



CITY COUNCIL MEETING
6:00pm, Tuesday, August 22, 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, Bogosian, Streetman, Anderson, Popson (via phone), Miars, Pierce, and Mayor Pounds

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

2. Citizen's Comments

George Page, speaking on behalf of the IOP VFW post, thanked City Council for their previous grants in support of their post. He explained the request on the meeting agenda for \$5,000 will be used to help replace the beach access walkway. The total cost of the project is \$7,200-\$7,500.

Al Clouse's comments are attached to these minutes.

3. Special Presentations

A. Presentation of new City employees

Administrator Fragoso introduced four new employees.

B. Recognition of Isle of Palms Police Department officers for their response, investigation, and arrests made related to the April 7th shooting

Mayor Pounds, recognizing the officers for their response during the April 7th shooting, said, "We want to take this opportunity to recognize and express our deepest gratitude and appreciation to the men and women of our Police Department that responded to the April 7th shooting on the beach, the team involved in the investigation and ultimate arrest of the individuals responsible for the unfortunate event in our community.

"The bravery demonstrated by our officers the day of the shooting and the unwavering resolve to bring those responsible to justice is admirable and demonstrates our department's commitment to protecting our community and ensuring it remains a vibrant, safe community for those that come here to live, work and play.

"Special recognition goes to the Detectives unit, particularly Detective Tumminelli, who's with us tonight, for his role in the investigation. Thank you! Also want to recognize the tremendous support, and Chief I put this on you and your relationships around the Lowcountry, from many

municipalities around us and the teamwork involved at the local, state and federal level during and after this event. So again, thank you to everyone involved in this effort!”

MOTION: Mayor Pounds made a motion to reorder the agenda moving the reading of the proclamation before the new City initiative. Council Member Ward seconded the motion. The motion passed unanimously.

C. Resolutions and Petitions

Proclamation to declare August 31, 2023 as the “Debbie Schimsa Suggs” Day

Mayor Pounds read a proclamation honoring Debbie Suggs upon her retirement from the City of Isle of Palms.

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

D. Presentation of new City initiative: Citibot, a Citizen Engagement Solution – Bratton Riley

Bratton Riley, CEO of Citibot, gave a brief presentation on a new AI-powered citizen engagement initiative that will use information from the City’s website to answer questions via text from citizens and visitors. Those questions that cannot be answered by Citibot will be routed internally to the proper department. Mr. Riley will be working with the City’s PR representative to create an awareness campaign. Full implementation is expected by October. Mr. Riley said all feedback is welcomed and appreciated.

4. Approval of previous meetings’ minutes

A. City Council Meeting – July 25, 2023

B. Special City Council Workshop – August 8, 2023

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

5. Old Business

A. Presentation and discussion of noise study conducted by Wild Dunes Sweetgrass Inn

Terri Haack, representing Wild Dunes and the Sweetgrass Inn, came before Council to answer questions about the noise study they had conducted over the summer and shared with Council in the meeting packet. She said their noise mitigation efforts to date have been shared with the City and they will adhere to whatever noise ordinance is passed.

Council Member Bogosian said the report generates more questions than answers for him. He expressed concern about the number of times noise levels were exceeded. Ms. Haack said the noise consultant had difficulty interpreting the current noise ordinance.

Council Member Streetman said the study does not provide any actionable items. He added that more information is needed, but he is unsure exactly what is needed.

Ms. Haack said, “We voluntarily did this study to try to help all of you understand what decibel levels you may want to employ throughout the city. So we don’t even need this report. Just tell us what the decibels are that make sense and that you have some kind of reason in which you have based that decibel level. I don’t see any data that tells me why 85 is good for Front Beach and 75 is good for us and 65 is good for the residents. If you can tell me your base, then I can take this back.”

She said the resort is serious about helping its neighbors and controlling the noise.

B. Consideration of proposal from RML Acoustics to provide acoustical consulting related to noise ordinance

Mayor Pounds referenced the two scopes of work provided by RML Acoustics. Administrator Fragoso noted that committee and Council conversations about the noise ordinance have resulted in a paralysis in understanding what are appropriate noise levels for the different types of properties across the island. Professional expertise may be needed to help guide in the finalizing of a new noise ordinance.

Council Member Bogosian agreed Council is stuck in the process of bringing forward a new noise ordinance. He read excerpts from a letter sent to Council by resident and Planning Commission member David Cohen who has experience in sound work. Mr. Cohen believes the current noise ordinance is good and should be built upon instead of adopting the proposed ordinance.

