



SPECIAL CITY COUNCIL MEETING -- WORKSHOP

5:00pm, Tuesday, April 11, 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, Pierce, and Mayor Pounds

Absent: Council members Miars and Popson, Director Kerr

Staff Present: Administrator Fragoso, various department heads

2. Citizens' Comments

Al Clouse's comments are attached to these minutes.

Terry McGowan, 3 Driftwood Lane, spoke about what he and his wife experienced during the shooting incident on the beach on April 7. He said "it is imperative for Council to take action to address the root causes of these flash mobs and to improve City intelligence gathering capabilities." He said the incidences of flash mobs are escalating and causing problems everywhere. He would like to see quicker use of emergency shutdown procedures. He would also like Council to consider the use of drones and horse-mounted patrols. He believes the Police Department needs an information officer and an analyst.

Terri Haack of Lowe/Wild Dunes submitted comments that are attached to these minutes.

3. Special Presentations

Presentation by Lobbying Firm Tompkins, Thompson & Brown

Boyd Brown of Tompkins, Thompson & Brown, spoke on behalf of the firm detailing the efforts they continue to work on in Columbia for the City's benefit. In addition to securing \$1.5 million for the marina dredging project, Mr. Boyd said they are looking into securing \$2.5 million for ADA boardwalks and \$6.5 million for stormwater.

Council Member Hahn asked if there was any "appetite" to overturning S40, which he said is unconstitutional. Mr. Brown said they would need direction from City Council to pursue that effort.

Council Member Streetman asked about the likelihood of stronger actions being put in place regarding illegal weapons in light of what was said at a recent press conference about the

shooting that took place on the beach on April 7. Mr. Brown said the House did pass some bond reform measures that the Senate is discussing now.

When asked about ATAX monies, Mr. Brown reported that many municipalities believe the 30% number is too high. Columbia would like to have joint conversations with municipalities and the direct marketing organizations to come up with a solution. He encouraged the City to continue working with the CVB and to come to them with statutory changes they would like to see considered.

4. Dashboard of City Operations

Administrator Fragoso said revenues and expenses are tracking well so far in FY23. She pointed out the effects of increased enforcement efforts from the Police Department as well as a significant increase in the amount of calls for service for the Fire Department. Part of that increase had to do with the automatic aid agreement and the Town of Mt. Pleasant being down one ladder truck. An effort will be made in future reports to track automatic aid calls separately.

The number of short-term rental licenses as of 3/31/2023 is 1,786.

She reviewed the vacancies across City departments and encouraged everyone to visit the calendar on the City's website to see the details of upcoming events.

5. Department Reports – in the meeting packet

6. Strategic Plan Policy Initiatives and Priorities

A. Livability

i. Discussion of changes to the noise ordinance

Administrator Fragoso said the version of the noise ordinance in the meeting packet is the version that has been discussed by the Public Safety Committee. Council Member Ward believes 75 decibels is too high a limit. He also believes the ordinance needs more work at the committee level.

Administrator Fragoso explained the origin of the noise level limit: "So his [City Attorney McQuillin] recommendation was to simplify the noise ordinance. Initially he had recommended that the City look at just one decibel threshold that applied to everybody. And we went back to the Committee with that information. We were directed by the Committee to still have the change between residential and rental properties versus commercially used establishments. And then that is when we went back to the 60 and the 75. So that was reaffirmed by the Committee about two months ago. I believe the meeting in January or February. And then in March, the Committee made the recommendation to adjust section H, which talks about permits for additional amplification."

Council Member Bogosian agreed more work needs to be done on this ordinance. He said, "We are trying to get something that is quantifiable and enforceable, but I think the overarching principle of a noise ordinance is to be able to protect homeowners' quiet enjoyment of their property and their homes."

He also asked for a clarification on “excessive noise” and how that might be enforced. Administrator Fragoso reviewed the definition of excessive noise in the ordinance. She pointed to subsection 2 under excessive noise that establishes a list of criteria that an officer would look into to determine whether a noise is excessive. So the way this is drafted, I would say that even if a noise does not meet the maximum threshold, if it is considered to be excessive, unnecessary, it’s annoying somebody inside their house, I think this version of the ordinance would allow an officer to still deem it excessive.”

Council Member Pierce suggested the addition of a chart that details decibel limits for each zoning and the applicable times of day for each level.

