

### SPECIAL CITY COUNCIL MEETING -- WORKSHOP 5:00pm, Thursday, January 11, 2024 1207 Palm Boulevard and broadcasted live on YouTube: https://www.youtube.com/user/cityofisleofpalms

# **MINUTES**

### 1. Call to order

Present: Council members Bogosian, Hahn, Anderson, Ward, Miars, Pierce, Carroll, Campsen, and Mayor Pounds

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

- 2. Citizens' Comments
- 3. **Special Presentations none**

**MOTION:** Mayor Pounds made a motion to change the order of the agenda to allow for the discussion of the workshop format to be first. Council Member Ward seconded the motion. The motion passed unanimously.

#### 4. Discussion of workshop format and potential changes

Mayor Pounds noted the more casual seating arrangements for the workshop and less items on the agenda to allow for more in-depth conversation when necessary. He also said all procurement items will now go straight to City Council meeting agendas.

Council Member Ward said he is uncomfortable with the workshop format and prefers the structure of the Ways & Means Committee. Several Council members asked for more comprehensive discussions on financial issues on a quarterly basis. Voting within the context of the workshop was also discussed briefly.

Administrator Fragoso said that part of the reason for the workshop was based on City Council feedback that they would like the opportunity to have more in-depth discussions about topics as they often don't hear about all items deliberated at the committee level. Council Member Bogosian would like Committees to bring topics to City Council for further discussion prior to making recommendations.

Council Member Pierce agreed for the need to earmark specific times to discuss financials in more depth, but he would like to keep voting to the City Council meetings after discussing an issue at the workshop. He also mentioned that previous packets from Ways & Means Committee meetings included a lot more information than Council currently receives. Administrator Fragoso pointed out that she received feedback that the full financial statements in those packets made the packets too large.

Mayor Pounds said the Council will continue to adjust the format of the workshop as needed.

### 5. Dashboard of City Operations and Short-Term Rental Report

Administrator Fragoso said there are three vacancies in the Police Department, 3 Paramedic openings and one firefighter opening.

The Recreation Department will host a Native Plants & Grasses seminar following an initiative of the Environmental Advisory Committee.

Police Department charges and the Court docket are up over previous years. Livability charges are up as the Code Enforcement positions are fully staffed.

Calls for service in the Fire Department were higher in December. Of the 123 calls received in December, 67 were for non-residents.

Public Works' collections are flat compared to previous years. Registrations for Recreation Department activities are down slightly and is being investigated.

The Building Department is seeing stagnant home construction. That department may not make their budget this year. As of 12/31/23, 1,868 short-term rental licenses have been issued with 9 more pending. Next month's report will showcase those licenses that are actively generating revenue.

- 6. **Departmental Reports** in the meeting packet
- 7. Strategic Plan Policy Initiatives and Priorities
- A. Livability

# Discussion of Community Enrichment Plan and development of taskforce to develop recommendations to address livability and tourism management

Mayor Pounds said about 750 people responded to the Community Enrichment Survey. The next step is to build a task force to include residents, business owners, different types of property owners, and several staff members. He would like to vote on the task force membership at the Council meeting so they can begin meeting in January.

Administrator Fragoso said she would create a spreadsheet of all candidates for Council review and consideration. How frequently they meet will be decided upon by the task force once they have met. She believes it will be a 3-4 month commitment and the focus of discussion is tourism management.

#### B. Environmental

# Discussion of establishing an ad hoc committee of Council to address beach restoration and preservation policies

Administrator Fragoso stated that the formation of an ad hoc committee to address beach restoration and preservation policies will be similar to what exists in Wild Dunes that addresses

the same issues on that end of the island. She believes such a committee will help improve communications between the residents and the City. In addition, the City's beach preservation experts are telling them they need a more comprehensive plan for the south end of the island. This short-term committee will be advised by the City's engineering professionals, including CS&E and Seamon Whiteside.