Council members discussed with Director Kerr whether or not this would be an issue the Planning Commission could research and discuss. Council agreed the Planning Commission should discuss this further and come back to Council with any needed resources to facilitate the noise ordinance process.

C. Update on minor dune repair project between 114 and 304 Ocean Boulevard

Administrator Fragoso reported, “We submitted and sent out easement agreements to all the property owners that are along the project area, which is 114 to 304 Ocean. We have, since the last time we reported on this, we have heard back from all the 21 property owners along that stretch, and only five folks agree to grant a permanent easement to the City. We had a presentation from Coastal Science & Engineering about the importance for the effectiveness of the project for us to have a continuous berm. So we went back to the table and pivoted and used a lot of feedback that we received from the property owners and their concerns with granting a permanent easement for such a small scope of a project and concerns about property rights, concerns about their property values, and ultimately, we were not going to get to a place where we can perform and complete a project that we need, particularly now with the active hurricane season upon us.

“So we worked with our attorneys. We worked with several coastal experts in crafting a position that would protect the City that could help us to complete a project down there and agreed on a temporary two-year easement for these two projects. So the intent would be to, over this small project, place almost 500,000 cubic yards of sand down the southern tip near Breach Inlet, which

we know it's coming really soon. So we are pursuing that. Our attorneys feel comfortable with that. We believe that there is bigger and more risk in not doing a project down on that end than some of the risks associated and the administrative hurdles associated with not having permanent easements. So we feel comfortable moving in that. We have communicated with the property owners and we believe that we will have 90%, if not 100% participation, which is ultimately our goal. So we will be sending revised easement agreements. We were hoping for that to happen today, but we couldn't do that. So to do that by tomorrow and give folks about a week to 10 days to return that to us. Ideally, we would like to issue a Notice to Proceed to the contract director by the week following Labor Day."

She added, "This process highlighted a deficiency that we have in terms of a policy on the use for beach restoration, and our goal is going to be, once we get this project conducted, to work with Council in developing that so that we have a guideline and a blueprint of how to deal with situations like this because we do have a commitment to restoring and protecting the beach. We have a local beach management plan that establishes that according to the State regulations. We are collecting funds for the purpose of restoring the beach, and I think it is upon us to develop a plan moving forward. And it may be that in the future we do decide that we need to pursue permanent easements in order to facilitate the City's Beach Restoration practices. But I think that you do that by having no project specific. I think it requires more of a comprehensive, educational process with property owners."

6. New Business

A. Discussion of Beach Reach ridership for summer 2023

Council Member Ward reported that Beach Reach program is showing signs of increased participation, and he would like continue supporting the growth of the program. He will also lobby CARTA to build a shelter at 14th Avenue for patrons to wait under during inclement weather.

B. Approval of Mutual Benefit and Use Agreement with Ashbritt, Inc. for emergency debris removal services

C. Approval of Isle of Palms Fire Department joining mutual aid agreement with the Charleston Metro Marine Unit

D. Appointment of Captain Jeff Swain to the Grievance Committee

F. Approval of drainage easement between 16 and 18 25th Avenue

G. Approval of Ford SUV Police Vehicle - \$48,626 (State contract) [FY24 Budget, Capital Projects Fund, Police Department, \$52,000]

H. Approval of Dodge Durango Police Vehicle - \$41,790 (State contract) [FY24 Budget, Muni ATAX Fund, Police Department, \$52,000]

I. Approval of Dodge 1500 Animal Control – \$40,167 (State contract) [FY24 Budget, Hospitality Tax Fund, Police Department, \$48,000]

J. Approval of Dodge 1500 Code Enforcement Vehicle - \$37, 413 (State contract) [FY24 Budget, State ATAX Fund, Police Department, \$46,000] – Vehicle for new Code Enforcement position

K. Approval of replacement of 6 Mobile Data Terminals (MDTs) for Fire Department - \$36,000 [FY24 Budget, General Fund, Fire Department, IT Equipment, Software & Services, \$36,000]

L. Approval of overhead fans for apparatus bay at Fire Station 1 in an amount of \$65,025 [FY24 Budget, Capital Projects Fund, Fire Department, Building Maintenance, \$126,620]

M. Approval of recommendation from ATAX Committee of a grant of \$5000 for the VFW to repair beach walkway

N. Approval of change order to ATM contract in the amount of \$48,600 for bidding and construction administration of the public dock rehabilitation project

O. Approval of sole source contract in an amount of \$135,000 to National Fitness Court for outdoor fitness court at the Recreation Center

MOTION: Council Member Ward made a motion to approve all items under New Business excepting A, E, and P. Council Member Ward seconded the motion. The motion passed unanimously.

E. Consideration of recommendation from the Administration Committee to appoint Culver Kidd as City Prosecutor

MOTION: Council Member Bogosian made a motion to appoint Culver Kidd as the City Prosecutor. Council Member Streetman seconded the motion. The motion passed unanimously.

P. Discussion of new parking reconfiguration alternative for the Intracoastal side of the marina

Director Kerr reported to City Council how staff has been monitoring the shared parking lot at the marina throughout the summer season. He shared pictures of the lot taken throughout each of the Saturdays from July 8-August 5 showing lot usage. Data showed the trailer spots being well used but the dedicated resident only parking spaces never filling up. Director Kerr noted that those spots may see more use once the City has completed the dock and greenspace rehabilitation.

City staff engaged Matt Klein, the engineer who previously worked on designs for this parking lot, to design options that keep the number of parking spaces at approximately 16 but varies the number of trailer parking spaces. They would like to give the restaurant more parking spaces in hopes they will support the new parking configuration.

Council Member Streetman said this matter had been discussed by the Public Services & Facilities Committee. He would like to have 10 trailer spots. He would also like to see the City

come to an agreement with the restaurant tenant that will do away with shared parking. He also wants the City to ask the contractor for the 41st Avenue outfall project for the cost of extending the pipe to the headwall so the City can pave over the ditch and create 25-35 more parking spaces.

Administrator Fragoso said the proposed configuration allows the restaurant to stack employee cars in the middle of the lot and provides ample space for large truck deliveries.

Council Member Pierce asked if there is an agreement between the restaurant owners and the marina owner “to ensure that all that parking is available when they need it.”

Administrator Fragoso replied, “I know that the marina operator, they offer the first hour free for anybody that parts at the marina. It is free any time, any hour for residents. I don’t think that they have a formal agreement, but they don’t lock their parking area. So there are no restrictions for vehicles to park in the marina property. And I do know that there have been instances where the restaurant has had special events, and in their communications with the marina operator, it has always been offered that if they needed additional parking, they would park on the marina side.”

The City’s parking MOU with the restaurant expires on Labor Day, and at that time, the parking agreement defaults to what is in the lease “which is it is shared parking managed by the City and there would be no dedicated trailer parking spaces for residents.”

Administrator Fragoso added, “I think everybody agrees on the concept and the benefits of separating the lots and each having their own control over their area. The conundrum was agreeing on the number of trailer parking spaces for that area. Obviously, the marina lot is a separate lease. They have control over their own number of parking spaces, trailer parking spaces, but I think there was a lack of understanding of how they were really used and how much they would be used by residents.”

She continued, “The restaurant would like to maximized vehicle parking spaces, and we understand why that is their best business model, is supported by that, but then at the same time, we have to have a reasonable number of trailer parking spaces to meet the demand from residents in that area.”

Council members agreed on securing an estimate to extend the piping to the headwall and pave over the ditch at 41st Avenue to potentially create more parking spaces.

7. Boards and Commissions Reports

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

8. Ordinances, Resolutions, and Petitions

- A. **Second Reading -- none**
- B. **First Reading – none**

C. Resolutions and Petitions

Handled earlier in the meeting.

9. Executive Session -- none

10. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting was adjourned at 7:45pm.

Respectfully submitted,

Nicole DeNeane
City Clerk



**City Council 8/22/23; Clouse Comments (Meeting No. 20 since 4/13/2022)
Regarding NOISE ORDINANCE; NUISANCE.**

Requesting for the **fourteenth (14th) time** (twice in writing) to provide us written assurances regarding enforcement of **§ 9-2-5 (b)(c)**. **"Amplified Music"** from Sweetgrass has resulted into a **"Nuisance"**.

Public Record: After repeated attempts requesting Mrs. Jan Anderson amend her disclosure letter to the Ethics Commission regarding conflicts; disclosing missing material facts, Mrs. Anderson has publicly stated (PSC 8/1/23) she will not be honoring our request.

In the spirit of transparency and full disclosure, I have filed a complaint with the Ethics Commission. We will see where the Ethics Commission aligns with the court of public opinion. (Complaint Attached).

Agenda Item: WD Sound Study Executive Summary dated July 23, 2023.

June 2022 we broached sound abatement with the resort's legal counsel; following up with Mrs. Haack on November 2022. Instead of the resort honoring our request, they choose another path, which is a **recipe for sound & disaster**. Conclusion: the resort's actions clearly demonstrate they are not interested in abating noise, only interested in making more noise.

May 22, 2018 City Council, the resort told everyone what they wanted to hear. Council approved the Sweetgrass Inn based on the resort's commitments. Yet, look where we are today!


75 dBA's: obnoxious, arrogant, disruptive and a major nuisance!

Does anyone realize how ridiculous the **"30 second rule"** is? The PSC, administration and the resort have created a science project regarding policing noise violations. Instead of erring on the side of simplicity (KISS), let's make it so complicated, all parties can argue about the mechanics of the noise violation. Will we need AI software? We, the residents, do not find comfort with the administration's quest to prevail at the SC Supreme Court.

Where is everyone's common sense? The sound study is smoke and mirrors; masking the real problem.....the resort.

Ironically, we are at a time most communities in the country are diligently working to lower noise levels to improve the environment, health and livability of their citizens. However, on IOP, we have a neighbor who wants to erode the livability standards, at the expense of the residents, which commenced in March 2021 and continues to this day. (Email attached).

It is not the Cicadas. It is not the Crows!!

Allen W. Clouse 
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Isle of Palms, SC 29451
awclouse@yahoo.com

August 21, 2023

VIA EMAIL ONLY

Ms. Megan Dayson
General Counsel
State Ethics Commission
State of South Carolina
201 Executive Center Drive, Suite 150
Columbia, SC 29210
mdayson@ethics.sc.gov

Re: Complaint regarding Jan Anderson's failure to provide material facts to Ethics Commission

Ms. Dayson, Greetings:

I am reaching out to you as a result of our phone conversation on August 17, 2023. On June 16, 2023 the Commission received an email from Mrs. Jan Anderson, an Isle of Palms City Council Member, regarding her facts surrounding her alleged conflict of interest on a current proposed noise ordinance. Mrs. Anderson's email was a result of multiple allegations, verbal and written, regarding her conflicts of interest in her involvement/discussions in a new proposed noise ordinance on the Isle of Palms. I am in receipt of the Commission's letter dated June 20, 2023 as a result of reviewing the June 26, 2023 City Council Meeting minutes, which are included in the July 25, 2023 City Council Meeting Agenda.

Respectfully, I believe Mrs. Anderson failed to provide/disclose additional material facts to the Commission, which may have a direct bearing on the outcome of your previous "informal opinion". I requested Mrs. Anderson disclose the following material facts to the Ethics Commission at the July 23, 2023 City Council Meeting. At the Public Safety Committee meeting August 1, 2023 Mrs. Anderson publicly acknowledged she will not be honoring our request; I have a moral obligation to our community to provide the omitted material facts to you.

My complaint is predicated on the following material facts:

1.) Mrs. Anderson failed to inform the Commission regarding the makeup of the Wild Dunes Community Association ("WDCA"). WDCA is comprised of seven (7) directors. Yes, Mrs. Anderson's spouse, Mr. Jim Anderson is President of the WDCA. What Mrs. Anderson failed to disclose is Mrs. Terri Haack, Lowe SVP and shareholder of Wild Dunes LLC ("WD"; "resort"), is also a board member of WDCA. Lowe maintains 20% voting rights in WDCA.

Lowe is the managing member of WD, the resort, which includes, but not limited to, a new 153 room hotel flying the Hyatt flag. Lowe (represented by Mrs. Haack) is a strong proponent of further expanding noise levels, which are currently obnoxious and a nuisance, to residents in an adjacent residential neighborhood, which directly affects their quality of life and health.

WD and WDCA are joined at the hip. History demonstrates they have combined on numerous issues at the expense of WDCA members (which we are one).

2). After our first (1st) presentation to Public Safety Committee on April 7, 2022 regarding the noise violations by the Sweetgrass Inn, I asked the Committee "what can you do to help us". Mrs. Anderson, Chairperson responded, "we will get back to you". We were never contacted by Mrs. Anderson, which is negligence on her part.

3). Mrs. Anderson's letter to the Ethics Commission stated "I am working on updating the city's island-wide noise ordinance. The effort includes working with residents as well as local businesses to ensure that the adopted ordinance is appropriate for our needs and has included public discussions with Wild Dunes Resort, the Chamber of Commerce and other front beach merchants".

Mrs. Anderson has not contacted anyone in our group of seven (7) residents, which are severely impacted by the resort's noise. (Public record)

4. Inconsistencies: PDD vs. Proposed Noise Ordinance

PDD. November 2022 Mrs. Anderson recused herself regarding IOP zoning ordinance changes which was passed by City Council 7-1. Mrs. Anderson recused herself stating it was a result of her husband (Jim Anderson) being on the WDCA board (Mr. Anderson is now President). WD vehemently opposed said ordinances. Residents strongly advocated for the ordinance's passage. Our understanding is Mrs. Anderson obtained an opinion from the Ethics Commission before her recusal. Ms. Dayson, your office would have a record of the Commission's opinion. Respectfully, we are requesting all documentation between the Commission and Mrs. Anderson regarding the above.

Proposed Noise Ordinance. We believe the fundamentals outlined above are present in the current situation. IOP City Council is entertaining a new noise ordinance; WD is an advocate of increasing the amount of noise at the Sweetgrass Inn (and other resort venues) at the expense of residents; residents are vehemently opposed to said ordinance .

The following **six (6) criteria points** result in the **common denominator** in the above two (2) situations.

- 1). IOP is considering an ordinance
- 2). WD (resort) elects a position on said ordinance
- 3). Terri Haack; WD SVP; WDCA Director is advocating WD's position
- 4). Residents are electing an opposite position than WD
- 5). Jim Anderson is President of WDCA
- 6). Jan Anderson, a City Council member and Jim Anderson's spouse.

Based on the above, what is the reason Mrs. Anderson is not being consistent with her previous recusal? The six criteria points regarding the PDD are duplicative in the Proposed Noise Ordinance; resulting in both sharing the same common denominator. The act of being inconsistent demonstrates a bias towards the resort on some issues, as compared to others.

Complaint Summary

Mrs. Anderson's relationship with the resort and WDCA is not "at arms length". Mrs. Anderson failed in her public duty representing she would "get back" to us regarding our presentation to the Public Safety Committee (available on IOP YouTube). We relied on Mrs. Anderson's comment which resulted in false promises on her part. Was this the early sign of her bias towards the resort? Negligence. Mrs. Anderson's comments regarding "working with residents" is misleading. If she was working with residents, what is the reason she did not contact me, or the other six (6) people in our group? We are the ones severely impacted by the Sweetgrass Inn's noise. One family in our group is separated from the Sweetgrass Inn property by twenty-five (25) feet; I am separated by sixty-two (62) feet. I have presented to Public Safety and City Council nineteen (19) times regarding our situation.

Based on the "common denominator" explained above, Mrs. Anderson's focus is on promoting her agenda, and perhaps others, as compared to the IOP citizens needs.

I believe Mrs. Anderson's email dated June 16, 2023 is unconscionable. The fact she omitted material facts to the Commission, not being totally forthright, is very disturbing. Actually, it is more damaging, than her failure to recuse herself. What is the reason someone would behave in this manner?

Respectfully,

Allen W. Clouse

amplified music; IOP violation

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

To: thaack@lowe-re.com; ppounds@iop.net; jward@iop.net; spierce@iop.net; jbogosian@iop.net; kmiares@iop.net; rstreetman@iop.net; jan.anderson@iop.net; kpopson@iop.net; bhahn@iop.net; desireef@iop.net; kcornett@iop.net; dkerr@iop.net; roxbc29@yahoo.com; tony@taxsearchinc.com; liliensrobert@gmail.com; sgreiman@csa.canon.com; vbkraus@aol.com; george.knab@gmail.com; nwiemann@comcast.net; caroliop@bellsouth.net; rforsythe@iop.net; bconnelly@convoglaw.com; nico.scherman@destinationhotels.com; prb.bell@gmail.com; jimanderson.253@gmail.com; tuckerl@mindspring.com; a1bookworm@bellsouth.net; lkutcher@gmail.com; francisfamily1@outlook.com; rickbradley@outlook.com

Date: Thursday, August 10, 2023, 07:39 AM EDT

Terri, Good Morning!

Terri, I am reaching out to you to make you aware of a continued issue which you may, or may not, be aware of.

The hotel is continuing to play amplified music outside the hotel during the day. Additionally, there is a strong base (sub woofer) which I can hear on my screen porch. As you may recall, Chief Cornett talked about base issues which are disruptive. I am not going to put words in Chief Cornett's mouth; you may talk with him yourself.

Bottom line, amplified music is not allowed; you and your people know this. I am confused as to reason you want to continue pushing the envelope. I am asking you to discontinue the amplified music. Full Stop.

Also, as you will recall, you agreed to disconnect/remove the wall speakers at the pool side bar. Nico validated in a previous email, "off in the PM". Well, they are still on!

Interestingly, at 6:30 PM I was on our screen porch. An IOP patrol car with lights and sirens glaring, came down Palm Blvd and turned into your empire. Another patrol car, also with sirens followed. I could continue to hear the bass through all the above action. You may check with the police regarding the time.

I would hope you realize how you are wasting the cities resources when I have to call regarding a violation by the resort. You quit violating the noise ordinance.....I quit calling.....the police can focus on more pressing issues.

Respectfully,

AI