



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