

**CITY COUNCIL MEETING**  
7:00 p.m., Tuesday, March 24, 2009

The regular meeting of the City Council was held at 7:00 p.m. on Tuesday, March 24, 2009 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Council members Buckhannon, Duffy, Loftus, Piening, Rice, Taylor and Mayor Cronin, City Administrator Tucker, Deputy Attorney Haleversen, Assistant to the Administrator Dziuban and City Clerk Copeland. Council member Bettelli's absence was excused. There was a quorum present to conduct business.

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

2. **Appointment and Administration of Oath to New Employee**

**MOTION: Councilwoman Rice moved to appoint Mark McElroy to the Police Department; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.**

Mayor Cronin gave the oath to Officer McElroy and welcomed him to the City.

3. **Reading of the Journal of Previous Meetings**

**MOTION: Councilman Taylor moved to approve the minutes of the regular meeting of February 24, 2009 and the Special Meeting of March 12 as submitted; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.**

After the vote was taken, Councilman Duffy noted that he was absent from the March 12 meeting due to a medical emergency.

4. **Citizens' Comments**

**Presentation by Dave Stevens of Civil Site Environmental on the 54<sup>th</sup>-57<sup>th</sup> Avenue Drainage Project**

In the way of background, Mayor Cronin noted that several years back the City Council had awarded a sole source contract to Civil Site Environmental, which the City never formally entered into. It has become more important now to have the detailed engineering work done in order to seek additional funds from Charleston County or stimulus funds that may be available.

Mr. Stevens stated that the project would drain nineteen to twenty (19-20) acres into the Wild Dunes basin and discharge through a new outfall structure that was requested by Wild Dunes to ensure against flooding. The preliminary work was done in 2000 to determine if the project was doable; the work being proposed will involve surveying, tree surveys, topography, a detailed drainage report to meet OCRM's requirements, a sweat report and preparation of the engineering and construction drawings for bid. All encroachments permits go through the state, Wild Dunes, Destination Wild Dunes, OCRM and the Corps of Engineers for the outfall structure. Mr. Stevens explained that he would prefer for the outfall structure to be for emergency overflows. He noted that OCRM would be primarily looking for water quality.

Mayor Cronin asked how much time it would take to complete the work Mr. Stevens described and what would be the product of his work. Mr. Steven responded that the City would have a set of construction drawings and specifications, submissions to OCRM and SCDOT for approval, a stormwater management plan and a drainage study – all of which are designed to prove that there would be no negative impacts to the existing lakes, outfalls and stormwater. The model for OCRM, known as ICPR, will model sedimentology, flows and velocities, with the sedimentology being the most important in that the model must prove there is a minimum eighty percent (80%) removal rate of discharge. In addition, OCRM will want to know that there would be no impact on the wetlands.

Mayor Cronin inquired about the slope on the property from front to back; Mr. Stevens replied that there was none, but the pipes would be submerged in the pond such that, when the water rises, the pipes fill. The Mayor then surmised that part of the work would be computing how much water would be taken out in different storm events, such as twenty-five (25) and fifty (50) year storms. Mr. Stevens stated that OCRM required two (2) and ten (10) year storms, but the plan is to include twenty-five (25), fifty (50) and one hundred (100) year storms as well.

Councilman Taylor referred to the original plan to partner with Phase II of The Villages that is now on an indeterminate hold and asked how does this plan differ from what would have been if Phase II were continuing. The route would still go through the property on which Phase II is proposed to be built, but Mr. Stevens does not know if this route would be the final route. The possibility of relocating would still be present; Mr. Stevens confirmed that the City would be financially responsible for any future relocation of its segment.

In response to Councilman Loftus' question of how long it would take to complete the engineering design, Mr. Stevens said it should take six to seven and one-half (6-7½) months, depending on permitting. Councilman Loftus also inquired about the type of professional assistance Mr. Stevens would have and was told that there would be a surveyor and an environmentalist for wetland delineation in addition to himself.

Mayor Cronin interjected that the City was seeking only the detailed engineering for the project because the City is not fiscally capable of proceeding with the project. The contract with Civil Site Environmental would provide the City with an estimated cost, detailed engineering and an RFP ready to be advertised despite the fact that the City would not be advertising the RFP because there is not an adequate funding source in place. The Mayor opined that, with the cost estimate in-hand, the City could more aggressively seek funds.

Councilman Duffy asked about the term of the OCRM permits; Mr. Stevens stated the permits would be good for five (5) years, but were renewable.

Administrator Tucker reported that the City now has eight hundred twelve thousand dollars (\$812,000) available and dedicated to this project; in addition, the City continues to seek funding for the project. If Council opts to go forward with the engineering contract, it would be paid from these funds.

Councilman Loftus questioned whether there would be additional startup costs on the engineering side if the project were to sit on the shelf for three (3) years, and Mr. Stevens' response was there would be a need to check for any regulation changes and possibly get SCDOT permits because they only last for one (1) year.

**MOTION: Councilman Taylor asked to suspend the rules to move item 5.A.3.b for immediate consideration; the motion approved by the Ways and Means Committee was for the re-affirmation of award of contract to Civil Site Environmental for the engineering design of the 54<sup>th</sup>-57<sup>th</sup> Avenue Drainage Project in the amount of \$86,200; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

## **5. Reports from Standing Committees**

### **A. Ways and Means Committee**

Councilman Taylor reported that a budget workshop has been scheduled for 5:45 p.m. on April 15, 2009 to fine tune the capital and operating budgets, including personnel expenses. Treasurer Suggs is working to provide projections for the year-end, and it appears that the City is on-track for a positive year-end.

1. Recommendations for approvals from the Public Safety Committee for the Public Safety Building.

**MOTION: Councilman Taylor moved to approve the award of the following contracts:**

- a. To Cymark AV, LLC for complete audio-visual systems in the amount of \$12,370.00;
- b. To Wholesale Appliance Center for all appliances in the amount of \$21,501.07;
- c. To Gear Grid for wall mount lockers for gear storage in the amount of \$14,368.00;
- d. To Empire Communications for network and phone cabling in the amount of \$19,413.00;
- e. To Prison Industries for the furniture in the amount of \$88,010.25; and
- f. The approval of Change Order #8 for Mashburn Construction in the amount of \$93,493.00;

**Seconded by Councilman Buckhannon, and the motion PASSED UNANIMOUSLY.**

2. Recommendation for approval from the Public Safety Committee for the Fire Department.

**MOTION: Councilman Taylor moved to award a contract to NAFECO for four (4) self-contained breathing apparatus for the Fire Department in the amount of \$19540; the motion was seconded by Councilwoman Rice and PASSED UNANIMOUSLY.**

3. Recommendation for approval from the Public Works Committee.

**MOTION: Councilman Taylor moved to award a contract to Peterson Grading, LLC. to deliver and grade shell sand and to straighten the railroad ties on the 21<sup>st</sup> Avenue curve in the amount of \$1,900.00; Councilman Duffy seconded and the motion PASSED UNANIMOUSLY.**

4. Award of Contract for Sand Fencing and Vegetation to Dirt Cheap in the amount of \$31,865.00.

Mayor Cronin noted that the City had received six (6) bids, and there was a dramatic difference between lowest to highest bid.

**MOTION: Councilman Taylor moved to award the contract for Sand Fencing and Dune Vegetation planting to Dirt Cheap in the amount of \$31,865.00; Councilman Loftus seconded the motion and it PASSED UNANIMOUSLY.**

5. Approval of 3-year contract extension to Green, Finney & Horton, LLP for the annual audit as follows:  
June 30, 2009 - \$21,650 (same as June 30, 2008)  
June 30, 2010 - \$22,500  
June 30, 2011 - \$23,400

**MOTION: Councilman Taylor moved to award a three (3) year contract extension to Green, Finney & Horton as outlined above; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.**

6. Discussion of Workshop for FY 2010 Budget

Councilman Taylor reminded the Council of the workshop discussed earlier

## **B. Public Safety Committee**

Councilman Buckhannon stated that, in the update on the Public Safety Building, it was announced that the Topping Out Ceremony for the building would be at noon on Wednesday, March 25, 2009. The Committee approved the contract awards that were acted upon earlier. Councilman Buckhannon reported that Chief Buckhannon had met with Mark Nesbitt of SCDOT regarding the parking issues at 25<sup>th</sup> Avenue; the City is awaiting a letter from him with what the City will be allowed to do to handle the parking problems. The City has received a letter from SCDOT about the proposed bike path from 21<sup>st</sup> to 41<sup>st</sup> along Palm Boulevard; there will be additional discussion at the next meeting. Administrator Tucker summarized the meeting she and the Mayor had with Robert Clark of SCDOT and the multitude of issues discussed; the Mayor intends to have quarterly meetings with Mr. Clark.

Councilman Buckhannon related that the Police Department was seeking authorization from Council for grants through the South Carolina Department of Public Safety – Office of Justice Programs, Justice Assistance Grant Program, funded by the 2009 American Recovery and Reinvestment Act. The proposals for Council's consideration are for 1) Code Enforcement Officer, 2) digital in-car camera system and 3) ruggedized laptops for electronic ticketing.

Administrator Tucker explained that Police personnel were pulling together the grant application materials and her role was to read them and to verify that the grant applications were in conformance with the rules. The digital in-car video system being

sought would result in a grant paying for something that the City would likely be pursuing anyway. The ruggedized laptops for electronic ticketing allows for the officer in the field to do much of the work in the moment in their vehicles. The final grant would add an employee to the Police Department whose function would be code enforcement; the Administrator noted that code enforcement was probably the number one area of complaints to the City and she thought the position was needed. As for the equipment, Administrator Tucker stated that she did not foresee a recurring expense to the City. She added that the City would not want to be in a position of receiving a grant for personnel and find that it was not in a position to fund that position in future years.

Councilman Loftus asked if there was a limit to the amount for which the City could apply and just what was available to the City through these grants. Chief Buckhannon said there was no dollar limit, but there were stipulations on the categories of items for which the City could apply. Councilman Loftus wanted to know if surveillance cameras were available, because there is a need to replace cameras on Front Beach and there are other areas on the island where security cameras would be beneficial. The Chief said he would have to check the list further, but he knew surveillance cameras could be gotten through Burns grants that go directly to the Justice Department; the applications would be due by the end of April.

Councilman Taylor asked when the City would know if it had received one of these grants since the applications were due April 1. Chief Buckhannon said he had been told the grants were to be "on the street" by the beginning of the fiscal year, July 1; therefore, he expects the grant awards to be in May.

Mayor Cronin commented that, in his opinion, the decision about the additional personnel should be made on the basis of whether the position would be filled if the grant were not available and if the City were not operating under financial constraints; the answer was that the City would not be seeking to fill this position.

Councilman Taylor was in agreement with the Mayor. He noted that, if the City truly needs this position, it would be in the long-term plan and, assuming that the City could support the position after a year, it would be worthwhile. Based on that argument, he added that to pursue it would be waste of time for the Police personnel.

**MOTION: Councilman Buckhannon moved to authorize the Police Department to apply for grants for the digital in-car camera system and the ruggedized laptops for electronic ticketing; Councilman Duffy seconded and the motion PASSED UNANIMOUSLY.**

Mayor Cronin noted that the third item was not approved by omission.

**MOTION: Councilman Taylor moved to authorize the Police Chief and City Administrator to apply for any grant(s) for any items that are currently being used by the City's Police Department that would normally be replaced on a regular replacement cycle; Councilman Loftus seconded.**

Chief Buckhannon remarked that court-related software that would tie into Police Department operations was also available through grants.

**Amendment: Councilman Taylor amended his motion to add the court-related software; Councilman Duffy seconded and the amendment PASSED UNANIMOUSLY.**

**Call for the Question: The original motion PASSED UNANIMOUSLY.**

Councilman Buckhannon stated that there was a second issue needing action tonight – a change order from Mashburn Construction for the Public Safety Building. He explained that the roof to be used would not have been warranted against damage from salt spray. The same issue was encountered when Fire Station 2 was built, but, since it was a design/build contract, Cole+Russell made the change for a finish that would be warranted at their expense. The Public Safety Building is not a design/build; therefore, the change order was required to provide for the finish that would guarantee the warranty against salt spray. The options provided by Cole+Russell are as follows:

- Maintain the Galvalume Steel material, but change the finish of the roof from Kynar 500 to a Fluorothane IV finish (thicker and additionally protective for the salt spray) at a cost of \$29,622.
- Change the material from Galvalume Steel to Aluminum and keep the Kynar 500 finish. The clips that fasten the system down also need to be changed in this option to Stainless Steel. This system would match the Station 2 roof, but would add an additional cost of \$35,776.

Both of these options offer a twenty (20) year warranty without the salt spray clause.

Two key questions were asked:

- In the case of a storm with flying debris, how durable is the coating put on steel?
- Considering the different materials to be used, steel versus aluminum, would one require more post-project maintenance than the other?

**MOTION: Councilman Loftus moved to approve up to \$35,776.00 from the Contingency Fund to change out the roof system to get a warranted product; Councilman Duffy seconded.**

Councilman Taylor thought the consistency between Fire Station 2 and the Public Safety Building would prove to be a benefit; if there were to be problems with one building, it could be anticipated with the second. When he asked who would make the final decision, the response from Mayor Cronin was the Public Safety Committee would decide.

**Call for the Question: The motion PASSED UNANIMOUSLY.**

**C. Public Works Committee**

In Councilman Bettelli's absence, Councilman Duffy gave the Committee report. He stated that the barrels had been painted yellow in anticipation of the garden club adding the palm trees. Thanks to the efforts of the Public Works Department, streetlights on the island are burning brightly; members of the staff will continue to monitor the streetlights on a regular schedule to report them to SCE&G for maintenance. The debris removal RFP was delayed for one (1) month; bid opening will be April 2. The Committee also discussed the 54<sup>th</sup>-57<sup>th</sup> Avenue drainage project. The Public Works budgets were also discussed, and Councilman Duffy reported that its budgets were less than the previous year.

Mayor Cronin asked how successful the Hazardous Household Materials collection had been the previous Saturday. Director Pitts said he had received an email from Charleston County that indicated the collection had not been as successful as the one held in the fall, but it was definitely worthwhile. The email had suggested that collection events be held annually in the future. Councilwoman Rice related that, for the fall event, Charleston County had mailed postcard reminders to island residents, and they did not do that for this collection; she thought that was a factor in the lower turnout. Director Pitts noted that he had been told that the postcards were not mailed out as a cost-cutting action.

Mayor Cronin reported on his attendance at the County Council meeting about the incinerator and the County's upcoming vote regarding renewal of the incinerator contract. He stated that the implication to the City of the incinerator closure would be a significant cost increase to take refuse to Bees Ferry on a daily basis; this would mean additional personnel, vehicles, wear and tear, etc. There were discussions of a transfer station for outlying areas, such as Isle of Palms and Sullivan's Island, but there was no commitment and it would take two to three (2-3) years for permitting and land procurement.

Councilman Taylor asked when the incinerator would be permanently closed; Mayor Cronin stated that the contract on the incinerator expired at the end of 2009. But he stated his opinion that he did not think the County was ready to take its truck fleet to Bees Ferry due to the road system and the handling at Bees Ferry and that he would



not be surprised to see the County give Montenay (company that operates the incinerator) yearly extensions until it is prepared to function without the incinerator.

**D. Recreation Committee**

Since Chairwoman Rice had an excused absence from the March meeting, Councilman Duffy provided the report for City Council. He reported that the attendance at the Middle School dances has declined, and the dance program is going to be evaluated before continuing in the fall. There will be a new program for seniors entitled "Living Well;" it is the result of a grant from Roper-St. Francis and the Lowcountry Senior Center. Councilman Duffy announced the April events, i.e. the annual Easter Egg Hunt, the annual yard sale, and daily programs for the island's young people during spring break. He praised Director Page for the frugal budget that has been put forward.

Councilman Buckhannon, a member of the Recreation Committee, requested that Director Page compile the costs associated with the Middle School dances to include personnel, use of the Recreation Center, the revenue, etc. for the Committee's review the April meeting.

**E. Personnel Committee**

Councilman Piening reported the Committee had decided that, since City Council has the final approval on appointments to Boards and Commissions, there was no need for the Committee to pursue the issue of term limits further. The balance of the meeting was spent reviewing budgets for Mayor and Council, General Government and the Building Department.

Councilman Loftus added that Committee had agreed that nominations for Boards and Commissions would be presented individually, rather than as a group, for consideration by City Council.

**F. Real Property Committee**

Mayor Cronin commented that this was the first report from the Real Property Committee as a standing committee of Council. At the regular meeting, the first item of business was the report from the marina manager, who noted that SCE&G was going to replace two (2) three-phase transformers at the marina at the manager's request. Mayor Cronin related that he has learned that the transformers will be replaced on Tuesday, March 31; therefore, the marina store and the restaurant will be closed from 4 a.m. until 11 a.m. Assuming that SCE&G completes the work on schedule, the restaurant plans to be open for lunch as usual.

The next topic was the update on the Beach Restoration Project that centered on the fencing and vegetation; with the bid award earlier, these tasks should be completed before turtle-nesting season begins as is required by the permit.

A decision on when the City will dredge is still waiting on information from the engineers related to spoil sites, the interpretation of a survey order by the Morgan Creek Association and other matters.

Mayor Cronin reported that a draft of the Marina Management RFP had been distributed to members of the Committee for their review and input about the form and terms. The proposal is for a lease rather than management agreement and for a longer term than has been offered in the past.

The Committee agreed to allow the Deputy State Underwater Archaeologist access to the beach between 3<sup>rd</sup> and 5<sup>th</sup> Avenues as he attempt to identify the locations of blockade-runners that could be in the area. Permission was given with the stipulation that there is not to be an entry onto private property without the owner's consent.

The Real Property Committee held a Special Meeting on March 17, 2009 with one (1) item on the agenda, the location of the kayak shack at the marina. The Committee agreed to move the shack across the ramp to the area of the loading dock for the store.

Councilman Buckhannon congratulated "the Real Property Committee, the marina manager and the rest of the City for putting together such a phenomenal bulkhead." It was his opinion that the new bulkhead had "transformed the marina."

Mayor Cronin reported that there had been a walk through of the bulkhead today and that he anticipated the work being completed by the end of the month. He did comment on how responsible to the City Misener Marine had been, as well as respectful to the tenants and users at the marina.

Councilwoman Rice asked if the City had been informed of the outcome of the Dewees Property Owners meeting; Administrator Tucker replied that inquiries had been made to learn the outcome, but unsuccessfully.

**6. Reports from City Officers, Board and Commissions**

- A. Board of Zoning Appeals** – did not meet in March
- B. Planning Commission** – Minutes included in meeting packets

**7. Reports from Special of Joint Committees - None**

**8. Petitions Received, Referred or Disposed of - None**

**9. Bills Already in Possession of Council**

Second Reading and Ratification of Ordinance 2009-05 – An Ordinance Authorizing the Issuance and Sale of a Taxable General Obligation Bond, Series 2009, or Such Other Appropriate Series Designation, of the City of Isle of Palms, South Carolina, in the Principal Amount of not Exceeding \$1,500,000; Fixing the Form and Details of the Bond; Authorizing the City Administrator or her Lawfully Authorized Designee to Determine Certain Matters Relating to the bond; Providing for the Payment of the Bond and the Disposition of the Proceeds Thereof; and Other Matters Relating Thereto.

Administrator Tucker commented that this ordinance was for the bond issue to pay for the marina bulkhead; she reported that John Rosen, bond attorney with the McNair Firm, was present to answer questions related to the bond.

**MOTION: Councilman Taylor moved to suspend the reading and to approve Second Reading and Ratification of Ordinance 2009-05; Councilwoman Rice seconded.**

Councilman Taylor asked Attorney Rosen to give the Council an update on the timetable for the bond issuance. Mr. Rosen stated that the current schedule contemplates publication of a twenty-day (20) challenge period at the end of this week [the publication allows the challenge period to be shortened from sixty (60) days to twenty (20) days], publication of the notice of sale on April 6, end of the challenge period and receipt of bids on April 15 and closing on the bond on or around April 23.

Mr. Rosen stated that the market is volatile, but he is hopeful that the rate will remain in the five percent (5%) range when Mayor Cronin asked about the interest rates.

Councilman Loftus inquired about the term of the bond, and Mr. Rosen noted that the ordinance states that the term cannot be more than ten (10) years, but it also delegates to the City Administrator the ability to reduce the term. Mr. Rosen added that he anticipates a term of six or seven (6 or 7) years and the shorter the term the lower the interest rate.

**Call for the Question: The motion PASSED UNANIMOUSLY.**

Before proceeding with the next agenda item, Administrator Tucker advised Council that the Isle of Palms Water and Sewer Commission was considering re-financing some of their bonds. Mayor Cronin added that these would be revenue bonds and do not tie up the City's bonding capacity, but the City must approve the transactions.

**10. Introduction of New Bills, Resolutions and Proclamations**

- A. First Reading, by title only, of Ordinance 2009-02 – An Ordinance Amending Section 5-4-58 of the City of Isle of Palms Code of Ordinances Relating to the Granting of Zoning Variances.

Administrator Tucker explained to Council that, if they choose to have First Reading on this ordinance, the First Reading would be without the item in the red box. The information in the red box relates to action recommended by the Planning Commission, and Attorney Halversen wishes to discuss this, and other items related to the Planning Commission, in Executive Session.

**MOTION: Councilman Loftus moved to approve First Reading of Ordinance 2009-02; Councilman Duffy seconded and the motion PASSED on a vote of 7 to 1 with Councilman Taylor casting the dissenting vote.**

- B. First Reading, by title only, of Ordinance 2009-03 – An Ordinance Amending Section 5-4-2 and 5-4-12 of the City of Isle of Palms Code of Ordinances Relating to the Height of a Structure.

Mayor Cronin reminded Council that they had sent this ordinance to the Planning Commission for consideration, and the Planning Commission has recommended that the ordinance not be approved.

Councilman Taylor asked if approval of First Reading would mean that the Pending Ordinance Doctrine would come into play, for example, if the steeple of the church were to be consumed in a fire before Second Reading, it could not be rebuilt according to this ordinance. The Administrator opined that the Pending Ordinance Doctrine would be in effect if First Reading were to proceed.

**MOTION: Councilman Taylor moved to table Ordinance 2009-03; Councilman Buckhannon seconded.**

Councilman Taylor informed Mayor Cronin that there should be no discussion following a motion to table; the Mayor allowed Councilwoman Rice to ask Director Kerr a couple of questions.

Councilwoman Rice asked Director Kerr to “explain how the non-conforming pieces of the puzzle are affected and how we (Council) can fix it so that those people and certain chimneys are not harmed.” Director Kerr stated that this ordinance would make any house, or any structure, with a chimney that goes above forty feet (40') [and the Planning Commission believes there are several hundred on the island] and any steeple above forty feet (40') non-conforming. In the event that those structures were damaged by fifty percent (50%) or more, they would have to be altered – when replaced – to

ensure that the chimney or steeple did not exceed forty feet (40'). The City's building code requires that a chimney be, at least, two feet (2') above the existing roof. This would be applicable for a structure has a roof that is at forty feet (40'); they could potentially look at restructuring the roof to bring it down two feet, thereby, bring the chimney down two feet (2') or the extreme example would be a residence with third floor living space where they could conceivably lose that living space to comply with the height requirements. That owner would have the opportunity to ask for a variance, but the Board of Zoning Appeals has not been in the habit of granting a lot of variances.

Councilman Loftus recounted that this ordinance was written because the Board of Zoning Appeals had granted a variance for an elevator shaft that exceed the forty-foot (40') height restriction. He asked for Director Kerr's recommendation on how to protect the forty-foot (40') height limit.

Director Kerr stated that the City cannot put a statement in the Code that the Board of Zoning Appeals cannot grant a height variance. City Council cannot dictate which variances that the Board can and cannot grant. The wording in this ordinance was the best that Director Kerr and Attorney Sottile could put together to guide the Board that the type of structures that the Board had interpreted as utility in nature and in line with the existing code were no longer seen as acceptable by Council. He was emphatic that the passage of the ordinance would not guarantee that the Board of Zoning Appeals would not grant another variance.

Director Kerr continued to respond to questions for some time with no suitable resolution being reached.

**Call for the Question: The motion to table Ordinance 2009-03 PASSED on a vote of 6 to 2 with Councilmen Duffy and Loftus casting "nay" votes.**

C. First Reading, by title only, of Ordinance 2009-06 – An Ordinance Amending Title 1, Chapter 4, Officer and Department, Article D, City Attorney, Section 1-4-31, of the City of Isle of Palms Code of Ordinances to Provide for the Appointment of Assistant City Attorneys.

**MOTION: Councilman Taylor moved to approve First Reading of Ordinance 2009-06; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.**

## **11. Miscellaneous Business**

Mayor Cronin announced that the OCRM hearing on the revision of ten-year setback lines has been moved to April 6, 2009. This setback line has moved significantly in parts of the island and not so significantly in others. If a resident is unsure about how he is affected, the Planning Department has the website identified, as well as the

current recommendations from OCRM with documents indicating where the old setbacks were ten (10) years ago.

Mayor Cronin inquired of Chief Graham if Charleston County's communication tower was operational in Mount Pleasant; she replied that it was scheduled to go on-line March 31, 2009. She added that there was a meeting on Thursday, March 26 for a final update. The Mayor asked that she monitor radio communications closely for a couple of days, then to provide Council, by email and through the Administrator, with her observations regarding the impact and improvements, or lack thereof.

**12. Executive Session to receive legal advice on Ordinance 2009-02**

**MOTION: Councilman Taylor moved to enter Executive Session at 8:36 p.m.; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.**

Council returned to regular session at 8:51 p.m.; Mayor Cronin stated that there had been no action or votes taken in Executive Session.

**13. Adjourn**

**MOTION: Councilman Buckhannon moved to adjourn at 8:52 p.m.; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted;

Marie Copeland  
City Clerk