Chief Cornett spoke to how this version of the ordinance would be enforced if passed. He said decibel readers have already been purchased and are being used in the development of this ordinance. With regards to “excessive noise,” Chief Cornett said, “I would focus on that one would be the two words in the beginning – unnecessary and unusual – that would be those things that don’t normally happen. There is something that out of the blue pops up, that would fall under that excessive noise.”

Council Member Streetman agreed the ordinance needs more work, adding that some of it seems to be unenforceable.

Administrator Fragoso said she would like to see something enforceable put in place before the season starts. Council Member Ward said the situation between the Sweetgrass Inn and the surrounding neighborhoods is unique and needs to be dealt with. Council Member Pierce suggested a carve out for just that area if that is the problem the ordinance is attempting to solve.

ii. **Discussion of IOP Connector Study**

Mayor Pounds said, “This survey of public opinion was conducted from January 14th to February 17th. There were just under 4000 entries, and about 7200 visits to the survey. The report that is in our packet summarizes about 3300 survey responses after scrubbing for duplicates. Most residents, about 48%, listed area code 29451, IOP and Dewees, as their home zip code. So good representation from IOP residents in this particular survey. Top two concerns for most participants were traffic congestion and the safety of bicyclists and pedestrians on the IOP Connector bridge. Participants’ priority ranking on the bridge primarily focused on reducing traffic congestion and improving safety for all users. And a lot of these comments are captured in the key written statements within the survey report. Fewer than 6% of comments received focused on emergency vehicle access. Concept 5, you may remember, adds a lane capacity on the bridge by adding a second lane towards Mt. Pleasant, received the highest rating with 50% of the respondents rating it four stars or higher. Keeping the existing configuration came second with 49% of respondents rating it four stars or higher. So we had some conversation about having the SCDOT here at the end of April for our Council meeting. Again, I think the survey kind of speaks for itself, and I don’t know that we need them here regurgitating survey numbers for us. But I do want to hopefully have them here for continued conversations about Palm Boulevard and the concepts that they have been working on with the same consulting firm.”

Administrator Fragoso added, “SCDDOT would be looking at direction from Council based on the results to see if there is any concept that we would like for them to pursue. More studies, whether it is some of these changes would include operational adjustments to both intersections, both at the island and at Rifle Range. When you look at the two-lane now, which was the highest-ranked option, that would require some evaluation of right-of-way acquisition. Those turn lanes, there’s that intersection to Riviera Drive up to Target, so there is a little bit more work that would need to be done from an engineering perspective and an operational assessment to determine exactly what would need to be done to effectuate that concept. Also identify cost that will ultimately yield to a discussion about timeline implementation. So I think at this point, SCDOT would be looking for direction from Council, and it could be done in the form of a resolution if there is a particular resolution that you would like for them to pursue.”

Council Member Ward questioned the validity of the survey answers. Administrator Fragoso noted that about half of the responses were from IOP.

Council Member Anderson said, “I’d just like to point out that since this survey was taken and the connector study was begun, one major thing has changed. What we do know from this survey is that there are two issues that are important to Isle of Palms residents – traffic congestion and safety. Safety we recently have addressed by proposing that we add paramedics permanently on the island to provide better emergency response times, by having them on the island. So that was something that was not available a year ago. That will be available going forward. So that is a safety item. With the alternatives that have been proposed by DOT, there is one that provides additional capacity on the road that will help relieve traffic congestion, and that is option 5. So in looking at these alternatives, that is those two items need to be considered together, and with paramedics on the island, and obviously my preference is for option 5. We would have both an increased capacity and much improved emergency response times on our island.

Council Member Hahn said, “This Council will do whatever this Council wants to do. I believe that we need to look at this from a safety perspective and not an expediency perspective, and I know everybody wants to get off the island fast. And the way this survey was created is like giving candy to a three-year-old. Of course, the three-year-old wants the candy. I get off the island fast. That has nothing to do with safety. And just in this last week we have had an ambulance wreck on the Connector, and we have had a head-on collision on the Connector. And both of those could be a result of not having an emergency lane. I think we need to pick option 3, but more importantly than that, I think we need to demand that SCDOT put a hard barrier between vehicles and the pedestrian/bicyclists, and there are barriers that meet all of their objections – weight and accessibility – and that will create a huge difference in the safety on that Connector.”

Council Member Streetman said that he prefers Option 5. He agreed with Council Member Hahn that barriers along a multi-use path are needed.

Mayor Pounds indicated that the Town of Mt. Pleasant is not discussing the survey results until their May meeting. He said, “I still think we do something on April 25th, so regardless of which option, it goes back to SCDOT for engineering, construction drawings, whatever needs to

happen, costing, are kinds of the next items that need to happen.” He does not believe SCDOT will move forward with any action until it receives input from the Town of Mt. Pleasant.

Council members Bogosian and Pierce also prefer Option 5.

Council Member Hahn suggested that the proposed resolution include no option preference but include the barrier request. Council Member Pierce agreed with that suggestion, while Council Member Anderson stated that barriers restrict the movement of emergency vehicles.

B. Environmental – none

C. Public Services

i. Discussion of Ordinance 2023-03 – an ordinance requiring commercial lawn services to remove yard debris from residential/rental properties

Council Member Streetman explained to the Council that after discussion with staff, the members of the Public Services & Facilities Committee will not be recommending this ordinance. It will appear for Second Reading on the April 25 agenda.

ii. Discussion of Ordinance 2023-04 – an ordinance to increase from two (2) to four (4) the number of resident parking decals that may be issued to non-resident property owners

Mayor Pounds said no changes were made to this ordinance in Committee, so it will be coming back for Second Reading on April 25. Administrator Fragoso explained the verification process for the distribution of the decals.

iii. Discussion of hiring a parking vendor for the island for the 2024 beach season and proposal presented by Pivot Parking

Mayor Pounds said staff has spoken with Pivot Parking about phasing in a portion of their proposal this year to allow for more officers and BSOs to be dedicated to monitoring the beach.

Council Member Pierce requested 5-year projections on both financial options proposed by Pivot Parking. Administrator Fragoso explained why an RFP was not done for this initiative: “When we started looking at this, we approached two companies that had participated in an RFP process in this state within the last 12 months. That is an exception that is included in the City’s procurement code. It is our option. It is up to City Council essentially to decide do you want to take advantage of that provision and that exception in the procurement code, or do you want to go out for RFP. I think we mentioned that at the Public Safety meeting we just wanted to take advantage again of that opportunity to at least understand what the fee structure would look like.” It would take 60-90 days to get proposals back if Council decided to move ahead with an RFP.

Administrator Fragoso clarified what is being asked of Pivot for this season: “They have proposed about having within 30 days being able to staff up to provide not the software that they use for the parking management, but just the personnel to carry us through the season, which would not be a full contract.”

Council Member Bogosian also requested economic models for each option. He agrees with the concept, but he has other questions he would like answered. Staff will ask representatives from Pivot Parking to attend the April 25 Council meeting.

Chief Cornett said that with the demand for increased enforcement efforts, having another company manage parking will be very helpful.

Council Member Anderson said Pivot Parking's references should be checked.

D. Personnel

Update on Finance Director hiring

Administrator Fragoso reported that 6 people have been interviewed for this position. A meet & greet for Council and staff with the top two candidates is scheduled for April 25. She noted that this process has been more difficult than anticipated.

E. Other items for discussion

i. Discussion of resolution for prostate cancer tournament

Mayor Pounds said this resolution recognizes Gordon Wheeler's work with this tournament that has become the single largest fundraiser for prostate cancer research in the state.

ii. Discussion of Local Comprehensive Beach Management Plan

Administrator Fragoso said the Plan has been prepared and is currently out for public comment. Feedback from OCRM staff and consultant led to changes related to turtle nesting, parking counts for the IOP County Park, and the inclusion of the handicap parking spots now at the 34A Beach Access. They anticipate OCRM's approval of the Plan. City Council will vote on a resolution to adopt the Plan on April 25 and then it will go to OCRM for adoption.

She added that this was the 5-year review of the plan and it was bigger than expected.

7. Financial Review

A. Financial Statements and Project Worksheets

Director Suggs said property taxes are slightly ahead of budget. Forecasts predict that line item to exceed budget by about \$238,000. Business licenses and rental licenses are currently under budget but are due by April 30. She said it will be a month or two before they can evaluate how well those items are doing against the budget.

Director Suggs said, "The forecast is based on the last 12 months actual, so general fund revenues we are forecasting to be \$1.5-\$2 million better than budget. General fund expenditures are being forecasted at being over budget by \$820,000. \$541,000 of that is related to one-time payroll adjustments that were approved by Council."

Tourism and LOST revenues continue to run higher than budget and higher than the prior year.

She reported that the City has received \$1.5 million from SCPRT for the marina dredging.

No State or County ATAX pass throughs have been received yet. Hospitality taxes are strong and running 20% ahead of FY22.

The City's cash balances are currently \$38 million.

Director Suggs said, "One thing to keep in mind with the Local Option Sales Tax, the City's practice is when we are at millage setting time, the City also gives to the County a Local Option Sales Tax credit factor, and we calculate that two ways based on the previous fiscal year's actual and the budget for the upcoming year, and we use the higher of those two numbers. The goal being to give property taxpayers the biggest credit we can. The City does not have to give 100% of the Local Option Sales Tax back by State law, but the City always has done that so long as we continue to have really strong Local Option Sales Tax collections. We can make the tax credit, we can possibly make the tax credit factor higher which would serve to bring down people's property tax bill."

Three payments were made out of the marina improvements fund and there were no changes to the Phase 3 Drainage worksheet.

B. Discussion of FY24 Budget

Mayor Pounds reviewed the changes and additions in the second and third drafts of the FY24 budget. Council members agreed to his suggestion that the second half of the ARPA funds be designated for drainage projects. The entire cost of the Waterway Boulevard project is included in the new draft of the budget. However, the City has applied for a grant which the grant writer feels very positive about receiving. The City should hear about the grant award in the second quarter and cannot begin work on the project until they know about whether or not they've received the grant. The cost of adding three paramedics has been added to the City's State ATAX budget.

Mayor Pounds reviewed some funding strategy alternatives. He said, "Both drafts reflect adding significant services for our residents and visitors with 10 new employees, six paramedics, three short-term livability positions, and one public relations and tourism coordinator."

Council Member Bogosian said the projected decreases in funds at the end of FY24 feels like the City is living off of its savings.

Mayor Pounds suggested a combination of drafts 2 and 3 of the budget by phasing in the paramedic program, splitting the fire department exhaust systems between Municipal ATAX funds and Capital Projects, and reducing the undergrounding projects.

Council Member Bogosian suggested adopting draft 3 of the budget and adding the short-term rental revenue bump from the fee increase.

Mayor Pounds suggested increasing the short-term rental application fee by only \$100 and transferring the rest from tourism funds. Administrator Fragoso pointed out the City could see an increase in short-term rental revenues with the increased focus on compliance and better reporting.

Mayor Pounds also suggested a placeholder for any suggestions that were realized from an updated wage and compensation study. After a brief discussion, the cost of the study will be added to the budget but not a placeholder for any new wage assumptions.

Mayor Pounds reviewed the key initiatives in the FY24 budget. Administrator Fragoso added that only \$175,000 of the \$700,000 designated for the design and permitting of the next beach renourishment project will be used in FY24.

The First Reading of the budget will be at the April 25 City Council meeting followed by the Public Hearing and Second Reading on May 23.

8. **Procurement**

9. **Capital Projects Update**

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

Administrator Fragoso said not a lot of work has been done at 30th Avenue lately because the contractor is waiting for some materials. Work will continue as the materials become available.

Design work for the junction box at 36th Avenue is ongoing, and further work in that area will likely be after the season as the road will need to be closed for approximately 10 weeks.

The Army Corps of Engineers' permit for the 41st Avenue project has been received, and the City is waiting for the SCDOT encroachment permit.

B. **Comprehensive Drainage Masterplan**

Administrator Fragoso anticipates Davis & Floyd making its presentation of the Drainage Masterplan at next month's meeting.

C. **Overhead to Underground Conversion at 21st Avenue**

This project is complete. Administrator Fragoso will provide Council with an updated list of undergrounding projects.

D. **Pickle Ball Court Construction and Basketball Courts Rehab**

This project is also complete. A ribbon cutting ceremony is scheduled for Monday, April 17 at 10am.

E. **Public Dock Rehabilitation and "T" dock improvements**

Administrator Fragoso reported that the comment period for the Army Corps of Engineers' permit has closed and the comment period for the OCRM permit is open until April 27. The design work for the dock is contingent upon OCRM approving the proposed width of the pier to 16' wide.

F. Marina Bulkhead and Boardwalk

Administrator Fragoso said minor electrical work needs to be completed and low lights installed along the railing of the bulkhead.

She added, “I know Douglas has been working with Robert and Donnie and the contractor on some erosion we are seeing on that side that abuts the parking lot. So they have been working with a contractor to get that corrected.”

