SPECIAL CITY COUNCIL MEETING -- WORKSHOP
5:00pm, Tuesday, November 14, 2023
1207 Palm Boulevard and
broadcasted live on YouTube: https://www.youtube.com/user/cityofisleofpalms

MINUTES

1. **Call to order**

Present: Council members Bogosian (via Zoom), Hahn, Popson, Anderson, Ward, Miars, Pierce, and Mayor Pounds

Absent: Council Member Streetman

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

2. **Citizens' Comments**

Mr. Al Clouse's comments are attached to these minutes.

Mr. Andrew Vega, 104 Sparrow Drive, asked City Council to consider two changes to the noise ordinance draft including an adjustment to Section 925, paragraph G, Exceptions, Rule 6 by adding in Friday instead of just Monday through Thursday and allowing a time earlier than 9am on the weekends to begin yard work.

Ms. Terri Haack, representing the owners of Wild Dunes, supports the adoption of a City-wide noise ordinance. She said a clear, enforceable standard is needed. She asked City Council to consider extending the length of the testing time for a noise violation from 15 seconds to 2 minutes. She also suggested a revision in subsection C-5 to clarify "how will the tester judge whether the noise source is speech or music if there are other blends of many other sounds."

3. **Special Presentations**

Presentation from Evergreen – Wage and Compensation Study Review

Ms. Allie Crumpler of Evergreen presented the most recent Wage & Compensation review. She outlined the study goals, reviewed the data gathered and included in the review, shared the results of the market salary survey, and presented salary plan options along with implementations by option.

Council Member Pierce asked for tenures by quartile.

Mayor Pounds said the Administration Committee will review the recommendations at their November 20 meeting, hoping they can give a recommendation to full Council at the November

28 meeting. He asked Ms. Crumpler to provide Council with verbatims regarding benefit suggestions from the employee survey.

4. **Dashboard of City Operations**

Administrator Fragoso said there are three police officer vacancies, three paramedic vacancies, and two firefighter vacancies. Police Department charges and the court docket are trending ahead of this time last year. There were 42 automatic aid calls last month and 35 were cancelled in route. Data on the automatic aid program will be consolidated in the new year as the one-year pilot program wraps up.

New building permits are down. As of October 31, 1,850 short-term rental licenses have been issued with five more pending.

Administrator Fragoso reported that the 2023 dwelling data from the County has been received and there is no change in the distribution of 4% and 6% dwellings.

Council Member Hahn asked why there was a noticeable increase in the number of calls to the Fire Department, and Chief Oliverius said he could not identify a trend. He said there has been no change to the types of calls they are responding to.

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

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

A. **Livability**

i. **Discussion of addition of the license registration module to Rentalscape agreement**

Administrator Fragoso said they would like to secure the license registration module for Rentalscape to provide staff workflow efficiencies. The cost of adding the module is included in the budget.

ii. **Discussion of Planning Commission recommendations regarding new noise ordinance**

Director Kerr summarized the work done by the Planning Commission that led to these recommendations. In addition to Mr. Cohen cleaning up the technical details in the draft ordinance, he said the biggest takeaway was the Commission's attempt to differentiate between the "ambient sound that is just uncontrollable and then what they have kind of defined as raucous noise, speech, things that are controllable." He then reviewed the changes suggested by the Commission.

Council Member Pierce suggested the addition of a table that details the permissable decibel levels in each zone and by time of day.

Discussion about the terms "plainly audible" and "raucous" noise ensued. Chief Cornett believes the definition of "plainly audible" is enforceable. Director Kerr said, "The plainly audible language is E3, that's loudspeakers, trucks, amplifiers, electrical devices on public streets,

sidewalks, or other outdoor public places under the control of the City in a manner to be plainly audible at a distance of 50 feet."

Mayor Pounds suggested this draft ordinance be reviewed by the new Public Safety Committee in January. Council Member Anderson would like to see residential and commercial infractions treated separately.

B. **Environmental**

Discussion of recommendation from Environmental Advisory Committee to continue glass recycling program at the annual cost of $9,600

Director Kerr said the Environmental Advisory Committee recommends continuing this glass recycling program. Fisher Recycling has taken over 1,000 pounds of glass from the island every week for the last year. They will be adding more bins to the pickup locations.

C. **Public Services**

i. **Discussion of parking management proposals**

Mayor Pounds said he would like to narrow down the choices for the parking management proposals to two and then do an in-depth analysis of their financial offerings. Council Member Hahn believes that PCI and Pivot have the most experience with communities similar to IOP. Council Member Pierce would like to complete a financial analysis of all four offerings before narrowing down the selections.

Administrator Fragoso said any company will need 30-60 days to settle the contract and get set up prior to the start of the season. She would like to have someone in place by March 1. The matter will be discussed further at City Council meeting on November 28.

ii. **Discussion of using budget savings to purchase and installation of apparatus by fans and LED light upgrades in Fire Station 2**

Administrator Fragoso said Chief Oliverius has suggested using the considerable budget savings (over $100,000) from the purchase and installation of the exhaust systems to purchase and install fans and LED light upgrades in Fire Station 2.

D. **Personnel**

Discussion of wage and compensation study review

Mayor Pounds said this study review will be discussed further by the Administration Committee at their meeting on November 20.

E. **Other items for discussion**

i. **Discussion of Ordinance 2022-15 which amended standing committees from January 1, 2023 through December 31, 2023**

Mayor Pounds said he would like to see the current structure of standing committees continue into the next year. Administrator Fragoso said an ordinance will be drafted for consideration of First Reading at the November 28 meeting and can be amended at the December 5 meeting, if necessary. Or Second Reading can be held at the January meeting, giving new Council members an opportunity to weigh in on the matter.

ii. **Discussion of resolution authorizing consumption of beer and wine, road closure, and amplified music at Holiday Street Festival on December 2, 2023**

Mayor Pounds said this will be voted on at the November 28 Council meeting.

iii. **Discussion of resolution to adopt the Charleston Regional Hazard Mitigation and Program for Public Information**

Mayor Pounds said this is the annual adoption of this program is tied to insurance ratings and resiliency efforts.

iv. **Discussion of recommendations from the ATAX Committee for the following State Accommodations grant requests for tourism related expenditures:**

IOP Chamber of Commerce – Light-up Front Beach, $10,000
Mary Alice Monroe, Ltd. – Wild Dunes Author Event - $20,000
YWCA Greater Charleston – Rev. Dr. Martin Luther King, Jr. Tribute Week VIP Reception - $2,500

Mayor Pounds said these recommendations stem from the ATAX Committee opening up a second round of funding of sponsorships with money budgeted for FY24. Council Member Ward asked if the Mary Alice Monroe and YWCA events are open to the public. Administrator Fragoso reported the Mary Alice Monroe Author's Event is open to the public via ticket purchase, and the YWCA event is private reception honoring the tribute week donors. She said part of the reason the ATAX Committee did not award more money to the YWCA event is because it has no data on its economic impact to the island. She noted that there is no requirement in State ATAX law that an event has to be open to the public to receive funding. She added that the funding for Mary Alice Monroe's event is contingent upon her organization becoming a 501(C)(3).

7. **Financial Review**

A. **Financial Statements and Project Worksheets**

Director Hamilton said as of 10/31/23, "all funds combined are 24% of revenue and 25% for expenses." She pointed out expenses for the beach scraping were originally recorded in the Disaster Recovery Fund but are now being recorded in the Beach Preservation Fund. Revenues are starting to come in for property taxes.

The cash balance is $42 million, earning 5.63% interest, with $21 million restricted.

$196,000 in Municipal ATAX funds have been received, which is a 2% increase over last year. $913,000 has been received from State ATAX, which is a 4% decrease from last year. The County ATAX pass through has not been received yet. Hospitality taxes received were $131,000, which is 13% over last year. Monies received for both the Beach Preservation Fund ($196,000) and LOST ($107,000) were 2% over last year.

Mayor Pounds, referencing a cash flow page, said he would like to discuss with Council at the January workshop future cash needs related to upcoming projects and the $42 million cash reserve.

B. **Discussion of distribution of FY23 positive net result**

Mayor Pounds said the audit will be presented at the December meeting. Director Hamilton said previous positive net results have been distributed 15% to the General Fund, 5% to Disaster Recovery, and 85% to Capital Projects in the past.

8. **Procurement**

A. **Discussion of change order from Quality Enterprises for Phase 3 Drainage Project in the amount of $31,356 to cover additional material quantities due to rotating junction box structure and additional paving quantities**

Administrator Fragoso said this change order is "to accommodate for a change in quantities related to the rotation and placement of a junction box structure as part of our Phase Three. This is the outfall project we have going on today, and also there was the excavation and paving footprint was higher than anticipated at bid. So this would be accommodating that change."

She said the expense can be covered by the budgeted project contingency of $138,000. She does not anticipate any further use for the contingency as the project is 75% complete. Staff recommends the approval of the change order.

B. **Discussion of change order from Coastal Science & Engineering in the amount not to exceed $65,000 for ongoing engineering services related to the emergency beach work around the Breach Inlet area**

Administrator Fragoso explained, "This summer when City Council approved the first budget of $250,000 to realize a trucking project to address the erosion problems we've been having on the Breach Inlet side, as part of that cost estimate, we had a proposal from CS&E for $22,000 that was inclusive of the 250 that was approved. That project assumed essentially a two-week project of a trucking project. As you all know, after Hurricane Idalia, it has been an ongoing emergency project. We have been relying on CS&E for their expertise, for their oversight of the Collins construction project. They are doing a lot of surveying and data collection, and again being here weekly to oversee not only the contractor, but how the work is progressing, weekly, daily pretty much, certainly daily. So at that time, when we engaged CS&E for this particular project, again, it was very detailed, a scope-specific project that has morphed into an ongoing operation because of the issues and the challenges that we have been having there. So I fully recommend this and

request City Council approve this amendment so that we can compensate the work that CS&E has been doing on our behalf."

Council Member Pierce asked for more details from CS&E on what the change order covers.

Council Member Hahn asked what the City's portion of the Army Corps' beneficial use project will be, and Administrator Fragoso estimates $200,000-$300,000.

9. **Capital Projects Update**

Administrator Fragoso said the roadwork for the 36th Avenue outfall project was completed ahead of schedule. The expectation is for the project to be completed in January. The City has received the executed contract for the 41st Avenue outfall project and construction is anticipated to start at the end of January.

The City hopes to hear from FEMA about the grant for the Waterway Boulevard Multi-Use Path sometime in the first quarter of 2024. Legal review of the contract with Thomas & Hutton for the design and permitting of the project continues.

A kickoff meeting for the Sea Level Rise Adaptation Plan was held last month. Stakeholder meetings are being coordinated.

The bid for the repairs at the T-dock has gone out and is due on November 21. She believes there will be 3-4 bidders for the project.

Administrator Fragoso has received a report from ATM with their final analysis on the disposal alternatives for the marina dredging project. She will meet with them soon to review next steps, but they are fully contracted to start working on the permit application.

The City is awaiting final feedback from the County on the Emergency Vehicle Access Path approved by City Council last month. She is unsure if the City needs to wait for the whole board to approve the project before putting the project out to bid.

Surveys of the beach access paths the City would like to improve have been ordered.

Staff had a meeting with the design-build team looking at the City Hall renovation project. A 3D scan of the building was done yesterday as part of the assessment of current conditions and the review of alternatives for Council to consider.

The Outdoor Fitness Court has been installed and a ribbon cutting ceremony will be held next month. The dog park fence has been installed. Staff is waiting for some additional play equipment to be installed. She believes it will be finished at the first of the year.

Administrator Fragoso reported that construction on the undergrounding of electrical lines at 14th Avenue will begin next year. Dominion Energy is in the process of acquiring easements and determining the location of infrastructure. She also shared that undergrounding work at 41st Avenue will not be able to happen in conjunction with the outfall project as it is more complicated than anticipated. Construction details that will help facilitate the project in the future have been identified.

Feedback on the preliminary concepts for improvements to Palm Boulevard has been shared with SCDOT. Administrator Fragoso will share their revisions with Council when they are received.

The Charleston County Transportation Committee has approved $26,000 for sidewalk repair, widening, and expansion at 21st Avenue. Construction is anticipated sometime next year. It will be a raised concrete sidewalk along the curve in that area.

10. **Legislative Report**

11. **Adjournment**

Council Member Popson made a motion to adjourn, and Council Member Anderson seconded the motion. The meeting adjourned at 7:04pm.

Respectfully submitted,

Nicole DeNeane
City Clerk

City Council 11/14/23; Clouse Comments (Meeting No. 27 since 4/13/2022)
Regarding NOISE ORDINANCE; NUISANCE.

Requesting for the nineteenth **(19th) 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 **third (3rd) 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 contagious 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. Do not have **the will** to rescue the residents from the **Empire.**

To compound my harsh words, the Planning Commission's proposed noise ordinance is nothing more than a classic, egregious, order taking process, to appease special commercial interest groups; all at the expense of the residents. This proposal picks the winners and picks the losers. Further deteriorating the livability for residents located in the 57th Ave area.

The Planning Commission Proposal: Extends noise an additional 3 hrs a day; 4 hrs on Friday and Saturday; allowing the noise to start at 7:00 AM as compared to 10:00 AM. Good for **residents** who live next to the Sweetgrass, an event center? **Hell No!** Allowing Sweetgrass **75 dBA's:** based on our experience over three (3) years, is like giving a pyromaniac matches for Christmas. Clearly, the planning commission took an order from the Sweetgrass, a commercial event center, located in a residential neighborhood.

We requested noise abatement from Sweetgrass 1 1/2 years ago. They recently performed **their** noise sound study. As Councilman Streetman said, "we all know what it is going to tell us".

Planning extinguished the Nuisance section in the proposed ordinance. Who benefits from this? Not the residents! However, I guess based on the city's past results, what difference does it make?

Respectfully, we request the proposed ordinance to be tabled until January 1, 2024. The approval of this ordinance must not be biifurcated between two (2) different councils. We believe this body of government has noise ordinance fatigue; needing some new eyes on the situation.

Let's not build a bad mouse trap in an effort to extinguish the cats.

Right now, the Crowes sound pretty good!!

Proposed Noise Ordinance 11/14/23

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

To: ppounds@iop.net; roxbc29@yahoo.com; jward@iop.net; spierce@iop.net; jbogosian@iop.net; desireef@iop.net; kcornett@iop.net; bhahn@iop.net; jan.anderson@iop.net; dkerr@iop.net; tony@taxsearchinc.com; kmiars@iop.net; kpopson@iop.net; prb.bell@gmail.com; rstreetman@iop.net; thaack@lowe-re.com; bconnelly@convoglaw.com; jimanderson.253@gmail.com; rok2080@gmail.com; liliensrobert@gmail.com; vbkraus@aol.com; george.knab@gmail.com; sgreiman@csa.canon.com; nwiemann@comcast.net; caroliop@bellsouth.net; rforsythe@iop.net; lkutcher@gmail.com; thepublicationsspecialist@gmail.com; a1bookworm@bellsouth.net; tuckerl@mindspring.com; rickbradley@outlook.com; edward.fitzpatrick@faegredrinker.com; jimmy@jimmycarroll.com; nico.scherman@destinationhotels.com; davek@wilddunesowners.org; jacobh@wilddunesowners.org; slh@aol.com; owensjb50@comcast.net; davidwheeler@mvalaw.com; tom.nolan@destinationhotels.com; ddcohen92@bellsouth.net; nicoled@iop.net; andy_clouse@yahoo.com; molly@charlestonpms.com; francisfamily1@outlook.com; njs29451@gmail.com; theboard@wilddunesowners.org; lynn@luckydognews.com; amandacubello@yahoo.com; jeffery.payne@destinationhotels.com; carolynf@wilddunesowners.org

Date: Saturday, November 11, 2023, 11:24 AM EST

TO ALL:

Attached please find the current **proposed** noise ordinance which is on the **Council Agenda** dated November 14, 2023.

Frankly, this is nothing more than a classic, egregious, order taking process, by the City, to **appease special commercial interest groups; all at the expense of the residents.**

It is very clear..... the City picked the winners and they picked the losers.

The proposed noise ordinance **further deteriorates the livability** for residents located in the 57th Avenue area. Full stop.

Let me be clear, the proposed noise ordinance does not work for us.

Respectfully,

Al

PROPOSED NOISE ORDINANCE 11:14:23.pdf
269.6kB