



**Special Public Safety Committee Meeting
3:00pm, Tuesday, November 29, 2022
1207 Palm Boulevard, Isle of Palms, SC**

MINUTES

1. Call to Order

Present: Council members Hahn, Streetman, and Anderson

Staff Present: Administrator Fragoso, Director Kerr, Chief Cornett, Lt. Forsyth

2. Citizen's Comments

Terri Hack, speaking on behalf of Dart/Lowes, said the resort is very interested in noise abatement and would like to be involved in this conversation. She wants to make sure the ordinance has "enough meaningful definition in which we can successfully manage the resort operators within that content."

3. Purpose

Discussion of proposed amendments to the noise ordinance

Administrator Fragoso, referring to a PowerPoint slide deck, reviewed the problems to be solved with an amended noise ordinance: livability concerns as it relates to short-term rentals, establishing allowable daytime and nighttime noise levels, and establishing objective noise measurement protocols for the Police Department to enforce. She would like to see the Committee recommend to the City Council an ordinance that is comprehensive, enforceable, and sustainable for the future.

Discussion ensued about the current noise ordinance and its deficiencies. Chief Cornett reviewed the definitions of daytime and nighttime noise, noting that a violation of "one's repose" varies from person to person. He believes the current times separating daytime and nighttime are appropriate and fair for both commercial and residential areas.

Administrator Fragoso reminded Committee members that the recent short-term rental listening sessions revealed that people often do not call the police for noise concerns because they don't want to bother them, which then makes it a challenge to mitigate the problem if people don't report it. She said, "We do need help from the community to make us aware of the problematic areas."

Chief Cornett said they are working to fill the part-time code enforcement position so that person can address noise complaints among other things.

Specifics about noise levels from the Kiawah Island and Mt. Pleasant ordinances were briefly discussed.

When discussing where decibel levels would be read, Council Member Anderson said she would like to see how other communities handle taking those measurements from elevated areas such as decks and condominiums. Chief Cornett said officers would only be able to take readings from elevated spaces if they were invited into the home. He would also like to take some noise readings from elevated spaces before anything is added into the ordinance about that.

Director Kerr said, “I would think that the spirit of the ordinance is if it is over that threshold anywhere on the complainant’s property, I think it is written so that they know that under normal circumstances, you take it at the property line, but I think it could be expanded to say if anywhere on the property, if it is above that threshold, and it is taken properly so it is not picking up the washing machine, that that would be also a violation” as long as the measurement is taken outdoors.

Discussion ensued as to appropriate or acceptable noise levels in commercial and residential areas. Exemptions for special events were also discussed. Ms. Hack added that the resort has removed the 360-degree speakers and is working to mitigate the noise as much as possible. She would like the ordinance to be specific enough to give the resort operators something to work with. Council Member Anderson said that the ordinance will not tell them what to do, but it will be up to them to mitigate the noise. She would like to see a list from the resort of the noise abatement measures they intend to take. Ms. Hack said they have discussed hiring a sound engineer to help with those measures.

Committee members discussed whether all commercial zones – Front Beach, the Marina, and Wild Dunes – need to be treated similarly or differently with regards to acceptable decibel levels. Council Member Hahn suggested setting the decibel level for the GC-2 zone at 85 and then adding the ability to request a special exception to the ordinance.

Director Kerr said, “I would suggest that we change the term ‘commercially zoned district’ to ‘commercially used property.’ And then carve out the GC-2 in Section 5 because the zoning on the property (Wild Dunes) is planned development. It is not truly a commercial zoning...G5 would GC-2, which is not a problem, which is the Front Beach and Ocean Boulevard, that commercial district. And then C2 to be ‘commercially used properties.’ That would cover the rest of GC-1 and anywhere in the PDD that is commercially used.” He further clarified commercial use of a residential property does not entitle a homeowner to the higher decibel levels allowed in commercial districts.

Staff will have the City Attorney review all the suggested additions.

Council Member Anderson asked how the ordinance will deal with measuring noise at abutting commercial and residential properties. Chief Cornett said, “I think to be fair, if we are measuring from the residential, where the complaint is, that is what that standard is. I think that would be the fair way to address our residents because it is a quality of life for them, and this is where all

of this has originated.” He said this issue should be addressed clearly in the ordinance to “take away that gray area.”

Discussion of where to take decibel readings in such situations ensued. Chief Cornett said the City will lose in court situations where a commercially zoned property is allowed noise at a higher level but is then ticketed for exceeding that level because it abuts a residential property. Director Kerr said staff will review how other communities deal with that situation.

Administrator Fragoso then reviewed with Committee members the exceptions found in the current ordinance to ask if they would like to see them in the amended ordinance.

Council Member Anderson asked Chief Cornett “where the holes are” that need to be addressed. He said, “I think this is a pretty strong ordinance. It is the strongest noise ordinance I have worked with in my law enforcement career, the draft would be. It is enforceable. It is something that is easy to take to court. It is easy to testify to. It is easy to defend in a court setting.” He spoke about repeat offenders and prolonged events that could lead to higher fine amounts. He also likes how abatement could include the revocation of business licenses as the short-term rental ordinance does. He said officers address the totality of circumstances in every situation and how they address fines for noise ordinance violations will be discussed internally.

Council Member Hahn shared information on a service, noiseaware.com, that he would like staff to look into to see if it could become part of the ordinance.

Administrator Fragoso said staff will draft a revised ordinance to present to the Committee at a January meeting. Council Member Anderson would like the City Attorney present at that meeting.

4. Adjournment

Council Member Hahn made a motion to adjourn, and Council Member Streetman seconded the motion. The meeting was adjourned at 4:52pm.

Respectfully submitted,

Nicole DeNeane
City Clerk