

JOINT MEETING
CITY COUNCIL and PLANNING COMMISSION
7 p.m., Tuesday, July 20, 2010

The joint meeting of the City Council and the Planning Commission was held at 7 p.m. on Tuesday, July 20, 2010 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Councilmembers Bergwerf, Bettelli, Buckhannon, Duffy, Loftus, Stone and Thomas, Planning Commission members Ballow, Campbell, Cohen, Denton, Oltorik, Scott, and Watson, Mayor Cronin, City Administrator Tucker, Building and Planning Director Kerr, Assistant City Attorney McCullough, Assistant to the Administrator Dziuban and City Clerk Copeland. Westy Westmoreland of SCE&G and Dave Stevens of Civil Site Engineering were present as invited guests.

1. Mayor Cronin called the meeting to order and acknowledged that the press and public had been duly notified of the meeting in accordance with the Freedom of Information Act.
2. **Consideration of Granting Easement to SCE&G for Augmentation of Distribution System**

Mayor Cronin explained that SCE&G needs to add a fourth circuit to the sub-station behind City Hall to improve reliability of service to the north end of the island. In order to do that, SCE&G will need to run the circuit from the sub-station to a switchbox to be constructed in the parking lot behind City Hall and then take the line under 13th Avenue to a switchbox in the parking area of the Building Department. From there the line would run along 13th to Palm, along Palm to and the Connector and then bore under the Connector to connect behind the Red and White. The easements the City would grant are along the lot line on 13th Avenue and in the parking lot for the pad-mounted switchbox.

MOTION: Councilmember Bettelli moved to grant easements to SCE&G as requested per the documents provided; Councilmember Loftus seconded.

Councilmember Duffy asked Mr. Westmoreland how many utility poles would be eliminated by this work; Mr. Westmoreland stated that there would be no poles removed, but the work will set up the undergrounding of lines around City Hall and save the City sixty to eighty thousand dollars (\$60,000 – 80,000) in that endeavor.

Councilmember Loftus inquired as to the amount of time needed for this project, and Mr. Westmoreland said the work would take only a couple of months. Councilmember Loftus indicated to Mr. Westmoreland that the work should not begin until the heavy tourist season has ended; Mr. Westmoreland agreed and added that he did not see much of an impact to traffic since all of the work was to be done on one (1) side of Palm Boulevard and out of the roadway. According to Mr. Westmoreland, SCE&G would like to begin as soon as possible so as to complete the work prior to the end of the year.

VOTE: The motion PASSED UNANIMOUSLY.

2. Presentation of Parking Plan by the Planning Commission

Mayor Cronin explained that the Planning Commission has been studying the parking issues on the island from various angles and perspectives; he added that he is of the opinion that traffic is a topic that the City will be dealing with for the balance of the year.

Copies of the PowerPoint presentation and the handout distributed to City Council are attached to the historical record of the meeting, as well as the legal opinion offered by Dick Watson.

Ron Denton, Chair of the Planning Commission, stated that the purpose of this meeting for the Planning Commission members was to get feedback from City Council on the work they have done thus far for them to know how to proceed. Based on the outcome of tonight's meeting, the Commission looks to having meetings with the public to get their input on concepts that the Commission and City Council have developed, and with SCDOT who will have be a determining factor in any final plan.

Mr. Denton thanked Dave Stevens, a former member of the Planning Commission, for his engineering assistance and Dick Watson for free legal advice.

Mayor Cronin interrupted Mr. Denton to allow Mr. Watson to review the information he researched from the South Carolina Code of Laws.

Mr. Watson stated that the inspiration for his research had been a question posed by Ms. Oltorik regarding the City's right to act independently of SCDOT because the streets were on the Isle of Palms. Mr. Watson referred to the information in his email to Council quoting the code, and he turned to Section 56-5-930, reading it into the minutes as follows:

“Subject to the limitation prescribed in Section 56-5-930, the provisions of this chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from

- (1) Regulating the standing or parking of vehicles;
- (2) Regulating traffic by means of police officers or traffic-control signals; , , , “

In Mr. Watson's opinion, “under their jurisdiction” would include rights-of-way, i.e., the City's police have jurisdiction over the streets and highways on this island, whether or not they are DOT rights-of-way.

Mr. Watson then directed attention to Section 56-5-930 that, when paraphrased, states that local authorities must have written approval from the SCDOT to “place or maintain any traffic-control devices upon any state highway.” From his review, Mr. Watson contends that the legislature “specifically reserved, to towns and municipalities, the right to regulate, govern, limit parking within their jurisdiction.”

Mayor Cronin indicated that, historically, the state has wanted to regulate rights-of-way. Mr. Watson stated that he had not found any cases where SCDOT had been challenged and a written decision rendered.

According to Mr. Watson, on the subject of allowing residents free parking while charging visitors to park, SCDOT said that an Attorney General's opinion existed stating that such a practice would be discriminatory. A few months after the State's Attorney General's report was issued, the U.S. Supreme Court dealt with the same issue in Arlington, Virginia and decided that if the municipality had a good reason, such as safety or traffic congestion, to discriminate in parking that to do so was not a violation of equal protection.

Mr. Denton related that the Planning Commission had tackled the parking issue as a result of updating the City's Comprehensive Plan, its concern for the safety of residents and visitors and anticipating the impact on the island of the anticipated growth along US17 North. The plan being offered at this meeting is the Planning Commission's effort to find a balance between residents and day-trippers while still maintaining the residents' quality of life and an access way for emergency vehicles. The focus initially has been on Palm Boulevard because two-thirds ($\frac{2}{3}$) of the island's population has to pass down Palm to reach their ultimate destination.

Mr. Denton cited several issues of concern along Palm Boulevard, including

- Vehicles parked in an unorganized manner;
- Vehicles parked illegally – too near the road, fire hydrants and intersections;
- Vehicles parked in such a manner as to hinder the sight-line for pedestrians crossing to the beach; and
- Traffic congestion created by the search for a parking space that prevents emergency vehicles from getting through or residents getting home from work.

The Planning Commission thought it prudent to implement a parking plan in phases. The first step in Phase One is to request that vehicles park eight feet (8 ft) from the roadway on both sides of Palm Boulevard from 21st to 41st Avenues rather than four feet (4 ft) as indicated in the State Code. Mr. Denton stated that people would have more room to maneuver as they unpacked or packed up their cars and children would be further from the road, therefore, less likely to run into the road.

In addition, the Planning Commission is recommending perpendicular parking on the non-ocean side of Palm Boulevard; Mr. Denton admitted that the Commission had not reached a consensus for parking on the ocean-side of Palm.

State law also mandates that vehicles not park within fifteen feet (15 ft) of an intersection; Mr. Denton said that some signs are beginning to appear on the island informing drivers of this requirement.

According to Mr. Denton, regulations exist for a sightline of three hundred fifty feet (350 ft) at an intersection. In the opinion of the Planning Commission, the best mode of enforcement would be the delineation of parking spaces by using wheel stops, for instance.

Because 21st Avenue to 26th Avenue is one (1) of the more congested areas, the Planning Commission suggested using that stretch of Palm Boulevard as a test area for the proposals being set forth. The Commission believes that people will see the benefits of safer and more

organized parking and safer beach access. By establishing this as the test area, the Planning Commission and City Council could learn the benefits and drawbacks of the individual changes that would provide a basis for generating an island-wide parking program.

Based on the success of Phase 1, Phase 2 would involve implementation of the above-mentioned changes on Palm Boulevard from 27th to 41st Avenues. A later phase would consider paying for parking; the Commission has researched a variety of ways this method is used throughout the country – none of which included parking meters or kiosks along Palm Boulevard. Mr. Denton stated that the most recent consensus from the Planning Commission was to consider a whole-island parking requirement using passes, decals, etc., which could be purchased on-line through the website. He noted that requiring people to pay to park anywhere on the island where a legal parking space exists prevents parking from creeping into the neighborhoods. He indicated that lessons learned on Palm Boulevard would be used on Carolina, Ocean Boulevard, etc.

Mr. Denton commented that, by the time the parking plan were to enter its final phase, hopefully the City would have generated revenue from fee parking to fund improvements such as major roadway improvements throughout the island, bike and/or walking paths, special parking for golf carts or electric vehicles, well-defined pedestrian crosswalks, etc.

The final page of the presentation was an engineering drawing of the area of Palm Boulevard from 21st to 26th Avenues that illustrates the Plan as envisioned by the Planning Commission including the perpendicular parking on the non-ocean side of Palm, the eight-foot (8 ft) no parking zone adjacent to the road, as well as a proposed sidewalk and bike and walking paths along the ocean-side. According to Mr. Denton, one obstacle that the Commission encountered on the ocean-side of Palm was the mature landscaping that extends well into the rights-of-way in many areas. Although no parking was the plan for the ocean-side of Palm, the Commission has considered using the area across from the end of leader streets for golf cart parking.

Having completed the presentation, the Planning Commission and City Council began open discussion.

Mayor Cronin initiated the discussion by asking Chief Buckhannon whether the City had experienced any accidents in the 21st to 26th Avenue area involving pedestrians crossing the road; Chief Buckhannon answered that no pedestrian-related accidents had occurred in the past five (5) years. Mayor Cronin commented that, with safety being the primary factor, he was surprised that the parking was moved to the non-ocean side of Palm Boulevard adding to the number of pedestrians.

Defending his concept of parking only on the non-ocean side of Palm Boulevard, Mr. Stevens suggested that the island be considered as a whole and that, from the Front Beach to the marina, a pedestrian pathway could be constructed with a minimum number of road crossings to be enjoyed by not just residents, but by everyone who visited the island. Mr. Stevens envisioned massive pedestrian access to the island along the ocean-side of Palm Boulevard that many locations do not have.

Mayor Cronin stated, and Mr. Stevens confirmed, that the right-of-way on the ocean-side is the same depth as the right-of-way on the non-ocean side.

Councilmember Bergwerf questioned who would walk on the street when they could be walking on the beach. She did offer full support for parking a minimum of eight feet (8 ft) from the road and suggested that it be implemented immediately for the entire length of Palm, but expressed reluctance to give up the parking on the ocean-side of Palm Boulevard.

With all of the parking on Palm proposed for the non-ocean side of the street, Councilmember Bettelli asked if crosswalks were planned for every intersection on the street to ensure the safety of pedestrians crossing to get to the beach.

According to Mr. Campbell, there is very little parking on the ocean-side of Palm beyond 26th Avenue, primarily due to intrusions into the right-of-way. He also indicated that the majority of the parking in that stretch of the road is illegal parking, i.e. less than four feet (4 ft) from the pavement. Mr. Campbell also contended that the City would actually lose only a few parking spaces by disallowing parking on the ocean-side of Palm because the City would have more organized parking on the other side. Ms. Oltorik inserted the fact that forty (4) parking spaces have been counted between 21st Avenue and 32nd Avenue; Ms. Ballow confirmed Mr. Oltorik's count.

Mayor Cronin recalled that parking counts are included in the City's Beach Management Plan.

Mayor Cronin suggested using the Recreation Department's field lining equipment to delineate the four-foot (4 ft) distance from the roadway for visitors looking to parallel-park along Palm Boulevard. Chief Buckhannon reported that on a normal weekend, twenty to twenty-five (20-25) tickets are written for parking less than four feet (4 ft) from the pavement in the area between 21st and 26th Avenues on Palm Boulevard.

Director Kerr noted that the Planning Commission had studied the Beach Management Plan prior to making this recommendation; he stated that the term used in the Plan is "full and complete access." Director Kerr repeated Mr. Campbell's statement that few parking spaces would be lost using the Planning Commission's proposal and that the City would remain in compliance with the Beach Management Plan whatever concept the Planning Commission were to offer.

Mr. Denton indicated that he had envisioned parallel parking on Palm Boulevard at the lower numbered avenues and perpendicular parking on the higher numbered avenues. Both Ms. Ballow and Mr. Denton agreed that parking is very sparse in the area of 36th Avenue, for example.

Councilmember Bettelli suggested that, if an attempt was going to be made to delineate the four-foot (4 ft) distance, the City should also mark beach access paths, because people park in such a way as to block them and the crosswalks leading up to the access paths. Councilmember Bettelli also voice opposition to parking or wheel stops being place on the non-ocean side of Palm; he pointed out that there is grass growing in many of the areas that would become parking.

Councilmember Bergwerf added that many residents are not going to appreciate people parking in an area which many consider their front yards.

Regarding line of sight, Mayor Cronin suggested the addition of more signage saying "NO PARKING HERE TO CORNER" to eliminate that problem. Some of these signs have been installed, and none of those present had seen illegal parking where the new signs were placed.

Ms. Ballow pointed out that some of the City's signs are contradictory, i.e., some say "NO PARKING WITHIN 4 FEET OF THE ROAD" and others say "NO PARKING 4 FEET FROM THE ROAD." For first-time visitors to the island, one could easily end up parked very near the edge of the road in Mr. Ballow's opinion.

Councilmember Loftus thanked the Planning Commission for the work they had put into their study of the parking issues on the island and for the work they have done on the parking plan they set forth at this meeting. Councilmember Loftus stated that he did not want to begin with a test area, but wanted to proceed with a comprehensive, island-wide program that would entail free parking anywhere on the island for property owners who would be issued stickers/decals and vehicles without the sticker/decals would be restricted in where they would be allowed to park. He indicated that the proposed plan with a test area would drive visitors to park in neighborhoods on the avenues. He proposed an annual fee for the stickers and suggested that weekly renters could get passes from the rental agencies when they check-in. Councilmember Loftus voiced the opinion that anyone without a sticker would be required to pay to park and that the revenues from the stickers/decals would pay for whatever needed to follow.

Ms. Ballow agreed that Councilmember Loftus had great ideas, but she stated that changes should come about in stages and start with moving cars farther back from the road on Palm Boulevard. Ms. Ballow noted that Sullivan's Island was considering charging for parking; she contended that, if Sullivan's Island carried through with charging, parking on Isle of Palms would become an even greater issue because people would come here to park for free rather than go to Sullivan's Island where they would be required to pay.

Mr. Watson commented that signs stating "NO PARKING EXCEPT BY PERMIT" could be installed on the avenues to restrict parking only to residents once the stickers/decals had been distributed. He indicated that residents are attending Planning Commission meetings wanting to see action taken on parking because they were "suffering."

Councilmember Loftus suggested that work begin immediately to develop a plan for implementation with the inception of the 2011 tourist season in April. He suggested that the property owner listing used for distributing hurricane re-entry stickers could be used to distribute annual parking stickers; persons who wished to do so could purchase annual parking stickers, on-line maybe, for the same price as annual parking decals for the City lots. Councilmember Loftus maintained that this action would take unwanted cars out of the neighborhoods.

Mayor Cronin asked if the Commission had determined how many stickers would be allowed per household. How would extended families be handled?

Councilmember Bettelli expressed the opinion that no action should be taken without first holding an island-wide meeting to get feedback and input from the residents of the island because everyone involved in this conversation was doing so in their role as servants of the residents of the City. He remarked that, by setting policies, this group was guessing what citizens of the island wanted done to solve parking issues.

Councilmember Duffy commented that the parking issues should be approached from a residential viewpoint – that it was something that residents have been complaining about for years. He remarked that the Planning Commission had done an excellent job addressing the major thoroughfare on the island, but he questioned the impact on the residential areas. He stated that one (1) way to solve the problem was to create residential parking zones on the island. Councilmember Duffy continued by saying that individual property owners could be issues a number of “guest” passes for evening-long to week-long visitors.

Mayor Cronin noted that a comprehensive parking plan would call for parking on Ocean Boulevard that is presently not allowed on either side; therefore, the City has a blank sheet in that area to create organized parking from the beginning. He expressed belief that this action alone would eliminate pressure from the avenues.

Mr. Denton stated that the Planning Commission perceived their plan as one that would create a revenue stream for future parking improvements throughout the island. He described pay-to-park concepts that the Commission discussed such as residential parking areas, NO PARKING areas, tiered parking with the prime locations being the most costly, etc.

Councilmember Stone expressed his support for the Planning Commission’s phased-in program as described in their handout to City Council while an island-wide comprehensive plan is being developed. Although he anticipated little opposition from residents to these changes, he stated that he was open to public meetings for input. Councilmember Stone mentioned that residents who live on the ocean-side of Palm frequently complain to him that they do not have a line of sight to back out of their driveways; he believes that the eight foot (8 ft) setback would help these residents and generally improve safety along Palm Boulevard.

Mayor Cronin noted that the City receives solicitations for grant money to put in increased areas for accesses and walkways, etc; he suggested that these grants might be a source of funds for a sidewalk on the ocean side of Palm to keep people out of the line of traffic. The Mayor repeated his dislike of taking parking off the ocean-side of Palm, because he did think that was the safer side on which to park.

Councilmember Bergwerf noted that Sullivan’s Island would be having a public meeting on parking on Tuesday, July 27 – the night Isle of Palms has its City Council meeting; she stated that her understanding of the Sullivan’s Island proposal was to contract out the kiosk-type sale of five-dollar (\$5) day stickers for legal parking anywhere on the island.

Mayor Cronin said that he had no indication that there would be problems in having DOT place more of the “NO PARKING HERE TO CORNER” signs along the full length of Palm Boulevard.

On the subject of a public forum on the Isle of Palms on parking, Mayor Cronin thought that a meeting could be scheduled for September or October. Director Kerr suggested that the City have specific proposals to put forth for discussion rather than random discussions on parking in an effort to get clear direction from residents.

Councilmember Buckhannon suggested that each area of the island had unique parking issues that would have to be addressed; he did not think that a "one size fits all" approach would be successful.

Mayor Cronin suggested holding another joint meeting in September with the Planning Commission continuing its work in the interim; the timing for a public forum could be discussed at that meeting.

Prior to closing the meeting, Mr. Scott thanked Dave Stevens on behalf of the Planning Commission for the design work he had done for them to aid in their presentation.

Administrator Tucker reported that the meeting had been videotaped and would be shown on Comcast Channel 60 the following evening at 6 p.m. and would be loaded onto the City's website.

The meeting was adjourned by Mayor Cronin at 8:43 p.m.

Respectfully submitted;

Marie Copeland
City Clerk