

CITY COUNCIL

7:00 p.m., Tuesday, February 24, 2009

The regular meeting of City Council was held at 7:00 p.m. on Tuesday, February 24, 2009 in Council Chambers of City Hall located at 1207 Palm Boulevard, Isle of Palms, South Carolina. Present for the meeting were Council members Bettelli, Buckhannon, Loftus, Piening, Rice and Taylor, Mayor Cronin, Assistant to the Administrator Dziuban, Attorney Sottile, Deputy Attorney Halverson and City Clerk Copeland. 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. He gave the invocation that was followed by the Pledge of Allegiance. The City Clerk called the roll and confirmed that all members were present.

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

MOTION: Councilman Bettelli moved to appoint Ashleigh Burton and Mallory Smith to the Police Department; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

4. **Citizens' Comments**

Mayor Cronin introduced John Hemphill with Lowe Enterprises; he explained that Mr. Hemphill had been invited to attend the meeting because the stormwater management system for 54th through 57th Avenues is dependent upon the ultimate completion of The Village in Wild Dunes.

Mr. Hemphill reported that Phase I was successfully completed and they have closed on ninety percent (90%) of the units. On the subject of Phase II, he stated that Lowe does plan to go forward with the project, but they must wait until the market improves to do so.

Mayor Cronin asked, if the market were to turnaround tomorrow morning, how long would it take for Lowes to be in a construction mode. Mr. Hemphill called on a member of the design team, Bruce Herbkersman, who accompanied him to the meeting, to answer the question; Mr. Herbkersman stated that one (1) thing that would slow the process was that the City has recently changed its building code. The changes will require Lowe to update its design, re-submit the design to the Building Department for review and get the necessary permits; he stated that it would take in excess of twelve (12) months to begin work.

Mayor Cronin asked, since Lowe will not be proceeding with Phase II soon, would there be a way for the City to acquire an easement or right-of-way to lay pipe from Palm Boulevard to Racquet Club to move the stormwater. Mayor Cronin

acknowledged that the pipe would have to be removed when construction on Phase II did begin. Mr. Hemphill stated that they would be willing to explore the possibility with the City assuming there no negative consequences on their project. Mayor Cronin stated that he would task the City staff with exploring this option with Lowes to find out if it would be doable.

Councilwoman Rice asked if Lowe was still pre-selling units in Phase II, and Mr. Hemphill responded that they were not.

Mayor Cronin thanked Mr. Hemphill and Mr. Herbkersman for attending the meeting.

The Mayor announced that Dickie Schweers, the island's representative on Charleston County Council, had been invited to the meeting and thanked him for being present. Mr. Schweers had handouts on the subjects he was going to discuss for City Council; they provided information on the County's budget, active and completed projects on and around the Isle of Palms and a fact sheet on solid waste. He introduced the staff members from Charleston County who had accompanied him and would assist him; they were the new County Administrator Allen O'Neal, Deputy Administrator of Support Walt Smalls, Radio Project Leader Bill Tunick and Deputy Administrator of the Transportation Sales Tax Kurt Taylor.

Mr. Schweers referred to the budget handout, noting that it contained information on the major sources of revenue and major areas for expenditures; considering the current economy, he thought it noteworthy that twenty-seven percent (27%) of the County's revenue comes from sales taxes and thirteen percent (13%) from Intergovernmental agreements. He asked Mr. O'Neal to comment on the state of the Intergovernmental funds; Mr. O'Neal explained that the House Ways and Means Committee approved a recommendation to the House for a reduction of approximately one hundred twelve million dollars (\$112,000,000) statewide in Aid to Local Governments. The State House approved the recommended cut. Mr. O'Neal said that the County was still "crunching numbers," but it appeared that the County would lose between eight and ten million dollars (\$8,000,000-10,000,000). On February 25, the South Carolina Association of Counties was to hold a one-day legislative conference that will include a press conference and lobbying the Senate for them to vote against the reduction. Mr. O'Neal commented that there was no way the County to absorb a hit of that magnitude without reducing services, positions or cutbacks; there is also the fact that the State has limits on the raising property taxes and millage rates.

Mayor Cronin agreed that the Aid to Local Governments played an important role in the City's budget as well and that the members of Council would add their voices through the Municipal Association to impact the Senate's decision.

Mr. Schweers moved on to the handout detailing active and completed projects; he reported that substantial progress has been made on the Johnnie Dodds Boulevard project and construction is expected to begin in September of this year. He reported that there are three (3) streets on the island to be resurfaced in 2009.

Mayor Cronin asked how streets to be resurfaced were selected; Kurt Taylor replied that the County has a computerized system that allocates projects according to the needs, the most appropriate projects to fund based upon the surface quality and where the road stands comparing it to other roads in the County.

Mr. Schweers also commented on the 53rd to 57th Avenue Drainage project, studies of intersections on the island and the bike path on Waterway Boulevard as projects that have received County funding.

Mr. Taylor announced Cameron Boulevard from 22nd to 29th Avenues would be resurfaced during this year.

Councilman Loftus asked if the Isle of Palms could get assistance to manage the light at peak times at Rifle Range Road and Coleman Boulevard during the construction on the Ben Sawyer Bridge. Mr. Schweers responded that it was something that could be pursued with the Sheriff's Office. Mayor Cronin explained that the island had serious the traffic issues during peak season as well.

The solid waste issues facing the County were the next topic for review, and one has received a good deal of media coverage. Mr. Schweers explained that the life expectancy of Bees Ferry Landfill with the incinerator is to be twenty (20) years; without the incinerator, the projected life is projected to be fourteen (14) years. He reported that a previous County Council had purchased land close to the County line at Parkers Ferry that was to be used for the ash from the incinerator, but the ash has been sent to Bees Ferry. Concerns have been voiced about this site since it is on the edge of the Ace Basin, plus the site is quite a distance for municipalities like the Isle of Palms, Mount Pleasant and Summerville. If the site were to become a full service landfill, the County would need to establish a transfer facility to accommodate the outlying cities.

Mr. Schweers stated that the County's lease with the owners of the incinerator expires at the end of 2009; the County has been offered a twenty (20) year extension for the incinerator. As part of the contract, the owner proposed the following:

- Facility upgrades inclusive of a new systems for pollution control;
- Upgrades to the turbine to maximize electrical production; and
- General improvements to boilers, crane control system and a metal recovery system.

In an effort to make the best possible decision, County Council hired a consultant, Kessler Consulting, Inc., to provide a professional opinion concerning the continuing operation of the incinerator. Mr. Schweers explained that additional tasks assigned to the consultant were to conduct a full audit of the Solid Waste Management Program, to update the Solid Waste Management Program, to develop the "Green for Green Plan" and to facilitate the Green Ribbon committee. A report from the consultant on the state of the incinerator that will include information about the County's need for the facility is to be made to County Council on March 12.

Mr. Schweers noted that, in addition to hiring the consultant, County Council had establish a Green Ribbon Committee comprised of municipal, neighborhood and professional representatives with related expertise to act as a liaison with municipalities for one (1) year. Administrator Tucker is a member of the Committee. The purpose of this committee is to assist the consultant in updating the Solid Waste Management Plan for submission to DHEC and the development of the "Green for Green Plan" to enhance recycling initiatives; in addition, the Committee is to make a recommendation to County Council on the consultant's opinion.

Councilwoman Rice inquired if there were some type of incentives for homes to be de-constructed and the materials recycled versus demolition and hauling the debris to the landfill. Mr. Schweers stated that her suggestion was being looked into for inclusion in the recycling program.

Councilman Buckhannon acknowledged that the residents of the island were conscientious about recycling, but the County only picks up twice a month. He asked Mr. Schweers if there had been any discussion of increasing the frequency of pickups on the island. Mr. Schweers responded that he had made a similar request recently and been told that more frequent pickups could not be done with the existing staff.

The concluding topic addressed the digital radios and the problems that Chief Graham had shared with the Ways and Means Committee at their February

meeting. Mayor Cronin informed Mr. Schweers that there had been a fire recently and the fire personnel on site could not communicate with each other; the Mayor stated that this was unacceptable. Mr. Schweers stated that Motorola personnel in Charleston County had been analyzing the components of the system for the past month and have found a few problems. He commented that a new tower is under construction on Six Mile Road in Mount Pleasant that will be operational by the end of March; it is expected to give the Isle of Palms a boost in service, but, in the interim, users of the digital system were being told to go back to the analog system. Chief Graham stated that the analog system was not working as it had in the past, but the Fire Department has been using it more – with the assistance of the repeater.

Bill Tunick, Director of Radios and Telecommunications for Charleston County, stated that the communities east of the Cooper River cut over to the digital radio system in December of 2008; he reported that he received the first notice of lost transmissions and reports of radios being out of range when they should not have been. When the local technicians looked at the system components, they could not locate the problem(s). In an effort to address the problems, there has been a team of engineers from Motorola in the County for the past month examining every aspect of the digital system from tower sites to software, focusing on the Mount Pleasant tower that covers the Isle of Palms, and he reported that there had been a major breakthrough early in the afternoon today. He asked Motorola representatives to be present at the meeting to discuss their news.

Greg Saylor from Motorola expressed Motorola's sensitivity to the critical nature of the public safety of the people of the island, and Motorola has dedicated technicians and engineers to determine why the system has not functioned properly, then to solve the problems. He reported that, over the past month, significant improvements were made to the system's performance, but the evaluation is not yet complete. A noteworthy technical issue with the Mount Pleasant site was discovered today; connectors that went from part of the system to the antenna system were found to be bad. The net effect of their replacement was that the actual RF output at the antenna level has been much improved and will significantly impact the Isle of Palms. Mr. Saylor stated that the Motorola examination of the system is anticipated to be completed this week, the findings summarized in report form accompanied by their recommendations to improve anything that is unsatisfactory.

Mayor Cronin asked Mr. Saylor what the range would be of the new tower being erected on Six Mile Road in Mount Pleasant. Mr. Saylor responded that Motorola had determined that extra coverage would be valuable in that area, and one of the issues was coverage, which relates to the dropped calls. He expressed again the

opinion that the discovery today would “help a great deal” and hoped to prove that to be true over the next twenty-four to forty-eight (24-48) hours. He noted that it was Motorola’s prediction that coverage would be improved on Highway 41, up Six Mile Road, the Isle of Palms Connector and much of the Isle of Palms. Mayor Cronin stated that he had used the County’s GPS system to measure the distance from the new tower to the farthest point on the island; the distance was just over six (6) miles. The Mayor commented again that he did not know the range of the tower and asked if six (6) miles was within the new tower’s reach. Mr. Saylor answered that he did not have the study with him that indicated “what the anticipated coverage should look like.” Mr. Tunick stepped up to report that coverage was described “as 12db in-building coverage,” which was for a small apartment complex or a large single family house and that would reach six (6) miles and beyond.

Mr. Tunick added that the additional Mount Pleasant tower would not work in a vacuum, but in cooperation with the others to improve the coverage and provide more on-street, portable and in-building coverage in many areas.

Mayor Cronin remarked that a key area of concern to the Council was having in-building coverage in the large structures on the island, and asked Mr. Tunick to address that specifically. Mr. Tunick said that the radio system was built with in-building coverage in mind, but they cannot guarantee coverage in major department stores or large condominiums with concrete reinforcements. He stated, “It’s all but impossible to predict which building you are going to be able to cover; you would really have to go in each one and measure it and see if you have coverage.” Mr. Tunick added that, where there was a need for guaranteed coverage in all buildings, there was the need for vehicular repeaters.

Mayor Cronin related that one (1) repeater had been purchased in this fiscal year and there was going to be another one purchased. Chief Graham has requested two (2) repeaters from the FY 2009-2010 so that there would be a repeater on each first response vehicle.

Councilman Taylor informed Mr. Tunick that the Council had been given a full update by Chief Graham the previous week, and Council members were disturbed to learn that hundreds of thousands of dollars had been spent on equipment, in addition to the five (5) or so years analyzing the situation for a system that has not operated as expected. He made it clear that the residents and guests to the Isle of Palms must be protected; therefore, in-building coverage was not optional – even if it meant going house to house. Councilman Taylor noted that there was a tower at the marina and a water tower across the street; he asked if Motorola would commit to install another repeater at either site to ensure the safety of the people on the island.

Mr. Tunick responded that the County was aware that the system was not perfect and that it was designed to provide about ninety-five percent (95%) coverage. On the subject of adding additional towers, he said the County had a Long-term Capital Improvement Plan that would identify areas where coverage should be increased.

Mayor Cronin stated that the City would continue to follow up on the radio situation until such time as Chief Graham was satisfied. Mr. Schweers stated that he, too, would follow up on the subject.

3. Reading of the Journal of Previous Meeting

MOTION: Councilman Taylor moved to approve the minutes of the regular meeting of January 28, 2009 as submitted; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

5. Reports from Standing Committees

A. Ways and Means Committee

Councilman Taylor noted that the Isle of Palms was dealing with the same issues that Charleston County has; he referenced the fact that the state was looking to reduce funds paid to municipalities while restricting their ability to make up the loss by limiting the millage increase for property taxes. He stated that the Council was closely monitoring accommodations taxes revenue, building permit revenue and all other revenue streams for the City.

1. Approval of Change Order #7 in the amount of \$2,973.44 for the Public Safety Building to resolve conflict between water and drainage along Pavilion Drive.

MOTION: Council Taylor moved to approve Change Order #7 as stated; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

2. Approval to purchase smaller satellite dish in the amount of \$1,500 from SCETV with installation by Mobile Communications.

MOTION: Councilman Taylor moved to approve the satellite dish purchase as stated; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

3. Approval to purchase from Motorola a second repeater from FY 2008-2009 budget that has a remaining balance of \$10,296.79.

MOTION: Councilman Taylor move to approve the repeater purchase as stated; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

4. Approval of Marina Bulkhead Change Order #2 to remove and replace damaged electrical cables and water lines, to reconfigure a portion of the existing restaurant dock so as not to interfere with the new bulkhead and to install an additional 619 cubic yards of fill in the voids between the two (2) timber bulkheads in the amount of \$53,879.26 and adding twelve (12) days to the contract.

MOTION: Councilman Taylor moved to approve Marina Change Order #2 as read; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

5. Approval of Marina Change Order #2 to furnish and install an aluminum access hatch providing access to buried utilities located behind the bulkhead for \$6,542; Jon Guerry Taylor has agreed to share in the cost at fifty percent (50%), or \$3,271.50, leaving the cost of Change Order #3 at \$3,271,50 for the City. There is an addition of one (1) day to the contract.

MOTION: Councilman Taylor moved to approve Change Order #3 as read for \$3,271.50; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

6. Reserve \$60,000 from the Marina Bulkhead Project for Brian Berrigan, Marina Manager, to serve as Project Manager to make improvements related to the sewer pumpout, electrical, fuel and water lines after the Marina Bulkhead Project is completed, yet to be completed by July 1, 2009, using licensed contractors adhering to codes and reimbursement to the Manager based on submission of actual invoices; City Administrator will have the final approval on all decisions.

MOTION: Councilman Taylor moved to approve the reserve of \$60,000 for additional improvements at the marina as read; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

7. Award of one (1) sole source contract for engineering services associated with sand fencing and vegetation in the amount of \$9,100 and engineering services associated with the post-project beach monitoring in the amount of \$298,000 to Coastal Science and Engineering; total amount not to exceed \$310,000 and contingent upon maintenance of permit compliance.

MOTION: Councilman Taylor moved to approve the sole source contract to Coastal Science and Engineering not to exceed \$310,000 as read; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

8. Approval for the Isle of Palms Water and Sewer Commission to use \$14,249.50 of the City of Isle of Palms' Non-standard Service Funds to offset the cost of upgrading power to the new pump station on Ocean Boulevard at 9th Avenue.

MOTION: Councilman Taylor moved to approve the use of \$14,249.50 of the City's Non-standard Service Funds by the Isle of Palms Water and Sewer Commission; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

9. Announcement of Results from Standard and Poor's

Councilman Taylor informed the Committee that the City's bond rating has improved from A⁺ to AA; the improved rating may reduce the cost to the City of borrowing money. He noted that the City of Charleston has AAA, which is the next step for the Isle of Palms.

10. Review of Capital Budgets

Councilman Taylor explained that the City's Committees had discussed the ten-year capital budget projections for the various departments of the City. The Committees would be presented with the Operating Budgets at the March meetings.

B. Public Safety Committee

Councilman Buckhannon stated that the City was working with the Highway Department in an effort to resolve the parking issues at 25th Avenue and Waterway Boulevard. He noted that engineers from ADC Contractors had attended the meeting to explain the problem found when the crew went to install drainage along Pavilion for Change Order #7. The Committee had discussed the

value in purchasing a smaller satellite dish to be installed on the roof of the Public Safety Building; all agreed that the smaller dish would be less likely to be damaged or blown from the roof in high winds. Councilman Buckhannon informed Council that the Committee had made a final decision on the plaque for the Public Safety Building that could be seen when making a visit to the Administrator's office. The Capital Budgets for the Fire and Police Departments were reviewed; Councilman Buckhannon stated that the annual replacement gear for the Fire Department was included. Like the gear, certain other articles on the Fire Department's budget were to replace items before they were worn out and became safety hazards. Councilman Buckhannon explained that Chief Graham was going to move toward accreditation for the Fire Department, similar to CALEA for the Police Department; one criteria requires an increase in staffing; therefore, Chief Graham would be seeking four (4) additional firefighters. She proposed adding one (1) member to each shift and have a dedicated Inspector; the merits of having one (1) person responsible for fire inspections mean that the inspections would all be judged on the same criteria, thereby, producing consistency in the inspections. It would also mean the citizens and business owners had one (1) person to whom to direct their questions and concerns. Councilman Buckhannon stated that the Committee had taken no action on the FY 2009-2010 budget, but he wanted to inform the Council of some of the requests.

In the Police Department FY 2009-2010 Capital Budget, Chief Buckhannon was looking to replace patrol cars, ATVs and gear, such as body armor, that is replaced annually. Councilman Buckhannon encouraged the members of Council to discuss the budget requests with both Chief Graham and Chief Buckhannon. The Committee received a briefing on the Ben Sawyer Bridge restoration from the Administrator. Chief Graham reported to the Public Safety Committee that the Fire Department had exceeded its FY 2008-2009 budget in two (2) areas – vehicle maintenance and part-time salaries; one (1) reason the maintenance is over-budget is that the vehicles are not faring well from being exposed to the elements while temporarily housed in the trailers, and the part-time salaries are high because there are three (3) firefighters who are on active duty with the military and the part-timers are filling their shifts.

Councilwoman Rice questioned the fine that was quoted in the minutes for the plantings at 25th and Waterway; she thought it could not be right since the City has not been enforcing encroachments into the right-of-way. Councilman Buckhannon agreed that the information is as Ms. Donovan had stated at the meeting; he stated that he had noticed that some of the plants have been removed. He said that, when the Building Department encounters problems, they are enforcing the policies as they exist. Councilman Duffy interrupted that the City's officers cannot selectively enforce the City's ordinances. Mayor Cronin

stated that he had made note of the problem and it would be addressed in the near future.

C. Public Works Committee

Councilman Bettelli reported that the Public Works Department has been using this time of year, when garbage collections are lower, to prune trees around the island. Director Pitts had informed the Committee that the department was over budget on vehicle maintenance, but he anticipated the expense to be in line with the budget by year-end. The bids for Disaster Debris Removal are to be opened at City Hall on Wednesday, March 4. The Committee reviewed its ten-year Capital Budget; Councilman Bettelli reported that Director Pitts believed that, over the next couple of years, two (2) trucks could be eliminated by the purchase of one (1) larger Loadmaster truck that has the capability of compacting twelve to thirteen (12-13) tons of trash. The Committee agreed to recommend approval to the Ways and Means Committee to allow the Water and Sewer Commission the use of \$14,249.50 from the City's SCE&G Non-Standard Service funds. He was pleased to announce that the Spring Household Hazardous Materials Collection will be from 9 a.m. to noon on Saturday, March 14 in the large parking lot on Front Beach.