Council members spoke in support of this committee. Council Member Campsen suggested input from legal and regulatory sources, and Council Member Miars suggested someone from DHEC advise the Committee. Mayor Pounds said he has several volunteers for the Committee. He will serve on the committee and he asked that Council members Miars and Pierce also serve. Council Member Bogosian suggested including someone from Beachwood East.

Council Member Pierce asked if anything could be done to help the residents of the south end now. Director Kerr said it is unlikely that the Committee could enact any policy changes ahead of the Army Corps project. He also added that the City is only able to relax what is landward of the State's jurisdictional line.

Discussion ensued on options available to the City to help residents experiencing severe erosion.

### C. Public Services

#### i. Discussion of parking management proposals

Administrator Fragoso said that after further review of the parking management proposals, she believes Municipal PCI is the best option for the City. She noted that there is a lot of City time and effort that goes into managing parking that is not part of the financial calculations. She is looking for a vote of support at the City Council meeting. She will have legal counsel begin drafting an agreement based on Municipal PCI's proposal. They will need 30-45 days after the agreement is signed to get started.

# ii. Discussion of cost extending drainage pipe on 41<sup>st</sup> Avenue ditch from the end of the road to the headwall on the Intracoastal

Mayor Pounds explained, "The current project has piped 41<sup>st</sup> from Waterway Boulevard to about where the dumpsters are for the restaurant. This change order would take that piping, and again, these are three 4' pipes parallel, running from where it ends currently all the way out to the Intercoastal Waterway." The project will add 170 linear feet of pipe to the existing project.

Administrator Fragoso distributed new information that decreases the amount of the change order to \$478,300. She shared that the Public Services & Facilities Committee made a recommendation for Council's approval of this project contingent upon receipt of a cost breakdown of the change order.

Mayor Pounds said the cost of the original project is covered by a State grant, leaving \$600,000 in the bond proceeds account. He suggests using those proceeds to pay for this change order. He said he is fully in support of this project.

# iii. Discussion of FY25 Transportation Sales Tax Annual Allocation Program and potential projects for funding

Administrator Fragoso said she would like to submit the extension of the sidewalk from the Breach Inlet bridge to 10<sup>th</sup> Avenue and the addition of a sidewalk near the corner of JC Long and Ocean Boulevard as potential projects for TST funding.

## D. Personnel

8. **Financial Review** 

# A. Financial Statements and Project Worksheets

Director Hamilton said 36% of revenues have been collected for FY24. Expenses are tracking at 42% halfway through the fiscal year. She pointed out that line items for the Beach Preservation fund look over budget as none of the recent expenses were budgeted. General Fund is at 27% of fund compared to the budget, which is lower due to the lack of business licenses and permits. Property taxes are coming in 5% higher than last year. Expenses for the General Fund are at 49%, and most departments are tracking at 50%.

The City's cash balance is \$41.5 million, 21% of which is restricted. The City's deposits earned interest at a rate of 5.67% last month.

Municipal ATAX revenues (and the Beach Preservation tax revenues that mirror it) are 10% higher than last year. Only one quarter of State ATAX has been received to date, and it was 4% less than last year. County ATAX revenues are 26% higher than last year, and Hospitality taxes are 12% higher than last year. Local Option Sales Tax is 3% higher than last year.

### B. Discussion of the Use of Tourism Funds

Administrator Fragoso said 22% of the City's personnel costs are covered by tourism funds. She believes the City could use these funds more aggressively in FY25 and increase that percentage to 25-30%. She detailed the positions that are currently covered by these funds and pointed out the other positions (short-term rental coordinator, for instance) that could be justified as an tourism-related expense.

Council Member Pierce said he would like to see how the monies flow from the tourism accounts into the City budget when discussing the FY25 budget. Council members Ward and Anderson supported the idea of increasing the percentage of tourism funds used in the City's budget.

Council Member Campsen said she would like to understand how much, if any, funds are left over in the Beach Preservation Fund at the end of the two-year period in which they must be spent. These funds could be used to create a Beach Renourishment Fund.

# C. Review of FY25 Budget Calendar

Administrator Fragoso reviewed the FY25 Budget Calendar which mirrors budget calendars used in prior years.

### 9. Capital Projects Update

Director Kerr gave an update on the beach restoration efforts: "The dune (at Breach Inlet) was pretty well wiped away entirely by that December, mid-December [storm]. They came back, did some emergency work, and took off for the Christmas holiday. Remobilized January 2. I would say they had the majority of that berm back in place for the event Tuesday, and unfortunately, Tuesday probably took about half of it again. So they were out there that night. They have been out there ever since. They are probably a day or two form having the Breach Inlet end berm back to the condition it was prior to the December, mid-December storm. We are then on that end of the island, going to be in a mode of analyzing the profile of the beach, seeing what needs there are to make it to that Army Corps project. We do still have money available, and we would potentially at that point have time available to truck in sand if that is deemed to be the appropriate thing. But I think we should be in reasonably good shape down there by probably the beginning of next week."

Regarding the efforts at Beachwood East, Director Kerr said, "They began installing those bags today. The coastal engineer and the bag manufacturer wanted to see the model of how they are staying with that process to be sure they get it correct from the start, and then continue along in a method that everybody is happy with. So they are not going to really restart that effort in earnest until next Monday. So the bag manufacturer and case representatives and the contractor will be on site." They are estimating it will take a week to a week and a half to install those bags.

When asked to comment on sand scraping versus trucking in sand, Director Kerr adding sand to the system is always the better option, but sand scraping is meant to be a short-term solution and not used long-term.

Regarding the drainage projects, Director Kerr reported that Quality Enterprises has returned to the 36<sup>th</sup> Avenue outfall for the installation of large boxes on the inland side of Waterway. He said they are trying to manage high levels in the water table. The storm delayed the project by two weeks, but progress is being made.

He added that an agreement with Islander 71 has been executed to allow the contractors working on 41<sup>st</sup> Avenue to use half of the employee lot for two months. The City Attorney drafted the agreement that abates Islander 71's rent by \$1200/month for two months. Following some soil testing that did not return the results they wanted, the contractor has made some modifications which will affect the project timeline.

Administrator Fragoso reported that the County and the project designer of the new emergency access path on the beach continue to work on details about the design. She believes this extended conversation will push the project to next year.

# 10. Legislative Report

# 11. Adjournment

Council Member Ward made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting adjourned at 7:02pm.

Respectfully submitted,

Nicole DeNeane City Clerk

#### City Council 1/11/2024; Clouse Comments (Meeting No. 28 since 4/13/2022) Regarding NOISE ORDINANCE; NUISANCE.

We have four (4) new ears, four(4) new eyes and two (2) new mouths. Our only request is you use them freely. Alphabetically, Mrs. Campsen and Mrs. Carroll, welcome to City Council 2024.

Requesting for the **twentieth (20) 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 is being perpetrated by the City, as a result of not enforcing the ordinance.

Requesting for the **fourth (4th) time** to enforce § **9-2-5 (i)(1)(2).....Nuisance.** We have requested, in writing, the city issue a **cease and desist** order to the Sweetgrass Inn as a result of Sweetgrass's egregious noise violations over the past three (3) years. At this time, our city has demonstrated, they do not have **the will** to do the right thing; rescuing the residents from the **Empire.** 

Well..... so much for my Matt Foley Motivational Speaking Certification.

Mayor Phil's October 31, 2023 email (attached with Clouse's response) states "I try to meet regularly with them [Terri Haack and Tom Nolan, resort manager] to be certain we stay aligned". Mr. Nolan "totally understands the delicate balance between the resort, residents, club members, city and broader community". Mayor Phil, respectfully, based on our numerous experiences, which are nuisances, with the Empire, your comments are classical, political, rhetoric (the last word edited by my wife).

We believe the Empire's sense of alignment pushes their agenda way beyond the tipping point, all at the expense of the residents. We can only conclude you are condoning their behavior; you are a part of the situation.

Respectfully Mayor Phil, your sense of alignment is driving us right into the ditch; please take off your blinders.

Sweetgrass's Event Center is approximately four (4) acres. November 5th (a Sunday Night) an event was staged on the south edge of their property (25' feet from Mrs. Williamson; 62' feet from Clouse's'"). Called IOP Police at 9:13PM.

Subsequently, on November 15th (a Wednesday Night) the Empire held another event in the same location. Called IOP Police three (3) times; last one at 11:21PM. Last we knew, the resort was trying to talk their way out of a citation. These events demonstrate a small sampling of the taunting and bullying we have been experiencing the past three (3) years.

concessions. Unfortunately, there are some fundamental items on the list which have not been adhered to.

The City's procrastination began with our first presentation on April 13, 2022. PSC Chairman Jan Anderson's negligence (**"we will get back to you"**; and she did not) clearly lit the fuse. The above has done nothing to enhance our citizen's perception of local city government. Sadly, the city has done this to themselves......in real time. Lack of governance.

Actually, at this point in time (since March 2021) what is the reason we are having to continue to call the police with a complaint? This is **Insanity**: **"doing the same over and over again, but expecting different results"**—**Einstein.** 

Respectfully, we reiterate: we are requesting the City, in accordance with § 9-2-5 (i)(1)(2) issue a **cease and desist** order to Wild Dunes LLC ("the resort") regarding any and all music originating from Sweetgrass Inn, and all other venue locations located in Wild Dunes. We request a **Special City Council Meeting** be called, immediately, with appropriate legal notice, and address the above request. Please notify us regarding the date.

We believe this to be an appropriate and "reasonable solution".

Respectfully,

Al and Roxie Clouse  $~{\cal V}$ 

# RE: [EXTERNAL] cease and desist

From: Phillip Pounds (ppounds@iop.net)

To: awclouse@yahoo.com

Cc: desireef@iop.net; dkerr@iop.net; tom.nolan@destinationhotels.com; thaack@lowe-re.com; kcornett@iop.net

Date: Tuesday, October 31, 2023, 10:19 AM EDT

AI,

Good morning. With all due respect, I don't need to copy 50+ people so they "know I have responded" to an email. It is not my style and not effective in my opinion and makes me question what the real goal is here. All I see it doing is bringing more divisiveness to our community which is not healthy for any of us. I've copied the people above I feel need to be included and can get us to a reasonable solution.

I understand the past as you have outlined it below and don't disagree in part with your comments about previous onsite management. However, my interactions with Terri and Tom have been quite positive. I try to meet regularly with them to be certain we stay aligned. Tom has been a welcome addition and totally understands the delicate balance between the resort, residents, club members, city and broader community. To not give him and his team a chance at resolution because of previous management's performance makes no sense to me. It's like you saying I'm not going to deal with this Mayor because a previous office holder didn't live up to your expectations.

AI - I'm happy to participate in meetings with you and Tom and his management team or whomever he feels needs to be in attendance. I'm not trying to contradict our Chief, however, I am trying to balance our resources - primarily our Police Department where we generally only have 3 or 4 officers on duty at any given time (one of which includes a code enforcement officer) and ensure we meet everyone's needs. That's why I suggested on-site Hyatt management being a valuable resource that doesn't appear to have been fully utilized.

Phillip Pounds Mayor City of Isle of Palms, SC 1207 Palm Boulevard Isle of Palms, SC 29451 Office: (843) 886-6428 Cell: (843) 252-5359

\*\*\* WARNING \*\*\* All e-mail correspondence to and from this address may be subject to public disclosure under the South Carolina Freedom of Information Act (FOIA).

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

Sent: Sunday, October 29, 2023 8:31 PM

To: Phillip Pounds <ppounds@iop.net>

**Cc:** Desiree Fragoso <desireef@iop.net>; Kevin Cornett <kcornett@iop.net>; Scott Pierce <spierce@iop.net>; Roxie Clouse <roxbc29@yahoo.com>; John Bogosian <jbogosian@iop.net>; Jimmy Ward <jward@iop.net>; Blair Hahn <br/><br/>bhahn@iop.net>; Jan Anderson <jan.anderson@iop.net>; Douglas Kerr <dkerr@iop.net>; Randy Bell <prb.bell@gmail.com>; Tony Santiago <tony@taxsearchinc.com>; Katie Miars <kmiars@iop.net>; Rusty Streetman@iop.net>; Kevin Popson <kpopson@iop.net>; Terri Haack <thaack@lowe-re.com>; Bill (william) Connelly <bconnelly@convoglaw.com>; JIM ANDERSON <jimanderson.253@gmail.com>; Robert S.

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[EXTERNAL]

On Sunday, October 29, 2023, 01:41:30 PM EDT, awclouse@yahoo.com <a href="mailto:awclouse@yahoo.com">awclouse@yahoo.com</a>> wrote:

CAUTION: This email is in compliance with the 24 hour rule.

Mayor Pounds/a/k/a Phil:

Thank you very much for reaching out and responding to my previous email. Please let me try to answer your questions.

Phil, first of all, as you know, I am on record regarding our Officer's highest and best use is not addressing a noise complaint. Lt. Robert (Forsythe) and Chief Kevin (Cornett) provided me with specific instructions to call the IOP Police for our noise complaints. Actually, Chief Kevin recently explained to the Planning Commission regarding the above instructions. Furthermore, Lt. Robert provided me his cell phone number to reach out when necessary (and it works).

Furthermore, the resorts legal council accused us of using the 911 line, which is a total fabricated lie (public record).

The officer who responded was polite and a gentleman. Actually, the music was turned down; seemingly in small increments. As to who turned it down, do not know. It is fair to say the volume of the amplified music at the time of the officer's arrival was at a point of irritation. As some would consider us "experts" in calling the police regarding noise violation; we have seen a trend the past four (4) months where the music stops, or is substantially turned down, between the time we call and the police arrive. Additionally, the music reappears after the Officer leaves the resort.

The video we emailed is what it is. We were disturbed. Respectfully, I am not going to school you on the noise ordinance and nuisance.

I respect your suggestion regarding "connect with the on-site Hyatt manager". However Phil, that ship sailed back in November 2021. The numerous "sins of the past" from the former manager and the present manager; precludes us from having any dialog with them.

On April 15, 2023 there was an electronic violin playing outside under the portico. At 9:15PM I called the police. Later, the then appointed new manager, "Tom", disclosed to Douglas K. and Desiree, he was sitting beside the speaker and did not feel it was inappropriate. Phil, I will tell you it was inappropriate; it resonated into my bedroom and I could not sleep.

Phil, I am going to pass this on to you: Over a year ago, an Officer followed up with me regarding an afternoon call. I had called regarding an amplified music event outside by the pool. I had asked it be "shut down" to comply with the ordinance and to give us some peace on our screened porch. The officer, explained to me: "Mr. Clouse, if I go in there and tell them to shut down the music, they are going to tell me to go pound sand".

Phil, respectfully, our expectations are for you to call a **Special City Council meeting** this week. The agenda is to address our request to issue **Wild Dunes LLC** ("the resort") a **cease and desist** order regarding any and all music originating from Sweetgrass Inn and all other venue locations located in Wild Dunes. The resort has done this to themselves. Their behavior has evolved into a "seasoned" **nuisance.** Our request is supported by § 9-2-5.

Phil we are forwarding to those in our original email. We believe they need to know you have contacted us.

Respectfully,

Al and Roxie

On Saturday, October 28, 2023, 08:00:20 AM EDT, Phillip Pounds cppounds@iop.net wrote:

I am a bit confused. I understand our officer responded and found there was no incident. Did something change? Did the on-site Hyatt manager address the situation before our officer arrived?

It would seem to me instead of chasing Terri Haack it would be more efficient to connect with the on-site Hyatt manager who can most likely react quicker than our officers who may be tied up on other issues.

I will touch base with the resort manager.

**Phillip Pounds** 

Office: (843) 886-6428

Cell: (843) 252-5359

Sent from my iPhone

\*\*\* WARNING \*\*\* All e-mail correspondence to and from this address may be subject to public disclosure under the South Carolina Freedom of Information Act (FOIA).

