

CITY COUNCIL MEETING
Tuesday, April 22, 2008
City of Isle of Palms, South Carolina

The regular meeting of the City Council was held at 7:00 p.m. on Tuesday, April 22, 2008 in City Council Chamber of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Council members Bettelli, Buckhannon, Cronin, Duffy, Piening, Rice and Taylor, Mayor Sottile, City Administrator Tucker, City Attorney Sottile, Assistant to the Administrator Dziuban and City Clerk Copeland. Councilman Loftus was excused from the meeting since he was out of town. There was a quorum present to conduct 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. Mayor Sottile offered the invocation that was followed by the Pledge of Allegiance to the Flag.

2. **Appointments and Administration of Oath to New Employees**

MOTION: Councilman Cronin moved to appoint Tracey Garraux to the Police Department and Gerald Green to the Public Works Department; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

Mayor Sottile administered the Oath of Office to Ms. Garraux and Mr. Green and welcomed each to the City of Isle of Palms.

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

MOTION: Councilman Taylor moved to approve the minutes of the regular meeting of March 25, 2008 and the Special Meeting of April 15, 2008 as submitted; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

4. **Citizens' Comments**

Mary Pringle, 713 Ocean Boulevard, spoke to City Council in her position as Project Leader for the Turtle Team. She stated the disappointment of her group that the second reading of Ordinance 2008-03 regarding beach debris and holes had not been included in the meeting's agenda. She stated that on Monday, April 21, 2008, there had been the first turtle sighting of the season, so it was very important to have the debris removed and holes filled. She expressed the opinion of the Turtle Team that these problems seemed to get worse with each passing year, and Mrs. Pringle noted that members of the Turtle Team would offer their time to provide education opportunities for citizens. But she felt that any efforts to resolve the problems must be supported by the force of law.

Linda Plunkett, 3 Thirty-second Avenue, stated that her family had owned property on the island for fifty (50) years. She also related that her family had been “tragically marked by cancer” and, as a result, she has been very active in cancer-fighting causes. She continued that science has proven that smoking was a carcinogen, and there was much evidence that showed secondhand smoke was deleterious to one’s health. Mrs. Plunkett stated her respect for those who chose to smoke, but those who smoked had no right to force her to do so as well. She asked that the Public Safety Committee consider an ordinance to ban smoking from the workplace, public buildings and eating establishments because the health and welfare of the citizens of the island should be their top priority.

Jimmy Ward, 2207 Hartnett, commented that he had been a resident of the island for twenty-two (22) years and that he had stayed here because the Isle of Palms was unique unto itself. He reported that there are four (4) establishments on the island that allow smoking, and that to ban smoking would likely foster resentment from the business community. Mr. Ward asked if any members of Council had asked business owners what the impact of such a ban would be on their businesses. He requested that City Council use restraint when taking rights away from business and that they not do the easy thing, but the right thing by allowing the individual business owners to make the decision for their businesses.

Dan Carrigan explained that he was the Executive Director of Smoke Free Network and, as such, had been deeply involved in smoke-free workplaces for three (3) years. He noted that he had worked in Columbia at the State House defending the rights of local governments to make their own laws related to smoke-free restaurants and bars. He displayed the front page of the *Post and Courier* of April 1, 2008 stating that the Supreme Court had upheld the right of local governments to create their own smoke-free laws to protect their citizens. Mr. Carrigan also displayed a copy of the 2006 Health Consequences of Involuntary Exposure to Tobacco Smoke by the U.S. Surgeon General that discussed the ill effects of secondhand smoke. He urged the Council to move forward with a smoke-free ordinance and distributed copies of the Greenville ordinance, which had withstood Supreme Court scrutiny.

Allison Tysinger, 2086 Country Manor Drive, Mount Pleasant, identified herself as a musician who frequently played at the Windjammer and Morgan Creek Grill. She reported that people who worked in any area of the food and beverage industry were the segment of the population that was the least insured and the most exposed to secondhand smoke. Ms. Tysinger remarked that she was entitled to a safe workplace as were the workers in Charleston, Mount Pleasant and Sullivan’s Island where smoking was prohibited in bars and restaurants. She asked that the City Council consider passing an ordinance prohibiting smoking in bars and restaurants as its neighboring communities had.

Nancy Mackey, 8 Sand Dollar Drive, implored the Council to approve an ordinance providing for a smoke-free workplace on the Isle of Palms. She stated that she had followed the actions of the surrounding municipalities and the case that went before the State Supreme Court. After relating her experiences with family and friends who have had lung cancer, she noted that the protection devices in restaurants did not work as advertised. She also commented that Mr. Bustos of Mount Pleasant and Rep. Hagood were supporters of a smoke-free workplace.

Martha Dunlap represented the South Carolina Department of Health and Environmental Control as a Tobacco Health Educator; she distributed the "Smoke-Free Worksite Toolkit" to members of Council and read the following prepared statement:

"The South Carolina Department of Health and Environmental Control (DHEC) is committed to promoting and protecting the health of the public and environment in the state. In keeping with our vision of healthy people living in healthy communities, the agency strives to seize opportunities confirmed through science and research that meet the agency's mission. Secondhand smoke exposure has been identified as a leading health hazard by the U.S. Surgeon General, US Centers for Disease Control and Prevention (CDC) and numerous other leading health and environmental groups. In partnership with CDC, DHEC focuses on the goal of elimination of the public's exposure to secondhand smoke. DHEC supports efforts to protect the state's citizens from the proven dangers of secondhand smoke exposure."

Thomas Messervey, 9518 Raven Drive, Ladson, related that he was a member of the Smoke-Free Lowcountry Coalition and read the group's mission statement into the minutes as follows:

"The mission of the Smoke-Free Lowcountry Coalition (SFLC) is to reduce the toll of tobacco use in the Tricounty area, to provide public awareness and education, and to effect policy change. Since our formation in 1989, we have been dedicated to a tobacco-free environment.

The Coalition provides a forum for organizations and individuals to plan and implement strategies that promote a tobacco-free Lowcountry.

Through our affiliation with the South Carolina Tobacco Collaborative, the Smoke-Free Lowcountry Coalition is linked to the statewide effort to promote a tobacco-free environment."

Goals:

- To eliminate exposure to environmental tobacco smoke
- To promote tobacco cessation among youth and adults.
- To prevent youth from initiating tobacco use.
- To identify and eliminate health disparities among our population.

-Smoke-free policies protect employees and customers from dangerous secondhand smoke.

-Smoke-free policies facilitate a more productive workforce and environment.

-Smoke-free ordinances in cities across America have proven that smoke-free environments are good for people and good for business. “

On a personal note, Mr. Messervey stated that often government legislates to protect us from ourselves.

Suzanne Brown, 813 Carolina Boulevard, addressed the issue of the beach debris ordinance and asked if the volleyball nets that were being left standing on the beach overnight, creating hazards to walkers, would be included. She also reported that, as she walked to the meeting, she had found the sidewalk between 6th and 10th Avenues overhung by bushes. Her final question was what would become of the debris that was removed from the beach; she felt that the volume of beach chairs, tents, etc. collected would be sufficient to require a separate storage area.

Sandy Stone, 26 Waterway Island Drive, began his comments by acknowledging City Treasurer Suggs for her efforts in generating the City's budget each year. Secondly Mr. Stone observed that there was no signage directing visitors to the City marina, which was a great asset for the City, and asked that the Council consider appropriate signage. Lastly he asked that the City Council consider re-visiting the R-3 zoning between 21st and 42nd Avenue; he was certain that there were both businesses and citizens who would support a change in that area.

Mayor Sottile commented that both the smoke-free issue and the beach debris and holes ordinance would be discussed in depth at some point in the future. He stated that issues, like the ones Ms. Brown had brought up, were why the ordinance had not been on tonight's agenda for second reading, instead it had been sent back to Committee for more work. On the smoke-free issue, he commented that there was sentiment on the Council to discuss, but that Council needed to clear some issues from its plate, i.e. the approval of the budget, the bulkhead replacement, the beach restoration project, before tackling new ones. To Mr. Stone, Mayor Sottile reported that the Administrator had been asked to work on signage for the City marina. The Mayor concluded his remarks by thanking everyone for their participation in their City's government.

5. Reports from Standing Committees

A. Ways and Means Committee

Chairman Taylor thanked the members of City Council and the City staff for their work in preparation and evaluations of this year's budget. He reported that there had been a three (3) hour Ways and Means meeting and workshop on April 15 where decisions were made on the Public Safety Building, the replacement of the bulkhead and the beach restoration with the assistance of the City's Attorney. He anticipated the budget to be ready for passage by the end of May. Councilman Taylor advised those present that there was going to be a state required advertisement of the budget summary in the local newspaper and for them not to become alarmed at the numbers because Council was still working to reduce them wherever possible.

1. Approval of cost overrun of \$10,757 on Local Comprehensive Beach Management Plan

Administrator Tucker explained that the revisions required by OCCM had precipitated the added expense.

MOTION: Councilman Taylor moved to approve the added expense of \$10,757 on the Local Comprehensive Beach Management Plan; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.

2. Approval to move forward with the replacement of the bulkhead.

Councilman Taylor recalled that the total cost of replacement was approximately \$2.6 million dollars; the City had \$1.5 million in reserves for the project and there would be a revenue bond for \$1.1 million to cover the difference.

MOTION: Councilman Taylor moved to proceed with the bulkhead replacement; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

3. **MOTION: Councilman Taylor moved to approve the Recommendations the Real Property Committee for \$1,600 for electrical repairs to TidalWave Water Sports and an additional \$5,000 to complete re-planking of the face dock; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.**

4. **MOTION: Councilman Taylor moved to approve the recommendation from the Public Works Committee for \$13,200 for Eadie's**

to restructure the 30th Avenue ditch; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

5. MOTION: Councilman Taylor moved to approve the recommendation from the Recreation Committee for \$11,500 to clean, seal and paint exposed exterior metal beams and to replace gutter on the gymnasium; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

6. MOTION: Councilman Taylor moved to approve the recommendation from the Public Safety Committee for up to \$2,400 for Schupp Enterprises, Inc. to fill holes on the beach from May through June; Councilman Bettelli seconded.

Councilman Taylor explained that Mr. Schupp had the proper equipment was on the beach every day since he emptied the trash barrels. He proposal to the City was to fill the holes three (3) days per week at a rate of \$95 per day.

Councilman Duffy asked if contracting for this service would create any additional liability for the City; Administrator Tucker expressed her opinion that the liability would be no greater than if the City left them unfilled and someone were to be injured. Mayor Sottile turned to Attorney Sottile for a legal response, and the attorney stated that he preferred to answer in Executive Session.

MOTION: Councilman Taylor moved to defer the vote on his motion until after the Executive Session: Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

B. Public Safety Committee

Councilman Bettelli recounted that Brett Carlson had made a presentation on behalf of the Barrier Island Ecothon to be allowed to hold portions of it on the Isle of Palms on Sunday, October 26, 2008 with the same level of Police and Fire Departments involvement as they had received in the past. Chief Buckhannon and Chief Graham confirmed that this event did not cause a great deal of disruption to island life and would not be burdensome for their departments. Councilman Bettelli commented that the Barrier Island Ecothon was included in the list of approved event for the island.

MOTION: Councilman Bettelli moved for approval for events of the Barrier Island Ecothon to take place on the Isle of Palms on October 26, 2008; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

Councilman Bettelli continued that the Committee had received updates on the Public Safety Building and the 41st Avenue Intersection and that the pursuit of additional golf cart parking on the island was still under review. There were in depth discussions on the Fire and Police Departments' operating and capital budgets. As a possible alternative to Ordinance 2008-03 regarding beach holes and debris, the Committee had discussed and approved the proposal from Schupp Enterprises to fill in the holes. Chief Graham had included in the Fire Department report that a youth had been seriously injured in a surf boarding accident and had been airlifted to MUSC. The Committee learned through the Police Department monthly report that PFC Schwenk had been named Police Officer of the Year by the Exchange Club for his continued proactive enforcement of alcohol-related crimes. Councilman Bettelli reported that the Police Department's Special Patrol Request (SPR) program was very successful, and he encouraged all residents to take advantage of it when they were going to be away.

Councilman Bettelli stated that there would be a temporary crosswalk indicator placed at the 41st Avenue intersection.

He announced that the ground breaking for the Public Safety Building would take place at 3:00 p.m., Friday, May 16, 2008 on the site of the new construction at the intersection of J.C. Long and Pavilion.

C. Public Works Committee

Councilman Bettelli recounted that Bev Ballow had commented to the Committee about the beach holes and debris ordinance. The Committee had again discussed the department's capital and operating budgets. Director Pitts had reported that SC DOT had been replacing sidewalks along Palm at 27th Avenue and that Charleston County had painted the lines on Front Beach in front of The Palms Hotel. In addition, Director Pitts related that he expected to be a little over budget at year's end in *Vehicle Maintenance*, but that he also expected to be under budget in total for the department. Director Pitts had related that he tried to keep low hanging branches that could pose a hazard to bikers trimmed and that he welcomed calls from residents about areas of the City that needed attention. Eadie's proposal for re-sculpturing the 30th Avenue ditch was discussed in light of Wild Dunes possibly sharing the expense. The Committee agreed to pursue funds from the Charleston County Transportation Sales Tax Program for 53rd-57th Avenue Drainage Project and for improvements to the bike path along Palm at 41st Avenue and from 41st to 57th Avenues.

D. Recreation Committee

Chairwoman Rice reported that the Recreation Center was "incredibly busy." She announced the Bike Rodeo scheduled for Saturday, May 3 and that many new classes

had begun in April. She thanked Councilman Buckhannon for his hard work that had resulted in a very successful Easter Egg Hunt, where the attendance had been over seven hundred (700) persons, both big and small. The Yard Sale had taken place on Saturday, April 19 and had fifty-four (54) booths. Due to the work to the gym ceiling, the Middle School Dance for Friday, April 25 would be cancelled. Councilwoman Rice announced that there would be a movie on the Rec Center grounds at 8:30 p.m. on Friday, May 16th. She also thanked Bill Schupp for the walk behind blower that he had donated to the Recreation Department.

E. Personnel Committee

Chairman Piening reported that the Committee had spent a significant amount of time on the compensation study and it seemed that the deeper the Committee delved into the study the more complicated it became. He noted that City Council was looking to the Committee to make a recommendation; therefore, a Special Meeting would be held on Wednesday, April 23, 2008 to make the decisions necessary to make a recommendation. Councilman Piening explained that the meeting would take place in Executive Session since the Committee expected to discuss salaries of individual personnel, so he discouraged the public from attending.

Although Assistant Dziuban had reported that the City Attorney had not completed his review of the sample ordinance provided by Charleston County on the transfer of election authority, Chairman Piening wanted a vote on record regarding said transfer.

MOTION: Councilman Piening moved to transfer authority for municipal elections to the Charleston County Board of Elections and Voter Registration; Councilman Taylor seconded.

Mayor Sottile expressed his opinion that this would be a good move for the City; Councilman Bettelli added that the City would continue to have a Municipal Election Committee and that elections would not cost the City any more than they have in the past if managed by Charleston County,

Call for the Question: The motion PASSED UNANIMOUSLY.

Councilman Piening related that Councilman Taylor had made a motion that had passed stating that, if a vacancy occurred on City Council within one (1) year of a regularly scheduled Isle of Palms' election, the vacancy remain unfilled until the election occurred. This situation could be an issue if the Mayor were to be successful in his bid for the South Carolina House of Representatives.

Councilman Piening announced the Safety Sweepstakes Winners for March 2008 as

Shelia Redmon – Recreation
Hohns Rodden – Fire

Willie Powell – Public Works
Kraig Thompson – Police

Mayor Sottile asked if a vote were needed on Councilman Taylor's motion on Council vacancies. Councilman Taylor replied that he had hoped that this amendment could be included in the election transfer ordinance; he stated that his goal was to reduce costs to the City for multiple elections.

6. Reports from City Officers, Boards and Commissions

- A. Board of Zoning Appeals – minutes attached**
- B. Planning Commission – minutes attached**
- C. Real Property Advisory Committee**

Real Property Chairwoman Rice reported that the Committee had made a site visit to the marina prior to their last meeting. Marina Manager Berrigan had pointed out to the Committee areas of concern related to the condition of the bulkhead and certain docks and had discussed some of his future plans for the marina. Mark Feim, manager of TidalWave Water Sports, directed the Committee's attention to the electrical problems with which he was dealing. There were no votes or actions taken by the Committee in the course of the walking tour of the marina.

The meeting began at 9:30 a.m. at the Recreation Center. Mr. Feim of TidalWave made a formal request to the Committee to fund the electrical repairs to his business location; the Committee agreed to fund \$1,600 on the stipulation that a licensed electrician were contracted to do the work. Manager Berrigan requested that the Committee recommend to Ways and Means to payment of \$5,000 for the materials to complete the re-planking of the face dock; that request was also approved. Chris Moore, the engineer with Jon Guerry Taylor was present to review the latest monitoring results of the bulkhead and to make recommendations to the Committee. The capital and operating budgets for the marina were reviewed once again. Mr. Berrigan reported that business was going great at the new Marina Market and that he expected the deli to open soon.

Councilman Cronin remarked that the bulkhead would be replaced this year, but that the dredging would have to wait until the late fall of 2009 because the City had lost the dredging window for this year due to permitting issues.

7. Reports from Special or Joint Committees

- A. Accommodations Tax Committee – no meeting in April**

B. Beach Advisory Committee – minutes of March 26, 2008 meeting were not submitted

8. Petitions Received, Referred or Disposed of - none

9. Bills Already in Possession of Council

Second Reading of Ordinance 2008-01 – An Ordinance entitled “An Ordinance to Provide for the Issuance and Sale of \$4,250,000 General Obligation 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.”

MOTION: Councilman Taylor moved for approval of 2nd Reading, ratification and suspension of the reading of Ordinance 2008-01; Councilman Cronin seconded.

Administrator Tucker explained that this ordinance authorized the refinancing of the marina debt to a taxable bond as the most cost effective means for the City to have more flexibility at the site regarding its relationships there. She reported that the City had gotten a very favorable interest rate of 5.2% that was less than what was projected in the budget preparations.

Call for the Question: The motion PASSED UNANIMOUSLY.

Second Reading of Ordinance 2008-02 – An Ordinance Amending Title 3, Chapter 2, Refuse, Garbage and Trash, Section 3-2-8, Regarding the Allowable Time for Placement of Garbage Roll-out Carts for Collection.

MOTION: Councilman Bettelli moved for approval of 2nd Reading, ratification and suspension of the reading of Ordinance 2008-02; Councilman Cronin seconded.

The Administrator noted that many absentee owners subscribed to services that roll carts in and out; with the roll-out cart time at 7 p.m., there were “strangers” approaching homes after dark that might have renters in them creating undue alarm. By changing the time to 5 p.m., the City could ensure that it would be daylight all year long when roll-out carts were taken out for trash removal. Councilman Bettelli added that this would also be better for the elderly.

Attorney Sottile called to the Mayor's attention the fact that there had been technical, not substantive, changes to Ordinance 2008-01 since the first reading; therefore, there was the need for a motion to approve the amendment.

MOTION: Councilman Betteli moved to approve the technical amendments to Ordinance 2008-01 for second reading; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.

Call for the Question: The motion to approve Ordinance 2008-01, as amended, PASSED UNANIMOUSLY.

10. Introduction of New Bills, Resolutions and Proclamations

First Reading, by title only, of Ordinance 2008-04 – An Ordinance to Raise Revenue and Adopt a Budget for the City of Isle of Palms, South Carolina, for the Fiscal Year beginning July 1, 2008 and ending June 30, 2009.

MOTION: Councilman Taylor moved to approve Ordinance 2008-04 for first reading by title only; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

11. MISCELLANEOUS BUSINESS

Approval of Letter dated April 16, 2008 Regarding Beach Renourishment Agreement

Mayor Sottile stated that this was a housekeeping item that needed approval by City Council.

MOTION: Councilman Cronin moved to approve the letter as presented; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

12. Executive Session

MOTION: Councilman Taylor moved to go into Executive Session at 8:07 p.m. to discuss contractual matters; Councilman Duffy seconded and the motion PASSED UNANIMOUSLY.

Council returned to regular session at 8:20 p.m.; Mayor Sottile announced that no votes or other actions had been taken during Executive Session.

Call for the Question: Councilman Taylor's motion to approve up to \$2,400 for removal of holes on the beach by Schupp Enterprises, Inc. PASSED ON A VOTE of 7 to 1; Councilman Duffy cast the "nay" vote.

Mayor Sottile reminded everyone of the 60th Anniversary of the Exchange Club to be celebrated at 7:00 p.m. on Thursday, April 24, 2008 at the Exchange Club, and all were invited.

13. Adjourn

MOTION: Council Taylor moved to adjourn at 8: 24 p.m.; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk