

SPECIAL COUNCIL MEETING
3:00 p.m., Friday, November 14, 2014

A Special Meeting of City Council was held at 3:00 p.m. on Friday, November 14, 2014 in Council Chambers of City Hall, 1207 Pam Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Carroll, Ferencz, Harrington, Loftus and Ward, Mayor Cronin, City Administrator Tucker, Assistant Administrator Dziuban, City Attorney Halversen, Director Kerr and City Clerk Copeland; a quorum was present to conduct business.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public were duly notified of the meeting in accordance with the Freedom of Information Act.

The Mayor welcomed everyone and expressed gratitude to residents who adjusted their schedules in order to attend this meeting, a part of the continuing dialogue on parking. He also welcomed Representative Sottile who was in the audience, as well as Chauncey Clark, Sullivan's Island City Council and Andy Benke, the City Manager for Sullivan's Island.

2. Discussion of Beach Access Parking

Mayor Cronin stated that parking has been a major topic for conversation on the island for several years. The City has tackled the issue this year and has worked with Stantec for their data and recommendations; Council has been holding weekly meetings of late to work out the details for a beach access parking management.

The Mayor reported that, since the last meeting, a lot of material has been prepared based on input from the earlier meetings, from both citizens and Council; they appear before you as Concept A and Concept B.

Administrator Tucker reiterated the Mayor's comments that these concepts were developed taking input from the public hearing when Stantec explained their plan for the City, as well as ideas and input heard from Councilmembers at their meetings. Staff took Stantec's recommendation and their statistical data as a base to craft working documents for Council; these concepts were just that – nothing is set – changes were expected.

Reviewing Concept A, the Administrator stated that this was the simpler of the two (2) concepts; it states that everywhere that the Beach Management identifies parking for beach access will be termed the beach access parking area, which is the area when one (1) would have to pay to park in the right-of-way. Beach-goers would pay for parking from the end of May through the end of August between the hours of 9 a.m. and 6:00 p.m.; Council could compress the months that persons would have to pay and/or reduce the time-frame.

The Beach Overlay District would include those places where parking was identified in the Beach Management Plan written in 2008 if they still exist; there could have been modifications to the street, i.e. no parking on one (1) side or the other, parking four feet (4 ft.) from the road or all wheels off the pavement, that could result in some compression of the number of spaces that could be counted. Everywhere else would become "residential parking by permit only" during the peak season, and residents and owners would be required to obtain a permit, via software online, that would be used for electronic license recognition to identify that this vehicle has

permission to park in the residential district. The residential permit would also allow the person to parking in the beach parking. Some areas were deliberately eliminated, like the Recreation Center, Breach Inlet and the marina, because they were a bit more complicated and would need special treatment.

Concept B refines Concept A somewhat; because of input and discussions, it became evident that some residents do not want to do anything. These people rarely go to the beach or they live a distance from the beach; staff decided to concentrate on the areas of the island that were seriously impacted by beach parking. Staff used the same Beach Overlay District, but the area designated "residential parking by permit only" stops at Hartnett Boulevard, and the area becomes more compressed. Persons living in the "residential parking by permit only" district would need to get go through the process of getting their identification for that permit, allowing them to park in their residential district as well as in beach access parking. The remainder of the island would remain unregulated; however, Concept B has a provision that the City, at its own discretion, could decide that an area has become congested with beach access parking and has become unsafe. The City could then expand the "residential parking by permit only" add to the residential parking area or the residents in that area could circulate a petition to carve out a section to be added to the residential parking district. Upon receipt of the petition, Council would conduct a study to decide if that area should be added to the "residential parking by permit only" district and make a decision. The Administrator reiterated that, in the beginning the "residential parking by permit only" was smaller than in Concept A, but it has the potential for people to come into it.

Director Kerr moved to the enlarged maps that show the areas identified as Concept A and Concept B; smaller maps were included in the meeting packets. (A copy of the documentation is attached to the historical record of the meeting.) The Director explained that, in Concept A, the entire back portion, Hartnett to the Intracoastal Waterway side, of the island would be regulated as resident parking only. Someone living on 30th Avenue would need to register their vehicle license plate and register guests to park in the right-of-way. For Concept B, beach access parking would still be based on the Beach Management Plan, and a permit would be required to park in the right-of-way in those parking areas. Persons living more than five hundred feet (500 ft.) but less than a thousand feet (1,000 ft.) from the beach would need to register their vehicle and their guests. In the areas of the island more than one thousand feet (1,000 ft.) from the beach, residents would be completely unregulated which has both pros and cons associated with it. Guests to the unregulated section of the island would not have to be registered, and residents there would not be required to register their vehicle. The primary negative to Concept B is that, if a beach-goer was to park in your right-of-way/yard, there would be no regulation preventing him from doing it.

Councilmember Carroll stated that he has heard a lot of complaints about 41st Avenue and Waterway Boulevard at the marina and, under Concept B, that location would be in an unregulated area.

Director Kerr repeated that the marina, Breach Inlet and the Recreation Center were purposely omitted from both concepts by saying that the details for those locations would be worked out separately since each has its own set of issues.

The Mayor directed attention to the colored map showing the City of Charleston's residential parking districts that have increased over the years and voiced his impression that each district was designed based upon input from the residents and statistical data. The concepts presented tried to emulate the legal structure that was put in place by the City of Charleston and Columbia when they went to residents-only, permitted parking. The Mayor's understanding was that Concept B allows for an evolving process to develop.

Director Kerr pointed out that a difference between Charleston's map and the City's maps was that paid parking was not delineated on Charleston's map; if they had specified paid parking on the map, the maps would appear similar.

Councilmember Bergwerf noted that residents of Waterway Boulevard consider the parking from the marina is a huge issue; she, therefore, asked whether, under Concept B, they could petition to be 'resident parking by permit only.'

Administrator Tucker noted that, in this particular situation, the residents have both options available to them to become resident-only parking, they could:

- The City could acknowledge that a problem exists there and, with proper study, could add that area to "residential parking by permit only;" or
- The concerned residents could circulate a petition asking for the City to extend "residential parking by permit only" to their area.

The Administrator explained a good thing about the petitioning process is that it has the people coming to the City saying they want it which helps with the issue of people who do not want the additional regulation and inconvenience. The designation could not be granted without the data to substantiate the problem.

Mayor Cronin voiced hope that the Planning Commission and the consultants can come up with a better idea about what could be done at the marina to assist with the parking issue.

Referring to the finger streets between 42nd Avenue and the end of island, Councilmember Carroll commented that the residents on those streets have been clear that they do not want parking on these narrow streets. The Councilmember added that the streets there dead-end, and, with the addition of beach access parking, it is very difficult to get an emergency vehicle through.

Councilmember Buckhannon noted that cars parked on both sides of the streets create a public safety hazard; he recalled that there have been discussions about eliminating parking on the side streets and allowing parking only on Palm.

Councilmember Bergwerf suggested that the City could maintain compliance with the Beach Management Plan by eliminating parking on the streets and designating the three or four (3-4) spots at the end of the finger streets for beach access parking. From 42nd Avenue to 54th Avenue, Palm Boulevard does not qualify for beach access parking because it is more than five hundred feet (500 ft.) from the beach.

Mayor Cronin stated that the City thought it had addressed the safety issue on those streets by requiring that all four (4) tires must be off the road.

Councilmember Carroll recalled that the Beach Management Plan requires six (6) parking spaces for every one-eighth (1/8) mile; with that fact in mind, he asked Director Kerr, if having three (3) spaces at the end of each of the finger streets would satisfy the Beach Management Plan.

The Director stated that he thought that would work and said that the beach paths in that area are approximately three hundred feet (300 ft.) apart.

Councilmember Carroll expressed the opinion that this would be an easy “fix” for the finger streets in that it would meet the requirements of the Beach Management Plan and protect those neighborhoods.

Councilmember Bergwerf recommended that these streets should be designated “residential parking by permit only.”

Mayor Cronin stated, by allowing any parking on the streets, the argument about safety was lost.

Voicing her understanding of the plan details discussed, she stated that Council did not want to make all of those streets “No Parking” but wanted to make sure that the parking allowed was the minimum required under the Beach Management Plan and to maximize the safety on those streets.

Councilmember Loftus stated that he had concerns about Concept B; he commented that, at other beaches in the country, beach-goers expect a walk of a thousand feet (1,000 ft.) to the beach. He worried that this plan would push visitor parking back to Hartnett and beyond.

If that was to happen, the affected neighborhoods would have the opportunity to be included in the area for residential parking by permit only.

Councilmember Loftus preferred a universal plan for everyone on the island that would be detailed out and would be fair and equitable across the board; in his opinion, Concept A would meet those needs.

In Concept B, Councilmember Loftus imagined that conflict between neighbors could develop as some want to be a part of the residential permit parking only while others want nothing to change.

Recalling the Public Hearing in October, Councilmember Bergwerf said that some of the speakers did not think that parking would ever impact them and that they do not want anything to do with permits. Concept B would be more acceptable to those residents in the Councilmember’s opinion.

Councilmember Buckhannon commented that any parking plan would be moot if the City does not have enforcement; he said that Concept B takes an area and consolidates it, allowing public safety personnel to better enforce the parking plan.

Recalling that this parking management plan has come about relative to beach access parking; therefore, Councilmember Ferencz stated that she preferred Concept B since it would consolidate beach-goers to beach side of the island.

Mayor Cronin commented that Council was working as fast and as hard as it can to put anything in place and that it would go into place whenever it is available; in the first year, it could be April, May or even June before the City is ready to activate the parking management plan.

Councilmember Ward said that he, too, was in favor of Concept B; he referred to the section for Special Permits, Health Care Permits on page 7 of the plan for Option B. He noted that he would like to expand the language "required by a licensed physician" to include health care workers.

Councilmember Bettelli pointed out that the proposed plan would issue one (1) permit to a residence, but a person might need twenty-four (24) hour care, meaning that three (3) permits would be necessary.

Councilmember Carroll repeated his belief that Waterway Boulevard along 41st Avenue at the marina.

When asked what the designation should be, Councilmember Bergwerf expressed the opinion that the area in question should be "resident only – permit required."

Councilmember Carroll noted that, if a vehicle is parked four (4) feet from the roadway on Waterway, it would be parked on the sidewalk.

Councilmember Loftus noted recalled that another problem area on Waterway is at 25th Avenue where resident of Goat Island park; residents of 25th have had issues with Goat Islanders parking there for several years.

Mayor Cronin stated that he does not want to hold up the larger program to handle specific areas on the island that have been problems for years. He said that, with the appropriate data, Chief Buckhannon could go to SCDOT and make specific requests, for instance NO PARKING; he cautioned Council that such a designation would apply to residents as well.

Councilmember Buckhannon agreed that the parking problems at the marina is a separate issue and should not hold up the beach access management program.

Councilmember Carroll asked for clarification on parking at the ends of the finger streets at the north end of the island.

Mayor Cronin responded that no specific decision has been made, but parking there was included in one (1) of the plans.

Responding to Councilmember Loftus' concern that there is more parking on the south end of the island than he anticipated, Administrator Tucker stated that the two (2) concepts being discussed used the number of parking spaces identified in the current Beach Management Plan. The Administrator noted that the update that lessens the number of parking has yet to be approved,

and the possibility always exists the OCRM will not approve it as submitted. Administrator Tucker indicated that an anticipated question would be whether the update indicated an available space, but the City did not include it in the count for the five year (5 yr.) update because of the additional credit from the parking lots at Front Beach. When this idea was discussed with OCRM, their response was that, if there is enough space for parking, it should be included in the count of available parking. Based on the changes the City and SCDOT have made to the island's roads, the number of parking spaces is different from what was there in 2008.

Administrator Tucker asked that the Mayor include the flexibility to make plan modifications to any motion he made.

MOTION: Mayor Cronin moved to approve the Conceptual Plan B for district parking in the residential area with the ability to make modifications as needed; Councilmember Bergwerf seconded.

Councilmember Carroll asked Chief Buckhannon whether he preferred a smaller area to enforce or a larger one (1); Chief Buckhannon indicated the smaller area.

VOTE: The motion PASSED on a vote of 8 to 1 with Councilmember Loftus casting the dissenting vote.

Initiating a discussion on certain modifications Council would make to Concept B. Mayor Cronin stated that the consensus of the group was to allow three (3) parking spaces at the end of the finger streets on the north end of the island and to make the remainder of the street resident only parking.

The Mayor noted that golf carts would be exempt from the parking regulations; they will be allowed to park anywhere they can do so legally.

Mayor Cronin suggested that the members of Council should go to the finger streets to visualize what is being proposed; the parking would be beyond the existing paved road on dry sand that is heavily vegetated.

Councilmember Loftus expressed the opinion that preparing these spaces at the end of these streets would be very costly and suggested that the parking would consist of a couple of spots

on the end of the pavement. Councilmember Bergwerf reported that his suggestion was not practical because, on some streets, the pavement ends at someone's driveway.

In Councilmember Buckhannon's viewpoint, the first piece of information that Council needed to move forward was how many spaces the Beach Management Plan requires.

The Mayor reminded Council that, in order to implement a parking plan, many decisions needed to be made; among those decisions was the number of passes to sell and how that number would be divided between seasonal, monthly, weekly and daily. He commented that all of the passes issued would not come to the beach the same day.

Mayor Cronin stated that he would prefer to err on the side of a lot of seasonal passes and to see how quickly they are purchased; if they move well, the City would have fewer weekly or daily passes to sell.

In Councilmember Bergwerf's opinion, the first piece of information that Council needed was the number of parking spaces on the island. Administrator Tucker noted that Stantec has provided that information to the City.

The Mayor recalled the data Stantec provided for Memorial Day as follows:

- One thousand eighty eight (1,088) cars crossed the Connector;
- Two hundred thirty one (231) of them parked on Carolina and the avenues on the north end of the island; and
- The balance were parked elsewhere in the island, including the marina and the parking lots.

Councilmember Buckhannon questioned the need for restricting the number of passes sold by restricting where visitors would be allowed to park; vehicles parked in other areas would be ticketed.

Council agreed that the City would always have to sell daily passes whether the number of seasonal passes was big or small.

Councilmember Bettelli remarked that he does not want to see "a sea of cars from 21st to 41st," one (1) of the goals of the parking management plan was to give residents of this stretch of Palm Boulevard some relief.

Councilmember Ward asked whether anyone had considered the possibility that no one would buy parking passes.

Administrator Tucker suggested that Council get legal advice before going further with the discussions. The Administrator stated that, if there were no limits to the number of passes sold, the purposes of public safety and controlling the crowds could suggest that the City did not really have a problem.

Mayor Cronin asked the Administrator what the cost would be to contract with a vendor for an app and website available to implement the proposed parking management plan.

The Administrator replied that staff needed to know what the details of the City's plan before they could quote the City a price and a timeframe; she informed Council that one (1) vendor with whom they spoke indicated that his company did custom work, which the City's plan would likely be. The Administrator explained that staff felt the urgency of implementation; plus, there was the matter of ordinances that must be passed before the City was to implement the plan which normally takes two (2) months. The City must get the enforcement personnel in place and trained. Once details of the parking management plan have been decided upon, staff would begin to develop a budget for the project; the budget process will involve discussions with software vendors to get estimates of the costs and the time they would need to implement the City's plan.

Councilmember Bergwerf added that, in the meantime, the City would be working with SCDOT for the necessary permits. Mayor Cronin reported that a meeting with SCDOT has tentatively been set.

The Mayor indicated that, since most of Council would be on the island for the holidays, he would not be averse to holding a special meeting if needed for the first reading of an ordinance or some other aspect of the parking management plan.

Councilmember Ward asked what the source of funds would be if the estimates for implementation of the parking plan were to be twice the amount included in the FY15 budget.

Administrator Tucker replied that, if Council decided to proceed with the project after such estimates were received, she did not know at this moment what the source of funds would be. The Mayor suggested that the project could be spread between two (2) budget cycles if necessary.

Councilmember Ward stated that he was very concerned about the upfront costs to the City for implementation of the parking management plan.

On the subject of fairness, Councilmember Loftus stated that persons who buy seasonal passes should certainly have a place to park when they come to the island. He noted that there would be weekends during the tourist seasons when parking on the island would be maxed out, but he indicated that people who buy seasonal passes should be guaranteed parking space. In his opinion, when parking has reached its limit on the island, the seasonal pass holders will migrate into the neighborhoods to park.

The Mayor suggested getting the numbers from Stantec about the number of spaces available for parking and a recommendation about the distribution of passes for a day, a week, a month or seasonal.

In addition to a budget for the implementation of the parking plan, but also a budget for the enforcement phase of the program. Mayor Cronin stated that he would prefer to enforce the

program with City personnel rather than outsourcing the job. The consensus of Council agreed that enforcement should be done by City employees.

Responding to a comment that the City has had difficulty hiring the desired number of BSOs each season, Administrator Tucker said that the City might consider increasing the hourly wage for these personnel; she added that the past problems have been that the applicants could not pass the clearance process required.

Another suggestion from Councilmember Loftus was that the passes should not expire at the end of the season.

Mayor Cronin indicated that he would like to have another parking meeting the first week of December; by that time, he and the Administrator would have spoken with SCDOT and Stantec should have the information requested.

Councilmember Ferencz commented that statements have been made that the enforcement personnel from an outside agency might give the City a bad reputation because they might be "heavy-handed;" therefore, she asked whether the City's BSO's would have the authority to be as 'heavy-handed' as needed to enforce the plan. Assuming that they do, she asked if the City's Police Department would get a bad reputation; if enforcement were to be out-sourced for "a brand-new" program that is bound to have problems, the outside agency would get the bad reputation, not the City.

Councilmember Loftus was in favor of having enforcement in-house for better control; he was confident that the City has the means and the foundation to do a good job of enforcement. He also pointed out that the City would lose a large share of the revenue generated by the parking program

3. MOTION: Councilmember Bergwerf moved to go into Executive Session at 4:13 p.m. to receive legal advice regarded potential claims related to the proposed beach access parking management; Councilmember Buckhannon seconded and the motion PASSED UNANIMOUSLY.

City Council returned to regular session at 5:20 p.m.; Mayor Cronin reported that Council had not acted or made a motion in Executive Session.

Mayor Cronin reiterated that a tentative meeting has been set with SCDOT to explore the option Council selected; if that option does not satisfy them, he will present Option A. if neither is acceptable, he plans to ask SCDOT to make another recommendation.

Councilmember Ward suggested that another vote be taken on Options A and B to learn whether the Executive Session influenced Councilmembers' selection.

MOTION: Councilmember Carroll moved to select Option A with four (4) parking zones – Breach Inlet to 21st Avenue, 22nd Avenue to 30th Avenue, from 31st Avenue to 41st Avenue and from 42nd Avenue to 57th Avenue.

Attorney Halversen advised Council that they must first have a motion to reconsider the approval of Concept B.

MOTION: Councilmember Carroll moved to reconsider the decision to support Concept B; Mayor Cronin seconded.

Councilmember Buckhannon stated that his opinion “definitely” changed as a result of information provided in Executive Session. He noted that another vote would not eliminate Option A; the Mayor has said that he would present both to SCDOT. SCDOT’s reaction to the two (2) concepts will go far in determining the path the City will follow.

From previous meetings with SCDOT, Mayor Cronin said that SCDOT typically had not given the Mayor an answer.

Councilmember Loftus reiterated his opinion that Concept A was the fairest option in that all people on the island would be treated the same; he commented that he believed that Option B would be very confusing to island residents. Referring to the public forum held in October, the Councilmember said that he heard from the residents completely agree that something must be done for reasons of safety and livability, but residents should not have to pay for parking at the beach. For these reasons, he continued to support Concept A as more favorable to the residents.

Councilmember Harrington stated that he understood the residents to say that they do not want to pay to park in the right-of-way in front of their homes; he also noted that the City Attorney had explained the Council that Option B was the City’s best chance for an acceptable parking management plan.

Councilmember Bergwerf agreed that she could not push forward a plan that the City Attorney has said would be indefensible.

Councilmember Ferencz heard from the residents that they do not want to be impacted by having to buy a pass or permit when they have visitors that would be parking in the right-of-way; she conceded that residents would be impacted by either plan Council decided to pursue.

Councilmember Buckhannon repeated that, with Concept A, the City would not be charging residents to park in front of their homes.

Councilmember Ward voiced the opinion that Concept A would increase enforcement costs.

VOTE: The motion to re-consider failed on a vote of 3 to 6 with Councilmembers Carroll, Harrington and Loftus supporting the motion.

Councilmember Buckhannon cautioned that the final plan the City decides upon might be influenced by the meeting with SCDOT and might be a hybrid of some sort.

Council agreed to hold another meeting at 3:30 p.m. on Tuesday, December 2 to be followed by a Special Meeting of Council at 6:00 p.m.

4. Adjourn

MOTION: Councilmember Loftus moved to adjourn the meeting at 6:37 p.m.; Councilmember Loftus seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk