

**CITY COUNCIL MEETING**  
7:00 p.m., Tuesday, March 25, 2008

The regular meeting of the City Council was held at 7:00 p.m. on Tuesday, March 25, 2008 in City Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. In attendance were Council members Bettelli, Buckhannon, Cronin, Duffy, Loftus, Piening and Taylor, Mayor Sottile, City Administrator Tucker, City Attorney Sottile, Assistant to the Administrator Dziuban and Clerk Copeland. Councilwoman Rice was excused from the meeting because she was out of town, but there was a quorum to do business.

**1. Call to Order** and acknowledgement that the press and the public were duly notified of the meeting in accordance with the Freedom of Information Act.

**2. Reading of the Journal of the Previous Meeting - February 26, 2008**

**MOTION: Councilman Taylor moved to approve the minutes of the regular meeting of February 26, 2008 as submitted; Councilman Cronin seconded.**

Councilman Loftus reported an error in the first paragraph of *Citizens' Comments*, where Mr. Evans was referred to as Mr. Hartnett.

**Call for the Question: The motion to approve the corrected minutes was UNANIMOUSLY APPROVED.**

**3. Citizens' Comments**

Former Councilwoman Leola Hanbury, of 3203 Hartnett, stated that she had eagerly awaited changes to the ordinance related to roll-out carts and was so pleased to see an amendment on the **Agenda** for this evening. She expressed her feeling that improvements were needed in the ordinance and that she was hopeful that this was just the beginning. She also noted that there was the need for a sensible ordinance that would not make garbage cans the priority of the Police Department and the Livability Officer.

For the ordinance on beach debris and holes, she related that she has two (2) concerns; they are:

- 1) She interpreted §7-3-14(c) to read that hobie cat type vehicles could remain on the beach indefinitely; and
- 2) Without assistance from realtors, the twenty-five (25) foot distance referred to in §7-3-4(b) would be impossible for visitors to the island to adhere to because they would not be aware that they were breaking the law.

Jeff Jacobs of 606 Ocean Boulevard was the second speaker; he comments were

" Just over a year and a half ago, in August 2006, the IOP Public Info email subscription published its first issue. Although there were thoughts to the contrary the sole purpose of the effort was to let citizens and all other interested parties know what was happening on IOP.

Additionally, although there were pictures, opinion polls and Who's Who IOP, the main content was always government related. This month will make the last issue of this service and I encourage everyone to subscribe to the City's E-newsletter, via IOP.NET.

As I say goodbye and thank everyone in the City who helped provide accurate information, especially Marie, Emily and Linda, please know that I did it because I believed it was the right thing to do.

As we go forward, I encourage the City to shape the content for the benefit of the citizens, exceed minimum statutory notification requirements and listen to what the citizens tell you they want. I encourage you to do this because I continue to believe it's the right thing to do. It is always better to seek ways to exceed expectations.

Thank you."

Daniel Prentice, 401 Palm Boulevard, informed the City Council that he was a Boy Scout working on his Eagle Scout project to construct and place benches at the 4<sup>th</sup>, 5<sup>th</sup> and 7<sup>th</sup> Avenue beach accesses with Council approval.

Jim Raih, 3906 Cameron Boulevard, introduced himself as the President of the Exchange Club on the Isle of Palms. He invited residents of the island to a drop-in at 7 p.m. on April 24, 2008 to celebrate the 60<sup>th</sup> anniversary of the Exchange Club on the Isle of Palms. He reminded everyone that the City got its start at the Exchange Club.

#### **4. Reports from Standing Committees**

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

Chairman Taylor related that the Ways and Means Committee had heard a presentation from The Archer Company relative to the Compensation and Classification Study they had done for the City. The compensation study, along with the replacement of the bulkhead and the request for additional firefighters, are large ticket issues the Council will wrestle with at the budget work session that will consume the April 15<sup>th</sup> Ways and Means Committee meeting. The balance of the meeting was spent reviewing the capital and operating budgets and allowing Council members to get their questions answered and/or to clarify any budgetary issues.

## B. Public Safety Committee

Councilman Bettelli reported that the Public Safety Committee had prioritized the capital budget for the department and studied the operating budget. Daniel Prentice had appeared before the Committee to present his Eagle Scout project of constructing and placing wooden benches at the 3<sup>rd</sup>, 4<sup>th</sup> and 7<sup>th</sup> Avenue beach accesses. Mr. Prentice had presented the construction drawings for the Committee's review; these drawings were approved by Building Director Kerr.

