



**Public Safety Committee Meeting
10:00am, Tuesday, May 2, 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. Approval of Previous Meetings Minutes – April 4, 2023 and April 18, 2023

Council Member Anderson made a motion to approve the minutes of the April 4, 2023 meeting, and Council Member Hahn seconded the motion. The motion passed unanimously.

Council Member Anderson made a motion to approve the minutes of the April 18, 2023 Special Public Safety meeting, and Council Member Hahn seconded the motion. The motion passed unanimously.

3. Citizen's Comments

Al Clouse's comments are attached to these minutes.

4. Old Business

A. Discussion and consideration of changes to the noise ordinance

Administrator Fragoso asked the Committee to go through the noise ordinance draft section by section to receive their feedback before the draft is returned to Council. She added, "I do want to take an opportunity to address some comments that have been made that are not accurate regarding enforcement and regarding the resort drafting the ordinance. The ordinance has been drafted by the City's attorney. We have made changes to the noise ordinance based on discussions that we have had with this Committee and with City Council, and the changes that have been made have been voted on by this Committee. The resort has not drafted. Their representative has attended meetings in the past and has made recommendations about language. But any changes that have been made have been voted on by this Committee. The staff has not inserted any changes to the ordinance based on their advice or their direction other than the direction from this Committee. I also want to have an opportunity to ask Chief Cornett to speak on the enforcement piece. Every time a call is made to dispatch or the Police Department regarding a noise complaint, the Police Department dispatches an officer to address the situation. Obviously, there are times when citations have been issued. There are other times when warnings have been issued, but all violations have been documented as either founded or unfounded. So I

just want to clarify that the enforcement is happening by the Police Department. It may be that not every time a citation, every time an officer responds a citation is issued. Just like with any other complaint.”

Chief Cornett stated, “The Police Department tracks all of our responses for livability concerning short-term rental or businesses in general or just residential. And so I will say in the past that was not tracked in the best manner, but we have definitely increased on that and done a better job. Every time a police officer is dispatched to a livability concern whether the officer issues a ticket or not, they complete a form that says the violation was either founded or unfounded, and then that gets turned over to our Livability Officer. We are tracking complaints on this specific location that we are talking about and have more than one violation where it’s been founded and then the steps would follow the City policy pertaining to a business license. When they reach a certain point, we turn it over to the Business License Official for suspension or revocation, and then it would go to a hearing with City Council.”

Chief Cornett indicated that the Sweetgrass Inn has four founded complaints against it this year. Mr. Clouse acknowledged he is the only person calling to make complaints.

Council Member Hahn asked Chief Cornett how he would deal with noise as prescribed in paragraphs 8 and 11 of the proposed noise ordinance. To which Chief Cornett responded, “The way we would address that would be in that first definition part of it. Unusually loud. So it would be something that you are not used to hearing would be how we would use that specific paragraph of the ordinance. Something that is absolutely abnormal that takes place, then we would use that. Other than that, we would divert back to the decibels.”

Council Member Hahn then read paragraphs 8 and 11 into the record. He said, “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 or any reasonable persons of ordinary sensibilities. The problem, I think, is that the chief is saying that’s a vague definition because we are talking about this interfering with a reasonable person of ordinary sensibilities, and he doesn’t have a way to define that. That is why we have got the decibels. Paragraph 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 response to music and amplified sounds, the detection of rhythmic base reverberating type sound, beat, or cadence shall be deemed plainly audible.”

Chief Cornett said paragraph 11 picks up the sounds created by bass not picked up by a decibel reader.

Council Member Ward said he would like feedback on what Ms. Haack sent regarding the sound engineer. Administrator Fragoso said that it is very technical information, and she would need more time and assistance from a noise consultant to help translate the recommendations. She said, “The only thing they have provided us is a two-page recommendation for language on the ordinance. I have shared that with all of Council.” She agreed it would be helpful if someone could attend a meeting and explain what they have received in plainer language.

Council Member Anderson agreed a conversation with the resort is needed for clarification. She reminded the Committee that the resort will also have noise measurements taken during the season. Council Member Ward said the issue needs to be dealt with now. Council Member Hahn said Council should move forward with the noise ordinance and adjust as needed in the fall.

Administrator Fragoso pointed out, “I agree with that and the noise ordinance is going to apply city-wide. So I think we need to think about implications of the changes, not necessarily just between the residences that are adjacent to the commercial area, the resort, but also island-wide. And there are a few levers I think that the Committee can and City Council can change and make adjustments to. It is easier to regulate amplified noise prohibited during certain hours of the day.”

Council Member Ward would like a carve out for the Sweetgrass Inn and the surrounding neighborhoods in the ordinance. He believes the proposed decibel level limits are too high. Administrator Fragoso reviewed decibel level limits in the proposed ordinance as well as those limits found in ordinances of Kiawah Island, Surfside Beach, and Mt. Pleasant. Council Member Hahn suggested grouping all the maximum decibel levels together in subsection C.

Council Member Anderson suggested moving forward with the ordinance and putting together a separate noise agreement for the Sweetgrass Inn, similar to the one created for Islander 71.

MOTION: Council Member Anderson made a motion to accept 75 decibels as maximum limit for commercial establishments. Council Member Hahn seconded the motion. A vote was taken as follows:

Ayes: Anderson, Hahn

Nays: Ward

The motion passed 2-1.

MOTION: Council Member Anderson made a motion to approve 85 decibels as the limit in the GC2 district during daytime hours. Council Member Hahn seconded the motion. The motion passed unanimously.

Discussion ensued about the hours of enforcement and whether they should be shifted for daytime and nighttime distinctions.

MOTION: Council Member Hahn made a motion to accept the enforcement hours as presented. Council Member Anderson seconded the motion. A vote was taken as follows:

Ayes: Anderson, Hahn

Nays: Ward

The motion passed 2-1.

Discussion ensued as to whether to include “amplified sound that is plainly audible from inside a residence or place of business of a receiving property and not originating from the receiving property” as a specific prohibition in the ordinance. Council Member Hahn asked how something like that could be enforced.

Chief Cornett responded, “I would basically make it more absolute. If I am inside and I can hear it, it’s a violation. That is easy for us to define and easy for us to enforce. You may have unintended circumstances from that as a result, but I think making it clear like that would take away the subjectiveness of it.”

Council Member Anderson said the age of a house and its windows could be a factor in how much noise is heard inside a home.

MOTION: Council Member Ward made a motion to approve the addition of “amplified sound that is plainly audible from inside a residence or place of business of a receiving property and not originating from the receiving property” as a specific prohibition in the ordinance. Council Member Hahn seconded the motion.

Council Member Hahn said, “This whole thing troubles me because we are getting right back in the same box we were in before, and if it’s just that you can hear it, then we basically put the decibel level at zero inside a house. I don’t know how to deal with that, and I don’t want to create a situation that is unmanageable for our police department or for our residents.”

Director Kerr suggested language needed to be added clarifying the sound is heard inside a home with all windows and doors closed.

VOTE: A vote was taken as follows:

Ayes: Ward

Nays: Anderson, Hahn

The motion failed 1-2.

MOTION: Council Member Hahn made a motion to remove paragraphs 8 and 11 from the draft ordinance. Council Member Anderson seconded the motion.

Administrator Fragoso said, “For the record, the Town of Mt. Pleasant and the Town of Kiawah and Charlotte ordinance that we reviewed all included decibel thresholds and also include this as a part of the definition, but I can have a conversation with our legal team to determine what their recommendation are. They included it in the draft that they presented to us, so I would suppose that there is a reason why.”

VOTE: A vote was taken as follows:

Ayes: Hahn, Anderson

Nays: Ward

The motion passed 2-1.

MOTION: Council Member Ward made a motion to recommend to City Council the hiring of a sound engineer and or noise ordinance consultant. Council Member Hahn seconded the motion. The motion passed unanimously.

The Committee then discussed the section of the ordinance dealing with the granting of exceptions to the decibel limit. Administrator Fragoso said, “I would like to confirm that the

application process to receive an exception to the decibel reading would only apply to commercial establishments...and just allow an exception to commercial establishments for you all to consider whether a specific event could be exempted during daytime hours. It would work very similar to the City-sponsored event.”

VOTE: A vote was taken with all in favor.

MOTION: Council Member Hahn made a motion to approve exceptions to the noise ordinance for commercial establishments only. Council Member Anderson seconded the motion.

Discussion ensued as to limiting the number of days per year a commercial establishment can ask for an exception to five days. Council Member Ward said he is not in favor of any exceptions.

VOTE: A vote was taken on the motion as follows:

Ayes: Hahn, Anderson

Nays: Ward

The motion passed 2-1.

MOTION: Council Member Anderson made a motion to include language that would give City Council discretion and flexibility to approve events past the five-day limit in a calendar year. Council Member Hahn seconded the motion. A vote was taken as follows:

Ayes: Anderson

Nays: Hahn, Ward

The motion failed.

Administrator Fragoso recommended that the City Council receive legal advice “on the legality and process by which the City Council could revoke or suspend a business license. Right now, the way that it’s drafted our current noise ordinance, it says repeated violations of any unlawful or conductive unlawful activity within an establishment could result in City Council revoking that business license. It is not specific to noise complaints, but any unlawful activity. And I think that Council needs to have a conversation about that.” The City Attorney will be at the City Council Workshop to discuss this matter.

B. Discussion of changes ordinance to prohibit e-bikes on the beach

Chief Cornett proposed an ordinance similar to one enforced in North Myrtle Beach. He said, “What I like about this is it clearly defines the bike. It clearly defines the ability to ride the bike during the off season but takes away the risk that most of our residents are concerned about during that peak season when the beach is full. That would be the benefit to this one. And it is much like the leash laws. It is very articulable on the date that the ordinance changes. So I like that it is enforceable.”

Administrator Fragoso agreed that this is a good compromise to protect public safety on the beach and still allow flexibility for bike users. If approved, the ordinance would prohibit the use of e-bikes on the beach from 10am-4pm between May 15 and Labor Day.

Council Member Hahn made a motion to change the time to 5pm. There being no second the motion failed.

5. **New Business**

MOTION: Council Member Ward made a motion to suspend the rules of order to reorder the agenda to hear the update about the acquisition of surveillance and safety equipment first. Council Member Hahn seconded the motion. The motion passed unanimously.

A. Update on the acquisition of surveillance and safety equipment approved by City Council on April 25, 2023

Chief Cornett said they are researching grants for the purchase of the surveillance tower and are getting quotes for the cameras. They are also making sure they place the cameras in the best locations.

He added, “The drone helipad, we have talked with them. They are actually already having a meeting today just to make sure that we understand the FAA guidelines on that and that they are all going to be met with this agreement should we move forward.”

The PO for the transport van has been submitted, and he anticipates picking it up Wednesday or Thursday.

Of the plans for May 6, Chief Cornett stated, “We met after this incident, the April 7th incident, as a county. We met and discussed how we can prepare for a summer where these types of events are probably going to happen on the different beach barrier islands. And we have got a plan with Charleston County Sheriff’s Office, and all of us that met to address that specifically for May 6th. We have State agencies, several I think, three or four different State agencies off the top of my head that will be here with us on May 6th. We have three local municipalities that will have additional personnel here, and then we will have, our intent is to have the command bus from Emergency Management, that same thing they brought down for managing the incident, it will be here, I believe. We will have EMS, I hope, on standby with us for May 6. But I can tell you I feel very confident that we have a large number of law enforcement offices that will be present here on May 6, and we will have the transport van and a booking station ready to go for anybody who decides to commit crimes on May 6.”

Chief Cornett agreed that these pop-up parties are happening on numerous beaches on both coasts of the country. He said, “There are a lot of things that we need our legislators to step up and support us and give us the tools and the ammunition to not only enforce laws, but to make sure that individuals who break the law are held accountable for breaking those laws. We have got a lot of work to do there, and something that I would certainly take any help from our Council in accomplishing those goals.”

B. Discussion of partnership with Law Enforcement Neighborhood Supper (LENS) to establish internship program in the Police Department

Administrator Fragoso reported that LENS has offered to pay an hourly stipend for an intern for the Police Department. The intern would be selected by the Police Department, but the stipend would be fully funded by LENS.

Both Council Member Ward and Council Member Hahn expressed concern about the LENS program's use of ATAX monies and questioned some of the donations made by LENS. Administrator Fragoso said that LENS is funded through private donations and not ATAX money. Committee members would like to see an accounting of the money they received from ATAX.

Administrator Fragoso reported that both LENS and the Isle of Palms Chamber of Commerce will be reporting to the ATAX Committee later this month on how their funds have been used. Council Member Ward would like to see a Form 990 from both organizations. Administrator Fragoso said the City's engagement with LENS will be paused until the full Council can discuss the matter.

C. Discussion of implementation of K9 unit in the police department

Chief Cornett said the Police Department will work on a K9 policy after they have received Council approval for the program and determined what kind of dog will match the City's needs. He believes a detection dog would be a good choice. He explained what makes up a K9 unit and the extra time and training needed to upkeep the program. He said such a program could be operational within six months. He noted that providing coverage for the K9 officer while he is in training presents a challenge, but he believes it can be overcome.

6. Miscellaneous Business

Council Member Hahn asked Chief Cornett to speak to recent resident concerns about police vehicles speeding down Palm Boulevard. Chief Cornett explained they were responding to a home alarm that had mistakenly been keyed in as a hostage situation, and they were responding accordingly.

The next meeting of the Public Safety Committee will be Tuesday, June 6, 2023 at 10:00am.

7. Adjournment

Council Member Hahn made a motion to adjourn, and Council Member Ward seconded the motion. The meeting was adjourned at 11:27am.

Respectfully submitted,

Nicole DeNeane
City Clerk

Submitted by Al Clouse 5/8/23

Public Safety Committee 5/2/23; Clouse Comments. Meeting # 12 since 4/13/2022
regarding NOISE ORDINANCE; NUISANCE.

After four (4) requests, we are still waiting on written assurances regarding enforcement of § 9-2-5 (b)(c). "Amplified Music" is "unlawful" and the core of this situation.

Lack of enforcement has evolved into a legal nuisance by the Sweetgrass Inn § 9-2-5 (i.)(1)(2).

Question: Where is the "sound study" from the resort? What is the reason we do not have a copy of the results. They were very open regarding providing us a copy. Now, I must say, very guarded. Is there something in said study they do not want us to see.

Echo Effect: Sunday around noon, I am working on my front porch. A number of you have been on my front porch. I suddenly hear amplified music, which more than meets the "plainly audible" definition (a.) (11.) in the current proposed noise ordinance. Clearly, in violation of the current noise ordinance § 9-2-5 (b)(c) regarding "amplified music".

The resort miserably attempts to manage the volume of their music in relation to wind speed, direction and distance from an unwelcome target. Failing to understand who their audience is. The above is the reason to require measurements ten (10) foot from the source of the noise.

Simple terms: We do not want to hear, be annoyed and be disturbed by the resort's amplified music, which is a clear violation of the current noise ordinance.....none! We do not want to hear their large event crowds; the "after party"; "fire side chat party"; "hot tub rubber ducky party" and all the hooping and hollering which accompanies said events.

How many noise complaints has the resort alleged against us? How many? How many?

Said resort's visible south property line is well defined. Said resort does not own the "fire lane". Last we looked, the resort does not own: **11 57th Ave; 14 57th Ave; 16 57th Ave; 4 57th Ave; 1 57th Ave; 2 57th Ave or GP3.** The resort does not have the right to negatively impact the livability of the above.

The resort's behavior is egregious! No enforcement has escalated into a legal nuisance § 9-2-5 (i.)(1)(2) which we request said section be reinstated into the proposed noise ordinance.

§ 9-2-5 (h.) Permits for additional amplification; appears to be crafted by the resorts legal counsel.

The smell test: In our opinion, someone is telling someone, to not enforce the noise ordinance as it relates to the Sweetgrass Inn. Why?

We desire a restrictive noise ordinance to improve livability for us, and our community; not be a product of a graph which charts decibels; analyzed by IOP Math.

We believe decibels are only a part of the solution. A complainant's overall livability would prevail over a decibel reading. The onus is on the perpetrator, not the complainants. We do not believe owning and operating a hotel has inherent rights to disturb the neighborhood. They should have thought about this before they built the damn thing.

Proposed Decibels for Residential and Commercial: 55 dBA's 10:00 AM to 10:00 PM
50 dBA's 10:00 PM to 10:00 AM