



CITY COUNCIL MEETING
6:00pm, Tuesday, March 28, 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 (via Zoom), Miars, Pierce, and Mayor Pounds

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

2. Citizen's Comments

Al Clouse's comments are attached to these minutes.

Valerie Krause said she does not believe Mr. Clouse to be unreasonable in his requests or actions regarding the noise emanating from the Sweetgrass Inn. She said he is passionate and "justifiably angry." Their neighborhood sees him as their spokesperson. She said it would be better for the Isle of Palms to follow the new noise standards set by the Town of Mt. Pleasant rather than a city like Charlotte. She relayed a story of a recent noise-related incident involving the Sweetgrass Inn, adding that it is evident the Sweetgrass Inn cannot police itself.

Glenda Nemes asked City Council to be "resident friendly" when setting policy regarding residents securing short-term rental licenses. She believes the marina restaurant neither wants or needs the elevator and said the restaurant is already ADA compliant. She said she did not understand why citizens were limited to three minutes in their comments but that others were allowed to make longer presentations. She believes residents should be permitted to speak first. She is unsure why the City should be giving more money for an event that the CVB would be sponsoring.

George Nabb said that he seconds all of Mr. Clouse's statements. He said it is "disheartening" that the Sweetgrass Inn is not being held accountable for its noise violations and knows he would be ticketed for the same behavior.

3. Special Presentations

A. Recognition of Captain Swain's graduation from the FBI Academy

Mayor Pounds and City Council recognized and congratulated Captain Swain for his March 16, 2023 graduation from the FBI Academy.

B. Lavonda Brown, Executive Director, YWCA -- 2024 Martin Luther King, Jr. Event

Council Member Anderson explained that the YWCA would like to hold a VIP reception prior to their Martin Luther King, Jr. events next year at the Wild Dunes Resort. She would like the City to consider co-sponsoring the event along with Wild Dunes and the Charleston Visitor's Bureau.

Ms. Brown said, "Nothing would make me happier than to be able to bridge the gap between what the YWCA has been doing celebrating and honoring Dr. King for 51 years. We have been doing that. We are the longest and largest celebration in tribute to Dr. King in the state of South Carolina. We do our MLK breakfast which brings about 700 local leaders, faith leaders, and corporate leaders together at the Gaillard. We have a parade downtown, and we have recently moved our ecumenical worship service to North Charleston. My goal has been to bridge the gap between all of these communities. So for me, this would really be a part of my strategic plan to bring the YWCA and this tribute to Dr. King, who really talked about a beloved community where we are all welcome and we can all live in harmony. This will be an opportunity to bring people across the bridge and experience this community."

Council Member Anderson suggested that ATAX funds could be used to sponsor the event.

4. Approval of previous meetings' minutes

- A. Special City Council Executive Session – February 28, 2023**
- B. City Council meeting – February 28, 2023**
- C. Special City Council Workshop – March 14, 2023**
- D. Special City Council FY 24 Budget Workshop – March 21, 2023**

MOTION: Council Member Streetman made a motion to approve the minutes and Citizens Comments, and Council Member Ward seconded the motion. The motion passed unanimously.

5. Old Business

A. Consideration of changes to Short-Term Rental application requirements

Administrator Fragoso said that some of the items regarding enforcement on the "Things to Consider" sheet in the meeting packet will be discussed with the Public Safety Committee next week, including the Fire Safety Checklist. She reported that staff has reworked the Fire Safety Checklist: "The new version is in your packet. I think it is much clearer where it says what is currently required by different building codes, residential codes, the fire code, and the section of those codes where those are listed. The recommendation from the Administration and from the Fire Department would be that the City require an acknowledgement by the property owner, recognizing knowledge of these rules and requirements and actually certifying that they are in compliance with what we've talked about."

Staff continues to discuss additional considerations for City Council's review. Chief Oliverius visited with the IOP Chamber of Commerce looking to engage the rental community in discussions regarding fire safety concerns and short-term rentals.

Discussion ensued about the suggested increase to the short-term rental license fee. Several Council members noted that the increase is not intended to keep people from getting short-term rental licenses but to help cover the cost of the short-term rental coordinator position.

Council Member Bogosian asked about the implementation of some of the suggestions from staff. Administrator Fragoso responded that some items on the list are “administrative policy meant to ease the burden of managing and implementing and enforcing these ordinances,” while others will need policy approval from Council in the form of ordinances.

Council Member Miars asked if it would be possible for the Fire Department to do random spot checks at rental units to verify they are complying with the items on the fire safety checklist. Administrator Fragoso said staff would look into that possibility.

Council Member Pierce asked about the timing of implementation for some of these items. Mayor Pounds said the next draft of the FY24 budget will include the impact of the fee increase. Administrator Fragoso pointed out that the fee increase will need to be done via ordinance which requires two readings.

Discussion ensued about which items on “Things to Consider” and Fire Safety Checklist are administrative changes and which are policy changes that need deliberation by City Council.

MOTION: Council Member Pierce made a motion directing staff to draft the ordinance implementing a fee increase to \$550 for short-term rental licenses. Council Member Anderson seconded the motion.

Council Member Ward explained why he believes the fee increase is exorbitant and that he will not support the ordinance.

VOTE: A vote was taken as follows:

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

Nays: Popson, Streetman, Ward

The motion passed 6-3.

B. Discussion of paramedic program

Chief Oliverius spoke to why the addition of a paramedic program to the City is a “unique and important initiative to consider.”

Council Member Hahn noted that Charleston County EMS has stopped putting paramedics on all ambulances, reasoning this is why such a program needs to be added here.

Council Member Anderson shared that while adding such a program could result in a tax increase, the Wild Dunes Community Association Board unanimously agrees they would support such an increase for the service.

6. **New Business**

A. **Approval of Short-Term Rental Coordinator position**

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

Mayor Pounds said that this position is being approved now so that the search for the right person can begin ahead of FY24. Council Member Anderson asked what would happen to this position if the short-term rental fee increase does not pass. Administrator Fragoso said they would need to find those funds from somewhere else in the budget since the position has been approved by Council.

VOTE: The motion passed unanimously.

B. **Consideration of proposal from Coastal Architects of an amount ranging between \$60,000-\$90,000 for the design and development of construction documents to install elevator at the marina restaurant**

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

Council Member Streetman reminded Council members of the commitment the previous Council made to go above and beyond the required ADA-compliant measures to make disabled individuals feel welcome in the community. He believes that while the restaurant is ADA compliant, adding the elevator would be what Council considered “above and beyond.” He would like Council to consider spending the money for the feasibility study and ask for a ruling from TERC to determine if ATAX funds can be used to pay for the installation of the elevator.

Council Member Miars said that a feasibility study has already been done and believes the cost of installing the elevator will be close to \$500,000. She does not agree with putting in an elevator that will put disabled persons on a floor of the restaurant where the bathrooms cannot be made ADA compliant.

Council Member Anderson said she would like to see what a feasibility study would reveal, adding that there is a limit to what should be spent to add an elevator.

Council Member Pierce asked who would be responsible for paying for the service and maintenance of the elevator.

Council Member Popson said he supports Council Member Streetman’s sentiments and would like the feasibility study done. However, he thinks the cost of the construction documents to be excessive.

Council Member Streetman withdrew the original motion to amend it. Mayor Pounds withdrew his second.

MOTION: Council Member Streetman made a motion to spend \$20,000 for a feasibility study on the installation of an elevator at Islander 71. Council Member Anderson seconded the motion.

Council Member Bogosian expressed concern about spending money on a feasibility study if the Council is not committed to spending the money on the elevator.

VOTE: A vote was taken as follows:

Ayes: Anderson, Popson, Streetman

Nays: Bogosian, Hahn, Miars, Ward, Pierce, Pounds

The motion failed 3-6.

C. Consideration of installing an appreciation plaque at the Recreation Center honoring Norma Jean Page, former Recreation Director

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

D. Consideration of 2023 surfing application from Monica Becerra, Share the Stoke

Mayor Pounds said the location of this surf camp will be somewhere between 25th and 30th avenues.

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

E. Discussion of having residents speak first during Citizen's Comments

Mayor Pounds referenced a recent communication from the Municipal Association about policies in other municipalities regarding citizen's comments.

City Attorney McQuillin said, "So as I understand it, you have 30 minutes allocated for speakers, and so if you have a really hot button issue, short-term rentals, whatever, like the last meeting where you had a ton of people show up, if it's residents first, there maybe non-residents potentially that can't speak on the issue which I think gets you in trouble. The way I have seen it done, the way we do it on the school board is first come, first serve basis. That way you cannot be accused of being unfair or trying to exclude somebody's thoughts or public comments or anything like that. The issue is if you open the door and you create the public forum but then based on your rules you exclude somebody, that is where you get in trouble. And so, at least from a legal standpoint, it would be concerning to me if there is an issue where a lot of people want to talk, that an issue that affects not only residents but non-residents and they are not permitted to talk because residents get to speak first."

Administrator Fragoso said she spoke with neighboring communities about their policies and did not know of one that that did anything but first come, first serve when it came to public comment. She said some communities do not allow public comment during City Council meetings.

City Attorney McQuillin added, “I would be concerned about that [allowing only residents to speak] if you’re opening this up as a public forum to allow people to express their concerns, and it’s an issue that affects residents and non-residents, whether that is parking or whatever, and some people can speak and others can’t. I feel like if you open that door, you have got to open it for everybody.”

With regards to written comments, City Attorney McQuillin said, “It makes it less risky that someone would challenge it or make an issue of it, but somebody could still challenge it and say submitting a written comment isn’t as effective as looking at a Council member in the eye and addressing them and speaking to them publicly.”

Mayor Pounds noted that the public comment periods have been extended numerous times to allow for everyone to speak even those who had not signed up.

Council Member Pierce said, “I think a lot of this was generated perhaps from the last meeting where we had one specific non-resident come and make some comments about the residents that kind of resonated, and there was, I think, some blowback that maybe we should either restrict or at least reorder the residents and non-residents. And I don’t think anybody wants to either cut anybody’s time or not let anybody speak. At least I don’t. But I think that was more of a let the residents speak first, and if we ever had a situation where we did have to cut time that at least the residents would be heard. But I think Mac, and your later advice, that probably the best thing to do is to kind of leave things the way they are. I would like to see that maybe, we can make it really crystal clear that when people get up to the podium, whether or not they are a resident or a non-resident and what their interest is in speaking, I think that would be helpful, and if things get out of hand, like they might have gotten out of hand at the last meeting, that either one of us or some of us use the gavel to try to get those comments a little bit more under control.”

Council Member Streetman said that no one has ever been kept from speaking. Council Member Ward would like to have citizens state their names and addresses at the beginning of their comments.

F. Consideration of City sponsoring and co-hosting MLK reception with YWCA of Greater Charleston, Explore Charleston, and Wild Dunes Resort

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

Council Member Anderson emphasized the importance of such an event to the Isle of Palms, believing it will bring people to the island in the off season and increase awareness of the island. She said this will be a new event added to the YWCA’s Martin Luther King, Jr. celebrations.

Mayor Pounds said that at this point in time the Council is only voting on whether or not to be a cohost of the event. Any financial expenditure will be brought to the ATAX Committee and City Council for a vote at a later time.

VOTE: The motion passed unanimously.

G. Consideration of approval of notice of intent to purchase Caterpillar front loader for Public Works in FY24

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

7. 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

8. Ordinances, Resolutions, and Petitions

A. Second Reading

Ordinance 2023-01 to provide regulations for dogs biting, chasing, or attacking

MOTION: Council Member Ward made a motion to approve and waive the reading, and Council Member Hahn seconded the motion. The motion passed unanimously.

B. First Reading

i. **Ordinance 2023-03 – to require law commercial services to remove yard debris from residential and rental properties.**

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

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

Nays: Ward

The motion passed 8-1.

ii. **Ordinance 2023-04 to increase from two to four the number of resident parking decals that may be issued to non-resident property owners**

MOTION: Council Member Anderson made a motion to approve, and Council Member Hahn seconded the motion. The motion passed unanimously.

C. Resolutions and Petitions

Resolution 2023-02 – to support the adoption of H.3620 Clementa C. Pinckney Hate Crime Act

MOTION: Council Member Ward made a motion to approve and waive the reading, and Council Member Anderson seconded the motion. The motion passed unanimously.

9. Executive Session

10. Adjournment

Mayor Pounds shared dates of upcoming events including the change of recycling day starting on April 6, the Easter Egg Hunt (4/7), Shred Day (5/9), and a hurricane expo on May 16. Details are on the calendar at iop.net.

Council Member Ward made a motion to adjourn, and Council Member Hahn seconded the motion. The meeting was adjourned at 7:35pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

City Counsel 3/28/2023; Clouse Comments.

We are respectfully requesting Council to assure and commit to us, in writing, our administration will enforce Ordinance 9-2-5.

Specifically, 9-2-5 (c).

The Sweetgrass Inn has egregiously violated said ordinance for over two (2) years.

Given the verbiage in 9-2-5 (c), we adamantly request you provide the Sweetgrass Inn written notice regarding your new position on said ordinance, which will result in the discontinuance of the daily 2 to 5 afternoon amplified concerts; and any other applicable event.

We have been engaged with the City for almost a year now. Typically, as scrutiny becomes increased on an entity (Sweetgrass), you would expect their behavior would improve. Actually, our experience has been just the opposite. Sweetgrass continues its egregious behavior, they get a pass from IOP Police, they go on as if the law does not apply to them. Why wouldn't they!

This happens over and over and over. We get a lot of sorries. Factually, Sweetgrass is unable to police themselves, per the March 2, 2023 incident from 10:15 PM to 11:00 PM, requiring Sweetgrass security 45 minutes to silence loudly talking guests. We reported to the police at 10:30PM, no clue as to the response.

Our response regarding Mrs. Haack's Public Comments on 2/27/2023:

I am the author of pages 71 thru 73.

Front Beach allowed 85 dBA's is fine. Not a double standard as she states.

We are fundamentally opposed for Commercial properties located in dense residential communities to be allowed more than 50 dBA's.

National Institute for Occupational Safety and Health ("NOSH") recommended exposure limit is 85 dBA's. This would be applicable to the resort's employees, however, not to the residents who live in the area.

She wants more decibels, at least 80 dBA's. More hours (15 not enough) for special events, more special events from 4 to 10. Our response is hold these events in the convention center, as they did previously. If their business model is to make a bunch of money, on a bunch of people from out of town, who want to let their hair down and raise hell all hours of the day and night; we suggest they need a new business model or a new location, or maybe both.

And, she reminds us the "resort generates significant accommodations taxes for the City". We all know we get a very small portion of the total generated.

Without the above, Mrs. Haack states "contracted groups and weddings may be forced to cancel".

Based on the abuses we have been exposed to the past two (2) years, day and night, the Stockholm Syndrome will not work on us.

			<p>City Council Members, thank you for your service. Respectfully, I have several questions regarding the minutes and information package that you are reviewing at your council meeting on 2/28/23. First, 'public safety committee meeting' pages #71, #72, #73 are not attributed to anyone, is this the official work of the city council committee members or was this submitted by a concerned resident? It's important to clarify the author of these remarks.</p> <p>Regarding the proposed Ordinance 9-2-5 "noise" page 84, please consider the following:</p> <p>Page #86 c #2: 70 dB for commercially zoned properties, yet on page 89 #5 Front Beach (GC-2) is allowed 85 dB (why the double standard for commercially zoned areas?) Not wanting to impact front beach, yet, a higher level dB for commercially zoned areas in IOP is appropriate (please see page #93, according to NOSH (National Institute for Occupational Safety and Health) and the Noise Infographic attached, recommended Exposure limit is 85 dB. Commercially zoned areas should be allowed at least 75-80 dB. Also, on page #90 c. Only 15 hours per year for special events is very limiting, equating to only approx. 3 to 4 events per year. This is impractical for a resort generating significant accommodations taxes for the city, and for groups already contracted for 2023 for events on the SGI pool deck. The resort recommends 8 - 10 events per year, particularly in 2023, as contracted groups and weddings may be forced to cancel. Thank you for the opportunity to submit these comments and for your consideration.</p>	City Council
2/27/2023 1:12 AM	Mrs Terri A Haack	Wild Dunes Resort, 5757 Palm Blvd, Isle of Palms, South Carolina 29451		
2/27/2023 12:18 AM	Paul Wessels	1385 Classic Court, # 350, Mt Pleasant, South Carolina 29466	Please remove pickle ball lines from tennis courts	Recreation Committee