



**SPECIAL CITY COUNCIL MEETING -- WORKSHOP**  
**5:00pm, Tuesday, June 13, 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 Bogosian, Miars, Anderson, Ward, Streetman, Pierce, and Mayor Pounds

Absent: Council members Hahn and Popson

Staff Present: Administrator Fragoso, Director Kerr, various department heads

**2. Citizens' Comments**

Terri Haack of Wild Dunes, LLC, said her organization has been working diligently to mitigate the noise coming from the Sweetgrass Inn. She said additional measurements for their sound study will be taken on the weekend of June 24-26 and asked City Council to delay their vote on the noise ordinance until more data is collected. She said she agrees with the Public Safety Committee's decision to recommend the vote be delayed and that the City engage its own sound engineer. She encouraged Council to use all available data in making its decision.

Al Clouse's comments are attached to these minutes.

Laura Lovins, 5 Links Clubhouse Court, spoke to City Council about the environmental impact of septic tanks on the island. She mentioned the recent heavy storms and flooding that took a week to dissipate. She believes issues surrounding septic tanks need to be addressed by the Environmental Advisory Committee and the City Council.

Tony Santiago, 60 Ocean Pointe, said that second homeowners who do not rent homes need to be properly named in the conversations about short-term rentals. He also said more information about traffic on the island is needed. He said he would like guardrails on short-term rentals and mentioned an article he wrote about it in the *Island Eye*.

**3. Special Presentations**

**Presentation by Coastal Science & Engineering**

Stephen Traynum detailed the erosion occurring along the beach between 100 and 500 Ocean Boulevard. He said the area is more eroded now than it was in 2019. He said, "The good news is that there is still a lot of dune area between the structures, the majority of the houses, and the

high tide line.” However, there are two lots where the pools are within 20’ of the high tide line and that 20’ mark is where the State considers the erosion to be an emergency condition.

He continued, “There is kind of two approaches. One is if there is an emergency condition, then owners or the City, if it is a significant enough area can apply for an emergency permit to either scrape sand to bring in from upland via truck or to install emergency sandbags to protect their property.” He believes there are two non-adjacent lots that would qualify for that.

He added, “The other option is a general permit measure that can be undertaken anytime. It doesn’t have to meet that general or emergency condition and that you can bring trucked in sand to try to rebuild the dune. And then the other you can also do sand fencing if there is a stable beach and if you’re not eroding, sand fencing can kind of help jump start the dunes.”

The City has submitted an application for a general permit that would allow for it to bring in trucked-in sand that must be beach compatible. It will still be a few more weeks before that permit is received. Administrator Fragoso said that City Council will need to discuss who will cover the estimated cost of \$200,000-\$300,000 for the project.

Mr. Traynum said the State has a policy “that they don’t want any seawalls built on the coast because they can negatively impact the beach system.” However, CSE believes that “seawalls are very good at protecting an upland private property if done in a kind of comprehensive plan where all properties are included and protected, and it is built to a design so that you can withstand storms.”

He shared that the Army Corps of Engineers is considering doing a beneficial use project that could greatly benefit the area with the addition of “a couple hundred thousand” cubic yards of sand. They are hoping to have this project done in 2023 or early 2024. It would be paid for by the Army Corps. He said the City’s role in the project “would be just as a support for them, but there may be some actions that the City could take to help the project do a little better job in getting the beach to look like you want it.” Mr. Traynum said he would like to wait a little more before moving forward with any mitigation efforts to see how the Army Corps’ project comes together.

Council Member Anderson expressed concern that homeowners would not want to be told to wait until next year for something to happen. She asked what homeowners could do at their own cost. Mr. Traynum replied, “They would be able to operate under the City’s general permit that you all have applied for to truck in sand as long as it is beach compatible and OCRM says yes, that sounds okay.” Homeowners would need to have the City’s permission to do so once the permit is issued in the next few weeks. CSE would monitor the movement and placement of any sand.

**MOTION: Council Member Bogosian made a motion to reorder the agenda to allow for the discussion of beach erosion at this time in the meeting. Mayor Pounds seconded the motion. The motion passed unanimously.**

**4. Strategic Plan Policy Initiatives and Priorities**

**B. Environmental**

**i. Discussion of beach erosion between 100 and 500 Ocean Boulevard, City's General Permit application for minor dune restoration and proposed amendments to the City Code to allow property owners to construct hard erosion control structures landward of the OCRM jurisdiction and critical area**

Council Member Bogosian said he would recommend that CSE put together a design to mitigate further erosion until the Army Corps of Engineer's project is solidified. Council Member Anderson agreed.

Mr. Traynum and Administrator Fragoso said plans including a phased or staggered approach to the mitigation would be available at City Council's June 27 meeting.

Council Member Bogosian said that the City's lobbyists need to work on having beach renourishment funding put back in the State's budget. Mayor Pounds agreed.

Administrator Fragoso said, "For the record, I know some of you have asked this before in terms of how much money the City has in the Beach Preservation Fee fund. As a reminder, that fund or that 1% in Accommodations Tax revenue was adopted in 2015. Since then, it has generated to date \$7.5 million and it generated about \$1-\$1.5 million in FY22."

**4. Dashboard of City Operations**

Administrator Fragoso reported on the City's vacancies: a Building and Licensing Clerk, nine BSOs, a Code Enforcement Officer, and a CDL Driver in Public Works. The new Finance Director will start in a few weeks.

She noted that charges from the Police Department are trending up and parking tickets are trending down. However, she anticipates that will change next year with the outsourcing of parking. The Court docket is experiencing a year-over-year increase in the number of cases.

She noted the calls for service received by the Fire Department include 33% of calls for automatic aid. Only 20 of those calls were attended by IOP personnel. Mt. Pleasant Fire Department answered 65 calls for service to the Isle of Palms. She is trying to get comparable data from Mt. Pleasant Fire Department.

She noted that garbage collection is up a little. Upcoming events include the Farmer's Market beginning this week, Community Narcan Training at the Recreation Center, Coffee with the Mayor, and the IOP Beach Run.

Council Member Pierce asked for the license year to be added to the short-term rental chart.

Administrator Fragoso shared, "The Public Works Stormwater Management report shows a lot of the efforts, in-house maintenance efforts that we have been doing on stormwater management, and that is something unique that we have started doing recently with the purchase of equipment that allows us to be more proactive in maintaining ditches and drains."

Chief Cornett reviewed the new livability report. He said it will continue to be fine-tuned. Council Member Bogosian complimented the Code Enforcement Officer for the work he is doing. He asked if the department reviewed the reasons why a noise complaint would be considered unfounded. Chief Cornett said that all noise complaints are reviewed, and unfounded complaints are often noise that no longer exists by the time the police arrive and or children playing in a pool.

Chief Cornett said that the increase in the volume of more severe charges is as a result of enforcement efforts of a full staff but also that this year seems to be busier than last year.

5. **Department Reports** – in the meeting packet

6. **Strategic Plan Policy Initiatives and Priorities**

A. **Livability**

i. **Discussion of recommendation from the Public Safety Committee to defer action on a new noise ordinance until the City receives noise study report from Wild Dunes Resort and to consider hiring a noise consultant and/or city planer to advise the City on noise policy**

Council Member Anderson read a prepared statement about her participation in noise ordinance discussions, and it is attached to these minutes.

Administrator Fragoso said that she is in the process of looking for people to speak to about noise ordinances. As there are not many people who do that, she is not sure how quickly she can fulfill the request of the Public Safety Committee. To that end, she and Chief Cornett have discussed officers taking decibel level readings throughout the season to collect additional data points.

Council Member Bogosian asked what additional information a noise consultant could provide to the City and believes Council should make a decision about the noise ordinance. Council Member Miars agreed. Council Member Ward said the recommendation is to defer action, but that Council members could vote against that recommendation.

ii. **Discussion of Ordinance 2023-02 to regulate e-bikes and battery assisted motorized skateboard on the beach**

Council Member Ward said the Public Safety Committee offers no additional changes to this ordinance. Chief Cornett said they have only received a few complaints about the e-bikes in the past, but there have been more complaints recently.

Council members Pierce and Miars believe more restrictions are necessary. Mayor Pounds said changes can be made at Second Reading.

**iii. Discussion of 2022 final report of short-term rentals and 2023 year-to-date short-term rental licenses issued**

Administrator Fragoso said the short-term rental reports reflect the number of dwelling units provided by the County. That number will be updated later in the year when new data is available.

As of 4/30/2022, 1805 short-term rental licenses were issued, 89% of which were 6% properties. Staff is continuing to analyze the gross revenues as they are tied to the accommodations tax revenue and hopes to have that clarified by the June 27 meeting.

Council Member Pierce would like to see a breakdown between second homes and 6% short-term rentals.

As of 6/9/2023, 1633 short-term rental licenses had been issued. An additional 9 have been identified by RentalScape, and 56 more have applied but not yet paid.

Both Administrator Fragoso and Director Kerr said it is difficult to make assumptions about trends in short-term rental licenses at this point in time. Council Member Streetman said Council had agreed to oversight of the trends and is in favor of continuing to keep an eye on these licenses.

**B. Environmental**

**ii. Discussion of recommendation from the Planning Commission to approve proposal from Seamon & Whiteside for the development of a Sea Level Rice Adaptation Plan**

Director Kerr reviewed the process used by the Planning Commission to make this recommendation to City Council to approve the proposal from Seamon & Whiteside for the development of a Sea Level Rise Adaptation Plan. Administrator Fragoso said City Council could accept the bid for \$35,300, which is higher than the \$20,000 budgeted amount or asked Seamon & Whiteside to revise the scope of the plan. She also noted that the plan will be paid for out of the City's Beach Preservation Fund.

**C. Public Services**

**i. Update on RFP process to hire a parking vendor for the island for the 2024 beach season**

Administrator Fragoso said the RFP has been issued and is due June 30. Staff has reached out to six firms. There is a mandatory pre-bid meeting on June 16.

**ii. Discussion of timeline of the Waterway Boulevard Pedestrian Path Elevation project and options**

Administrator Fragoso said the State FEMA office has identified this project as a top priority and she fully expects the funding to be awarded to the City in the first quarter of 2024. The grant covers 90% of the cost plus \$54,000 in management costs.

She also reported that they were able to adjust their application to include \$157,000 for engineering costs and \$20,000 for permitting, which means the City is able to move forward with those two processes prior to the award of the grant and not lose any eligibility of the grant.

She added, “The only difference is we have to follow Federal procurement guidelines before engaging an engineering firm to start that work” which means the City cannot sole source the work to Thomas & Hutton despite their help developing the project. Staff will begin the procurement process in the next couple of weeks.

She reminded Council that the costs of the project are included in FY24 if for some reason the City is not awarded grant funds.

**iii. Discussion of recommendation from the Public Services & Facilities Committee to approve the proposal from Applied Technology Management for the engineering design and permitting of marina dredging project**

Administrator Fragoso said this was the only proposal received for this project and she recommends the Council’s approval of the bid. She said that while the budgeted amount was \$50,000, the City received a \$1.5 million grant fully funding the project.

**D. Personnel**

**Discussion of Ordinance 2023-09 to clarify position of City Attorney and to include provisions for the appointment of City Prosecutor**

Administrator Fragoso clarified, “This essentially allows the City to, it just clarifies that the City Council has the ability to hire either an individual as City Attorney or a firm, which is the direction we recently went to. The only addition here is we are codifying that it is City Council’s appointment for the City Prosecutor. That was not included in the ordinance and we believe that it is important that it is rather an attorney that is hired by the City Administrator.”

**E. Other items for discussion**

**i. Discussion of Ordinance 2023-10 to authorize the City to enter into an intergovernmental agreement related to the South Carolina Local Revenue Services, to participate in one or more local revenue service programs, to execute and deliver one or more participant program supplements and other matters**

Administrator Fragoso said this ordinance is cleanup on the part of MASC. There are no changes to the administration of any of these programs, only name changes.

**ii. Discussion and consideration of 2023 surfing lessons application from Kai Dilling, Sol Surfers**

Administrator Fragoso said Mr. Dilling is requesting his application be voted on at this meeting instead of the June 27 meeting so he can begin lessons.

**MOTION: Council Member Ward made a motion to suspend the rules of order to allow for discussion and action on this application. Council Member Miars seconded the motion. The motion passed unanimously.**

Council Member Miars stated that Mr. Dilling thought he had done all he needed to do to teach lessons on the beach this summer. Mayor Pounds expressed concern that Mr. Dilling was told the proper path for action on the matter, but he went around staff to a Council member to have a vote ahead of the regular Council meeting. Administrator Fragoso said there will be one deadline for all applications next season.

Council members Bogosian and Streetman expressed concern about setting a precedent for voting on matters during a workshop.

**MOTION: Council Member Miars made a motion to approve Mr. Dilling's surf lesson application. Council Member Ward seconded the motion. A vote was taken on the motion as follows:**

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

Nays: Streetman

**The motion passed 6-1.**

**iii. Discussion of Lowvelo Reception on June 22, 2023**

Council Member Streetman invited all Council members to the Lowvelo Reception on June 22 at 5:30pm to learn more about Lowvelo and the event.

**7. Financial Review**

**A. Financial Statements and Project Worksheets**

Director Suggs said General Fund revenues are at 96% and are trending ahead of budget. General Fund expenditures are at 92%, which is on target. The City will not spend as much as budgeted in FY23 mainly due to the remaining costs of Phase 3 Drainage, which have been re-budgeted into FY24.

Property taxes, business licenses, rental licenses, and building permits are over budget. The City is forecasted to beat the revenue budget by about \$2 million. Expenditures will be approximately \$6-800,000 over budget. She said, "All funds will bring in more revenue than they have expenditures, so we should see a buildup of all fund balances."

The City has approximately \$39 million in cash deposits earning interest at 5.27% in May.

The City will make its final payment on the Recreation Center in June, bringing the debt service millage down in September.

Director Suggs said, "The marina restaurant has now been operating for a full year. The lease requires, you might recall this, a statement from a CPA confirming gross revenue. The tenant has submitted a proposed list of agreed upon procedures that their CPA would perform to meet this requirement. The staff shared the proposal with our CPA, which is Veris and with Brian Kitts to

get their opinion. They feel that what the tenant is proposing is adequate and the staff agrees.” More information will be provided to the Council prior to the June 27 meeting for their consideration.

Administrator Fragoso added, “The reason we are doing this is the report that we would get from them does not include the specific language that the lease includes. Remember the lease was written by a real estate attorney, not a CPA firm. So I just want to make sure that under my purview we are enforcing these leases to the T, and I just want to get buy-in from Council that this document and this report that they are provided to the City to meet the least requirements is acceptable to the City and would be acceptable for the entire length of the lease.”

Director Suggs said there has not been much activity in tourism revenues in the last month. The Municipal ATAX for April is low because the County is overwhelmed by business licenses and changes in management. The City expects to receive approximately \$467,000 from them next month, which is an 8% increase over 2021. Hospitality tax remains strong and is 20% over last year. Local Option Sales Tax is 10% ahead of last year.

There was no activity on the project worksheets in May.

## 8. Procurement

### A. Approval of purchase of 16 ballistic vests for Fire Department personnel in an amount not to exceed \$28,000 to be funded by the \$150,000 approved allocation to enhance emergency response and beach safety

Administrator Fragoso said this purchase was discussed with the Public Safety Committee, recommended by the Fire Department, and by Administration.

### B. Approval of purchase of four tide valves for Merritt Boulevard (two valves), Driftwood Lane, and Carolina Boulevard in an amount not to exceed \$35,520 to be funded by drainage contingency

Administrator Fragoso said the meeting packet includes a memo justifying this as a sole source contract as there are only two manufacturers for these valves and the one recommended by staff is easier to maintain and clean. They will be installed 5-10 days following Council approval.

## 9. Capital Projects Update

Administrator Fragoso said there has not been much activity to report on the capital projects and referred Council members to the slides in the meeting packet. She said no major comments were received regarding the public dock, so permits are likely to be released.

## 10. Legislative Report

Mayor Pounds reported, “We do have about \$1.5 million for drainage, half a million for some ADA boardwalks that are still in the budget, subject to the Governor’s veto. Those numbers are so small I can’t even image they would raise to the level. So hopefully we’ll get good news on that in the next few weeks or so.”



**11. Adjournment**

Council Member Streetman made a motion to adjourn, and Council Member Ward seconded the motion. The meeting adjourned at 7:32pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk

~

**City Council Meeting 6/13/23; Clouse Comments (Meeting No. 16 since 4/13/2022 regarding Noise Ordinance; Nuisance.**

Requesting for the ninth time (twice in writing) to provide us written assurances regarding enforcement of § 9-2-5 (b)(c). **"Amplified Music"** is unlawful and the core of this situation. Your silence is telling!

Again, we are requesting Mrs. Anderson recuse herself from all issues regarding the noise ordinance as it relates to the resort, WDCA and the City. We request a written third party opinion from the South Carolina Attorney Generals office regarding her situation.

Respectfully, I need to clear up two inaccurate statements by Mrs. Haack. She has stood up at this podium misrepresenting the construction date of our property, two times. First she stated it was designed and built in 1999; then in a subsequent meeting stating it was designed, built in 2020. Attached to my comments is a copy of our IOP Certificate of Occupancy dated 12/31/2018. Actually, what does it matter when we built our home in a residential area?

Public Safety Meeting 6/6/23 we provided our changes to the proposed noise ordinance.

Regarding a letter from Mr. Jack Smith of Nelson Mullins dated May 8, 2023 which I have possession of as a result of the FOIA, there are a number of inaccurate statements made by Mr. Smith. They are as follows.

1). "As I am sure you are aware, there appears to be one individual who has had multiple interactions with the police, the 911 service, and with Wild Dunes concerning allegations of noise violations".

Response: Our records (emails) reflect there are several who have had" interactions".

I/we have a well documented history of dialing **843-886-6522**, per the direction of of **Lt. Robert Forsythe in 2021**. I/we have never used the **911 Service**; never.

2). "Unfortunately, our efforts to involve this individual in conversation or to find time to speak and try to understand one another better have been rebuffed".

Response: Prior to Mr. Smith's letter we met with Mrs. Haack two (2) times. We conditioned a third (3rd) meeting on receiving certain criteria from Mrs. Haack before we would meet with her. Mrs. Haack did not fully fulfill our conditions, however, we did meet with her on June 6, 2023 after PSC.

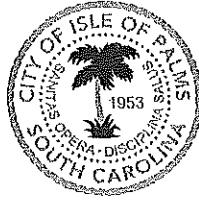
Ironically, Mr. Smith is the pot calling the kettle black. In June 2022, last year, we initiated a dialog with Mr. Smith comprised of a phone call and various emails. Finally, Mr. Smith agreed to meet with us at the resort to "hear the situation first hand". After he identified a narrow time frame, "after the fourth and will aim for that Wednesday or Thursday afternoon". Subsequently, Mr. Smith "ghosted" us and never responded to our follow ups.

3). Mr. Smith's letter further states: "we would seek to work with the City and closely cooperate to make sure that we are in compliance with the ordinance".

Response: Interestingly, they did not care about the above in 2021 and 2022. It was not necessary because the city was not enforcing the noise ordinance.

My emails and Mr. Smith's letter are an attachment to my comments for the record.

# City of Isle of Palms



P.O. Frawer 508  
Isle of Palms, S.C. 29451

## *Certificate of Occupancy*

*Office of Building Inspector*

*This certificate issued pursuant to the requirements of Section 5-4-101 of the Zoning Ordinance of the City of Isle of Palms, Charleston County, South Carolina, certifying that at the time of issuance this structure was in compliance with the various requirements of the City of Isle of Palms regulating building construction or use, or in the case of a non-conforming structure in existence at the time of the enactment of the aforementioned Zoning Ordinance, that the non-conforming use can be maintained, renewed, changed or extended only in the manner specifically stated in this Certificate of Occupancy as being non-conforming with the Zoning Ordinance. This Certificate is issued subject to the conditions and safeguards set out below for the protection and safety of the occupants and the public.*

Bldg. Permit No. PB17-345

Use Classification New SFR

(new construction, alteration, repair, non-conforming use, etc)

Owner Name: CLOUSE ALLEN W

Contractor/Builder: SALTWATER HOMES

Address 1507 JENYS ST

Building Address 3 GRAND PAVILION

Applicant's Name CLOUSE ALLEN W

TMS # 6041000338

Type of Building New SFR

Area/Block # \_\_\_\_\_

Lot # EC # 1 19.4

Special Conditions \_\_\_\_\_

By \_\_\_\_\_

Building Inspector

Date: 12/31/2018

POST IN A CONSPICUOUS PLACE



NELSON MULLINS

Newman Jackson Smith  
T: 843.534.4309 F: 843.720.4350  
jack.smith@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

151 Meeting Street, Suite 600  
Charleston, SC 29401  
T: 843.853.5200 F: 843.722.8700  
nelsonmullins.com

May 8, 2023

**VIA EMAIL & HAND DELIVERY**

Ms. Desirée Fragoso  
Administrator for the City of Isle of Palms  
1207 Palm Boulevard  
Post Office Box 508  
Isle of Palms, SC 29451

RE: Wild Dunes Alleged Violations of City Noise Ordinance Request for Information  
NMRS File No.: 014951/03000

Dear Desirée:

I am writing on behalf of Wild Dunes to request information that was referenced during the Public Safety Committee Meeting at Town Hall on May 2, 2023. It was mentioned during that meeting that there were four "founded" complaints concerning the noise at The Sweetgrass Inn. We have interviewed the security personnel and others involved at the Inn to determine if anyone had received any notice of any such founded complaints. We are unaware of when these alleged violations may have occurred and would like to receive the records regarding such alleged violations. We note that the word "founded" is actually in the business license section, § 7-1-15 of the City Ordinances. The specific quote under §§f is: "a licensee has had five (5) or more complaints of unlawful activity within a single calendar year that are determined to be founded by the police department." We are unsure of what founded means and would like to know the definition of founded as intended by that ordinance.

We would also like the information on the process for a determination by the City on whether or not such a proposed suspension or revocation under §7-1-15 would occur. Does an allegation of five (5) 'founded violations' automatically trigger a notice? We are asking for this information out of an abundance of caution and to understand what the alleged violations could possibly result in. While we don't believe the violations will be found to be correct, we do want to be prepared in the event that a notice is given under this section.

As I am sure you are aware, there appears to be one individual who has had multiple interactions with the police, the 911 service, and with Wild Dunes concerning allegations of noise violations. Unfortunately, our efforts to involve this individual in conversations or to find time to speak and try to understand one another better have been rebuffed. In light of that, we would seek to work


Ms. Desirée Fragoso  
Administrator for the City of Isle of Palms  
May 8, 2023  
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with the City and closely cooperate to make sure that we are in compliance with the ordinance, and as you have seen through our interest in attending the meetings and trying to provide relevant input into the development of any amendment of the ordinance, we are most interested in working with the City to ensure that we understand the City's interpretation of the ordinance and its potential enforcement actions.

We are requesting the information referenced above, but also would seek to have a meeting with you and the Police Chief to make sure we have an open communication with the City in regard to potential future complaints about noise at The Sweetgrass Inn or elsewhere within Wild Dunes. We appreciate the time and attention being given to this important issue, and look forward to working with you on it.

With best regards, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "Newman J. Smith", with a stylized flourish at the end.

Newman Jackson Smith

NJS:cr

RE: Sunday, June 26, 2022

From: Jack Smith (jack.smith@nelsonmullins.com)


To: awclouse@yahoo.com; robb.walker@destinationhotels.com; roxbc29@yahoo.com

Date: Monday, June 27, 2022, 05:29 PM EDT

Good afternoon Mr. Clouse, thank you for the message.

I have not had an opportunity to speak with Mr. Walker or anyone else at Wild Dunes today about this issue. My response at this point is that I will speak with them and get back to you on it. I do think I can meet you after the Fourth and will aim for that Wednesday or Thursday afternoon.

Best, Jack

 **NELSON MULLINS**  
Jack Smith  
[jack.smith@nelsonmullins.com](mailto:jack.smith@nelsonmullins.com) | 843.534.4309  
151 Meeting Street Suite 600 | Charleston SC 29401

**From:** awclouse@yahoo.com <awclouse@yahoo.com>

**Sent:** Monday, June 27, 2022 6:09 AM

**To:** Jack Smith <jack.smith@nelsonmullins.com>; Walker Robb (CHSDH) <robb.walker@destinationhotels.com>;  
Roxie Clouse <roxbc29@yahoo.com>

**Subject:** Sunday, June 26, 2022

◀External Email▶ - From: [awclouse@yahoo.com](mailto:awclouse@yahoo.com)

Jack, Good Morning.

Yesterday was another noisy day.

As you will recall, we requested your client turn the nine (9) Bose speakers off his compound, as an act of good faith regarding the noise ordinance violations committed at the Sweetgrass Inn.

In response, actually, said speakers were turned down substantially. We could not hear them from our screen porch.

However, the concert noise continued and appeared to get louder.

Yesterday, and Saturday, the Bose speakers were cranked to over 72 decibels. And, simultaneously, a concert was going on at the elevated bar area. So, now we have two (2) soundtracks at the same time. I guess the elevation allows for the music to travel further.

The concert performance was above 92 decibels.

Jack, we are again requesting your client comply with the IOP Noise Ordinance. And, again, we are requesting for the said Bose speakers be turned off.

Jack, the bottom line is when we can hear the music from our screen porch.....it is too loud. Pretty simple to comply with, if you want to. Your clients continued inability to not work with us says a lot.

Jack, our expectations are a response from you today regarding the above.

Thank you.

Al and Roxie

**Confidentiality Notice**

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RE: IOP Noise Ordinance violations at Sweetgrass Inn

*n*

From: Jack Smith (jack.smith@nelsonmullins.com)


To: awclouse@yahoo.com; roxbc29@yahoo.com

Date: Monday, June 20, 2022, 05:39 PM EDT

Mr. Clouse, my apologies for being slow to reply, and thank you for your patience. I have found it difficult to maintain a full time schedule but am doing well in recovery. Mostly I have been unable to find a time to come to the Resort and hear the situation first hand but am hoping to do so this week or next. I will let you know at least a day ahead of time when I can arrange the time.

Hope you are doing well.

Best, Jack

 **NELSON MULLINS**  
Jack Smith  
[jack.smith@nelsonmullins.com](mailto:jack.smith@nelsonmullins.com) | 843.534.4309  
151 Meeting Street Suite 600 | Charleston SC 29401

**From:** awclouse@yahoo.com <awclouse@yahoo.com>

**Sent:** Monday, June 20, 2022 7:16 AM

**To:** Jack Smith <jack.smith@nelsonmullins.com>; Roxie Clouse <roxbc29@yahoo.com>

**Subject:** Re: IOP Noise Ordinance violations at Sweetgrass Inn

◀External Email▶ - From: [awclouse@yahoo.com](mailto:awclouse@yahoo.com)

Jack, Hello.

In an effort to continue our dialog, we would appreciate a response from you regarding our email dated June 6, 2022.

Please respond.

Thank you

Al and Roxie



On Monday, June 6, 2022, 08:18:10 AM EDT, [awclouse@yahoo.com](mailto:awclouse@yahoo.com) <[awclouse@yahoo.com](mailto:awclouse@yahoo.com)> wrote:

Jack, Good Morning!

We are following up regarding our phone conversation dated May 25, 2022 which we discussed many IOP Noise Ordinance violations committed by your client. For our clarification, could you please disclose the entities names which have engaged you on this matter.

In summary, by phone, we discussed the following:

- 1). IOP Noise Ordinance § 9-2-5.
- 2). Sound Amplification over water.
- 3). Nine (9) Bose 360 degree speakers around the perimeter of the fenced area. Clouses requested said speakers be turned off.
- 4). Fenced area inappropriate for a commercial property abutting to residential neighborhoods.
- 5). No noise abatement.
- 6). Roof top bar and speakers; "daytime play" and "nighttime play" events.
- 7). Food Trucks, gas generators, exhaust fans and location.
- 8). Children's Blow Up Entertainment device's location.
- 9). Corn hole location.
- 10). "Daytime play" concerts.
- 11). "Nighttime play" events in the Ball Room.
- 12). Georgia Bar Association event 2021.
- 13). Night time "after party" events.
- 14). Sweetgrass Inn Trash service pickup before 7:30AM.
- 15). Brief history of GP3 Construction/Occupancy.
- 16). If we left something out, please feel free to add.

We requested, as an act of good faith on your client's part, to turn off the nine (9) Bose 360 degree speakers, which we can hear on our screen porch. Said speakers were turned down substantially, however, not turned off. Subsequently, in contrast, over the Memorial Day weekend, your client hosted numerous outdoor "daytime" concert venues over a four (4) day period (twice a day in some instances), which is a clear violation of § 9-2-5 (c). We do not understand the reason your client would egregiously violate said ordinance; creating a nuisance in a residential neighborhood. Again, your client's property line and our line are basically the distance from the

pitchers mound to home plate. Not only was the music a nuisance on our screen porch, where we documented (VIDEO) decibels as high as 85.9; it could clearly be heard at the 11 57th Ave residence.

**DECIBEL DOCUMENTATION (VIDEO): 5/28/22 at 10:11AM = 85.9; 5/28/22 at 3:51PM = 65.9; 5/29/22 at 4:06PM = 67.6; 5/29/22 at 4:21PM = 69.5; 5/31/22 at 2:35PM = 61.4; 5/31/22 at 3:57PM = 66.0. ALL THE ABOVE READINGS/VIDEOS TAKEN FROM OUR SCREEN PORCH.**

6/4/22: Starting at 2:00PM, we had to call the IOP Police department three (3) times in an attempt eliminate the noise (music) from the Sweetgrass Inn. Your client is belligerently defying our right to peace and quiet in our personal residence.

Jack, we believe we had a good discussion on the above noted issues (1 thru 15), and we were looking forward to meeting with you last week on site to further discuss and illustrate our contentions. However, no communication from you. Suffice it to say, we are extremely sensitive to your recovery; certainly hope you have not had a setback.

Respectfully

Al and Roxie Clouse

#### **Confidentiality Notice**

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June 13, 2023

I was recently requested by a resident to recuse myself from participating in deliberations on the noise ordinance concerning the Wild Dunes Resort because of a conflict of interest with the proposed MLK Reception to be hosted by the City of Isle of Palms and occurring at the Sweetgrass Inn. I have acted as a facilitator among the various parties, specifically the YWCA of Greater Charleston, the event sponsor, and the Resort. Since I have not and will not have any financial gain from this interaction, it is my understanding that there is no conflict of interest for me. The Wild Dunes Community Association on whose board my husband sits has no financial or other interest in the MLK Reception.

Our City attorney stated that there is no conflict of interest but the demand was made again. So I am taking the step of requesting an opinion from the SC Ethics Commission and expect to hear from them by June 15. In the meantime I will continue to perform my civic duties until told otherwise by a reliable authority.

If there is a perceived conflict of interest for an action related to where I live, then for every decision we make concerning the Isle of Palms, all of Council would be in conflict since we all are affected by our decisions and we would be unable to do our job.

The relevant section of the State Code follows.

*The Ethics Act, SC Code §8-13-700, provides that no public official may knowingly use his office to obtain an economic interest for himself, a family member of his immediate family, an individual with whom he is associated, or a business with which he is associated. No public official may make, participate in making, or influence a governmental decision in which he or any such person or business has an economic interest. Failure to recuse oneself from an issue in which there is or may be conflict of interest is the sole responsibility of the council member (1991 Op. Atty. Gen. No. 91-37.).*

*Jan Anderson  
Isle of Palms City Council*