced the new student member of the Environmental Advisory Committee, Jordan Burrell.

A. Wildlife

Director Kerr said the remainder of the turtle signs will be up by the next meeting.

Ms. Pringle and Ms. Faires reviewed the 2023 goals of Wildlife Subcommittee:

1. Promote the use of native plants and trees on the Isle of Palms through education of residents and using them in any public green spaces that now exist or are created in the future.
2. Work with Audubon SC in their program to protect migratory sea birds.
3. Propose rodenticide ban on IOP.
4. Update IOP Coyote Management Plan to include more educational links/information; model Dewees Island's Coyote Management Plan and website; focus on benefits/necessities of top predator for balanced ecosystem; eliminate trapping/killing coyotes on IOP; increase signage at 25th and 26th avenues.

Other items for consideration by the subcommittee include increasing police enforcement of the existing lighting ordinance during sea turtle nesting season and working with Dominion Energy about their proposal to change to bright white LED streetlights and to consider turtle-friendly options.

To further the discussion about the promotion of native plants, Council Member Bogosian will include information about the use of artificial turf.

B. Litter

Director Kerr reported that the contract with Smart Recycling has been executed and will start March 1. Fisher Recycling has already moved their bins to the Carmen R. Bunch Park. Assistant Director Asero is working to build a corral around the bins as is required by City Ordinance. Signage for the corral will be considered to bring attention to the bins. He added that usage of the glass recycling bins is up, and Ms. Fisher will report to the Committee in April or May. Ms. Pringle suggested more reminders about the change in location may be necessary.

Dr. Brotherton and Dr. Plunkett reviewed the 2023 goals of the Litter Subcommittee:

1. Collaborate with the new IOP Public Relations and Tourism Coordinator to determine and implement best practices for educating and informing the public of litter prevention efforts.
2. Continue collaboration with Palmetto Pride.
3. Implement community cleanups biannually to encourage the full-time residents to clean up their neighborhoods.
4. Do an outcome assessment for litter improvements since start of the Environmental Advisory Committee
5. Initiate dialogue and collaboration with local businesses regarding efforts and ideas to reduce single-use plastics.

C. Water Quality – update on water quality testing

The Water Quality Subcommittee will present their goals at the next meeting.

Director Kerr reported that additional water testing has been completed on the back of the island and the results have yielded the same “off the charts” results. He has reached out to WaterKeepers for the next steps.

D. Climate Action

Mr. Hatler said he would discuss a report in this area with Mr. Olasov for the next meeting.

5. New Business -- none

6. Miscellaneous Business

Committee members briefly discussed their presence at this year’s Front Beach Festival for which all the vendors have been selected. Committee action for Earth Day was also discussed. Director Kerr suggested this is something the Climate Action subcommittee could work on. Dr. Plunkett suggested it is something the City’s new Public Relations person could promote.

Dr. Brotherton asked for a report at the next meeting from those who attended those who attended the Beach Advocates Conference.

In addition to that, Director Kerr will add the Charleston County Greenhouse Audit, information about an updated coyote management plan, metrics for the cigarette butt cannisters, an update on the Conservation Station at the Front Beach, and a food composting workshop discussion to next month’s meeting agenda.

The next meeting of the Environmental Advisory Committee will be Thursday, March 9, 2023 at 4pm.

7. **Adjournment**

Dr. Knoche made a motion to adjourn, and Dr. Plunkett seconded the motion. The meeting was adjourned at 5:37pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

ORDINANCE 2023- 01

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 2, ANIMALS, ARTICLE B, DOGS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE REGULATIONS FOR DOGS BITING, CHASING OR OTHERWISE ATTACKING AND TO PROVIDE FOR CIVIL AND OTHER PENALTIES.

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 Article B, “Dogs,” is hereby amended by adding a new Section 6-2-18 titled “Dogs biting, chasing or otherwise attacking” to state as follows:

(a) It shall be unlawful for any owner of or any person harboring any dog in the city to permit or allow such dog to bite, chase or otherwise attack any person or domestic animal.