10. Legislative Report

11. Miscellaneous

Administrator Fragoso said of the shooting incident on April 7: “As you all know, this is a pending investigation that the Police Department is leading. They have been conducting internal debriefing sessions, and we plan to have an after-action review tomorrow afternoon internally. Our plan is to develop some recommendations for Council to review. I know that I have had conversations with the Chair of Public Safety about when we are scheduling and having the next Public Safety meeting. But please know that we are taking this very seriously, and if there are any changes in the way that we responded or any additional resources that we may need to enhance our first responders and Public Safety folks. We will be making those suggestions and recommendations to Council. But I will say I am incredibly proud of the team that we have. If you see them in action, you would be as well, and I know a lot of you have. Not a very easy situation that they have to go through, and one that they handled with a lot of grace and professionalism. So I think you all should be very proud of the staff that the Isle of Palms has.”

12. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Streetman seconded the motion. The meeting adjourned at 7:38pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

City Counsel 4/11/23; Clouse Comments (Meeting #10 since 4/13/22)

An awesome shoutout to our first responders regarding last Friday's continuous contentious world of reality. They found us!

We urge you to review documentation regarding an additional call by our first responders dated 3/31/23 at the Sweetgrass Inn.

Friday 3/31/23 at 9:19 PM, I called the IOP Police regarding an extremely loud party at the Sweetgrass. Several people were outside, doors not closed. Approximately 15 minutes later, I hear a number of sirens; fire engines and police car lights. I am thinking, wow, our guys are all over this; awesome. Actually, as the process evolved, our first responders were addressing someone injured in the fire lane adjacent to Path 58. Thankfully, Palm Blvd was not blocked by vehicles who service Sweetgrass, which has been documented, allowing vehicles access to the Fire Lane. Per Chief Cornett, a larceny had been committed, one of the perpetrators fled with a stolen backpack; the other failing to negotiate the fence, was injured, thus the reason for all the first responders. Subsequently, the escapee was captured with the stolen backpack. Another shoutout for our side! Thank you!

Question: where was the resort's security and the size of the detail. We see people jumping the fence all the time; calling it to the resorts attention. Is said fence to keep people out or to keep people in? It certainly does not keep the noise in. The loud event created a great distraction for the perpetrators. Further proof the resort does not police itself, because it costs money!

Fifteen (15) days ago (March 28, 2023) we respectfully requested Council provide us written assurances our Administration will enforce Ordinance 9-2-5. Still awaiting said document. You have my email address.

In your meeting packet, the administration continues to present a false narrative regarding the recommended noise exposure limit of 85 dBA's. They continue to illustrate NOSH standards; which are Occupational; like a construction zone. Not applicable for residents living in residential areas, which abut and are adjacent to Commercial Properties.

What is the reason you are not reviewing more meaningful standards? For example, EPA maximum outdoor noise level is 55 dBA's. Secondly, NIH, EPA and WHO state prolonged exposure to environmental noise levels above 70 dBA's leads to permanent hearing loss. What is the reason the above is not in the administration's narrative? Our recommendations, which continue in end up in a black hole, are in the 2/14/23 Public Safety Meeting Minutes!

We ask you: who is more knowledgeable regarding our health and livability, the EPA or the IOP Administration?

Is it the accommodations taxes, which the resort continues to flaunt in front of the council?

Current Proposed Noise Ordinance Section (h) has migrated from 15 hours a year to 5 days; allowing 85 dBA's for durations of up to thirteen hours per day. Totally unacceptable and "unreasonable"!

The proposed "exception" is an administrative nightmare, totally skewed for commercial properties. Residents are not provided with an avenue to object to the above; a total cram down. Sub Section (e) Denial (which is actually 5.) will result in a classic arm twisting contest; carving residents out of the process. Where is our due process?

We believe it is time to hold all parties of a contract accountable for noise violations.

The resort's "Sound Study" , which they committed to provide to all of us, scheduled for completion the week of 3/13/23.....a month ago.....no where in sight.

Submitted by Al Clouse 4/11/23
COPY

COMMENTARY

"HIGHWAY TO HELL"; PROPOSED NOISE ORDANANCE

by Al Clouse

The IOP administration's recently crafted proposed noise ordinance, which is unacceptable, will not work for a number of IOP residents. Said proposed ordinance has a number of finger prints on the current iteration; other than the administrators, all are arguably commercial smudges. Resident's finger prints did not make the first draft; looked good at the time, however, disappeared like Houdini.

A Sterile Environment:

We have nine (9) city council members who have a moral obligation to protect the citizens who live on the IOP. Does not matter what has previously been stamped on each respective council member's forehead, "residents" or "commercial"; first and foremost, they are human beings.

We, and six (6) additional property owners all abutting and adjacent to the Sweetgrass Inn, also human beings (not a gang), have been egregiously abused by our new neighbor to the north; a new hotel, a/k/a the Sweetgrass Inn, a Lowe/Dart enterprise ("resort"), an artificial being.

The WDCA board has miserably failed their fiduciary duty; unconscionably carving us out of their empire, except for dues. Conveniently, Lowe's SVP Terri Haack has a board seat. On March 3, 2023 Debbie Stanley, President, publicly acknowledged the board is not morally obligated to aid us in this situation. Further solidifying the board's "joined at the hip relationship" with the resort. No, it is not complicated.

The Facts:

The Sweetgrass Inn, a concrete horseshoe, was purposely designed to deflect noise to the south, directly towards a seasoned residential community. Somehow, the approval process did not include notification to residential properties abutting and adjacent to the proposed site; thus extinguishing residential property rights. You would think common sense and a sense of duty would prevail, with the approval body notifying those who are in harms way. Shame on us for not checking the IOP web page on a daily basis to monitor catastrophic events in our neighborhood.

During the past two (2) years, said abuses, many in long duration, are comprised of, but not limited to: Service deliveries at 4:00 AM; Building maintenance at 6:00 AM; Trash pickup at 6:00 AM; 2:00 PM to 5:00 PM Daily Outdoor Amplified Concerts; Obnoxious loud ballroom and rooftop bar events at night; Hooping and hollering all hours of the day and night; Late night after parties; Unsupervised day care; Athletic competition; Food trucks; Company picnics; Outdoor company celebrations (J & J's Concert from Hell) at night.

The hotel's abuses resulted in: Annoyance; Nuisance; Sleep depravation; Sleep disorder; Disturbances which prevent property owners from utilizing their property amenities they are taxed on; Livability; just to name a few. National Institute of Health ("NIH"), Environmental Protection Agency ("EPA") and World Health Organization ("WHO") identify noise, which aligns with the hotel's abuses, is detrimental to one's health.

To combat said abuses, said property owners have called the IOP Police, who are human beings, over forty (40) times, which resulted in five (5) citations (all in one (1) night). Based on my junior high math skills, not IOP Math, an extremely low citation to complaint ratio.

The Sweetgrass/Hyatt/Lowe/Dart web has consistently demonstrated their inability to police themselves. We believe this is by design. Their modus operandi is: we will do what we want, as long as we want, where we want; we will wear you down; we will tear you down!

To further complicate the situation, the resort convinced the administrators, I am an "unreasonable person". Thus, allowing the resort a "get out of jail card" regarding 9-2-5 (c). Said section addresses "Amplified Music—Daytime Play. "It shall be unlawful for any person, entity or establishment to play, operatein such a manner or with such unreasonably loud volume in the circumstances as to disturb the quiet, comfort or repose of any reasonable person of ordinary sensibilities in any dwelling or other residence". I am still waiting on my induction ceremony invitation from the Governor.

The Reality:

As you may remember, we previously exposed the IOP Police's conflict of interest when working for the Sweetgrass Inn. Demonstrating the IOP Administrators, who are human beings, are not capable of keeping our Police out of harms way; not leading by example.

We have presented nine (9) times to Public Safety Committee ("PSC") and City Council ("CC"). "Frequent flyer status;" qualifying for our own name plate, compliments of Mr. Hahn.

The IOP administration has proposed different iterations of a new noise ordinance for our community. Unfortunately, for the seven (7) above property owners, who have families inhabiting said properties, each respective draft further deteriorates our livability. The proposed ordinance does not favor our IOP community; it favors the artificial being; the Sweetgrass Inn, a commercial property located in a dense residential neighborhood.

In contrast, the Windjammer, an IOP Icon, is a commercial property located in a commercial district. Residential properties located in close proximity to the Windjammer, were actually constructed post Windjammer and in a defined commercially zoned area, not a residential zoned area. We are on record: the Windjammer is not to be negatively impacted by the passage of any new ordinance.

Ironically, our city administrators, who arguably do not live on IOP, are crafting ordinances which impact the people living on IOP; telling us how to live; defining our livability standards, with no skin in the game.

Regardless of your position on Short Term Rentals ("STR's"), the proposed noise ordinance will dramatically compound the issue for all; resulting in widening the gap, verses narrowing it. The number one (1) documented issue regarding STR's.....Noise; which would be identified as a cause to a problem. Section (h) of said proposed ordinance will allow a residential or commercial property owner to apply to CC for a permit to emit up to 85 decibels ("dBA's"); up to 15 hours a year! No defined recourse for a party to object. This chaos will only exacerbate the STR situation. Who would benefit from the above, and at who's expense? An administrative nightmare! Frankly, the STR situation, regardless of who's math you use, is undermined by a lack of enforcement regarding noise. A strong noise ordinance, along with strong enforcement, will greatly lessen the impact of STR's. We do not need more buckets; we need more people to carry the water.

The Consequences.

FACT: 70 dBA's are ten (10) times louder than 60 dBA's; the calculation is logarithmic (not IOP Math). The proposed noise ordinance allows 75 dBA's for commercial properties; 60 dBA's for residential (with the exception of 85 dBA's in the above mentioned permit). In contrast, EPA recommends maximum indoor noise level of 45 dBA's and maximum outdoor noise level of 55 dBA's. Key word: maximum. So, the question is: who has the most medical knowledge in our community; the EPA or our IOP administrators?

Interestingly, Columbia, SC (a college town; some may remember your tenure) does not designate between residential and commercial. Their noise ordinance allows 55 dBA's— 6:00 AM to 11:00 PM; 50 dBA's —11:00 PM to 6:00 AM. Ironically, a couple of miles up the road, a town called Mt. Pleasant, also combines residential and commercial. 60 dBA's—8:00 AM to 9:00 PM; 55 dBA's—9:00 PM to 8:00 AM. This includes Shem Creek!

Passage of the IOP proposed ordinance will equate to giving a Pyromaniac matches for Christmas. Land Use does not give one a license for Land Abuse.

Hopefully, this is not another "Its all about the Money", which the resort continues to flaunt in front of the council and administrators regarding said resort's generation of accommodation's tax. We vehemently refuse to succumb to the Stockholm Syndrome.

Full transparency: we encourage you to review PSC and CC past minutes regarding our situation, documentation and recommendations which commenced on April 13, 2022 with the PSC, and later CC, along with the current proposed noise ordinance (dates provided below).

Your support will prevent many of us, including you, from unwillingly adding AC/DC's "Highway to Hell" to our playlist.

PUBLIC SAFETY MEETINGS: 4/13/22; 1/26/23; 2/14/23; 3/6/23

CITY COUNCIL MEETINGS: 8/23/22; 10/11/22; 10/25/23; 2/28/23; 3/28/23

Al Clouse

COMMENTS OF TERRI HAACK SENT TO MAYOR POUNDS FOR 4/11/2023 CITY COUNCIL WORKSHOP

STATEMENT: ISLE OF PALMS SPECIAL CITY COUNCIL WORKSHOP

On behalf of Wild Dunes Resort, I'd like to thank the members of Isle of Palms' Public Safety Committee and City Council for their contributions, research and thoughtful discussion surrounding the recent noise ordinance proposals. We acknowledge that noise from Sweetgrass Inn has the ability to impact surrounding neighborhoods and we are committed to mitigating this impact, having already undertaken a number of actions to do so.

These actions include the removal of multiple speakers from the family pool area, the addition of strict responsibility clauses in group/event contracts and the reviewing of the style, location and time of all planned entertainment and activities for the summer season. We have also monitored noise levels during events with onsite staff. The Resort has additionally contracted professional sound engineering studies – the February study established that baseline daytime/evening noise hovered around 60 dB, with occasional spikes of limited duration, while baseline nighttime noise measured approximately 50-55 dB, and the two evening events in the Osprey Ballroom, which included a corporate event and a wedding, did not exceed 75 dB. The Resort will be conducting an additional study at a time during which the pool area is active, and the Osprey Ballroom is hosting an event, likely Memorial Day weekend.

The Resort requests the decibel limit remain at 75 dB and requests that special event permits, which allow up to 85 dB, not to be limited to a number of hours per year. If the number of special event permits must be limited, we request that the number be 6-8 total events.

I look forward to continuing this discussion with you and again thank the committee members for your valuable time on this important topic.