

CITY COUNCIL MEETING
7:00 p.m., Tuesday, February 26, 2008
Isle of Palms, South Carolina

The regular meeting of the City Council was held at 7:00 p.m. on Tuesday, February 26, 2008 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Mayor Sottile, Council members Bettelli, Buckhannon, Cronin, Duffy, Loftus, Piening, Rice and Taylor, as well as City Administrator Tucker, City Attorney Sottile, Assistant to the Administrator Dziuban and City Clerk Copeland. There was a quorum present to conduct business.

1. **Call to Order.** Mayor Sottile 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.

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

MOTION: Councilman Taylor moved to approve the minutes of the Public Hearing of January 22, 2008 and the Regular City Council Meeting of January 22, 2008 as submitted; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

3. **Special Presentation of Signal 30 Awards to Dylan Campbell and Jeremy Argabright.**

Mayor Sottile stated that the City was making a special presentation to two (2) young men - Dylan Campbell and Jeremy Argabright - for their heroic acts in January 2008. The Mayor described how Dylan and Jeremy were walking down Cameron Boulevard when they noticed that the downstairs of a two (2) story home was on fire; they called 911 and alerted the homeowner who was on the second floor and unaware of the fire. They even tried to put the fire out. The City is very proud of these young men and is proud to honor them as recipients of the Signal 30 Award from the City of Isle of Palms. Each young man was given a plaque that read: *Signal 30 Award #5 Presented February 26, 2008 to Dylan Campbell/Jeremy Argabright for Citizen's Service January 8, 2008.*

4. **Citizens' Comments**

Jeff Evans, 3301 Hartnett Boulevard, stated that he would like for City Council to review the Public Safety Building project for the citizens who were unable to attend the Special Meeting of the Public Safety Committee on Monday evening. He asked if citizens were going to be given the opportunity for input or comments on the project. Mr. Evans referred to the fact that the Planning Commission is working on plans to revitalize the Commercial District; he asked if the plans for the Public Safety Building had been tied into those plans in any way to make the commercial area more appealing.

Mayor Sottile noted that the Planning Commission's plans for the Commercial District had been put "on the back burner" until the Commission begins its work on the City's Comprehensive Plan that is six (6) months to a year away. The Mayor stated that two (2) Councils have worked on the Public Safety Building, as well as architects and much of the City's staff; the City will not hold a public hearing on the building. With an affirmative vote tonight, the building will move forward with the bid advertisement to appear in newspapers next week.

Jeff Jacobs, 601 Ocean Boulevard, congratulated the Police Department for achieving CALEA re-certification. He related that he had read in the City's newsletter where the Police Department now allows residents to register via e-mail to have their homes checked while on vacation; he had used the service and had experienced a peace of mind knowing that his property was being given additional protection in his absence. Continuing on the subject of the E-newsletter, Mr. Jacobs commented that those involved are diligent and hard working and that they are doing a great job - having made vast improvements over the past year. In addition, he asked for two (2) things regarding the E-newsletter, they are

- 1) a more regular publishing schedule, preferably bi-weekly; and
- 2) a requirement that certain issues relevant to the City be mentioned.

On the second request, he specifically mentioned the Special Meeting of the Public Safety Committee, which was held on Monday, February 25; this meeting was not in the most recent E-newsletter that was distributed on February 15, 2008. Mr. Jacobs expressed his feeling that, since this was a special meeting, its occurrence dictated that the citizens of the island be notified.

Based on his feelings, Mr. Jacobs volunteered to poll the subscribers to his website to determine just what the residents of the island want in the City's E-newsletter and how frequently they would like to receive the it.

Mayor Sottile stated that he would take Mr. Jacobs' comments under advisement since the City is always looking to improve its website.

5. Consideration of Local Comprehensive Beach Management Plan

Mayor Sottile recognized Elizabeth von Kolnitz of OCRM who was attending tonight's meeting; he thanked her for the time she has spent assisting the City with its plan and for taking the time to join City Council tonight. The Mayor reflected on the significance of the approval of the plan in order to receive state and federal money for the beach renourishment program. Assuming that the plan is approved, it will go to DHEC for a final review.

MOTION: Councilman Cronin moved to approve the Local Comprehensive Beach Management Plan dated February 22, 2008 as submitted the City of Isle of Palms and, subsequently to be submitted to OCRM; Councilman Bettelli seconded.

Councilman Duffy asked what the next step would be if OCRM does not give final approval to this plan. Mayor Sottile answered that the City would continue to work with OCRM, but the Mayor expressed confidence that OCRM has provided evidence that they are satisfied with the plan.

Call for the Question: The motion PASSED UNANIMOUSLY.

Councilman Cronin suggested that the Local Comprehensive Beach Management Plan be made available to the public via the City's website.

6. Reports from Standing Committees

A. Ways and Means Committee

Since Chairman Taylor had been ill and, therefore, unable to attend the February meeting, Vice-Chairman Cronin presided at the meeting and gave the Committee report. Councilman Cronin reviewed the highlights of the meeting that included the following:

- The Treasurer's Report where the Treasurer reported that Business License fees were falling short of the budgeted amount through January 2008;
- Action was deferred on the bulkhead replacement and dredging at the marina; and
- A review of the draft Capital Budgets for all departments was performed; and all budgets were sent back to the respective departments for prioritization.

1. Recommendations from Public Safety Committee

- a. Approval of \$2,856 for audio/visual system for Fire Station 2

MOTION: Councilman Cronin moved to approve \$2,856 for an audio/visual system for Fire Station 2; Councilman Buckhannon seconded.

Councilman Buckhannon informed the Council that this system would be paid for with unused bond proceeds, and Councilman Bettelli noted that the system would be used for training purposes.

Call for the Question: The motion PASSED UNANIMOUSLY.

- a. Approval of \$4,800 for additional drainage design work for Public Safety Building

Councilman Cronin explained that this is not for work on the building site, but related to the condition and capacity of the drainage infrastructure serving the site.

MOTION: Councilman Cronin moved to approve \$4,800 for the additional drainage study for the Public Safety Building; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

- b. Approval of up to \$4,000 for fencing at Fire Station #1

MOTION: Councilman moved to approve up to \$4,000 for fencing at Fire Station #1; Councilwoman Rice seconded.

Councilman Cronin commented that this motion was for chain link fencing to separate the construction site from the City's public parking lot and for security for the Station 1 operating facilities. The fencing will be re-usable should the City have a need for it.

Call for the Question: The motion PASSED UNANIMOUSLY.

- c. Approval of \$3,339.75 for Model #8618308 Rib 5 Avon Boat

Councilman Cronin noted that this acquisition was not reviewed by the Ways and Means Committee, but the boat is required by the Fire Department to replace existing equipment. Councilman Bettelli stated that the existing boat is a 1991 model and that the motor will be re-used. He added that this amount was omitted from the current budget, and, if approved tonight, will eliminate six thousand dollars (\$6,000) from the current proposed budget.

Call for the Question: The motion PASSED UNANIMOUSLY.

2. Recommendation from the Real Property Advisory Committee

MOTION: Councilman Cronin moved to approve up to \$5,000 for materials to replace dock planking; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

Councilman Cronin related that the dock planking is deteriorating, and the marina management will use their labor to perform the work with the City paying for materials only.

3. Recommendation from Public Works Committee

MOTION: Councilman Cronin moved to award the contract to Henley's Construction Co., Inc. for \$86,900 for the replacement of the 21st Avenue Beach Access; Councilman Bettelli seconded.

Administrator Tucker reminded the Council that the City has received a Community Development Block Grant in the amount of twenty thousand dollars (\$20,000) toward this project because it would improve access to the beach for physically challenged individuals. Councilman Buckhannon pointed out that the bid was below the amount budgeted for the project.

Call for the Question: The motion PASSED UNANIMOUSLY.

4. Recommendations from the Recreation Committee

- a. Approval of \$3,000 to seal ends of corrugated steel around gym

MOTION: Councilman Cronin moved to approve \$3,000 to seal the ends of the corrugated steel around the gym; Councilwoman Rice seconded.

Councilman Cronin told the Committee that this action was to keep the rodents out of the building.

Call for the Question: The motion PASSED UNANIMOUSLY.

- b. **MOTION: Councilman Cronin moved to re-affirm that a reserve fund of \$120,000 from FY 2007-2008 has been created for the reconfiguration of the ball fields and new lighting that will be carried forward to FY 2008-2009 Budget.**

Administrator Tucker clarified this request stating that this action will establish a savings account to build money until the City is ready to turn the ball fields around and replace the lighting.

- c. **MOTION: Councilman Cronin moved to award the contract for replacement of the gym ceiling to the lowest bidder CCI of Summerville in the amount of \$68,500; Councilwoman Rice seconded.**

Councilman Buckhannon explained that this bid represents the second round of bidding for the project; the initial bids had been in excess of the amount budgeted for the project. Councilman Duffy added that the replacement of the lights in the gym is also included.

Call for the Question: The motion PASSED UNANIMOUSLY.

5. Recommendation from Accommodations Tax Advisory Committee

MOTION: Councilman Cronin moved to approve \$7,500 for the Isle of Palms Connector Run and Walk for the Child; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

- 6. Councilman Cronin moved to approve up to an additional \$200,000 for beach renourishment permitting process; Councilman Bettelli seconded.**

Administrator Tucker recalled that, in November 2007, City Council committed \$200,000 that was budgeted toward the permitting process with OCRM and being the permittee for the beach renourishment project. Subsequent to that, in January 2008, Council agreed to borrow \$1.7 million for beach renourishment activities. The contract for the engineer – Coastal Science and Engineering – is \$560,000; in addition, the City is incurring legal expenses and expenses related to the coastal engineer. Between the January meeting and the Ways and Means meeting of February 19, the City has expended approximately \$156,000 – only \$44,000 shy of the original \$200,000 commitment. The Administrator stated that City Council had instructed her that, when expenses reached the \$200,000 level, she must get additional authorization from them to continue to incur expenses. If the City continues to spend at the rate it has for the past month, Administrator Tucker stated that the City would exceed the \$200,000 mark; this authorization would allow her to keep the engineers and lawyers at work on the project. She did caution the Council that, should the project not become a reality - for whatever reason – then these will be funds for which the City would not, in all likelihood, be reimbursed.

Councilwoman Rice stated that she will support the motion, but she has a problem with the City spending at this level without all of the money for the project being in place. She did recommend that, if additional funds were needed, the City should seek to acquire it from the other stakeholders.

Councilman Duffy expressed his understanding that the original \$200,000 was included in the motion from January 2008, i.e. the City's commitment to the project would be \$1.7 million. He asked for clarity on whether the City's commitment was \$1.7 million or \$1.9 million.

Administrator Tucker related that, in building the funding package presented to the other players, staff had gone back to meeting minutes to determine exactly what the City's commitment was.

Based on following the minutes, it was clear that the City has committed \$1.9 million plus interest – the original \$200,000 plus the \$1.7 million plus interest.

Councilman Duffy recounted that the total expense of the project was stated to be \$1.7 million in the January meeting, and he contends that the \$200,000 is a part of the total project, therefore, included in the \$1.7 million. He also maintained that the record of the January meeting states that the total commitment to the City was to be \$1.7 million. He added that, when discussions center on the project, those discussion are about the whole beach renourishment project, so the \$200,000 committed by the previous Council was a part of that, and that was the basis on which he voted in favor of the motion in January.

Councilman Taylor commented that the City knew that, as the permittee for the project, it would need to take the lead to move the process along the timeline set by the various agencies involved. The component that he wants Council to be clear on is that, if the vote at Wild Dunes is negative, the City's spending stops. He added that the complete scope of the project is yet undefined, and, should the final cost exceed the \$9.9 million estimated by the City, the City will contribute no additional funds.

Councilman Duffy re-stated his concern that, simply because the initial two hundred thousand dollars (\$200,000) was authorized before the new Council members were seated, does not mean that the City will spend more than \$1.7 million plus interest for the project as defined in the motion.

Councilman Taylor remarked that there is an additional component of costs associated with this project and that is the time being spent by the City's staff on this initiative. He complimented the staff on the fact that they have been capable of handling the additional workload without having to bring in additional staff or to seek the assistance of outside parties – his point being that the City is incurring ongoing expenses greater than the amount to which the City has committed to the project.

Call for the Question: The motion to fund an additional \$200,000 toward the permitting process for the Beach Renourishment Project PASSED UNANIMOUSLY.

7. Councilman Cronin moved to approve the payment of future bond payments for Fire Station 2 from un-used bond proceeds; Councilman Taylor seconded the motion and the motion PASSED UNANIMOUSLY.

A. Public Safety Committee

Before reviewing the highlights of the Committee meeting, Chairman Bettelli stated that the seat belt laws in South Carolina do not include golf carts, but he urged all citizens to take special precautions when driving golf carts with young children and asked that no one ever drive a cart with a child in his/her lap behind the steering wheel. Discussions at the meeting were related to the status of the Public Safety Building, parking issues down 42nd Avenue and an update on the Triathlon scheduled for April 20. The Highway Department has been asked to look into alternative ways to maintain the traffic flow at 41st Avenue and Palm Boulevard. The Capital Budget for FY 2008-2009 was reviewed, and approvals were given for an audio/visual system at Fire Station 2,

additional drainage design work for the Public Safety Building, fencing at Fire Station 1 and an inflatable boat for the Fire Department. On the subject of the Consolidated Dispatch Board, Councilman Bettelli was pleased to announce that the Isle of Palms would represent the islands in the County until the project is activated and that Chief Buckhannon will serve on the Board. He also complimented the Police Department for their diligence and excellent work in arresting the persons involved in the rash of burglaries that the island has been experiencing.

Councilman Loftus stated that he believed it was extremely important that something be done at the intersection of 41st and Palm Boulevard to insure that the traffic continues to flow once the tourist season begins and the number of cars traveling to and from Wild Dunes increases dramatically. He commented that he preferred to see police officers protecting the people and property of Isle of Palms to seeing them direct traffic at 41st and Palm. Because this intersection has been a problem for the City for many years, he added that fixing the traffic tie-up there should be a priority for the City.

Councilman Bettelli countered that the City is aware of the problems there, but cannot act without the approval of the South Carolina Highway Department. The City is looking forward to receiving the recommendations from the Highway Department.

Mayor Sottile reminded Council that the Public Safety Committee discussed the 41st and Palm intersection in depth and studied four (4) options for alleviating the congestion. The Committee agreed that a round-a-bout was the best solution, but that solution involved not only land acquisition, but also a cost for construction of approximately half a million dollars. With the projects that the City is currently committed to, the Committee agreed that the reconfiguration of this intersection will have to be postponed and that police officers will again be used, when needed, to keep the traffic flowing through the intersection.

Councilman Loftus concluded his comments stating that he disagreed with the Committee's decision.

Special Meeting of the Public Safety Committee, February 25, 2008 – Councilman Bettelli explained that this meeting was held for the Committee to confer with the architects from Cole+Russell on the plans for the Public Safety Building.

MOTION: Councilman Bettelli moved to proceed with the plans and the design as presented and discussed with the architects; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.

Councilman Duffy expressed his concern that he does not see how the new Public Safety Building "fits in to what is the future of the whole downtown area." He did not deny that the City needed a good fire station and police station, but residents feel that the Public Safety Building has come about very quickly and is very expensive based on conversations he has had with residents. In conclusion, he stated "anything that we (City Council) can do to provide for the needs of public safety without moving forward with such an expense is something we (City Council) need to look for." He agreed that going forward with the bid process was appropriate, but "understanding the detailed costs associated with the project would also be good."

Mayor Sottile repeated his earlier comments that the Planning Commission is not moving forward at this time with changes to the Commercial District that includes Front Beach. He added that plans for the Public Safety Building have been ongoing for several years. The finished project will be a source of pride for the residents and it will serve the community for many years into the future, as well as provide the Police and Fire Departments the ability to perform their jobs the best way possible. He is very proud to be breaking ground in the near future.

B. Public Works Committee

Chairman Bettelli covered the highlights of the Public Works Committee where the Director reported that Eadies was in the third year of the five (5) year contract to clean and maintain the ditches on the island. The Committee reviewed an ordinance amendment on beach debris and holes; it was sent to the Public Safety Committee to determine its enforceability. The Committee considered the bids for the 21st Avenue Beach Access Path and voted to send their recommendation to award the contract to Henley's Construction Co., Inc. to Ways and Means. Administrator Tucker had updated the Committee on the Local Comprehensive Beach Management Plan and presented the FY 2008-2009 Capital Budget. Officer O'Donnell, who was in re-certification training in Columbia, sent a memo to the Committee in response to their invitation to attend. In the memo, he recommended an ordinance change to 5 p.m. as the time that residents are permitted to put their carts on the street the night before garbage pickup; the Committee will take his recommendation under advisement. Following brief discussion, the issue of golf cart parking will be forwarded to the Public Safety Committee.

C. Recreation Committee

Councilwoman Rice reported that the "Doggy Day at the Rec" held Saturday, February 23 had been "incredibly successful;" attendance was "outstanding," and the categories were filled with contestants. At the "Island Arcade Day," 137 bicycles were registered. The team sports of volleyball and basketball are in full swing. She recommended that everyone check the City's website under the "Recreation" heading to stay up-to-date with the activities taking place at the Recreation Center. Another movie has been scheduled for May 16th at the Recreation Center. The bids received for the replacement of the gym ceiling were studied and discarded because they were all over the amount budgeted for the project; the project was re-bid and the results were acceptable. The contract was awarded earlier in this meeting. The problem with squirrels getting into the insulation between the walls was discussed; the Committee approved three thousand dollars (\$3,000) to seal the corrugated steel endings around the gym. Councilwoman Rice noted that the Committee had reviewed the FY 2008-2009 Capital Budget, and approved the ALS race, that is on the list of approved City events; the ALS race will take place June 7, 2008.

E. Personnel Committee

Councilman Piening commented that the Personnel Committee had received an update on the Beach Advisory Committee. They considered the FY 2008-2009 Capital Budgets for the Building and General Government Departments. Since Marilyn Bowers of the Board of Elections and Voter Registration has been out of town, there was no additional information provided on the transfer of election authority to Charleston County. The Committee went into Executive Session to discuss the final report on the Compensation and Classification Study and decided to invite a

representative of the Archer Company to attend a Ways and Means Committee meeting to explain the methodology and the results and to answer questions.

Chairman Piening announced the January 2008 Safety Sweepstakes winners as

Fire Department – Ryan O’Shea	Police Department – Troy Capps
General Government – Emily Dziuban	Public Works – Joseph Ancrum

For January, two (2) police detectives, Dawn Caldwell and Dianne Tarr, shared the honors as Employees of the Month for their tenacity in apprehending the persons who had burglarized homes on the island.

7. Reports from City Officers, Boards and Commissions

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

Chairwoman Rice reminded the Council that the marina store is undergoing renovations and plans to re-open around March 15. Discussions of the replacement of the bulkhead and dredging the marina are continuing; the topic will be on the agenda for the March Ways and Means Committee meeting. Since the City has only recently received the estimated cost for bulkhead monitoring, there will not be a report on the condition of the bulkhead until late March or early April. The engineers of Jon Guerry Taylor presented four (4) options related to the bulkhead replacement and dredging; the Committee agreed that the option for bulkhead replacement and dredging concurrently, without replacing the docks, was the most sensible choice for the City at this time.

8. Reports from Special or Joint Committees

- A. Accommodations Tax Advisory Committee – minutes attached**
- B. Beach Advisory Committee – minutes attached**

9. Petitions Received, Referred to or Disposed of - none

10. Bills already in Possession of Council - none

11. Introduction of New Bills, Resolutions and Proclamations

Resolution for Reimbursement of Expenditures from Revenue Bond

Mayor Sottile explained that this resolution is being offered in conjunction with the beach renourishment Revenue Bond; he asked that Administrator Tucker read the resolution into the minutes.

MOTION: Councilman Cronin moved to approve the reimbursement resolution as presented; Councilman Taylor seconded.

Administrator Tucker explained that this resolution ensures that the expenditures that the City has prior to the issuance of the Revenue Bond, that will help to pay for the City's share of the beach renourishment project, will be reimbursed from the proceeds of the bond when it is made. Assuming that the Wild Dunes referendum is successful and that Wild Dunes and the resort provide the six million dollars (\$6,000,000), the next step will be an ordinance to move forward with the borrowing. She recounted that, if that does not occur at this time and there is no active project, Council would need to reverse this resolution at the next meeting.

Call for the Question: The motion PASSED UNANIMOUSLY.

12. Before adjourning to Executive Session, Mayor Sottile introduced Charlton DeSaussure, the City's Bond Attorney.

MOTION: Councilman Buckhannon moved to adjourn to Executive Session at 8:04 p.m. to receive legal advice on the Marina Bonds and regarding the ownership of 11th Avenue dead end; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

City Council returned to open session at 9:05 p.m., and Mayor Sottile announced that no votes had been taken and no actions taken in the Executive Session.

MOTION: Councilman Buckhannon moved for the City of Isle of Palms to claim ownership interest in the end of 11th Avenue on the marsh side; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.

13. **MOTION: With no further business to come before the City Council, Councilwoman Rice moved to adjourn the meeting at 9:07 p.m.; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland
City Clerk