On Oct 27, 2023, at 9:04 PM, awclouse@yahoo.com wrote:

[EXTERNAL]

Mayor Pounds:

#### Caution: this email does not comply with the 24 hour rule!

We are respectfully requesting you issue a **cease and desist** order to Wild Dunes LLC regarding the amplified music/crowd noise which consistently emanates from the Sweetgrass Event Center and their other venues within Wild Dunes. We also believe, council's procrastination in revoking their license is long overdue. This is a historical issue; for whatever reason, you, the administration and council have failed to get your arms around, clearly at our expense. Why? WDCA could care less; we know Why!

We will no longer be your guinea pig. Enough is enough.

AI,

We either need a new Ouija Board; or new players. Your choice. Please tell us.

We respectfully request the music/crowd noise at Sweetgrass, and other areas, immediately be extinguished in its entirety. Full stop.

Mayor Pounds, this is your opportunity to stand up for the common man!

Respectfully, we refuse to school everyone regarding their responsibilities to us and this community.

Although this request is perhaps long overdue; time is of the essence.

Respectfully,

Al and Roxie Clouse Simple Citizens November 1, 2023  $^{
m /\!\! /}$ 

Phil, Greetings!

Thank you for your response. Respectfully, and no surprise to you, it is very obvious, my style is very different than yours; as well as a lot of other people.

We assure you, we have no hidden agenda. Full stop.

Our "**real goal**" is not at all "**divisiveness**"...... it is **full transparency.** It is fairness and honesty; not being exposed to bullying by the resort; not allowing the city to turn their heads and look the other way. We are striving to create a **culture** which is sustainable in this community. We are looking for leaders who have **the will** to do the right thing. **Where is the will? Procrastination.... precipitates..... divisiveness.** 

You are aware, as a result of presenting citizens comments **twenty-six (26) times** to City Council, my style is hitting situations head on. Some would call them problems, however, they are not problems when we know the cause, they are situations.

Secondly, we have requested **eighteen (18) times** for written assurances regarding enforcement of **§ 9-2-5 (b)(c); Amplified Music.** We have not received said assurances! Why? Our City's lack of **enforcement, and will,** has resulted into a **Nuisance § 9-2-5 (i)(1)(2).** 

If lack of enforcement, and the resort's total disregard for resident's livability, is the formula for maintaining **"the delicate balance between the resort, residents, club members, city and broader community";** we need a new chemistry set and this is **totally unacceptable.** Excluding the resort, city administration, some council members, and apparently yourself, we believe we have sustainable support regarding our situation. The deed to our property does not include any covenant verbiage regarding tolerating a **nuisance**. Our Charleston County real estate tax statements, likewise, do not allow us a **"nuisance credit"**.

Frankly Phil, **what is really alarming**, is your acknowledgment you **"meet regularly"** with Ms Haack and Mr. Nolan regarding **"stay[ing] aligned"**. If this is the case, past results clearly illustrate you have a bias and condone the resort's **egregious activity and behavior**, all at our expense. Is the full Council aware of this? Please do not tell us what we are experiencing is your definition of **"balance"**. We can not be a community which alienates residential neighborhood rights in favor of a commercial entity (the resort—an event center).

Phil, what is the reason we need to be the sacrificial lamb for the resort, who is suing the City?

We appreciate your analogy regarding meeting with the resort manager; although sounding good at 30,000 feet, once you approach the weeds, very unrealistic. No reflection on Mr. Nolan; we are way beyond this approach. We know our rights; the resort knows our rights; council knows our rights; you know our rights; yet our rights continue to be abused. The resort is extremely cognizant when they are breaking the law; **they do have ears.** They are the epitome of **habitual offenders.** Accountability? A call from me would be more than redundant. Also, less noise complaints on the "Livability Report". Distorted statistics.

In June 2022 we presented a list of reasonable requests to the resort's legal counsel. Subsequently, providing to Ms Haack in November 2022. And, in fairness to her, over an extended period of time, she agreed to some of the items; which we are very grateful for her