

**ISLE OF PALMS**  
**REGULAR CITY COUNCIL MEETING**  
January 23, 2007

The regular meeting of the Isle of Palms City Council was held at 7:00 p.m. on Tuesday, January 23, 2007 in City Hall Council Chambers, all requirements of the Freedom of Information Act having been satisfied. Present were Mayor Sottile, Council Members Bettelli, Buckhannon, Cronin, Hanbury, Marino, McMackin, Rice, and Taylor, City Administrator Tucker, City Attorney Sottile, Public Works Director Pitts and City Clerk Darrow.

**A. INTRODUCTION OF MEETING**

Mayor Sottile called the meeting to order and stated that members of the press and public were duly notified of the meeting in accordance with State Law. He asked everyone to stand for the invocation and to remain standing for the pledge of allegiance. Mayor Sottile noted all Council members were present.

**MOTION: Councilman Bettelli made a motion to include the election of Mayor Pro Tem to the agenda; seconded by Councilman Marino; MOTION UNANIMOUSLY PASSED.**

**B. MAYOR PRO TEM**

**MOTION: Councilman Bettelli nominated Councilman Cronin as Mayor Pro Tem; seconded by Councilman Cronin.**

**MOTION: Councilwoman McMackin nominated Councilwoman Rice as Mayor Pro Tem; seconded by Councilwoman Hanbury.**

Mayor Sottile instructed City Clerk Darrow to gather secret ballots to determine the majority vote for Mayor Pro Tem. Thereafter, Mayor Sottile announced Councilman Cronin was voted Mayor Pro Tem, by a vote of seven (7) to two (2).

**C. APPOINTMENT AND ADMINISTRATION OF OATH TO NEW EMPLOYEES.**

**MOTION: Councilman Marino made a motion to appoint the following new employees to their City offices: Brandon Miller, Firefighter, Fire Department; and Frank Rivers and Quincy McRae, CDL Drivers, Public Works Department; seconded by Councilman Bettelli; MOTION UNANIMOUSLY PASSED.**

Thereafter Mayor Sottile administered the oath of office to the three (3) new employees and welcomed them to the City.

**D. READING OF THE JOURNAL OF PREVIOUS MINUTES.**

Regular City Council Meeting – November 28, 2006  
Special City Council Meeting – December 5, 2006  
Special City Council Meeting – January 2, 2007

**MOTION: Councilman Taylor made a motion to approve the following minutes, as presented: November 28, 2006 Regular City Council Meeting, December 5, 2006 Special City Council Meeting and January 2, 2007 Special City Council Meeting; seconded by Councilman Buckhannon; MOTION UNANIMOUSLY PASSED.**

**E. CITIZENS' COMMENTS –**

**1. Special Presentations:**

**2006 Light It Up Holiday Contest Winners**

Mayor Sottile and Recreation Committee Chairwoman Rice presented awards to the following 2006 Light It Up Holiday Contest Winners:

**Commercial Division:**

**First Place:** Windjammer, Malcolm Burgis

**Second Place:** Acme Cantina, Jeff and Christina Chumley

**Residential:**

**Breach Inlet to the Isle of Palms Connector-**

**First Place:** 816 Palm Boulevard, Mary and David Johnson

**Second Place:** 608 Palm Boulevard, Bill and Elaine Schupp

**Isle of Palms Connector to Forty-first Avenue-**

**First Place:** 4 Twenty-fourth Avenue, Catherine Leopold

**Second Place:** 3404 Hartnett Boulevard, Nat, Robert and Edna Spillane

**Forty-first Avenue to Wild Dunes -**

**First Place:** 3 Live Oak Drive, Carol Varadi

**Second Place:** 26 Sand Dollar Drive, Roger Basha

**Aurora Award (Gold), Documentary, Historical Event –**

**“The City of Isle of Palms 50th Anniversary Documentary”**

**Doug & Garia Wilmer**

Garia Wilmer noted that annually the International Aurora Award is awarded for outstanding film achievement to contestants throughout the world by a national panel of judges. She noted that the City of Isle of Palms received the Aurora Award for the documentary she and her husband created to commemorate the City's 50th Anniversary celebration. Ms. Wilmer thanked all the citizens and staff who worked on the 50th Anniversary committee and the celebration, and the citizens who shared their stories, pictures and memories with her for the documentary.

**2. Citizens' Comments.**

**Kurt Walter, #5 Twenty-second Avenue**

Mr. Walter noted he was a newcomer to the island, having only moved here in 2005 to retire. Mr. Walter commented that he chose the Isle of Palms because of its residential

community appeal in addition to the natural attractions of beach, ocean and waterways. Thereafter, he read excerpts from the minutes of the January 25, 2005 City Council meeting, when Council tasked the Planning Commission to study the issue of short term rentals. Mr. Walter commented that he favored an immediate building moratorium on the Isle of Palms, noting that the Livability Court addressed only the symptoms, not the underlying issues related to short-term rentals.

**Catherine Malloy, 3613 Waterway Boulevard**

Ms. Malloy indicated she was happy to see citizenship in action tonight, with many residents taking an active interest in the island and the government process. She noted that the issue of short-term rentals has been studied for over two (2) years. She asked that Council be good stewards of the islands in their deliberation of this matter and establish a moratorium on building to enable a review of the short term rental issue. Ms. Malloy noted she was tired of the Planning Commission being tasked with studies while development continues on the island. In conclusion, Ms. Malloy noted that change was inevitable, but loss of community and residential character was optional.

**Brian Duffy, 3613 Waterway Boulevard**

Mr. Duffy applauded the Planning Commission for its efforts in what he termed as the overwhelming task of studying the short-term rental issue for the past two (2) years. Mr. Duffy noted that the Planning Commission has been doing a yeoman's job of dealing with various issues, ranging from short-term rentals, subdivisions and maximum building to lot coverage. He advocated a moratorium on all new building permits, to allow time for proper action regarding short-term rentals.

Mr. Duffy submitted that the City has a Comprehensive Plan in place which outlines the focus of the City and, regarding zoning change requests, he submitted Council should consider whether such a change would be in support of the City's Comprehensive Plan or not. He implored Council to be proactive and not reactive to the continued development on the island. He commented that, in his opinion, there is incongruence between the current zoning districts and the Comprehensive Plan.

**Jim Edwards, 3014 Palm Boulevard**

Mr. Edwards acknowledged that his current home was a short-term rental before he purchased it. He submitted it was everyone's job to effect change, from neighbors to Council. He advocated a temporary building moratorium to slow down growth and allow Council the time to reach solutions to the short-term rental problem.

**Robert Johnston, 3305 Hartnett Boulevard**

Mr. Johnston noted that the issue of short-term rentals aggravates him, particularly the idea of fifty or more people staying in buildings and calling those buildings residential. He submitted that short-term rentals are residential buildings in the guise of hotels. He advocated a building moratorium similar to those passed on Folly Beach and the City of Charleston, to allow the City the opportunity to deal with the short-term rental issue.

**Nadine Johnston, 3305 Hartnett Boulevard**

Mrs. Johnston commented that she lives near a mini-hotel, noting that the house on the corner of Thirty-fourth and Palm Boulevard is currently displaying a "Welcome to Boot

Camp” sign. She asked Council to explain the objective for short-term rentals. As a taxpayer and fellow citizen, she noted she did not want to see reunions of thirty (30) families, wedding receptions, business conferences and “boot camps” in her residential neighborhood. She recommended Council restrict building sizes and building setbacks as well as the number of rental properties on the island. In closing, she suggested Council look to Sullivan’s Island and Folly Beach for guidance on moratoriums.

**Jim Raih, 3906 Cameron Boulevard**

Mr. Raih noted he served on the Planning Commission for four (4) years and understood the task at hand before the Committee. He commended the entire Planning Commission for its efforts, particularly Councilman Cronin who served as Planning Commission Chairman prior to being elected to Council. He asked Council to come together to provide specific questions and tasks that the Planning Commission could adequately address. He reiterated some of the concerns addressed by various Council members at the January 18, 2007 Special Council meeting: proposed Architectural Review Board (ARB) by Councilman Marino; Councilwoman Rice’s question about signs in rental yards (he recommended restricting all signs from yards); Councilman Buckhannon’s concern with limiting growth in SR-1 and SR-2 zoning districts; and Councilwoman Hanbury’s concern about port-a-lets to accommodate large events and crowds at rentals. He submitted that the issue of short-term rentals was not bigger than City Council, the people who run the City, and he encouraged Council to continue to work together toward a clear consensus on this matter.

**Michael Maughon, 7 Wills Way**

Mr. Maughon noted he has been an island resident since 1982 and has seen a lot of change; however, now he submitted that not all change was good. Thereafter he went through Title 5, Zoning, of the City’s Codes, commenting on the City Code’s definition of single family residential (a structure for family dwelling) and the definition of a family unit (a nuclear family or no more than four unrelated people in a dwelling). Mr. Maughon submitted that the construction of large homes with 10+ bedrooms does not meet the definition of single family dwelling use as they are inherently built for use by more than a family as defined by City code. If built for rental purposes, Mr. Maughon noted that rentals and business are not permitted uses within the single-family zoning district. Mr. Maughon discussed home occupation requests the Board of Zoning Appeals receive from applicants of home based businesses; however, he noted that the home occupation application process and commensurate guidelines were currently not required for short term rentals. In summation, he noted that rentals require a business license, a license, which defines the rental activity and the house as a business. Mr. Maughon observed that City Code does not allow for businesses as a permitted use in residential districts. He asked for a temporary cap on short-term rental construction and licenses.

**Robert Spillane, 3404 Hartnett Boulevard**

Mr. Spillane noted he was late for the Public Hearing on Ordinance 2007-1, held prior to this meeting, but wanted to offer his comments on the proposed subdivision. Mr. Spillane expressed concern about misinformation being spread throughout the community regarding the subdivision of 3300 Hartnett Boulevard. He submitted that the

possible future subdivision of seven (7) lots would not significantly impact the quality of life on Hartnett Boulevard. He submitted the quality of life on Hartnett Boulevard has been impacted more by the flooded street, run down long-term rentals and dilapidated vacant house near his property. He underscored that the passing of Ordinance 2007-1 would not produce any winners, but a lot of losers, with seven (7) long time neighbors unable to subdivide homes and many other property owners having non-conforming lots.

**Jeff Jacobs, 606 Ocean Boulevard**

Mr. Jacobs commented on the January 18, 2007 Special Council meeting related to short-term rentals and the over capacity crowd that attended it. He asked that in the future, when a large crowd is anticipated, Council either modify its seating to accommodate more seating or find a larger venue, particularly if executive session is required.

Regarding the issue of short-term rentals, Mr. Jacobs submitted that the City has many existing ordinance, which are not being enforced, such as the fireworks ordinance. He recommended the City ratchet up enforcement on livability issues, such as trash, noise, fireworks, etc.

**William Sheppard, 52 Ocean Point**

Mr. Sheppard commented on the November 6, 2006 Special Council meeting related to an SCDHEC hard erosion permit. He noted that Council heard a presentation from a group of north island property owners, which had established an LLC, requesting permission to harvest soil from Cedar Creek to replenish the northern beach shoreline. Mr. Sheppard commented that on November 22, 2006 Council sent a letter to SCDHEC strongly endorsing the application. Mr. Sheppard suggested that the City was misled by the LLC presentation on November 6, 2006, submitting the actual permit requested activity that would have significantly more impact on the area than the property owners' November 6, 2006 presentation suggested. He asked the Council to withdraw the City's strong support of the application for hard erosion control measures.

Mayor Sottile noted that Council received Mr. Sheppard's letter this afternoon and would take this matter under review.

**Mark Chesnut, 3011 Waterway Boulevard**

Mr. Chesnut commented on the need for a healthy balance between the residential and rental community, with regard to the issue of short-term rentals. He noted that he queried each Council member, prior to this meeting, as to mechanisms to stem growth in the rental community, suggesting a cap on rentals. He reported that Council members acknowledged there was no current mechanism in place to slow development growth on the island and, as for a cap, many indicated they were not sure how such a cap could be enforced. He complimented Council for its approval of the Livability Court, submitting that this Court was a good first step in the right direction. He recommended a moratorium on development with a committee established to gather citizen input on ways to make changes to establish a better balance between rentals and residential.

**Jerome Kurant, 613 Ocean Boulevard**

Mr. Kurant noted he is a twenty-two (22) year island resident who shares many of the concerns expressed by other people tonight. He commented that he lives near mini-hotels and would like to see measures enacted that would address the negative impact of short-term renters.

**Fred Young, 3202 Hartnett Boulevard**

Mr. Young noted he and his wife were forty (40) year residents of the City. He submitted that the City was the biggest offender in the short-term rental matter as the City issued licenses for rental businesses within the residential area. By issuing a license, Mr. Young submitted that the City was endorsing commercial enterprise within the SR-1 and SR-2 zoning district, which was against the City's Comprehensive Plan. He noted that other home-based businesses were required to obtain variances from the Board of Zoning Appeals for a home occupation license. Mr. Young commented on the need for the City's elected officials to take special precautions to avoid giving the public the impression that they are making decisions on matters for which they have a conflict of interest and/or nepotism. Mr. Young further recommended that the Planning Commission revert to a strictly advisory committee, with no authority to rule on subdivisions. In closing, he suggested Mayor Sottile hold a Town Hall meeting in a large facility to answer residents' concerns, with a moderator, prior to the February 22, 2007 Special Council Meeting.

**Bunnie Johnston, 4 Conch Court**

Ms. Johnston noted that she has lived on the island for twelve (12) years and has been appalled to see small homes being torn down to make way for larger homes, many of which are being used as businesses. She submitted that the City is systematically destroying the community and residences for 10+ bedroom homes. She noted that, as for the 10+ bedroom homes, there is no family large enough for that size home, unless they belong to the Kennedy family.

**Ron Davis, 22 Beachwood East**

Mr. Davis expressed support for the Livability Court. Regarding the short-term rental issue, Mr. Davis observed that there are many people who live outside this area who have a stake in this situation: property owners with second homes on the island, owners who have lived on the island, but moved away to earn a living and people with family homes inherited by their parents or grandparents. He suggested that it is equally important for Council to hear feedback from these taxpayers, people who pay the highest percentage of property tax, but receive the least amount of services for that money, as the taxpayers who are present in this room.

He observed that the Isle of Palms is not like Sullivan's Island and Folly Beach and never will be. He reviewed the history of the island:

1920's – ferris wheel and hotel

1950's – recited memories of vacation at duplexes and fishing at the pier

1960's and 1970's – large population of military renters.

Until Hurrigan Hugo in 1989 – a hotel sat at the intersection of Palm Boulevard and the current Isle of Palms Connector (where the island's only traffic light exists)

Mr. Davis noted that when he moved here rentals existed, when the residents in this room moved to the island there were renters and into the future there will be renters. He noted that, as a real estate agent, he has observed that there are currently thirty-four (34) houses on the market on Sullivan's Island, compared to four hundred (400) on the Isle of Palms. He explained that the real estate inventory disparity means the market value for Sullivan's Island would always exceed the market value of Isle of Palms homes. Thereafter, Mr. Davis noted the various revenue sources the island received from island rentals, all of which help to keep each local property owner's personal property taxes lower: accommodations tax, local option sales tax, hospitality tax, non-resident 6% sales tax, etc. He noted that the island's only industry was tourism.

He reiterated that Isle of Palms would never be Sullivan's Island and it should never be the island's goal to become so. He suggested that citizens learn to embrace the reality of island rentals, accept rental practice as the historical reality it has been and work to reach livable compromise.

**Renee Mueller, 3204 Hartnett Boulevard**

Ms. Mueller noted she has lived here for ten (10) years and has lived near a small hotel before, in another municipality. She noted that many of the island's small homes are being replaced with mini-hotels, a type of accommodation that can be "Googled" on the Internet. She commented on the lack of a maximum occupancy rate for short-term rentals and noted that the current zoning codes do not allow for any type of group event activity in residential properties. She noted that the SR-1 and SR-2 zoning districts do not allow rental activity as a special exception; only low-density residential activity is allowed in these districts. She submitted that short-term rentals were actually businesses illegally operating in residential districts. For fire, safety, zoning, aesthetic and other reasons, she asked for the termination of short-term rentals in SR-1 and SR-2 zoned properties. Ms. Mueller clarified she was not asking Council to issue a moratorium, but rather, to enforce the current zoning laws and stop short-term rental activity in residentially zoned neighborhoods.

**Jack Tracey, 104 Shady Lane**

Mr. Tracey noted he has lived on the island over half his life, which he submitted was an impossibly long time. He expressed concern about the issues of property rights versus mini-hotel businesses in residential areas. He suggested that if the City had ordinances regarding livability issues, then those ordinances should be enforced.

**Moose Morris, 23 Edgewater Alley**

Mr. Morris noted he purchased two adjacent properties, both in excess of 12,000 s.f. and planned to subdivide them into three (3) SR-2 zoned lots at 8,000 s.f. each. He noted that three (3) smaller SR-2 would provide for three smaller family homes on lots in keeping with the size of his neighbors. If Ordinance 2007-1 were passed, Mr. Morris noted that he or his family would eventually sell the two large lots, probably to a builder, who would then build very large homes in excess of 5,000 s.f. on them. He submitted that these larger homes would be significantly larger than the homes around his neighbors and not in keeping with the flavor of the family home style of the neighborhood. He noted that he would rather see three (3) smaller residential homes on the 24,000 + s.f. properties.

**Ann Maughon, 7 Wills Way**

Ms. Maughon noted that when she moved to the island, pre-Hurricane Hugo, her realtor assured her that she would not have to worry about short term rentals because her home was located in the SR-1 and SR-2 zoning districts, which did not allow for businesses in its zoning district. She echoed the call for a building moratorium and real solutions for the short-term rental issue. She asked about her property rights and the right to continue to live in a residential area without businesses next to her.

Mayor Sottile asked if there was anyone else who wished to speak in Citizens' Comments. Seeing none and hearing none, he noted that Council has scheduled a work session on February 22, 2007 to continue consideration of short-term rental recommendations.

**F. REPORTS FROM STANDING COMMITTEES**

1. **Ways and Means Committee.** Councilman Taylor, Committee Chairman, reported on the January 16, 2007 regular meeting. Councilman Taylor made the following motions, which came from the meeting:

**MOTION: Councilman Taylor made a motion to approve \$1,044 for an advertisement in the South Carolina Film Guide; seconded by Councilman Bettelli; MOTION PASSED EIGHT (8) TO ONE (1).**

**MOTION: Councilman Taylor made a motion to award the Fire Station 2 landscaping contract to Pleasant Places, Inc. for \$10,007.00 from the Fire Station Replacement Fund; seconded by Councilman Marino; MOTION UNANIMOUSLY PASSED.**

**MOTION: Councilman Taylor made a motion to approve the purchase of three (3) emergency call boxes for the Front Beach area from Comarco for \$20,351.40 from the Municipal Accommodations Tax Fund; seconded by Councilman Marino; MOTION UNANIMOUSLY PASSED.**

**MOTION: Councilman Taylor made a motion to approve up to \$2,700 for Eadies, Inc. to repair drainage drop inlets at Sparrow Lane, from the Drainage Contingency Fund; seconded by Councilman Bettelli; MOTION UNANIMOUSLY PASSED.**

**MOTION: Councilman Taylor made a motion to award the citywide landscape contract to Miracle Green for \$52,225.00 from the Municipal Accommodations Tax Fund and Marina Fund as split in the FY07 budget; seconded by Councilman Marino; MOTION UNANIMOUSLY PASSED.**



**MOTION: Councilman Taylor made a motion to approve the addition of a new General Government position of Assistant to the Administrator/Communications and Website Coordinator with duties outlined in the revised job description attached (Exhibit A) with the salary range of \$38,000 to \$59,999 and a total non-budgeted cost to the City of \$51,000 - \$80,000; further, the motion authorized City Administrator Tucker to have the ability to hire the new employee, effective January 24, 2007, with ongoing expenses budgeted into the FY07-08 budget effective July 1, 2007; seconded by Councilwoman McMackin.**

**Discussion:**

Councilwoman McMackin noted Council received a revised job description (Exhibit A) developed from Council suggestions and input provided at the January 16, 2007 Ways & Means Committee meeting. She thanked Council for moving forward in approving this important and much needed position.

Councilman Marino noted he liked the revised job description better than the original one, as the new version reflected more of the duties for which the City Administrator needed assistance. He indicated he would oppose this motion only because he believed the new position should begin when the new budget cycle starts, July 1, 2007.

**Call for the question: MOTION PASSED EIGHT (8) TO ONE (1)**

2. **Public Safety Committee.** Committee Chairman Marino reported on the highlights of the January 8, 2007 regular meeting. Councilwoman McMackin noted that citizens present at the Public Safety Committee referenced a flyer in which the Committee stated misinformation was being circulated. She asked for additional information on this flyer. Councilman Marino noted that the flyer was circulated by an unknown person or persons alleging Council has made various decisions on the Public Safety Building and its location. He noted that Council has been looking at various scenarios and location options for either a Public Safety Complex or Fire Station 1 site, but no decisions have been made to date. Councilman Marino noted that the City expected a response next week from the U.S. Postal Department regarding the possibility of acquiring the residual land next to the existing Post Office on Palm Boulevard for use as a site option.

*Councilman Buckhannon left the meeting for approximately 3 minutes during the Public Safety Committee report to attend to an emergency call. He returned during the Public Works Committee report.*

3. **Public Works Committee.** Committee Chairman Bettelli reported on the January 10, 2007 regular meeting. Councilwoman McMackin asked for additional information regarding the bike paths on Waterway Boulevard, particularly whether the bike path would continue through individual driveways. City Administrator Tucker reported that, because of SCDOT roadway concerns, the new bike paths would not be much wider than they presently are, although the paths will be new and refreshed. She

was not certain whether the bike path sidewalk would be continuous through asphalt driveways. Councilwoman McMackin stressed a desire for SCDOT to consider a continuous bike path along the roadway.

4. **Recreation Committee.** Committee Chairwoman Rice reported on the regular meeting on January 9, 2007.

5. **Personnel Committee.** Committee Chairwoman McMackin reported on the regular meeting on January 4, 2007. Councilwoman McMackin noted that among other matters, the Committee discussed the need for a compensation survey analyzing citywide salaries and benefits. She expressed pleasure at the hiring of the two (2) new CDL drivers, but noted that it took approximately nine (9) months for the Public Works Department to get fully staffed. She suggested the possibility of benefits and salary issues as a reason for the delay in securing CDL drivers. Councilwoman McMackin further noted that Police Department and Fire Department has expressed salary and benefits issues, which need to be explored too. She submitted that it was important for the City to regularly review its compensation package to ensure it remained competitive with other municipalities and/or agencies. She noted that the Committee would gather additional information on the expense for a compensation study and possibly bring a recommendation forward to Ways & Means Committee in the future.

#### **Safety Sweepstakes Winners for December 2006**

Fire Department – **Carol Nilsen, Captain**

Police Department – **Mac McCrodden, Patrol Officer**

Public Works Department – **Joseph Washington, Assistant Director**

Combined General Government/Building/Recreation Departments –

**Sheila Redmon, Parks & Facilities Assistant, Recreation Department**

#### **G. REPORTS FROM CITY OFFICERS, BOARDS AND COMMISSIONS**

1. **Board of Zoning Appeals** – Minutes of the January 9, 2007 meeting attached.
2. **Planning Commission** – Minutes of the January 10, 2007 meeting attached.
3. **Real Property Advisory Committee** – Minutes of the January 4, 2007 meeting attached. Councilman Bettelli, Committee Chairman, reported that The Pantry, Inc recently purchased Angler's Mini-mart and City Administrator Tucker needed to report to Council on activity related to the fuel valves.

City Administrator Tucker reported that The Pantry requested, as part of the purchase of Angler's, permission to install a blend valve, which would separate the Marina Management company fuel sales from The Pantry fuel sales. As this activity would improve accounting measures for both businesses, was desirable to the Marina Manager and, further, was an expense The Pantry was willing to absorb, she sent a letter of authorization for this effort. She asked for Council's affirmation of this action for future records.

**MOTION: Councilman Taylor made a motion to affirm the City Administrator's authorization to allow The Pantry, Inc. to install a fuel blend valve on the Marina fuel tanks, allowing the fuel sales for The Pantry, Inc. and Marina Joint Ventures to be accounted separately; seconded by Councilman Bettelli; MOTION UNANIMOUSLY PASSED.**

Councilwoman Hanbury asked if the Real Property Committee still wanted suggestions on the future Marina Enhancement project. Councilman Bettelli thanked Councilwoman Hanbury for reminding him to encourage Councilmembers to bring forward any suggestions they or their constituents might have for the future project. He reported that two tenant buildings would be demolished this spring with the City's intent to level the space and use it for additional temporary parking space, until the Marina Enhancement project was underway.

Councilwoman Rice commented that the convenience store has changed out products since The Pantry purchased it, and lamented that the store has removed bait from its shelves. She noted that the convenience store should not be generic, but retain the marina flavor it had. Administrator Tucker noted she would follow up on this matter.

#### **H. REPORTS FROM SPECIAL OR JOINT COMMITTEES**

1. **Accommodations Tax Committee** – Minutes from the January 10, 2007 meeting attached.

2. **Beach Advisory Committee** – Mayor Sottile noted that the Beach Advisory Committee has decided to reschedule its January meeting, but the City has not been advised of the new date yet.

#### **I. PETITIONS RECEIVED, REFERRED OR DISPOSED OF**

Mayor Sottile acknowledged that the City was in receipt of a citizens' petition, which petitioned for the following action:

Asking City Council to take immediate action to enact regulations to provide the following restrictions for the SR-1 and SR-2 zoning areas: (1) enact the proposed stricter rules and regulations on short-term rentals, including a one (1) week minimum rental; (2) place a cap on the number of short-term rentals at the current level; and (3) place a cap on the size of new home construction of 5,000 square feet.

Mayor Sottile noted that at the January 18, 2007 Special Council meeting he first acknowledged receipt of this petition and announced that Council would include this petition at their February 22, 2007 Special Council meeting, with a report to follow, pursuant to City Code, at the February 27, 2007 Regular Council meeting.

Councilman Marino offered various comments on the Livability Court and the need for balance in the community between rentals and residential. He further submitted that the City needed to consider an architectural review board to ensure new construction of

residences, particularly larger homes, blended with the residential character of the existing neighborhood. He expressed appreciation for the Planning Commission's hard work regarding short-term rentals and other development issues. He commented that Council does need to provide the Planning Commission with specific recommendations on various issues, noting the Planning Commission is concurrently revisiting issues such as lot coverage ratios and pervious/impervious surface ratios. Councilman Marino endorsed Council's consideration of a moratorium at its February 22, 2007 Special Council meeting. He also endorsed a minimum one (1) week rental period for rentals within the SR-1 and SR-2 zoning districts, offering the following motion:

**MOTION: Councilman Marino made a motion to limit short-term rentals within the SR-1 and SR-2 zoning district to a one (1) week minimum; seconded by Councilwoman Rice.**

**Discussion:**

Councilwoman Hanbury commented that Council has already established a workshop meeting for February 22, 2007 (Special Council meeting) to deliberate on many issues related to short-term rentals, to include restrictions related to length of rentals. She submitted that it would be inappropriate tonight, particularly given Council's need to consider the many citizen comments and suggestions expressed at this meeting and the Public Hearing prior to this meeting, to extract one component of this complicated issue and make a decision on it immediately. She urged Council to be patient and consider this matter methodically at the February Special Council meeting.

Councilwoman McMackin noted that she approved of Councilman Marino's motion in concept, but acknowledged that more consideration was needed on the short-term rental issue before action could be taken on this motion. Thereafter, she thanked the petitioners for their input and citizens for their attendance tonight. She commented that Council would look to February 22, 2007 to do the hard work and make the hard decisions on the short-term rental issue. Councilwoman McMackin commented that questions arose regarding Folly Beach's decision to pass a building moratorium on their City. She asked Mayor Sottile if he has communicated with the Folly Beach mayor on this matter. Mayor Sottile commented he has not communicated with the Folly Beach Mayor as he does not typically get proactively involved in other cities' affairs. Councilwoman McMackin suggested the City Administrator or staff should investigate how Folly Beach handled the moratorium issue.

Councilman Cronin called for Point of Order, expressing confusion on why Council was discussing a moratorium, when the motion before Council was a minimum stay for short-term rentals within the SR-1 and SR-2 zoning districts.

Councilman Taylor submitted that a possible building moratorium could prove to be a key component of the short term rental issue, concurring with Councilwoman Hanbury that it would be more appropriate for Council to focus on discussing short-term rentals, the petition and options at the February 22, 2007 Special Council meeting.

Councilwoman Rice noted she had gathered information on island vacation rentals from an Internet real estate site, noting that many of the rentals advertised nightly rates. Thereafter, she asked if Council would meet with the Planning Commission too on February 22, 2007. Mayor Sottile clarified that this special meeting was for Council to start making the decisions on short-term rentals.

Councilman Cronin commented on the motion before Council at present. He commented that he did not want to support extracting one component from the entire short-term rental equation and passing it tonight. He raised questions about the enforcement of the proposed motion's restrictions, noting that enforcement of any changes to the current situation would be vital to the success of any modifications. Councilman Cronin advocated tabling the motion for consideration on February 22, 2007.

Councilman Buckhannon indicated he looked forward to the February 22, 2007 work session and advocated Council to gather their ideas for the best methods of establishing some rental restrictions and implementing ways to enforce them. He submitted that restrictions and enforcement must work in tandem for any program to succeed.

Councilman Bettelli concurred with other Council members' comments, noting there is no immediate need to rush to a piecemeal decision on the short-term rental matter. He advocated a measured, reasoned consideration of all workable solutions for short-term rentals at the February special meeting.

**Call for the question:** *Call for roll call vote*

*All those in favor:* Councilman Marino, Councilwoman McMackin and Councilwoman Rice

*All those opposed:* Councilman Bettelli, Buckhannon, Cronin and Taylor, Councilwoman Hanbury and Mayor Sottile

**MOTION FAILED SIX (6) TO THREE (3).**

**J. BILLS ALREADY IN POSSESSION OF COUNCIL –**

**Second Reading and Ratification of Ordinance 2007-1, an Ordinance to Amend Title 5, Chapter 4, Zoning, Article 2, District Regulations, Section 5-4-33(1)(a) and Section 5-4-33(5)(a), of the City of Isle of Palms Code of Ordinances, to adjust the lost sizes for SR-2 zoned properties to require a minimum lot size of 12,000 square feet.**

**MOTION: Councilwoman McMackin made a motion to approve Second Reading and Ratification of Ordinance 2007-1, an Ordinance to Amend Title 5, Chapter 4, Zoning, Article 2, District Regulations, Section 5-4-33(1)(a) and Section 5-4-33(5)(a), of the City of Isle of Palms Code of Ordinances, to adjust the lost sizes for SR-2 zoned properties to require a minimum lot size of 12,000 square feet; seconded by Councilwoman Rice.**

**Discussion:**

Councilwoman Rice advocated deferral of this motion to the February 2007 Regular Council Meeting so that Council could incorporate consideration of this issue at the February 22, 2007 Special Council meeting.

Councilman Cronin asked for clarification whether this ordinance, if second reading and ratification were deferred until next month, would be considered a pending ordinance still. Thereafter, Councilman Cronin expressed concern with this ordinance, as written, creating a group of non-conforming lots, which would impact setback requirements. He wanted to ensure that the lot setbacks for this zoning district did not change and noted the Planning Commission did not render any recommendations on this issue.

Councilman Buckhannon advocated tabling the current motion until the February Council meeting. Councilman Taylor suggested the motion and second would have to be withdrawn.

**Councilwoman McMackin withdrew her motion and Councilwoman Rice withdrew her second on the motion to approve second reading and ratification of Ordinance 2007-1, with the understanding this matter would be deferred until the February Council meeting.**

**MOTION: Councilman Buckhannon made a motion to defer until the February 2007 Regular Council Meeting Second Reading and Ratification of Ordinance 2007-1, an Ordinance to Amend Title 5, Chapter 4, Zoning, Article 2, District Regulations, Section 5-4-33(1)(a) and Section 5-4-33(5)(a), of the City of Isle of Palms Code of Ordinances, to adjust the lot sizes for SR-2 zoned properties to require a minimum lot size of 12,000 square feet; seconded by Councilman Cronin.**

**Discussion:**

Councilman Taylor asked for clarification about the non-conforming impact Ordinance 2007-1 would have on lots within the existing SR-2 zoning district. Building and Planning Director Kerr clarified that lots currently have twenty-five (25 ft) foot setback for the front, rear and sideyards. The pending ordinance, if ratified, would create a group of non-conforming lots, for any property under 12,000 s.f. This would change the current setbacks to twenty (20 ft) feet.

Councilman Taylor asked how this might impact homeowners' ability to rebuild, in the event of a catastrophic event, such as a hurricane or fire. Building and Planning Director Kerr clarified that the City has a set of provisions for non-conforming lots, noting that there is a difference between non-conforming lots and non-conforming structures. He noted that Ordinance 2007-1 would actually lessen the zoning requirements for SR-2 property owners with lots smaller than 12,000 s.f., noting that the existing Ordinance 2007-1 would allow for houses to move closer to the street and neighboring properties due to the reduction in setback requirements.

Councilman Taylor thanked Director Kerr for the explanation, noting that there were many things to consider when moving forward with a zoning district change.

Councilman Marino then asked if the Beach Company had prior deed restrictions on the properties within the SR-2 zoning district. Director Kerr noted that the City had no mechanism to enforce deed restrictions; however, there were deed restrictions on these lots, which have expired.

Councilwoman McMackin noted that there are many historical trees within this area and commented that Council needed to consider the possibility that someone could combine lots and subdivide properties into three (3) lots, removing historical trees to do so.

**Call for the question: MOTION PASSED EIGHT (8) TO ONE (1).**

**K. INTRODUCTION OF NEW BILLS, RESOLUTIONS AND PROCLAMATIONS - None**

**L. MISCELLANEOUS BUSINESS**

**Special Event Requests:**

**MOTION: Councilman Marino made a motion to approve the East Cooper Triathlon (Sunday, April 22, 2007) and the Isle of Palms Connector Run and Walk for the Child (Saturday, October 6, 2007); seconded by Councilman Bettelli; MOTION UNANIMOUSLY PASSED.**

**Re-appointments:**

**MOTION: Councilman Taylor made a motion to re-appoint Mayor Sottile to serve on the following boards: CHATS Policy Committee; BCD-COG Board and CARTA Board of Directors; seconded by Councilman Marino; MOTION UNANIMOUSLY PASSED.**

Councilwoman Rice made a request that Council in the future reconsider discussion of measures to protect golf courses as conservation open green space, noting that other municipalities such as Mount Pleasant have taken proactive measures to protect their golf courses from residential development.

Councilwoman Hanbury implored citizens to get their annual dog licenses from City Hall.

**M. EXECUTIVE SESSION - None**

**N. CONCLUSION/ADJOURN**

There being no further business to come before the Council, the meeting was unanimously adjourned at 9:50 p.m.

Respectfully submitted,

Lisa Darrow, City Clerk

Approved at the February 27, 2007 Council meeting.