CITY COUNCIL MEETING
6:00pm, Tuesday, September 26, 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**

Randy Bell's comments are attached to these minutes.

Tony Santiago, 60 Ocean Pointe, spoke about divisiveness in the community. He said neighbors need to stop blaming each other for the issues on the island. He said the island needs a Council that brings people together.

Al Clouse's comments are attached to these minutes.

3. **Special Presentations**

A. **Special recognition of Ben Allen, named "Surfer of the Week" by the National Scholastic Surfing Association**

Mayor Pounds shared Ben Allen's history as a surfer. Ben's parents received the certificate of recognition on his behalf.

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

A. City Council Meeting – August 22, 2023
B. Special City Council Workshop – September 12, 2023

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

5. **Old Business -- none**

6. **New Business**

A. **Consideration of recommendation from the Administration Committee to award the Spirit of the Island Award to Susan Hill Smith**

Mayor Pounds read the letter of recommendation advocating for Susan Smith to receive the Spirit of the Island award. Council Member Ward mentioned an email from Ms. Smith asking Council to consider giving the award to the Isle of Palms Clean-Up Crew. Administrator Fragoso added that Ms. Smith was key in the creation of the Environmental Advisory Committee.

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

B. **Consideration of recommendation of award of a contract to Air Cleaning Specialists in the amount of $97,775 for the installation of direct source vehicle apparatus exhaust capture systems at Fire Station 1 & 2** [FY24 Budget, Fire Department, Capital Projects & Muni ATAX, $200,000]

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

C. **Consideration of recommendation of aware of a sole source contract to Coastal Science & Engineering for the following projects: [FY24 Budget includes $255,000 for scope A&B]**

i. Scope A: Permitting a sand recycling "shoal management' project in the north end [$69,534]

ii. Scope B: Initial sand search, geophysical data collection, and State Historic Preservation Office (SHPO) coordination to begin the process of identifying borrow areas for future renourishments at the north and south end [$168,895]

iii. Scope C: Coordination with the US Army Corps of Engineers (USACE) on the beneficial use project proposed for the southern end of the island, as well as construction planning and administration for dune enhancement project in connection with the USACE project [$85,069]

MOTION: **Council Member Streetman made a motion to approve, and Council Member Ward seconded the motion.**

Council Member Bogosian asked about the rationale behind sole sourcing. Administrator Fragoso replied, "We looked at the last time the City bid out a mostly general scope of work associated with the island-wide monitoring. What we know to be true was exemplified in that process. They were almost half more economical than the other two firms that submitted a proposal for that work, and I anticipate the same thing being the case. Usually when we have engineers working with the City for a long time, they have done so much work that a new contractor would have to do in order to be up to speed with the condition of the beach or the dynamic components of the beach, particularly down at this end. Therefore, certainly it could be

a path, and that is the decision of Council to just approve scopes A and C and bid out B. Certainly we would go down that path. I don't think that the City is going to get any savings by going with a different contractor. I think if we are looking at their level of expertise and knowledge they are certainly qualified to do the work, and I think we would see that in any responses to that proposal. I do also want to say that going through the RFP process, certainly we do it all the time, we are on the side of doing that more than others. This is, in my mind, a very critical project that I would not like to delay and having the same contractor pursue all three consistently, I think we would have some economies of scale at that point and potentially some savings. I would not want to delay the progress on that project by going down a three, four-month process."

Director Kerr added that CSE&E has worked closely with SHPO previously and has already begun consulting with them on this project. Administrator Fragoso added, "The State Historic Preservation Office, this is the State agency that we have to coordinate with for the State to allow the City to harvest sand from the area on the north end that was designated as a historic place. So there is a lot of historical knowledge just on that project alone from 2018 that it would be very difficult to bring somebody in to the fold at that point to do that piece."

Council Member Anderson agreed that CS&E's historic knowledge is important and they have been responsive to the City. She suggested going out for bid on future projects to ensure fees are still competitive.

VOTE: The motion passed unanimously.

D. **Consideration of award of a contract in the amount of $156,700 to Thomas & Hutton for the design and permitting of the Waterway Boulevard Multi-Use Elevation Project**

Administrator Fragoso explained this project is being funded by a FEMA Hazard Mitigation Grant they expect to be awarded in the first quarter of 2024. The City has been authorized to "engage a contractor to perform design engineering and permitting as a pre-award cost." Thomas & Hutton submitted the lowest bid for this piece of the project. Thomas & Hutton was also the firm that prepared the preliminary design for this project and helped the City develop the grant application. Staff recommends the approval of this contract.

MOTION: Council Member Bogosian made a motion to approve, and Mayor Pounds seconded the motion.

Administrator Fragoso reminded Council that the City received approval from FEMA to engage in these services ahead of the award. The City must show due diligence and the reasons why this firm is being selected as part of the RFP process.

VOTE: The motion passed unanimously.

E. **Consideration of recommendation from the Public Services & Facilities Committee of approval of change order from Thomas & Hutton in the amount of $42,000 for**

construction phase services for the 30th Avenue and Forest Trail Outfall projects [FY24 Budget, Phase 3 Drainage Project Contingency Fund]

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

F. **Report of award of a contract to Love Christmas Lights in the amount of $24,225 for holiday lights and tree installation at Front Beach and storage [FY24 Budget, Muni ATAX, General Government, $29,000]**

Administrator Fragoso reported the City did collect three bids and this is the lowest bid received. They will install all of the lights along Front Beach, lighting up the two oak trees at the end of the Connector, and store all of the equipment for the City, which will save the City money in storage unit fees as well as personnel costs since City staff has installed the lighting in the past.

G. **Consideration of approval of FY24 millage rate of 0.0223** (no property tax increase)

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

H. **Consideration of donation of $50,000 to Emanuel Nine Memorial to be paid from interest income**

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

A brief discussion ensued as to where this donation will come from in the budget. Council Member Streetman said he would like to see the City make a larger contribution to the memorial.

MOTION: Council Member Streetman made a motion to amend the motion to increase the donation from $50,000 to $100,000. Council Member Anderson seconded the motion.

Council members debated the amount of the donation and from where in the budget the donation will be made. The donation will be made from the City's interest income.

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

Ayes: Ward, Streetman, Popson, Anderson, Pounds
Nays: Bogosian, Hahn, Miars, Pierce

The amendment passed 5-4.

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

Ayes: Anderson, Popson, Streetman, Ward, Hahn, Pounds
Nays: Pierce, Miars, Bogosian

The motion passed 6-3.

7. **Boards and Commissions Reports**

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

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

A. **Second Reading -- none**

B. **First Reading – none**

C. **Resolutions and Petitions**

Resolution for the IOP Connector Run on October 7, 2023

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

9. **Executive Session -- none**

10. **Adjournment**

Council Member Ward shared that the CARTA Beach Reach shuttle saw a 92% increase in ridership this season over last year. All stakeholders are encouraged to continue the service. Council Member Ward is advocating for a bus shelter at 14th Avenue.

Council Member Streetman made a motion to adjourn, and Council Member Ward seconded the motion. The meeting was adjourned at 6:44pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

R. Bell Council Comments 9/26/2023

- From 2018-2022 we spent 4 years on this Council striving to improve resident engagement and productive conversation
    - We now have a majority Council discouraging resident participation, refusing public debate, opting for no response to Island Eye candidate questionnaire, and opting to not attend the public forum on Thursday 9/28.

Let's discuss facts:

- The proposed STR referendum does NOT impact city revenues despite the nonsense in direct mail and postings on social media.
- The budget remains intact with no reduction of city revenues, and without diving into posted Councilmember misinformation, tourism does not drive 80% of city revenues.

  If this nonsense is to be believed, might I suggest an open FOIA compliant discussion with all of the Council versus non-public, non-FOIA compliant podcast? Maybe ask our two CPA's running for Council to address the issue publically with thoughtful debate? Just a thought.

- Property taxes are not going up based on the referendum.

  Assessed property values cannot increase more than 15% over a five-year period unless it is sold.

  S.C. code Section 6-1-320 addresses the need for a city to only increase millage rates based on a population increase, and inflation. We have inflation, but we do not have an increase in our population. Tonight, Council will once again vote to NOT raise taxes. Had the Council chose to raise taxes, they could in fact do so based on a 3 year CPI adjustment reflected less than $ 100 per $ 500,000 taxable assessed value.

- Reminder as well 50% of residents have lived here less than 10 years, and 66% less than 16 years. Derogatory postings are not productive. Tenure on the island doesn't grant special priviledge. The only constant is change, and history has proven the negative consequences of failure to recognize that simple fact.

- And lastly, upon passage of the proposed ordinance, Council may act immediately to amend and change in any way deemed appropriate.

City Council 9/26/23; Clouse Comments (Meeting No. 23 since 4/13/2022)
Regarding NOISE ORDINANCE; NUISANCE.

Requesting for the **sixteenth (16th) 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",** which has been perpetrated by the City as a result of not enforcing the ordinance.

The Empire continues to violate the above section; the administration/council continues to perpetrate their actions. No one has stepped up and directed the Empire to discontinue taunting us. August Livability Statistics: **Noise: 17 Complaints; (0) Citations.**

Respectfully, our interpretation of the above section differs from Mr. Kerrs.

Curious to know if the City has received a response from the Lowe Boys or Mr. Dart regarding our "**Back to the Future"** proposal dated 9/12/23. Their failure to do so; a big RED FLAG.

Planning Commission 9/13/23 Chief Cornett eloquently explained the definition of enforcement. To paraphrase Chief Cornett: when a police officer appears at a call/complaint, this is part of enforcement.

Respectfully, we, and a growing number of residents on this island, vehemently disagree with Chief Cornett's definition. Our consensus: appearing at the site of the complaint is part of the job. Enforcement is what you do when you get there.

Chief Cornett cautioned the Planning Commission regarding the noise ordinance, citing someone is currently contesting a citation. Respectfully Chief Cornett, you are fear mongering. Do we not have people contesting: Speeding tickets; parking tickets; DUI tickets; Drug Possession? Big Deal, this is part of it! Frankly, based on the track record regarding noise ordinance citations, very little to worry about.

Planning Commission Comments: Per Mr. Tim Ahmuty, Sweetgrass Inn is not a hotel, it is an event center. Per Mr. Ron Denton, Charleston County currently requires eight (8) acres for event centers.

June 2022 requested a noise abatement study; second request November 2022. Given the Empire opted out for a sound study, is very revealing.

Our livability since April 2021 is not what you would prescribe to your Mom and Dad.

The residents deserve criteria, which was previously butchered by the Public Safety Committee, by a 2 to 1 vote.

Please remember, reading decibels requires the understanding we have an Event center located in a residential neighborhood. A new standard on IOP! Love the Crowes!

Sweetgrass Event Center distance from the complainants: Mrs. Williamson 25 feet; Clouse 62 feet. **Illustrate.**