**MOTION: Councilman Bettelli moved to allow Daniel Prentice to proceed with his Eagle Scout project to construct and place benches at the 3<sup>rd</sup>, 4<sup>th</sup> and 7<sup>th</sup> Avenue beach accesses; Councilman Taylor seconded.**

Councilman Cronin asked Mr. Prentice what type of materials he would be using. Mr. Prentice responded that he would be using 2"x4"s and would anchor the legs in cement to hold them in place in the event of a major storm.

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

Councilman Bettelli related that the Committee had discussed a letter from SC DOT Engineer Robert Clark on the 41<sup>st</sup> Avenue intersection. In the letter, Mr. Clark stated that DOT would not allow a four-way stop at the 41<sup>st</sup> Avenue intersection; over the summer, the City plans to provide police coverage at the intersection when traffic warranted the assistance.

Councilman Loftus made the following points:

- The proposal sent to DOT should not have been for a four-way stop, but to shut down Cameron Boulevard and make a three-way stop; and
- No one from DOT actually came to the Isle of Palms and looked at the intersection; the engineer simply reviewed plans.

Councilman Loftus expressed his opinions that the City was looking at "terrible" traffic jams in the upcoming summer season and that the City needed to do all it could to encourage SC DOT to stay with this intersection to come up with a resolution now, not years into the future.

Councilman Bettelli responded that it was agreed that Cameron Boulevard did not generate enough traffic into the 41<sup>st</sup> Avenue intersection to warrant its closure. He did state that the Public Safety Committee would take the subject under advisement again.

There was a pre-bid conference for the Public Safety Building on March 13 where six (6) to ten (10) contractors were in attendance.

In addition to reviewing the Beach Debris Ordinance, the Public Safety Committee discussed a letter the Administrator had received from Charleston County Parks and Recreation Commission that offered an expansion of its lifeguard services beyond the limits of the County Park. The coverage area would be expanded to include the west side of the pier up to the area where the property of Sea Cabins ends; the county would provide this service to the City at no charge.

**MOTION: Councilman Bettelli moved to approve the expansion of the lifeguard coverage provided by Charleston County Parks and Recreation Commission between the west side of the pier and the end of the Sea Cabins contingent upon approval by the owners of Sea Cabins; Councilman Taylor seconded.**

Councilman Taylor wondered why approval was contingent upon approval of Sea Cabins' owners; Administrator Tucker answered that the request from Charleston County extended to the area in front of Sea Cabins only – the contingency was a courtesy extended to them.

Mayor Sottile asked Attorney Sottile to research and to confirm that the City would have no liability with the service in place; Attorney Sottile said he would.

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

Other topics discussed at the Public Safety Meeting were extending the hours that dogs could be on the beach without a leash, additional golf cart parking and the new Livability Report from the Police Department. The Livability report not only indicated the various livability offenses, but also described the location where the violation occurred; the locations were given descriptions as follows:

Island Residents	Short-term rentals by owner
Long-term Rentals	Rental Owner Occupied
Short-term Rentals by an Agency	

Council Bettelli ended his report somewhat tongue in cheek when he announced that the City had received instructions from FEMA on the proper handling of space debris, i.e. Do Not Touch, but call the proper agency for removal.

Mayor Sottile congratulated the Police Department for receiving re-accreditation from CALEA. The designation indicates to residents and visitors alike that the Isle of Palms has a very professional Police Department. All on the Isle of Palms should be very proud of what the Department has attained.

Councilman Bettelli added his praise for the Police Department for receiving re-accreditation from CALEA; he reported that he had attended the ceremonies in Atlanta and was very impressed by what he saw. He stated that he was very proud of the Department and the way the staff perform their jobs.

#### **C. Public Works Committee**

Councilman Bettelli stated that new street signs were ordered through Charleston County that were expected any day. Both the capital budget and the operating budgets were reviewed, as well as ordinance amendments for the time that rollout carts could be put out for pickup and for beach debris and holes. The palms trees between 41<sup>st</sup> Avenue and 57<sup>th</sup> Avenues were being trimmed this week. Livability Officer O'Donnell had attended the meeting to describe the types of issues he had seen most frequently as he approaches one (1) year on the job. Officer O'Donnell explained that he was beginning an initiative to rid the island of abandoned vehicles. The final item of business for the Public Works Committee had been the request from a citizen to re-surface Cross Lane; the Committee agreed to consider the request once the Water and Sewer Commission project has been completed.

#### **D. Recreation Committee**

In Councilwoman Rice's absence, Councilman Buckhannon gave the Committee report. He announced the classes that would begin in April, as well as the upcoming events sponsored by the Recreation Department. He related that there had been more than six hundred (600) people to attend the Lowcountry Blues Bash – some from as far away as Ontario, Canada. Registration for Camp Summershine will begin April 7; the Yard Sale is planned for April 19 with fifty (50) available spaces. The Easter Egg Hunt on Saturday, March 22 had brought out over two hundred (200) children with their parents.

Like other Committees, there was discussion of both the capital and operating budgets for FY 2008-2009.

Since replacement of the gym ceiling will require that the gym be closed, the work is scheduled to begin as soon as spring breaks are over.

#### **E. Personnel Committee**

Councilman Piening remarked that the Personnel Committee had reviewed the capital and operating budgets. They had also discussed the transfer of authority to the Charleston County Board of Elections and Voter Registration for handling future Isle of Palms municipal elections; Councilman Piening reported that a motion would be put forth to that effect at the April 2008 Council meeting.

In conclusion, Councilman Piening announced that Sgt. Gary Erickson and PFC Gerardo Chavez of the Police Department had been selected "Employees of the Month." The February Safety Sweepstakes Winners were

Fire Department – Chris Puckhaber  
General Government – Debbie Suggs

Public Works – John Graham  
Police – Melissa Dawson

## **5. Reports from City Officers, Boards and Commissions**

- A. Board of Zoning Appeals**
- B. Planning Commission**

Administrator Tucker related that the bulk of these meetings had been devoted to legal briefings.

### **C. Real Property Advisory Committee**

In Councilwoman Rice's absence, Councilman Cronin delivered the Committee's report. From the marina manager's monthly report, Councilman Cronin related that solar panels now power the lighting at the entrance and that the manager has generated a survey that will ultimately provide very interesting statistics on who was using the City's marina. A decision on the replacement of the bulkhead was postponed until the next meeting when a monitoring report would be ready that would provide the Committee with the status of the bulkhead. The Committee also discussed the future plans for Morgan Creek Grill with its management; there will be future dialogue. Following up on a request for new fencing for the parking lot at Front Beach, the Committee decided not to invest in new fencing, but to ask Public Works to clean the lot more frequently. Councilman Cronin announced that the newly renovated marina store was open and asked that everyone go in; there is now a wider variety of merchandise, as well as a snack bar. The final business for the Real Property Advisory Committee had been to recommend to City Council to re-finance the marina bond; the ordinance to do that appears later in the Agenda.

## **6. Reports from Special or Joint Committees**

- A. Accommodations Tax Committee** – minutes attached
- B. Beach Advisory Committee** – no meeting in February

## **7. Petitions Received, Referred or Disposed of - None**

## **8. Bills Already in Possession of Council - None**

**9. Introduction of New Bills, Resolutions and Proclamations- by title only**

**First Reading of Ordinance 2008-01 – Amending an Ordinance entitled “An Ordinance to Provide for the Issuance and Sale of \$4,250,000 General Obligations Bonds of 1999 of the City of Isle of Palms, South Carolina, to Prescribe the Purposes for Which the Proceeds shall be Expended, to Provide for the Payment Thereof, and other Matters Relating Thereto.”**

Mayor Sottile noted that this ordinance was for the re-financing of the marina bond, but that there had not been sufficient time for advertising to the public. He, therefore, asked Council's permission to remove it from tonight's Agenda and to have a special meeting at 5:30 p.m. on Tuesday, April 15, 2008; City Council agreed to the Mayor's requests.

**First Reading of Ordinance 2008-02 – An Ordinance Amending Title 3, Chapter 2, Section 3-2-8 Garbage Roll-out Carts Shall not be kept upon Street or Road Rights of Way regarding the Time to Place Roll-out Carts for Collection.**

Mayor Sottile stated that the intent of this ordinance was to allow roll-out carts to be placed on the street for pickup at 5 p.m. rather than 7 p.m.

**MOTION: Councilman Bettelli moved for the approval of First Reading for Ordinance 2008-02; Councilman Cronin seconded.**

Administrator Tucker clarified that this ordinance had not gone through legal review; she wanted Council to be aware that the only change represented by this ordinance was the **time** and that the balance of the paragraph 3-2-8 was not being eliminated.

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

**First Reading of Ordinance 2008-03 – An Ordinance amending Title 7, Chapter 3, Beach and Marine Recreation Regulations, of the City of Isle of Palms Code of Ordinances to Prohibit and Abandonment of Personal Property on the Beach and Leaving the Beach in an Unsafe Condition.**

**MOTION: Councilman Bettelli moved for the approval of First Reading for Ordinance 2008-03; Councilman Cronin seconded.**

Mayor Sottile questioned the enforceability of this ordinance; Chief Buckhannon had agreed with the Mayor's assessment and believed that there would be a need for additional personnel in the Police Department to enforce it.

Councilman Taylor stated that he agreed with the intent of the ordinance, but, from his understanding of reading section d, the sand sculptors would be required to destroy their works before leaving the beach after participating in the Piccolo Spoleto Sand Sculpting Contest. He also felt there was a need to define the word "holes." He would prefer to see an ordinance with more definitive language than as in this version.

Councilman Loftus remarked that this ordinance addressed waste issues, as well as beach hazards. He suggested that the City could use the rental agencies to educate visitors because the items covered in the ordinance were important to the island.

Councilman Duffy confirmed that this ordinance was important to the island since Isle of Palms is an active turtle-nesting beach, and the holes become a very real hazard for the turtles. On the subject of enforcement, he noted that the Beach Services Officers could use part of their time patrolling the beach to educate tourists who were sitting under canopy tents or are digging large holes.

Councilman Bettelli indicated that there were many persons who visit Isle of Palms beaches who were not familiar with the ocean, with turtles and their nesting habits, or the way the residents wanted to keep the island.

**Call for the Question: The motion to approve Ordinance 2008-03 for first reading PASSED UNANIMOUSLY.**

**Resolution to Approve the Submittal of an Application for Beach Restoration Funds and Committing to the Local Funding Requirements Necessary to Complete the Project Subject to the Contractual Participation of other Designated Parties.**

Mayor Sottile asked that Administrator Tucker read the resolution into the minutes. Administrator Tucker informed the City Council that this resolution was required for the City to be allowed to apply for grant funds.

**MOTION: Councilman Loftus moved to adopt the Resolution to Approve the Submittal of an Application as read; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.**

**10. Miscellaneous**

**A. MOTION: Councilman Duffy moved for City Council to reconsider the motion for beach renourishment funding approved on January 10, 2008 at a Special Council Meeting in order to clarify Council's intent for the**

**City staff as to exactly what funding staff should apply for with a Revenue Bond; Councilman Piening seconded.**

By way of clarification, Councilman Duffy stated that there remained a question in some Council members' minds whether the \$1.7 million in funding approved at the meeting of January 10, 2008 did or did not include the two hundred thousand dollars (\$200,000) approved in November 2007.

Councilman Taylor stated that he had answered that he had clarified that question in an e-mail to all members of Council. He noted that he did not have a copy of the motion he had made in January, but that references to "net" were specific to "new funding, new non-budgeted . . ." Councilman Duffy stated that those words were not used in the discussion in January.

Councilman Piening recounted that in January he thought the number the Council was discussing included the prior commitment of two hundred thousand dollars (\$200,000). He suggested that possibly there had been a miscommunication.

By way of clarification, Attorney Sottile explained that the motion was to reconsider the January motion; therefore, a negative vote meant that the person casting the vote understood that the November and January renourishment financing motions represented separate and stand-alone amounts.

**Call for the Question: In a roll call vote, the MOTION WAS DEFEATED ON A COUNT OF TWO (2) TO SIX (6) with Councilmen Duffy and Piening casting the affirmative votes.**

**B.** Councilman Loftus referred to statement made at the Ways and Means Committee meeting related to Chief Graham's concerns about the large buildings being constructed on the island and the need for additional staffing within the Fire Department.

**MOTION: Councilman Loftus moved for the Planning Commission to look into requiring that houses of a certain size, possibly 3500 square feet, be required to install sprinkler systems; Councilman Taylor seconded.**

As a possible solution, he suggested that the Planning Commission look into requiring sprinkler systems into houses over a certain size, possibly 3500 square feet. Mayor Sottile replied that he understood that this subject was to be discussed at the upcoming Ways and Means Committee meeting on April 15<sup>th</sup> as it would relate to personnel issues.

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

Mayor Sottile commented that normally he did not place a *Miscellaneous* item on the Agenda because he preferred to know, in advance, what might be discussed at the City Council meetings. In the future he would appreciate Council members contacting him before the meeting to inform him of any "Miscellaneous" business they wanted to discuss at a meeting.

C. Councilman Piening commented that he had sent memorandum to each Council member asking for input into Administrator Tucker's annual evaluation, but only one (1) had responded. He urged his fellow Council members to communicate their thoughts for inclusion in her evaluation.

11. **Executive Session - None**

12. **With no further business to come before the City Council, Councilman Duffy moved to adjourn the meeting at 8:00 p.m.; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk