

CITY OF ISLE OF PALMS
Regular City Council Meeting
July 24, 2007

The regular meeting of the Isle of Palms City Council was held at 7:00 p.m. on Tuesday, July 24, 2007 in Council Chambers, City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending were Mayor Sottile, Council members Bettelli, Buckhannon, Cronin, Hanbury, Marino and Rice, City Administrator Tucker, Attorney Mike Daniels and City Clerk Copeland. The absences of Council members McMackin and Taylor were excused since they are out of town. There was a quorum present to conduct business.

1. Introduction of Meeting

Mayor Sottile called the meeting to order and stated that members of the press and the public had been duly notified of the meeting in accordance with State and Federal laws. The Mayor delivered the invocation, which was followed by the Pledge of Allegiance.

2. Appointments and Administration of Oath to New Employees

Richard German, Richard Hathaway and Michael Waring were unable to attend and will be sworn in at the next meeting.

MOTION: Council Marino moved to approve the appointment of Jessica Edwards and William O'Donnell; Councilman Bettelli seconded; the motion PASSED UNANIMOUSLY.

Mayor Sottile administered the Oath of Office to Jessica Edwards, Telecommunicator with the Police Department, and William O'Donnell, Livability Officer for the Police Department.

3. Reading of the Journal of Previous Minutes

MOTION: Councilwoman Hanbury moved for the approval of the minutes of the Public Hearing of June 26, 2007, the regular meeting of June 26, 2007 and the Special City Council Meeting of July 9, 2007 as presented; Councilman Bettelli seconded; motion PASSED UNANIMOUSLY.

4. Citizens' Comments

Bev Ballow, 3009 Waterway Boulevard, came before Council representing the Turtle Team to seek help in solving the problem of chairs and tents or canopies being left on the beach, not just overnight, but apparently abandoned; she had previously presented the case to the Public Works Committee. She had a series of pictures depicting the problems these items are creating for Council to review. Mrs. Ballow expressed the

feelings of the Turtle Team that it is one (1) of the City's obligations to help to protect the nesting beaches for the threatened turtles; she added that the obligation is both legal and moral. She reported that the debris these tents, their supports and guide wires present are a hazard to both man and beast; there have been instances where the turtles have crawled onto the beach, run into some of this debris and returned to the ocean without nesting. Such a false crawl may result in the turtle dropping her eggs into the ocean which means that as many as one hundred twenty-six (126) eggs on average are lost.

Mayor Sottile asked that both Public Works and Public Safety Committees look into this situation; he specifically asked Councilman Marino to put the topic on the next agenda for the Public Safety Committee. He noted that the beaches are the "crown jewels of this island" and must be properly maintained; he agreed that it was the City's responsibility to ensure that such problems are resolved.

Peter Daugherty, 25th and Cameron, asked the Council and members of the Turtle Team approximately how many nesting sites are normally on the island. Mayor Sottile deferred to Mrs. Ballow to answer; she informed Mr. Daugherty that this year there are twenty (20) nests so far, but there have been as many as fifty-six (56). Mayor Sottile stated that the nesting period is from May until October.

Administrator Tucker noted that there is a link to the Turtle Team's website from the Isle of Palms website (www.iop.net) and that the Team does a great job of keeping it updated.

Resolution to Approve and Support FY 2008 Budget CARTA

Mayor Sottile stated that Howard Chapman, Executive Director for CARTA, had planned to attend tonight's meeting to answer questions on the CARTA budget from Council members, but he was delayed at the Charleston County Council meeting. He also noted that, as one of the eight (8) member municipalities in CARTA, Isle of Palms was required to approve the CARTA budget. He informed Council that CARTA is doing well with increased ridership, the implementation of an express route that has been well received and increased fare box revenues. In the past month, the decision has been made to begin work on Phase I of the Inter-modal Center in the north area, and a second express route is being discussed to run between Summerville and downtown Charleston. The Mayor explained that the primary revenue sources for CARTA are federal grants and the half-cent sales taxes from Charleston County; in addition, Charleston County is assisting CARTA with the repayment of the note on the Leeds Avenue facility.

MOTION: Councilman Bettelli moved that the Council approve the Resolution approving and supporting the CARTA FY 2007-2008 budget;

Councilman Buckhannon seconded.

Administrator Tucker read the Resolution for the record. Councilwoman Hanbury reminded Council members that Mayor Sottile serves on the CARTA Board of Directors.

VOTE: MOTION PASSED UNANIMOUSLY.

5. Reports from Standing Committees

Prior to asking Councilman Bettelli to give the report on the Public Works Committee, the Mayor asked Councilman Marino to comment on the "Disaster Preparedness Expo;" Councilman Marino requested Administrator Tucker to tell Council members what they could expect from the Expo. She explained that, as in 2006, the Expo is a joint event with Sullivan's Island, which Isle of Palms is hosting. The event will be from 5 p.m. to 7 p.m. at the Recreation Center, 24-28th Avenue. Administrator Tucker commented that the preparedness information distributed will include disasters other than hurricanes, such as flood and earthquakes, even tornadoes. Attending will be many vendors and representatives of the various disaster preparedness agencies; in addition, there will be activities for the children and refreshments for everyone.

Mayor Sottile explained that the only Standing Committee to meet during the month of July has been Public Works; other Committees took the month off as they did not have pressing issues before them.

A. Public Works Committee

Councilman Bettelli reported that members of the Turtle Team made a presentation to the Committee on the beach debris; the Committee is taking the issue under advisement. He also stated that the company that rents beach chairs and umbrellas is only allowed on private property; by ordinance, they are not allowed to set up or retrieve their property from the public beach. Director Pitts explained that, when there are low tides between 7 a.m. and 3:30 p.m., the Public Works crews clear the beach of all metal debris, including these tents and their supports – usually about once a week. There was an update on the NPDES stormwater management plan; there are ordinances on tonight's agenda for first reading on this unfunded yet federally mandated program. Councilman Cronin presented the second draft of a newsletter on Public Works' issues, which led to a discussion of roll out cart concerns. Councilman Bettelli noted that the corrals housing roll out carts have become a problem since some are located in DOT rights-of-way; despite the fact that they were encouraged when the roll out carts were introduced, the corrals will likely be phased out. Director Pitts had received a resident complaint about kudzu at Breach Inlet; the Committee asked that he contact SC DOT before taking any action. Underground wiring was also discussed in light of possibly

spending budgeted funds at Fire Station #2. Under **New Business**, Director Pitts presented a request from the Sweetgrass Pavilion to install a grease trap separator; the request was referred back to the Wild Dunes Property Owners Association, as well as DHEC for a permit. Councilwoman Hanbury announced that the Beach Sweep will be Saturday, September 15. Administrator Tucker reported that beach monitoring results for June were good.

Mayor Sottile reminded Councilman Bettelli that the kudzu at Breach Inlet and other locations along the shore hold the sand in place, therefore, works against the beach erosion problems that are occurring along the entire South Carolina coast. The Mayor asked that the Public Works Director be very conservative in any response to this complaint and careful not to create another problem.

During Councilman Bettelli's report, Howard Chapman, Executive Director of CARTA, arrived; Mayor Sottile recognized and welcomed him. The Mayor also informed Mr. Chapman that the City Council had unanimously approved the proclamation supporting the FY 2007-2008 CARTA Budget. Mr. Chapman thanked the Council for their support and stated that he had brought CARTA schedules and route maps for the residents of Isle of Palms.

B. Personnel Committee

In Councilwoman McMackin's absence, Councilman Bettelli announced the Employees of the Month of June as Patrolman First Class James Ryan and Patrolman Kraig Thompson, who were recommended by Lieutenant Wright. He also announced the Sweepstakes Winners for June, 2007 as follows:

Eric Bolen	Fire Department
Richard Gebhardt	Police Department
Charles Williams	Public Works
Norma Jean Page	Recreation, Building and General Government

6. Reports from City Officers, Board and Commissions

The minutes of the Planning Commission were distributed to all Council members; the Board of Zoning Appeals and Real Property Advisory Committee did not meet.

7. Reports from Special or Joint Committees

The minutes from the June 2007 Beach Advisory Committee were included in Council packets; the Accommodations Tax Committee did not meet.

8. Petitions Received, Referred or Disposed of - none

9. Introduction of New Bills, Resolutions or Proclamations

Mayor Sottile introduced the four ordinances offered for first reading by saying that these are the stormwater ordinances that the City is required to implement by federal laws. He then asked Administrator Tucker to brief the Council on their contents.

The Administrator repeated that this is a federal requirement passed to the state then to the local subdivisions of the state to come into compliance with better management of stormwater. She stated that City Council had decided that Charleston County would manage the program for the City of Isle of Palms, but the City must first come into compliance and then contract with Charleston County. By way of briefing, Administrator Tucker explained that Ordinance 2007-14 establishes the Storm Water Utility; Ordinance 2007-15 sets the annual fee of thirty-six dollars (\$36.00) to be assessed to each property; Ordinance 2007-16 develops the program that Charleston County will manage and Ordinance 2007-17 amends the zoning codes to say that properties must meet the requirements relative to stormwater in order to be in compliance with the Isle of Palms Land Development Plan. These ordinances must be passed and a resolution in place stating that the City of Isle of Palms is working with Charleston County before September 2007 for the City to be in compliance with the permit. The City Attorney and Administrator Tucker expect there to be modifications to these ordinances at the second reading pursuant to a meeting with Charleston County officials. The resolution tying Isle of Palms to Charleston County will be presented at the regular August City Council meeting.

MOTION: Councilman Bettelli moved to dispense with the reading of the ordinances and to approve for first reading, by title only, the following:

Ordinance 2007-14 – An Ordinance Establishing a Stormwater Management Utility for the Purpose of Planning, Designing, Funding, Constructing and Maintaining Stormwater Management, Sediment and Erosion Control, and Flood and Stormwater Discharge Programs, Projects and Facilities, and Reviewing and Approving Stormwater Management and Sediment Control Plans for Land Disturbing Activities, and Providing for the Administration and Enforcement Thereof.

Ordinance 2007-15 – An Ordinance Establishing Stormwater Management Utility Fees, Providing for the Classification of Real Property Subject to Such Fees, Establishing the Amount of Interim Stormwater Management Utility Fees and Providing for the Use of Such Fees by the Stormwater Management Utility of the City of Isle of Palms.

Ordinance 2007-16 – An Ordinance Establishing a Stormwater Management Program (“SWMP”) for the City of Isle of Palms.

Ordinance 2007-17 – An Ordinance Amending Title 5, Land Development Regulation, Section 5-5-7, Development Standards, to Require Compliance with the City's Stormwater Management Plan.

Councilman Cronin seconded.

Councilman Marino asked the consequences if the ordinances were not approved; Councilman Cronin answered that there would be a fine. Councilman Cronin commented that he had read that one (1) county in the state has received a seven hundred thousand dollar (\$700,000.00) fine.

Councilman Marino stated his agreement with Administrator Tucker that these regulations will have a positive impact on water quality, but he wants the general public to realize that this has come as the result of votes by our Congressmen and Senators in Washington, D. C. He noted that it is a huge program that is not only extremely tedious, but also will be difficult to administer.

Councilman Cronin informed the Council that the original Washington decisions go back to an EPA regulation in 1990; he explained that the acronym "NPDES" stands for National Pollutant Discharge Elimination System. Phase 2, which is what the City is currently working through, was enacted in 2000; in the interim, the State of South Carolina passed the regulations. Councilman Cronin stated that primarily the City must exhibit that it is making a good faith effort; the key to the whole process is to demonstrate the best management practices.

VOTE: MOTION to approve for first reading PASSED UNANIMOUSLY.

10. Bills already in Possession of Council

A. Second Reading and Ratification of Ordinance 2007-12 – An Ordinance Amending Title 5, Chapter 4, Zoning, General Provisions and Article 3, Landscaping and Tree Removal Regulations for the City of Isle of Palms Code of Ordinances.

MOTION: Councilwoman Rice moved to dispense with the reading of Ordinance 2007-12 and to approve it for second reading and ratification; Councilman Marino seconded and the motion PASSED UNANIMOUSLY.

B. Second Reading and Ratification of Ordinance 2007-13 – An Ordinance Amending Title 5, Chapter 4, Zoning, District Regulations, Section 5-4-35(B)(3) of the City of Isle of Palms Code of Ordinances, to Reduce the Front Yard Requirement in the GC-1 Zoning District.

MOTION: Councilman Cronin moved to dispense with the reading of Ordinance 2007-13 and to approve it for second reading and ratification; Councilman Bettelli seconded.

Councilman Marino stated that he, like others on Council, knows that construction on Fire Station #1, aka the Public Safety Complex, needs to start and that the zero (0) lot line is a requirement for that to happen. On the other hand, he commented that he is not completely convinced that rezoning both city parking lots and Fire Station #1 to a zero (0) lot line, but leaving the balance of GC-1 District at a twenty-five (25) feet front yard setback would (1) lead to a legal challenge for the City or (2) create a situation of "spot" zoning. Councilman Marino voiced his feelings that this is a big step to take for a large area of the island and expressed his opinion that the Planning Commission had felt compelled to endorse the change, despite a four (4) to one (1) vote. He stated, until the impact on the other areas in GC-1 could be studied, that he would like to have the Council consider a new zoning district, possibly GC-4, with a zero (0) front yard lot line that would encompass the two (2) City parking lots and the Fire Station #1 property

VOTE: To approve Ordinance 2007-13 for second reading and ratification PASSED on a vote of six (6) to one (1) with Councilman Marino casting the dissenting vote.

Councilman Buckhannon asked that a bright colored sticker or tag be prepared for the members of the Police Department who are patrolling the beach at night to place on chairs or tents that are being left. The warning tag should state that the item will be removed from the beach within twenty-four (24) hours if not removed by the owner. Mayor Sottile stated that Administrator Tucker could handle his request.

Councilwoman Rice congratulated Bev Ballow for winning the Golden Pen award for her work with the *Post and Courier*.

Administrator Tucker reminded Council that some two (2) years ago they had heard a presentation on National Incident Management System, which came in the wake of the 9/11 disaster. The thrust of the program is that all involved in emergency management be of one mind having received the same training; persons directly involved must demonstrate that they have completed or, at least, started the training by September 2007. Classes are being offered which the Administrator and Mayor must attend, but any member of Council, who thinks he/she would be directly involved with a pre- or post-storm emergency, is also required to have the training. Administrator Tucker commented that she has information on the up-coming training; Charleston County has taken a leadership role in providing some of this training. She will send the information to all members of Council and those interested can contact her; she noted that she has four (4) courses remaining while the Mayor has only two (2). Mayor Sottile stated that

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he thought the Chairman of the Public Safety Committee should consider taking the training.

Councilman Marino announced that the Public Safety Committee will meet at 5:30 p.m. on Monday, August 13, 2007 in Council Chambers assuming the day and time are available for the members.

Administrator Tucker stated that representatives from Cole+Russell will be in town for the balance of the week in association with Fire Station #2 and the Public Safety Complex. They are also planning to attend the Disaster Preparedness Expo Thursday evening.

With no further business to come before the City Council, Councilman Bettelli moved to adjourn at 7:40 p.m.; Councilman Marino seconded and the motion passed unanimously.

Respectfully submitted:

Marie Copeland, City Clerk