



**CITY COUNCIL MEETING**  
**6:00pm, Tuesday, July 25, 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 (via Zoom), Streetman, Anderson, Popson (via phone), Miars, Pierce, and Mayor Pounds

Absent: Council Member Ward

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

**2. Citizen's Comments**

Randy Bell expressed his preference for Council to have passed the ordinance as presented in the citizen-initiated petition rather than have the matter go to referendum. He also expressed concern about Council's "failure to address IOP business licensing requirements for the commercial district." He expects there to be high voter turn out at this election and believes that Council members up for re-election will be called to task for not listening to the residents.

Terri Haack, speaking on behalf of the Wild Dunes Resort, said that second homeowners, STR owners, and commercial operators of condohotels have no representation in the recently presented petition to limit short-term rentals. The Resort strongly opposes a cap on short-term rentals unless Council carves out the existing condohotels on Front Beach and the residents of the Sweetgrass Inn. They encourage "the proponents of the petition to seek a compromise for the good of the community." She said an executive summary of the recently completed sound study would be provided to the City next week. Council Member Pierce asked if the City could receive the whole study, and Ms. Haack said she would discuss that at a meeting later in the week.

Al Clouse's comments are attached to these minutes.

Edward Fitzpatrick's comments are attached to these minutes.

**3. Special Presentations**

**4. Approval of previous meetings' minutes**

**A. City Council Meeting – June 27, 2023**

**B. Special City Council Workshop – July 11, 2023**

**C. Special City Council Meeting, Executive Session – July 11, 2023**

**D. Special City Council Meeting, STR Cap Petition – July 11, 2023**

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

**5. Old Business**

**A. Presentation and consideration of FY24 CARTA Budget**

Andrea Kosloski of CARTA gave an overview of the FY24 CARTA Budget, noting the budget will change before October 1, 2023 as they have received a \$26 million discretionary grant that will be used to purchase electric busses and replace the Carter Super Stop on Rivers Avenue. She spoke about some of the efforts of the new bus contractor. She reported there have been 475 riders on the Beach Reach shuttle so far, and they anticipate exceeding last year's ridership. She shared that the riders are surveyed and there are many tourists from the surrounding hotels using the shuttle. They have received positive feedback. Issues surrounding last year's route have been resolved.

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

**B. Presentation of the final Drainage Master Plan by Davis & Floyd**

Michael Horton of Davis & Floyd shared the changes made to the Drainage Master Plan since the original presentation at the May City Council Workshop. He shared the list of suggested projects making up the Capital Improvement Plan, a list of 16 projects totaling \$48.7 million. Additionally, he reviewed a list of recommendations for scheduled maintenance which included the addition of an Adopt-a-Drain program and the implementation of an online reporting system. He detailed the recommended changes to the City Code that will be addressed by the Planning Commission in the near future.

Council Member Anderson requested the Executive Summary provide more detail so that it could act as a standalone document for the public to easily review.

Director Kerr said next steps include staff thoroughly reviewing the plan and returning to City Council with recommendations on how best to approach the suggested Capital Improvement Plan. He mentioned that Public Works has already begun to work on the project at Merritt Boulevard.

Mayor Pounds asked if the entire system would work better with thorough cleaning, and Mr. Horton said no as it would not alleviate the flooding issues.

Council Member Pierce noted that approximately half of the suggested projects could be done for \$1.5 million and he suggested seeking funding for the rest.

Director Kerr said the proposed development standards would go to the Planning Commission for further review and prioritization of the projects would go through the Public Services & Facilities Committee.

**6. New Business**

- A. Approval of repairs to Caterpillar for debris collection in the amount of \$32,000 [FY24 Budget, General Fund, Public Works, Vehicle Maintenance - \$127,000]**

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

- B. Approval of replacement SUV for Recreation Department in the amount of \$47,573 [FY24 Budget, Recreation Department, Muni ATAX, \$36,000]**

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

- C. Discussion of timing of special election for short-term rental cap referendum**

Mayor Pounds said the Board of Elections has confirmed the signatures on the citizen-initiated petition. City Attorney McQuillin said that the referendum question will appear on the November ballot.

Administrator Fragoso added, “The question that will be placed on the ballot will be the question that was presented in the petition. The entire ordinance is too long to include in the ballot. So the plan that the Election Commission has put forward is have a copy of the ordinance to be hand-delivered to each voter as they register, but the actual ballot will only ask the question as it’s read in the ordinance to limit short-term rental investment business licenses to 1600.”

**7. Boards and Commissions Reports**

- A. Board of Zoning Appeals** – no meeting in July
- B. Planning Commission** – minutes attached
- C. Accommodations Tax Advisory Board** – no meeting in July
- D. Environmental Advisory Committee** – minutes attached

**8. Ordinances, Resolutions, and Petitions**

- A. Second Reading**

- i. Ordinance 2023-11 to clarify that statements of candidacy for Mayor and Councilmembers can be filed at City Hall**

**MOTION:** Council Member Pierce made a motion to approve and waive the reading, and Council Member Streetman seconded the motion. The motion passed unanimously.

Administrator Fragoso said, “The City staff will receive the statements of candidacy and then we are required to provide an update to the Election Commission every afternoon. So we will be doing that for the two weeks where we will have the filing period.”

- B. First Reading – none**

**C. Resolutions and Petitions**

**Resolution 2023-07 – Safety Resolution**

**MOTION:** Council Member Pierce made a motion to approve and waive the reading, and Council Member Streetman seconded the motion. The motion passed unanimously.

**9. Executive Session**

**MOTION:** Council Member Streetman made a motion to move into Executive Session according to South Carolina Code Section 30-4-70(a)(2) to receive legal advice protected by attorney/client privilege concerning proposed settlement of Case 2020-CP-10-04486.

**Council Member Pierce seconded the motion. The motion passed unanimously.**

City Council entered into Executive Session at 6:52pm.

City Council returned from Executive Session at 7:05pm. Mayor Pounds said no decisions were made.

**MOTION:** Council Member Miars made a motion to approve the settlement agreement brought to City Council “regarding the Gandolfo case and to accept the undisclosed amount of money that will be paid by the defendant in that case to the City.” Council Member Hahn seconded the motion. The motion passed unanimously.

**10. Adjournment**

Council Member Hahn made a motion to adjourn, and Council Member Streetman seconded the motion. The meeting was adjourned at 7:05pm.

Respectfully submitted,

Nicole DeNeane  
City Clerk

Submitted by Al Clouse  


**City Council Meeting 7/25/23; Clouse Comments (Meeting No. 17 since 4/13/2022)  
regarding Noise Ordinance; Nuisance.**

Requesting for the **eleventh (11th)** 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 the very nuisance which has been created.

Reviewing Mrs. Anderson's letter dated June 16, 2023 to SC Ethics Commission; containing "relevant information" regarding her explanation on conflicts of interest when addressing the noise ordinance, we found material facts not disclosed to the Ethics Commission. We believe the missing material facts will alter the "informal opinion" previously issued by said Commission.

What are the missing material facts? Public Safety Meeting April 13, 2022 when asked "what can you do the help us" Mrs. Anderson, Chairperson responded "we will get back to you". Mrs. Anderson was negligent in never contacting us. Email to Mayor Pounds and Council dated June 12, 2023: "We contend Mrs. Anderson has a conflict of interest regarding the proposed Noise Ordinance, as it relates to the resort and WDCA. As you are aware, Mrs. Anderson's spouse, Mr. Jim Anderson, is the current President of WDCA. Mrs. Terri Haack, SVP and a shareholder of Lowe, is a WDCA board member, controlling twenty (20) percent voting rights. On March 4, 2023 Debbie Stanley, then presiding President of WDCA, publicly acknowledged they do not have a fiduciary or moral obligation to help us regarding the resort's noise violations; carving us out of their empire".

Mrs. Anderson, we respectfully request you readdress this issue to the Ethics Commission disclosing the above additional material facts. Actually Mrs. Anderson, your lack of disclosure and transparency, validates our case.

June 30, 2023 at 1:24 PM, called IOP Police regarding an **amplified** band at the Sweetgrass. Inquiring about the disposition of the call, Chief Cornett responded it was a "founded complaint"; "no ticket issued". So I ask you, how can we not issue a ticket to a habitual offender of the noise ordinance? This administration needs to quit focusing on wearing white hats. We need to quit worrying about a noise ordinance violation being heard by the SC Supreme Court. Question: In the past five (5) years, how many noise violations resulted in a trial? We are not condoning being irresponsible or disrespectful of the laws. We are condoning issuing tickets to those who violate the law. Let's issue the ticket and let a judge worry about the interpretation of the current noise ordinance. It will never get that far!

On July 21, 2023 we emailed all of you a video dated May 22, 2018 validating Former City Council Member Randy Bell's comments at our June 27, 2023 City Council Meeting. A picture is worth a thousand words. The resort told the council exactly what they wanted to hear! What is the reason the resort did not honor their commitment? Where is the accountability? Based on the resort's Sins of the Past, how can we rely on their commitments in the future?

Re: [EXTERNAL] CONFLICT OF INTEREST: MRS. JAN ANDERSON

From: awclouse@yahoo.com (awclouse@yahoo.com)

To: jan.anderson@iop.net; jimanderson.253@gmail.com; thaack@lowe-re.com; ppounds@iop.net

Cc: spierce@iop.net; jbogosian@iop.net; jward@iop.net; kmiares@iop.net; rstreetman@iop.net; bhahn@iop.net; roxbc29@yahoo.com; vbkraus@aol.com; george.knab@gmail.com; liliensrobert@gmail.com; sgreiman@csa.canon.com; nwiemann@comcast.net; desireef@iop.net; kcornett@iop.net; dkerr@iop.net; rforsythe@iop.net; caroliop@bellsouth.net; kpopson@iop.net; tuckerl@mindspring.com; a1bookworm@bellsouth.net; lkutcher@gmail.com; francisfamily1@outlook.com; rickbradley@outlook.com; theboard@wilddunesowners.org; carolynf@wilddunesowners.org; davek@wilddunesowners.org; bconnelly@convoglaw.com; tony@taxsearchinc.com; njs29451@gmail.com; nrreid@hotmail.com; edward.fitzpatrick@faegredrinker.com; thepublicationsspecialist@gmail.com; lynn@luckydognews.com

Bcc: [REDACTED]

Date: Monday, June 12, 2023, 08:24 AM EDT

Mayor Pounds a/k/a Phil:

Thank you for your email dated June 1, 2023. This email is in compliance with the "24 hour Rule".

My response is as follows:

Actually, § 37-109 (B) has everything to do with City Council. It demonstrates a clear simple approach defining and administrating a conflict of interest. The irony is the **Law Enforcement Training Council** holds its members to a higher standard than the **Ethics Act** you cited. We contend Mrs. Anderson has a conflict of interest regarding the proposed Noise Ordinance, as it relates to the resort and WDCA. As you are aware, Mrs. Anderson's spouse, Mr. Jim Anderson, is the current President of WDCA. Mrs. Terri Haack, SVP and a shareholder of Lowe, is a WDCA board member, controlling twenty (20) percent voting rights. On March 4, 2023 Debbie Stanley, then presiding President of WDCA, publicly acknowledged they do not have a fiduciary or moral obligation to help us regarding the resort's noise violations; carving us out of their empire.

Phil, let's practice the **KISS** principle; we request a written opinion from the South Carolina Attorney General to resolve this issue. Please understand, I am far from the only person who believes Mrs. Anderson has a conflict. However, I am the person who is saying what needs to be said.....in plain blue collar english. We need a validation. Prove us wrong. This only helps Mrs. Anderson.

#### **History with Mrs. Anderson**

My first presentation regarding the noise from the Hyatt Sweetgrass Inn to Public Safety Committee ("PSC") Meeting was on April 7, 2022. After handing out several documents to all committee members and administrators, I presented our situation. After my presentation, I requested to Mrs. Anderson, Chairperson, "what can you do to help us". Mrs. Anderson stated, "we will get back to you". Subsequently, Mrs. Anderson never contacted us. On August 23, 2022 we present to City Council regarding the noise issue. I publicly ended with: "Mrs. Anderson, on April 7, 2022, you stated you would get back to us regarding our situation. Mrs. Anderson, you never got back to us. We are still waiting to hear from you Mrs. Anderson".

We were immediately contacted by three (3) Council Members: Mr. Pierce, Mr. Bogosian; subsequently Mr. Ward after returning from a trip ; all concerned regarding our situation and wanting to help. All the above members made site visits to fully understand our situation.

**"Only one person is complaining!"**

Please let me remind you, my actions represent six (6) other residents. I have discontinued identifying them by

name when I present to council, due to the three (3) minute time constraint. Yes, I am accountable for talking slower than the average bear.

What if I were the **"only one person"**? What is everyone's mindset? Are the issues being addressed as if I am a one (1) man band, or a band with multiple members? Does one (1) person not have rights?

#### **Noise Ordinance § 9-2-5; Enforcement (lack thereof); Nuisance**

We have a well documented history of dialing **843-886-6522 (per the direction of Lt. Robert Forsythe)**, never using "the 911 service", which is alleged by Mr. Jack Smith of Nelson Mullen, the resorts legal counsel, in his letter to Mrs. Fragoso dated May 8, 2023. Our activity commenced in early 2021 regarding noise violations at the Hyatt Sweetgrass Inn. Actually, evolving into a first name basis with a couple of the dispatchers over time (Jane and Bobby). Our understanding is there were no citations issued in 2021. Also, we understand, for whatever reason, our calls were not tracked; eliminating a historical data base. During 2022 we continued calling regarding the noise issues at the Hyatt Sweetgrass Inn. Finally, five (5) citations were issued at "The Concert from Hell" on November 4, 2022. I called five (5) times in thirty (30) minute intervals. Demonstrating the resorts defiance to the IOP law enforcement. So, over forty (40) calls in the Sweetgrass's first twenty (21) months of existence resulted in five (5) citations. The math does not work.

Phil, unfortunately, the above lack of enforcement, on your watch, has resulted into a Nuisance, compliments of the IOP Administrators. Or, in layman's terms, we had an infected pimple we did not want to attend to; which turned into an infected boil.

#### **Mayor Pounds--MIA**

Phil, as you will recall, I called you out at the May 9, 2023 Council Meeting for not reaching out to us regarding the noise issues; an easy five (5) minute walk from your residence. After fifteen (15) months of presenting to City Council, you have been **MIA**. Do not understand. Or, maybe I do understand.

We respect your political philosophy, however, we are very far from Camelot. All of your Pillars will not sustain themselves unless they are supported by solid substantial footings, which we build first.


My philosophy is to hit problems head on; not run the other way, hoping they will disappear; they never do. The greatest grandiose plan will fail if not properly executed. We need buy-in to the plan and execution of same. And, we need boots on the ground to make sure we understand the situation because history demonstrates distortion at 30,000 feet.

The number one (1) process in identifying a problem is to define the cause; then we reduce the problem to a situation.

This would be a great case study for Harvard Business School and/or the Freshman Class of Academic Magnet High School.

Phil, please do not tell me how my feet feel until you have walked in my shoes for ten (10) miles.

Respectfully,

Al Clouse, IOP Citizen   
3 Grand Pavilion Dr.  
Isle of Palms, SC 29451  
317-201-5168

HELLO, I AM ED FITZPATRICK. MY WIFE AND I ARE OWNERS OF A SECOND HOME AT 15 OCEAN POINT IN WILD DUNES WHICH WE BUILT IN 1999. I AM ALSO A LITIGATION ATTORNEY WITH OVER 40 YEARS OF EXPERIENCE HANDLING COMPLEX CIVIL LITIGATION.

I AM HERE TODAY BECAUSE OF MY CONCERNS ABOUT THIS COUNCIL'S HANDLING OF THE PENDING LITIGATION BROUGHT BY THE WILD DUNES RESORT IN AN ATTEMPT TO INVALIDATE LAWFULLY PASSED ZONING ORDINANCES.

THE RESORT'S ARGUMENT IS THAT IT HAS A VETO RIGHT OVER THE ISLE OF PALM'S ZONING AUTHORITY BECAUSE THE RESORT IS THE 'SUCCESSOR' TO THE ORIGINAL DEVELOPER OF WILD DUNES AND A ZONING APPLICATION SUBMITTED BY THAT ORIGINAL DEVELOPER TO ESTABLISH A PLANNED RESIDENTIAL DEVELOPMENT OR PRD IS A 'CONTRACT' WHICH ISLE OF PALMS BREACHED BY ENACTING THE ZONING ORDINANCES IN QUESTION.

I HAVE REVIEWED THE COURT FILINGS AND NOTE THAT YOU HAVE RETAINED EXPERIENCED ATTORNEYS WHO HAVE CORRECTLY DENIED THAT THE 1975 PRD IS A CONTRACT AND HAVE RAISED MULTIPLE AFFIRMATIVE DEFENSES TO THE RESORT'S CLAIM. IN MY VIEW, IOP HAS A WINNER.

MY CONCERN IS THAT YOU WILL SETTLE THE LAWSUIT IN SUCH A WAY AS TO SET A BAD PRECEDENT FOR FUTURE ZONING DISPUTES AND GIVE THE RESORT RIGHTS WHICH NO OTHER IOP PROPERTY OWNER HAS.

THE RESORT CLEARLY THREATENED THE FILING OF THIS LAWSUIT AND THE RESULTING LEGAL EXPENSE IN AN ATTEMPT TO GET LEVERAGE IN THE ZONING NEGOTIATIONS. YOU SHOULD NOT GIVE IN TO THOSE KINDS OF THREATS.

MY CONCERNS ABOUT A PREMATURE SETTLEMENT BY THIS COUNCIL ARE REINFORCED BY WHAT PAST COUNCILS HAVE DONE WHEN NEGOTIATING WITH THE RESORT. IN THE 2016 PRD AMENDMENT, THE THEN COUNCIL MISSED THE RESORT ATTORNEY'S INCORRECT REFERENCE TO THE PRD AS A 'CONTRACT' AND IN 2018 NEGOTIATIONS REGARDING THE SWEETGRASS INN DEVELOPMENT, THAT COUNCIL FAILED TO INCLUDE REQUIREMENTS TO GUARANTEE THE RESORT'S COMPLIANCE WITH THE NOISE, PARKING AND TRAFFIC VERBAL REPRESENTATIONS THAT THE RESORT MADE TO THE COUNCIL DESPITE THE CONCERNS RAISED BY RESIDENTS.

IN SHORT, LET YOUR ATTORNEYS DO THEIR JOB. YOU HAVE A WINNER. DON'T GIVE THE RESORT ANY DIFFERENT RIGHTS THAN ANY OTHER IOP PROPERTY OWNER.