D. Recreation Committee

Councilwoman Rice stated that the Employee Wellness Program is "incredibly successful," and more and more employees are participating. In March, both hunter and boater education classes sponsored by the Department of Natural Resources will be held at the Recreation Center. The grand opening of the Frisbee Golf Course will be at 10 a.m. on Tuesday, April 7 involving opening ceremonies and a Frisbee Golf Tournament; this is being held during spring break. February has been extremely busy with the Blues Bash, Island Arcade Day, the bicycle rodeo, the production of "Alice in Wonderland" and Doggie Day at the Rec on the last Saturday in the month. As did all committees, the Recreation Committee reviewed the Capital Budget.

E. Personnel Committee

Councilman Piening stated that the Committee had discussed term limits for members of boards and commissions but no decisions were reached; he explained that the subject had come up because of the number of new applications the Committee received this year. The review of the capital budgets for General Government and the Building Department centered on the renovations for City Hall as the Police Department moves out and the Building Department moves in, the demolition of the Building Department and the

conversion of that site into an overflow parking lot. Councilman Piening announced that Frances Anderson had been appointed to the Board of Zoning Appeals to fill the seat being vacated by the resignation of Suzanne Galloway.

MOTION: Councilman Piening moved to approve the appointment to the Board of Zoning Appeals of Frances Anderson to fill the unexpired term of Suzanne Galloway that expires December 31, 2010; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

In conclusion, the Safety Sweepstakes winners for January were announced as follows:

Fire – Richard Hathaway	Public Works – Kim Tapply
Police – James Ryan	Recreation – Trish Perrine

6. Reports from City Officers, Boards and Commissions

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

Councilman Loftus stated that City Council, in their meeting of September 23, 2008, requested that the Planning Commission review the short-term rental ordinances, the floor area ratios and maximum allowed house size. In January, the Planning Commission asked for more specific information from Council members related to that request. In response to that request, Councilman Loftus explained that the areas he wanted the Planning Commission to review were as follows:

- Section 5-4-202, Maximum Overnight Occupancy, subsection A, 2 which pertains to the maximum number of people in a house; and
- Property Owner Accountability – Currently, there is no provision for a property owner to be called before the Livability Court for failure to be a good neighbor in their rental practice.

Mayor Cronin stated that the Planning Commission had sought input from individual Council members, and he encouraged all to do so in order for the Planning Commission compile the questions or concerns in order to respond to the wishes of Council.

- C. Real Property Committee

Mayor Cronin stated that in addition to the members of the Committee, there were representatives from Jon Guerry Taylor, Misener Marine and Transworld Electric at the meeting, as well as the Marina Manager and representatives from Morgan

Creek Grill. He reported that the Committee had reviewed the happenings at the marina in great detail, particularly with the construction of the bulkhead and contract amendments related to contract deficiencies. The Mayor stated that the bulkhead looked extremely sound and that he thought it would be there for the thirty (30) years that the City had anticipated. There had been discussion on the possibility of dredging after the bulkhead has been completed recognizing that (1) the City's permit expires in June 2010 and (2) the available window for dredging is November through March. In addition, information was provided that the Corps of Engineers would require work on the spoil site on Goat Island before it could be used again, and the Morgan Creek Association, that had partnered with the City previously, was surprised to learn that the City had contemplated dredging in 2010, rather than 2011. The engineers were charged with obtaining the details on Goat Island repairs and the associated cost and the availability of another spoil site and the additional cost to the City to use it. A second major project discussed was the continuing work on the beach restoration that includes the post-project monitoring and the sand fencing and vegetation.

Mayor Cronin noted the Real Property Committee held a Special Meeting at 4:30 p.m. on February 17, 2009, to review the Capital Budgets for the marina, Front Beach restrooms and parking lot. In addition, they briefly discussed the Ben Sawyer Bridge restoration and the impact on the marina when the IntraCoastal Waterway is closed to traffic in late October or November.

7. **Reports from Special or Joint Committees - None**
8. **Petitions Received, Referred or Disposed of - None**
9. **Bills Already in Possession of Council**
 - A. **Second Reading and Ratification of Ordinance 2008-09 – An Ordinance Adopting and Enacting a new Code for the City of Isle of Palms, South Carolina; Providing for the Repeal of Certain Ordinances not Included Therein; Providing for a Penalty for the Violation Thereof; Providing for the Manner of Amending such Code; and Providing When such Code and This Ordinance Shall Become Effective.**

MOTION: Councilwoman Rice moved to adopt for Second Reading and Ratification Ordinance 2008-09 as read; Councilman Buckhannon seconded.

AMENDMENT: Councilwoman Rice moved to amend Ordinance 2008-09 by eliminating from Chapter 4, Article 1, Section 5-4-2 the sentence stating

“A family unit shall also include any group of persons who rent for occupations a ‘short-term rental’ dwelling, as the term is defined in Title 5, Chapter 4, Article 9, subject to the occupancy limitation set forth in that article;” Councilman Duffy seconded.

Councilman Bettelli stated that to approve the amendment would be to go against the recommendation of the Planning Commission.

Councilwoman Rice expressed her opinion that the language should be better and more specific to SR1 and SR2. She added that the recodification needed to be passed, but that work should continue on the language for this section.

Councilman Taylor asked City Attorney Sottile if the adoption of the amendment would leave a hole in the Code of Ordinances. Attorney Sottile responded that he had addressed the legal ramifications at great length in Executive Session, and the only thing he was comfortable saying in public session was that the sentence was added to make the code cohesive.

Mayor Cronin added that, if there was a hole, it was the same hole that has been in the Code for forty (40) years.

Councilman Taylor questioned how long it would take to fill the hole and if the topic would be on Council’s agenda for March. Mayor Cronin stated that he did not know if it could be fixed in that amount of time, but it must be addressed and would be on the agenda as a working item.

Call for the Question: The amendment PASSED on a vote of 6 to 2 with Council members Bettelli and Taylor voting against it.

Call for the Question: The amended motion PASSED UNANIMOUSLY.

B. Second Reading and Ratification of Ordinance 2009-01 – An Ordinance Amending Section 1-3-31 of the City of Isle of Palms Code of Ordinances to Create a Standing Committee Known as the Real Property Committee.

MOTION: Councilman Taylor moved for the adoption and ratification of Ordinance 2009-01 as stated; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Councilman Bettelli called for a POINT OF ORDER to re-confirm the members of the Real Property Committee.

MOTION: Councilman Buckhannon moved to confirm the members of the Real Property Committee; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

C. Second Reading and Ratification of Ordinance 2009-04 – An Ordinance Amending Title 5, Chapter 1 to Require Minimum Standards to Ensure a Reasonable Degree of Reliability for Radio Communications of the City’s Public Safety Emergency Services.

Councilman Taylor referred to the following from the ordinance:

“The owner of each Structure located in the City . . . shall insure that the Structure at all times accommodates adequate radio signal coverage . . .”

He commented that, based on the information he has received, the City does not know where the radio signals are. In addition, he noted that this ordinance was written before the City was aware of the communication problems that exist.

MOTION: Councilman Taylor moved to table Ordinance 2009-04 until the radio issues are resolved; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

10. Introduction of New Bills, Resolutions and Proclamations

11. Miscellaneous Business

Mayor Cronin announced that there would be another Special Election on May 12, 2009 to fill the seat he vacated when elected Mayor. He noted that candidate packets were available now in City Hall and that petitions were due by noon on Monday, March 9.

The Mayor also announced that there would be a Special Meeting of Council on March 12 to have First Reading of the Marina Bond; the time will be announced later.

12. Executive Session – To receive legal advice related to (1) Engineer’s decision on Weeks Marine Change Order request on the Beach Restoration Project and (2) Marina Bulkhead Project.

MOTION: Councilman Loftus moved to go into Executive Session at 9:07 p.m.; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

Council returned to open session at 9:25 p.m. where Mayor Cronin announced that there had been neither action nor vote taken during Executive Session.

MOTION: Councilman Bettelli moved for the City to go to arbitration regarding the engineer's decision on Weeks Marine Change Order request pertaining to the Beach Restoration Project; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

13. ADJOURN

MOTION: Councilman Taylor moved to adjourn at 9:27 p.m., Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk