

**CITY OF ISLE OF Palms
Regular City Council Meeting
September 25, 2007**

The regular meeting of the Isle of Palms City Council was held at 7:00 p.m. on Tuesday, September 25, 2007 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending were Mayor Sottile, Council members Bettelli, Buckhannon, Cronin, Hanbury, Marino, McMackin, Rice and Taylor, Administrator Tucker, Attorney Sottile and City Clerk Copeland. There was a quorum present to conduct business.

1. Introduction of Meeting

Mayor Sottile called the meeting to order and stated that the members of the press and the public had been duly notified of the meeting in accordance with the Freedom of Information Act. The Mayor took a moment to introduce Jessica Johnson who is the new reporter for *the Post and Courier* and whose assignment is to cover Isle of Palms. The Mayor offered the invocation, which was followed by the Pledge of Allegiance to the Flag. The Clerk then called the roll noting that everyone was present.

2. Appointments and Administration of Oath to New Employees

MOTION: Councilwoman McMackin moved to approve the appointments of Melissa Dawson, Police Department; Emily Dziuban, General Government, Richard German and Michael Waring of the Public Works Department; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.

3. Reading of the Journal of Previous Meetings:

MOTION: Councilwoman Hanbury moved for the approval of the minutes of the Public Hearing and the Regular City Council Meeting of August 28, 2007 as presented; Councilman Marino seconded and the motion PASSED UNANIMOUSLY.

4. Citizens Comments: none.

5. Reports from Standing Committees:

A. Ways and Means Committee

Chairman Taylor reported that the Committee had agreed on the FY 2007-2008 millage rate of 22.4, which was the target rate on which the budget was based. Pursuant to recommendations from the meeting:

MOTION: Councilman Taylor moved to approve the following recommendations from the Accommodations Tax Advisory Committee:

- A. Approval to spend \$1,500 to replace flagpole and base on the Connector;**
- B. Approval to spend \$15,000 to support the 2008 Spoleto Festival; and**
- C. Approval to spend \$3,500 to support “Ghostly Tide Movie on Front Beach” by the Recreation Department on October 19, 2007;**

and Councilman Bettelli seconded.

Councilwoman McMackin explained that she would vote against this motion primarily because she felt that the value of using ATAX funds toward the growing erosion problems outweighed these small activities. In addition, she wanted to see a better accounting of the success of previous events in promoting tourism on the island.

The motion PASSED on a vote of EIGHT (8) to ONE (1) with Councilwoman McMackin casting the dissenting vote.

MOTION: Councilman Taylor moved to approve a recommendation from the Personnel Committee for \$10,000 in salary expense to assist the Police Department in CALEA preparation; Councilman Buckhannon seconded; the motion PASSED UNANIMOUSLY.

MOTION: Councilman Taylor moved to approve a Time Change Order to Fire Station #2 Design/Build Contract with a revised completion date of October 5, 2007 from September 28, 2007; seconded by Councilman Bettelli; the motion PASSED UNANIMOUSLY.

MOTION: Councilman Taylor moved to approve recommendations from the Public Works Committee as follows:

- A. Approval of up to \$8,000 from Tree Fund to trim Palmetto Trees along municipal roads on the island;**
- B. Approval of Eadies, Inc. as a one qualified sole source to provide Phase III of City’s Comprehensive Drainage Maintenance Plan;**
- D. Recommendation to Approve Amick Equipment of Lexington, South Carolina as one qualified sole source to provide a garbage truck for \$162,200;**

seconded by Councilman Bettelli; the motion PASSED UNANIMOUSLY.

MOTION: Councilman Taylor moved to set the City’s millage rate at 22.4 for FY 2007-2008; seconded by Councilman Marino; motion PASSED UNANIMOUSLY.

B. Public Safety Committee

Chairman Marino reported that the Committee had discussed three (3) requests to hold events on the Isle of Palms; they are "The Taste of the Island" in April 2008, the 7th Annual Giant Kayak Race on Saturday, October 27, 2007 and the Barrier Island Ecothon on Sunday, October 28, 2007. There had been discussion of a letter the Administrator had sent to SCDOT earlier in the month; the response, which was received September 24, will be discussed at the October Public Safety Committee meeting.

Councilman Marino explained that the island has reached a breaking point as to the number of events the City can support in any one (1) year. As a result, the Committee has discussed and is proposing a cap on events based on the list created by the Administrator of recurring City and City-sponsored events. The Committee has recommended that this list should not be expanded, but that replacements could occur as an event cancels. Council Marino then read into the minutes the events list; a copy of the list is attached to the official copy of City Council minutes.

Another item of business for the Public Safety Committee was a discussion of a public safety certification to become a part of the short-term rental application; Administrator Tucker and Director Kerr will be working on the wording for it. There was also a discussion of the lease with The Citadel for the space being used as a temporary location for Fire Station #2.

The ribbon cutting for Fire Station #2 was tentatively set for November 9, but alternate dates were November 8th and 16th. Once all schedules are coordinated, the date will be set and well publicized.

In highlights from the Fire Department, Councilman Marino stated that the young boy who had suffered the shark bite had visited the fire station and is anticipated to make a full recovery. From the Police Department, Councilman Marino reported that the Isle of Palms, Sullivan's Island and Mount Pleasant Police Departments have worked together to solve a rash of automobile break-ins.

MOTION: Councilman Marino moved for City Council to approve the 7th Annual Giant Kayak Race on October 27, 2007, the Barrier Island Ecothon on October 28, 2007 and "A Taste of the Island" in April, 2008; Councilwoman Rice seconded.

Mayor Sottile reminded Council members that each of these events has been held on the island in the past, and that the Police and Fire Departments have had no problems associated with them.

Councilwoman Hanbury stated that she would prefer that Council postpone a decision on "A Taste of the Islands" because (1) the Council had not been informed of the amount raised from the last event and (2) the Council has not been apprised of the cost to the City to support the event, not only with the ferris wheel, but also in manpower. She expressed her concern that the Council did not have all of the facts on this event yet were being asked to make a final decision to support it for another year.

Referring to the event list, Councilwoman Hanbury questioned that "A Taste of the Islands" was listed under annual events since she does not recall that City Council has ever discussed it as such. She remarked that there have been other similar events in the past, and she did not understand why the City would want to restrict itself in such a way.

Councilman Marino agreed that the Sullivan's Island PTA could give the City a better accounting of the most recent "A Taste of the Islands," but he expressed his feeling that the City should host the event mainly to benefit the island's children who attend Sullivan's Island Elementary School. He noted that the money raised has greatly enhanced the educational experience at that school. As far as the cost to the City, Councilman Marino stated that it had been funded in the past through accommodations taxes. He further explained that accommodations taxes are not to be used to raise money, but to fund events and activities that draw people to the island. In conclusion, he stated he did not feel that a vote to promote the island should be held up over financial accounting.

On the subject of the Ferris wheel, Mayor Sottile commented that riders had been charged, but that it did not break even, then repeated that the cost was paid by accommodations tax funds. He expressed what others had stated before him that this event benefits both islands and that the primary cost to the City is manpower from the Police and Fire Departments.

Councilwoman McMackin agreed that the event was important to Isle of Palms and the schools, but she asked for an accounting of the Ferris wheel revenue versus costs before Council decides to provide a Ferris wheel again.

Councilman Buckhannon wanted the public to be aware that the date for "A Taste of the Islands" is April 26 assuming that it does not conflict with the Triathlon.

Councilman Taylor commented that last year's "A Taste of the Islands" had multiple purposes; not only was it a fund raiser for the school's PTA, but also it had served as a kickoff for spring on the island. He added that he had found out the dollars and cents of the event by telephoning the appropriate people, rather than wait for a report.

The motion to approve the 7th Annual Giant Kayak Race, the Barrier Island Ecothon and “A Taste of the Islands” PASSED on a vote of EIGHT (8) to One (1); Councilwoman Hanbury voted against.

MOTION: Councilman Marino moved for the City Council to approve the annual event list, which as read earlier in the meeting; seconded by Councilman Taylor.

Councilwoman Hanbury asked that the list be given further consideration since Council has not discussed the events. On the subject of the Wando Warriors Track Meet, she related how she was unaware of this event until this year, and she questioned why it would be allowed when she saw the impact it was having to the island as it unfolded. She expressed her opinion that Council should review things carefully before voting, and that careful review was not taking place tonight.

Mayor Sottile stated that the Public Safety Committee had agreed that the City cannot handle any additional events and that they were satisfied with the current list of events. There was also agreement that the City did not want to duplicate any existing events, for instance, no more triathlons.

Councilman Buckhannon suggested that the issue be sent back to the Public Safety Committee and not approve any new or additional events at the Committee meeting giving Councilwoman Hanbury sufficient time to study the list.

AMENDMENT TO MOTION: Councilman Buckhannon moved to send the event list to the Public Safety Committee for study and for the Committee not to approve any new or additional events at its meeting; Councilwoman Rice seconded.

Councilwoman Hanbury stated that she had, indeed, looked at the list; her objection was that City Council, in her opinion, was not giving the list full consideration.

Councilman Marino related that one (1) reason that the Public Safety Committee had put this subject forth was that the City's Public Safety agencies were exploding with requests for these events and all of the requests were from worthy charities. It was time to draw the line, and that was the purpose of the list the Administrator had been asked to compile. He expressed his feeling that there was no reason to delay action.

When Councilwoman Rice asked if there was room for exceptions, the Mayor informed her that anyone could come before the Public Safety Committee for consideration.

The AMENDMENT TO THE MOTION FAILED on a show-of-hands vote of five (5) to four (4); Council members who voted against sending the matter back to the Public Safety Committee were Bettelli, Marino, McMackin, Taylor and Mayor Sottile.

The motion to adopt the event list PASSED on a vote of EIGHT (8) to ONE (1) with Councilwoman Hanbury voting against.

Councilman Cronin informed the Council that an event had occurred last year that was not only not approved, but also was one of which the Council was not even aware was planning to return this year. In November of last year, there was a bicycle race that started in Charleston and coursed through Isle of Palms. It caused terrible congestion on Palm Boulevard, and they went so far as to paint on the roads – the paint is still visible at the intersections. The dates of the event are November 28 through December 7, 2007. Mayor Sottile asked that the Administrator and Police Chief contact the organizers to get all the information they could.

At this point, Mayor Sottile reminded the public that the Connector Walk and Run for the Child is October 6, 2007, the bridge closes to traffic at 7:00 a.m. and the race begins at 8:00 a.m.

C. Public Works Committee

Chairman Bettelli reviewed the highlights of the meeting. In doing so, he expressed his thanks to Councilwoman Hanbury for her many years of work with Beach Sweep/River Sweep and commended her for the excellent job she has been done. He reported that Administrator Tucker had met with the Administrators of Sullivan's Island and Mount Pleasant for an investigative meeting on a possible waste transfer station in Mount Pleasant in the future. Councilman Bettelli also commented that the Public Works Committee was anxious to know the contents of the response letter from SCDOT as it will resolve – one way or another – the issue of corrals and rollout carts in the right-of-way.

Councilman Bettelli reported that the developers are piping the drainage ditch along Sundial Circle; Administrator Tucker was asked to do legal research to determine if the ditch was the developer's or remained under the authority of the City.

On the subject of trimming the palmetto trees, he noted that the trees between 21st and 41st Avenues had been trimmed last year. The current plan is to complete the trimming, i.e. from Breach Inlet to 21st Avenue and from 41st to 57th Avenues.

Councilman Bettelli reiterated Councilman Cronin's earlier comments on pool drainage. He indicated that he thought pool owners can only empty their pools in one (1) of two (2) ways; they are as follows:

- 1) If acceptable to the wastewater treatment agency, the water can be emptied into the sewer system for treatment; or
- 2) The owner must hire a company to drain the pool and treat the water before releasing it into the environment.

From her reading of the minutes of the Public Works meeting, Councilwoman McMackin commended the Committee for researching the ordinances on the subject of holes and debris on the beach, as well as beginning work on ordinance revisions or writing to address these problems.

D. Recreation Committee

Chairwoman Rice reported that there had been approximately sixty (60) Keenagers who had attended the planning meeting. She announced the first movie on the beach, "Ghostly Tide Movie on Front Beach," which will be held Friday, October 19, 2007; she encouraged everyone to attend. Councilwoman Rice also reminded Council that the Halloween Carnival will be held Wednesday, October 31 at the Recreation Center.

The Recreation Committee also discussed the need to limit events on the island and to eliminate the duplication of events as much as possible.

E. Personnel Committee

Chairman McMackin reported that the first item of business for the Committee had been a discussion of the List Serve, which will be known as E-newsletter for Isle of Palms. She referred the Council members to documentation from the meeting packets which detailed the FY 2007-2008 budgeted amount for the website and E-newsletter and the actual expenses attributable to the E-newsletter specifically.

MOTION: Councilwoman McMackin moved to approve the expenses related to the E-newsletter; Councilman Buckhannon seconded.

Councilwoman Hanbury remarked that her request did not deal only with money, but also with Council's approval of the concept of the E-newsletter.

AMENDMENT: Councilwoman Hanbury moved to amend the motion to include City Council approval of the concept of the E-newsletter.

Councilwoman McMackin expressed her feelings that, by voting on the budgeted expense, the Council had voted on the E-newsletter's existence. Councilman Taylor agreed it had been approved by passage of the budget; therefore, another vote was redundant.

The AMENDMENT to the motion DIED for lack of a second.

The motion to approve the expenses and the concept of the E-newsletter, as re-stated by Councilwoman McMackin - for the Isle of Palms website to serve the residents and keep them informed of the activities in the City and City Council - PASSED UNANIMOUSLY.

Councilwoman Hanbury was allowed to ask the following questions:

- 1) Can I assume that the Administrative staff will determine the content of the newsletter? *Administrator Tucker answered affirmatively.*
- 2) As a result, it will not be a tool for individual Council members to use, but it is strictly an administrative decision on what is publicized? *The Administrator responded that, if she were to receive information from a member of Council or the community that was worthy of the balance of the community knowing that is City related, she would certainly consider including in the E-newsletter.*
- 3) To peak interest, would that be the purpose? *Possibly the suggestion would be made to notice a rip tide, and we would include that. The Administrator stated that she will not be close-minded to suggestions provided they deal with City business, are city related and residents and recipients of the E-newsletter need to know the information.*

Returning to the Personnel Committee meeting, Councilwoman McMackin related that discussions took place regarding the candidates to fill the vacancy on the Planning Commission; a motion had passed to recommend Sandy Stone to fill that seat, but the vote had not been unanimous.

MOTION: Councilman Bettelli moved for City Council approve the Personnel Committee's recommendation of the appointment of Sandy Stone to the Planning Commission; Councilman Taylor seconded.

Councilwoman McMackin stated that she both liked and respected Sandy Stone. She reported that there were many qualified candidates and that it had been a difficult process to go through them. She expressed her feelings that residents are concerned about the individuals who represent them on the Planning Commission; she also said that she believed there were continuing concerns in the community about short-term rentals. Therefore, she stated she did not feel that now was the time to appoint

someone who has a large financial interest in short-term rentals. She communicated her understanding that Island Realty, Mr. Stone's company, was the largest short-term rental management company on the island. Despite her belief that Mr. Stone was a fair-minded individual, Councilwoman McMackin expressed the thought that Mr. Stone might find it difficult to be objective when deciding issues that would influence his business. She added that he might find that he would have to recuse himself in deciding matters on short-term rentals - which would result in making him an ineffective member of the Commission. Councilwoman McMackin said that there were many qualified candidates with longevity on the Isle of Palms, and she preferred a less polarizing appointment at this time. Based on the information she provided, she would vote against the appointment of Mr. Stone to the Planning Commission.

Councilman Marino commented that Councilwoman McMackin's actions were most unorthodox. He recounted occasions when, as Chairman of a committee, he had been the sole dissenting vote, but, when the time came to present the recommendation, he presented it to City Council as the Committee's recommendation.

Both Councilwoman Hanbury and Councilman Marino agreed that the reasons Councilwoman McMackin had expressed tonight were different from those expressed in the minutes. Councilwoman McMackin commented that she had other reasons, such as there were female candidates who would be extremely good on the Planning Commission; one with business experience on the island whom the Councilwoman thought would be very effective in decision-making about the Commercial District.

Councilwoman Rice asked who would be replaced with the appointment and when the term would expire. She was told that the member who had resigned was Andrew Roskill whose term expires in December 2008.

The motion to approve the appointment of Sandy Stone to the Planning Commission PASSED on a vote of seven (7) to two (2); Councilwomen McMackin and Rice voted against the appointment.

The Personnel Committee report continued with Councilwoman McMackin relating that the Real Property Advisory and the Beach Advisory Committees were discussed relative to their value to the community. Both are *ad hoc* committees which normally serve a specific purpose and are disbanded unless it is determined that the committee provides a needed service to the City Council and community, at which time the committee is made a standing committee of Council. These two (2) committees will be assessed in that light at the coming meeting.

Of the two (2) Employee Suggestions presented to the Personnel Committee, one was about the landscaping service and was referred to the Public Works Director. The

second was on the visibility of residential addresses; the Committee decided to address the visibility of addresses through public education via the E-newsletter.

Lastly, Councilwoman McMackin announced that Dianne Tarr of the Police Department had been named Employee of the Month for August, and the Safety Sweepstakes winners for August had been Tricia Perrine, Recreation Department; Robert Nelson, Police Department; Willie Powell, Public Works Department and Frederick Tetor of the Fire Department.

Councilwoman Hanbury expressed to Councilwoman McMackin her desire to attend the next Personnel Committee meeting since she has a great deal of knowledge of the Beach Advisory Committee as a past member, and Councilwoman McMackin welcomed her attendance and her input.

6. Reports from City Officers, Boards and Commissions

- A. Board of Zoning Appeals** – minutes included in meeting packets.
- B. Planning Commission** – minutes included in meeting packets.
- C. Real Property Advisory Committee**

Councilman Bettelli reported that Dan Sweeney of Stumphouse LLC accompanied Marina Manager Brian Berrigan to the meeting. Mr. Sweeney has been collaborating with Manager Berrigan on conceptual drawings of a renovation of the marina store. The drawings were displayed for the Committee as Mr. Sweeney and Mr. Berrigan explained their vision for the store. In addition to the monthly report on marina activity, Mr. Berrigan presented a rough drawing of a gate to the new docks; the Committee instructed Mr. Berrigan that City Council must approve the design before he can proceed with the work. Public Works Director Pitts, being present, informed the marina manager that he and the Charleston County Engineer had visited the marina regarding the repaving and that it should occur in the near future.

Lastly, Councilman Bettelli related that Administrator Tucker was progressing with the RFP for the marina store where bids would not be submitted to the City, but rather the individual's vision for the marina store and other basic information the Committee would need to know in order to evaluate the proposals would be required. She will include in the RFP a picture that shows the floor plan of the building, a site map, and, hopefully, some basic financial information from The Pantry.

On the subject of boat bandits, persons who are illegally parked at the City docks, Councilman Bettelli expressed his opinion that this problem appears to be well in hand.

The only boats the Councilman had seen in recent trips to the marina belonged to diners at the Morgan Creek Grill, which was as it should be.

In addition, the Real Property Committee discussed contractual matters in Executive Session. Discussion was also held relative to determining the scope of work to be done in the replacement of the bulkhead.

- 7. Reports from Special or Joint Committees**
 - A. Accommodations Tax Committee** – no meeting.
 - B. Beach Advisory Committee** – no meeting.
- 8. Petitions Received, Referred or Disposed of** – none.
- 9. Bills Already in Possession of Council** – none.
- 10. Introduction of New Bills, Resolutions and Proclamations** – none.
- 11. Executive Session** – none.
- 12. Conclusion/Adjournment**

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

Respectfully submitted:

Marie Copeland, City Clerk