(b) This section does not apply if, at the time the person or domestic animal is bitten, chased, or otherwise attacked, the person or domestic animal who was bitten, chased, or otherwise attacked provoked or harassed the dog and the provocation was the proximate cause of the bite, chase or attack.

(c) Violation of this article is a misdemeanor punishable pursuant to section 1-3-66.

(d) A dog that attacks a human being or another domestic animal may be ordered destroyed when in the court's judgment the dangerous dog represents a continuing threat of serious harm to human beings or other domestic animals. In the event the court finds a person guilty of violating this section and orders the dog be destroyed, the person found guilty shall pay all expenses necessitated by the destruction of the dog.

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 _____, 2023.

Phillip Pounds, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading:

Public Hearing:

Second Reading:

Ratification:

ORDINANCE 2023-02

AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATION, CHAPTER 3, BEACH AND MARINE RECREATION REGULATIONS, ARTICLE A GENERAL PROVISIONS AND TITLE 8 MOTOR VEHICLES AND TRAFFIC, CHAPTER 1 TRAFFIC REGULATIONS, ARTICLE B OPERATION OF A VEHICLE, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE REGULATIONS FOR ELECTRIC ASSIST BYCICLES AND OTHER MODES OF TRANSPORTATION PROPELLED BY A MOTOR AND TO PROVIDE FOR CIVIL AND OTHER PENALTIES.

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 Title 7, Chapter 3, Article A, “General Provisions,” Section 7-3-2 “Definitions” is hereby amended by adding a new definition (5) to state as follows:

“Sec. 7-3-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Beach means that area lying between the low-water mark of the Atlantic Ocean and the easternmost property line of the property owned by private individuals or corporations, lying closest in proximity to the Atlantic Ocean, and shall extend out from the mean low-water mark for a distance of three hundred (300) yards into the water. The term "beach" shall also include that area from the mean low-water mark for a distance of fifty (50) yards into the water from the mouth of Breach Inlet to the seaward side of Breach Inlet Bridge and from the mouth to the midpoint of Dewees Inlet.

(2) Boat means any watercraft, including sea planes when not airborne, sailboats, jet skis, aqua-trikes or similar types of watercraft.

(3) Designated areas means any portion of the beach designated by the City Council for a special use, such as swimming, surfing, beaching of boats, etc.

(4) Motorboat means any boat operated through use of a motor or motorized propulsion, including jet skis, but excluding sailboats that use motors as an auxiliary means of propulsion.

(5) "Electric-assist bicycles" and "bicycles with helper motors" means low-speed electrically assisted bicycles with two or three wheels, each having

fully operable pedals and an electric motor of no more than 750 watts, or one horsepower, and a top motor-powered speed of less than twenty miles an hour when operated by a rider weighing one hundred seventy pounds on a paved level surface, that meet the requirements of the Federal Consumer Product Code provided in 16 C.F.R., Part 1512, and that operate in a manner such that the electric motor disengages or ceases to function when their brakes are applied or the rider stops pedaling.

SECTION 2. That Title 7, Chapter 3, Article A, “General Provisions,” is hereby amended by deleting Section 7-3-3, “Vehicles restricted,” in its entirety and replacing it with a new Section 7-3-3 to state as follows:

“Sec. 7-3-3. Vehicles restricted.

- (a) No vehicles, to include electric-assist bicycles and any other mode of transportation that is propelled by a motor, are allowed on the beach except for bicycles and vehicles authorized pursuant to section 5-4-15(C).
- (b) It is unlawful to operate, park, stop, or stand a motor vehicle upon the beach except as otherwise provided in the City Code.”

SECTION 3. That Title 8, Chapter 1, Article B. “Operation of a Vehicle” is hereby amended by deleting Section 8-1-19 “Vehicular operation on the beach or beach accesses”, in its entirety and replacing it with a new Section 8-1-19 to state as follows:

“Sec. 8-1-19. Vehicular operation on the beach or beach accesses.

No person shall operate, or allow or cause to be operated, a vehicle, to include electric-assist bicycles and any other mode of transportation that is propelled by a motor, on the beach or beach accesses except as provided in section 5-4-15(C)(5)(a) or section 8-2-17.

SECTION 4. 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 5. 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 6. 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 _____, 2023.

Phillip Pounds, Mayor

(Seal)

Attest:

Nicole DeNeane, City Clerk

First Reading:

Public Hearing:

Second Reading:

Ratification:



AMERICAN RED CROSS MONTH, 2023 A Proclamation

During American Red Cross Month in March, we celebrate the humanitarian spirit of ISLE OF PALMS and reaffirm our commitment to helping ensure no one faces a crisis alone.

Caring for one another is at the heart of our community and exemplified by the people of ISLE OF PALMS, whose simple acts of kindness through the Red Cross provide help and hope in people's most difficult moments — continuing the lifesaving legacy of Clara Barton, who founded the organization more than 140 years ago to prevent and alleviate human suffering.

In the Lowcountry, local families have relied on the Red Cross of South Carolina volunteers for comfort and hope while coping with a pandemic, home fires, tornadoes, floods, and storms. Last year, over 630 active volunteers served in local communities, deployed to local disasters, and responded in person and virtually to national disasters like hurricanes and wildfires. Volunteers also helped more than 1,400 people affected by over 360 home fires in the Lowcountry by addressing their urgent needs like food, lodging, and recovery support.

Red Cross of South Carolina volunteers have supported local families in other ways too. Last year in South Carolina, the Red Cross provided nearly 12,400 case services to U.S. service members, veterans, and their families; collected more than 71,200 units of lifesaving blood; and trained more than 62,000 people in lifesaving skills like First Aid and CPR.

Every day, these ordinary individuals lend a helping hand to make an extraordinary difference for neighbors in need — whether it's providing emergency shelter, food and comfort for families displaced by home fires and other disasters; donating lifesaving blood for cancer patients, accident victims, and people with sickle cell disease and other life-threatening conditions; supporting military members and veterans, along with their families and caregivers, through the unique challenges of service; using vital skills like first aid and CPR to help others survive medical emergencies; or delivering international humanitarian aid and reconnecting loved ones separated by crises around the world.

Their support, volunteerism, and generous donations are critical to our community's resilience. We hereby recognize this month of March in honor of all those who fulfill Clara Barton's noble words, "You must never think of anything except the need and how to meet it," and ask everyone to join in this commitment.



NOW, THEREFORE, BE IT PROCLAIMED on this day, February 28, 2023, that the Mayor and City Council of Isle of Palms, by virtue of the authority vested by the laws of the CITY OF ISLE OF PALMS and STATE OF SOUTH CAROLINA, do hereby proclaim March 2023 as Red Cross Month.

PHILLIP POUNDS, MAYOR

ATTEST:



American Red Cross
Lowcountry South Carolina

NICOLE DENEANE, CITY CLERK



RESOLUTION 2023-01

Authorizing Consumption of Beer and Wine Only at the Front Beach Festival on March 4, 2023

WHEREAS, the City of Isle of Palms Recreation Department is hosting the 2023 Front Beach Festival on Saturday, March 4, 2023 on Ocean Boulevard between 10th Avenue and Pavilion Drive; and,

WHEREAS, the City of Isle of Palms Recreation Department is requesting permission for the temporary closing and use from 6:00 a.m. and 7:00 p.m. of Ocean Boulevard between 10th Avenue and Pavilion Drive for set up, clean up, and staging of the event to be held on Saturday, March 4, 2023 from 12:00 p.m. to 4:00 p.m.; for patrons to consume beer and wine beverages only at the event during the hours of 12:00 p.m. to 4:00 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 28 day of February 2023, 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 between the hours of 12:00 p.m. and 4:00 p.m. on Saturday, March 4, 2023; 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 5:00 p.m. due to the proximity of the event to residential properties; and,

BE IT FURTHER RESOLVED that all vendors be restricted to a 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.

ATTEST:

City Clerk

Mayor