

July 17, 2020

Attorney General Alan Wilson
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, S.C. 29201
Fax: (803) 253-6283

Dear Attorney General Wilson,

I am writing to you today to urgently ask for your help. I am a longtime resident on the Isle of Palms (IOP) and Executive Vice President of The InterTech Group, Inc. I am generally not engaged in local matters, but as you may be aware, a small cadre of IOP city councilors has hijacked the Island for their personal benefit and the benefit of a handful of residents, and I feel that I have no choice but to ask for help for my fellow South Carolinians.

Governor McMaster issued Executive Order No. 2020-28 on April 20, 2020, which, among other actions, modified the prior restrictions for public beaches. The Governor's purpose in modifying and amending the prior order was "To facilitate authorized outdoor exercise and recreational activities..." Further, Executive Order No. 2020-28, specified certain actions a municipality may take to preserve or protect public health, but did not authorize restrictions on parking on State roads.

In direct contradiction of Executive Order No. 2020-28, on July 15, 2020, the City Council held an emergency meeting (no proper notice period, no questions allowed from residents¹) under the guise of restricting coolers and chairs from the beach. This was pure pretext. The Council had all met earlier to agree to put in-place a ban on non-residents coming to the Island. They effectively eliminated all the available parking on the island and imposed draconian penalties. During the presentation to Council the Chief of Police informed the Council that there were zero instances of people failing to use social distancing and the medical doctor hired by Council actually informed the Council that by prohibiting people from going to the beach, it would encourage people to stay indoors - thus increasing the risk of Covid. All to no avail.

This is nothing more than a continuation of an avowed strategy to turn the Island over to the residents only. The Mayor has publicly stated that he hopes that the new parking restrictions

¹ Municipal ordinances must comply with the due process requirements of the South Carolina Constitution. (See S.C. Const, Art. I, §3.) The State Constitution grants an individual certain procedural rights in administrative matters:

No person shall be finally bound by a judicial or quasi-judicial decision of an administrative agency affecting private rights **except on due notice and an opportunity to be heard**; nor shall he be subject to the same person for both prosecution and adjudication; **nor shall he be deprived of liberty or property unless by a mode of procedure prescribed by the General Assembly**, and he shall have in all such instances the right to judicial review. S.C. Const. art. I, § 22. (emphasis added)

become permanent! The Council had steadily eliminated parking year-after-year and steadily increased parking ticket revenue (a major source of income to the City).

This island is the reason that I moved to South Carolina, and hundreds of thousands of local neighbors, SC citizens and tourists visit the three barrier islands surrounding Charleston every year. With the unprecedented actions taken by the Isle of Palms and its sister islands, tourism in South Carolina will be badly impacted, commerce will be negatively impacted and the quality of life for all South Carolinians (with the exception of the very few lucky enough to own property on one of these islands) will be badly damaged.

What is even more disturbing than a few leaders deciding to effectively expropriate the beach from everyone else in clear violation of the Governor's Order is that the roads in which they are emptying and levying \$100 fines for parking are actually State roads! These roads are property of the State of South Carolina.

Pursuant to the *Uniform Act Regulating Traffic on Highways* ("Act"), municipalities are allowed to establish traffic ordinances and regulations which are not in conflict with the Act. (See S.C. Code Ann. §56-5-30 (1976 Code, as amended)). They are further authorized to regulate "the standing or parking of vehicles" "with respect to streets and highways under their jurisdiction and within the **reasonable exercise of the police power** ..." S.C. Code Ann. § 56-5-710 (1976 Code, as amended). (emphasis added)

Attached to this letter is the Isle of Palms City Council COVID-19/Update #25 discussing Emergency Ordinance 2020-11. This Ordinance is not reasonable and is deliberately written to deprive the liberty of those who do not live on the Isle of Palms.

I am asking you to take immediate action to stop the IOP from its unconstitutional and illegal activity by using roads that belong to everyone in the State from being restricted to use by only the very few. You have the authority to return these roads to their proper use.

I urge you to take action today.

If I can be of any assistance or answer any questions, please do not hesitate to contact me at (843) 744 5174, ext 207, or via e-mail at johnstonr@intertechsc.com.

Yours truly,



Robert Johnston
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Home ▶ News ▶

COVID-19 / UPDATE #25

The Isle of Palms City Council held an emergency City Council meeting today, Wednesday, July 15, 2020 at 2:30 p.m. to discuss Emergency Ordinance 2020-11.

City Council took the following actions:

- Businesses, including but not limited to event spaces, restaurants and bars, shall not allow live entertainment, including but not limited to bands, DJ's, karaoke, bingo, trivia, contests, or other crowd drawing activity after 9:00pm.
- During the duration of this emergency order, businesses, including but not limited to event spaces, restaurants and bars shall operate at fifty-percent (50%) occupancy. Council empowers the City Fire Marshall to inspect and issue a citation pursuant to the City's Code of Ordinances, the Emergency Ordinance or any State Executive Order.
- Parking is prohibited on Palm Boulevard (both sides) and 3rd through 9th Avenues; and all municipal lots will be reduced to fifty-percent (50%) capacity. Parking on Hartnett Blvd. between 27th and 29th and along 29th Avenue shall be for vehicles with residential parking permits and recreation center uses only. These restrictions shall be enforced 24/7, will begin on July 17th, 2020, and will remain in place for thirty (30) days or until Council amends. Residents (with proper residential parking decal) will be allowed to park along Palm Boulevard. Any person parking in the above areas for business purposes (who display a proper business license) are exempt from this prohibition. The Turtle Team may apply for parking passes from the Police Department during this period to allow for parking in the above areas. Violating these parking regulations will result in a \$100 fine.

The following are still in effect:

- Face coverings are required while indoors in all retail and food service establishments.
- Social distancing is required on the beach, meaning unless members of the same household individuals should not gather in groups of more than three (3) at a distance of less than six (6) feet from one another.
- Beach parking will be available at the Isle of Palms County Park, half of the City Parking Lot located on Pavilion Drive, and at the Breach Inlet Parking lot.

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