

**CITY COUNCIL MEETING
CITY OF ISLE OF PALMS**

7:00 p.m., Tuesday, May 27, 2008
1207 Palm Boulevard, Isle of Palms, South Carolina

The regular meeting of the City Council was held at 7:00 p.m., Tuesday, May 27, 2008, in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Present for the meeting were Council members Bettelli, Buckhannon, Cronin, Duffy, Loftus, Piening, Rice and Taylor, Mayor Sottile, City Administrator Tucker, City Treasurer, City Attorney Sottile, Assistant to the Administrator Dziuban and City Clerk Copeland. There was a quorum present to conduct business.

1. Mayor Sottile called the meeting to order and announced that the press and the public had been duly notified in accordance with the Freedom of Information Act. Following the invocation, the Mayor led the Council in the Pledge of Allegiance to the Flag.

Mayor Sottile broke from the agenda to ask Administrator Tucker to report on progress with the beach restoration project. The Administrator stated that the work zone was between 53rd Avenue and Dewees Inlet and that currently Weeks Marine was working at Shipwatch. Pumping had started on Saturday, May 24 and a significant number of sandbags have been removed. She reported that the island Turtle Team members were monitoring the beach during the day and employees of a company called REMSA were monitoring at night. The Administrator explained that the job of the monitors was to watch for loggerhead turtles that might make their way onto the beach to lay their eggs in a construction zone. Should that happen, work would be halted there and repositioned, and, the following morning, the daytime monitors would relocate the eggs. She explained that there has been very good project maintenance to make sure that the visiting public watches from afar. Administrator Tucker added that she has learned that, in the dredging culture, the workers like to have food delivered to the "dump shack;" she said that residents have delivered fried chicken, barbecue and cookies.

2. **Approval of the Previous Meetings' Minutes:**

MOTION: Councilwoman Rice moved to approve the minutes of the regular meeting of April 22nd and the Special Meeting of May 20th, 2008 as submitted; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

3. **Citizens' Comments**

Joanna Harper, 3612 Waterway Boulevard, stated that she supported Ordinance 2008-06 that called for the transfer of authority for Isle of Palms' elections to the Charleston County Board of Elections and Voter Registration. She related that she had served on

the Municipal Election Commission briefly and had found it to be a very frustrating experience because there had been little to no training provided and she had felt unqualified.

4. Reports from Standing Committees

A. Ways and Means Committee

1. MOTION: Councilman Taylor moved to approve the contracts for the purchase of items in excess of \$10,000 to be in compliance with the City's procurement code; the items are as follows:

\$65,970	Conway Chrysler Dodge Jeep	3 Dodge Durangos
\$10,603	Charleston Light & Siren	outfit 3 Dodge Durangos
\$10,617	Dell	Gen'l Govt server & software
\$74,745	Motorola	radios for Public Safety

Councilman Bettelli seconded.

Councilman Duffy asked if the City was in possession of the Dodge Durangos and was told by Councilman Taylor that they had been purchased and delivered. Administrator Tucker informed the Council that the vehicles had been ordered right after the budget was approved in 2007 through the state contract.

Call for the Question: The motion PASSED UNANIMOUSLY.

2. MOTION: Councilman Taylor moved to approve \$8,400 from the Accommodations Tax Advisory Committee to support the production of *You're A Good Man, Charlie Brown*; Councilwoman Rice seconded and the motion PASSED on a vote of 8 to 1, Councilman Loftus cast the dissenting vote.

3. Councilman Taylor moved to award the contract for special inspections of the Public Safety Building to Coastal Engineering and Testing in the amount of \$44,732.00; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

4. MOTION: Councilman Taylor moved to award the Loan Agreement to BB&T for Financing \$1.7 million for the Restoration, Renourishment, Control and Repair of the Beach at a Rate of 3.16% for a Term of six (6) years with Prepayment at any Time, in Whole or in Part, Without a Penalty; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

5. **MOTION: Councilman Taylor moved to amend the Engineering Services Agreement with CSE in the amount of \$114,270.00 to perform the requirements of Operations, Monitoring and Contingency Plan; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.**

6. **MOTION: Councilman Taylor moved to award the contract to REMSA for nighttime beach monitoring in the amount of \$27,422.20; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.**

B. Public Safety Committee

Councilman Bettelli reported that there had been citizens' comments on the ALS race that will take place on Saturday, June 7; this event was on the City's list of approved events.

MOTION: Councilman Bettelli moved for Council approval for the ALS race on Saturday, June 7th, 2008; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

In addition, Councilman Bettelli related that there had been citizens' comments on a possible no-smoking in the workplace ordinance, the 41st and Palm Boulevard intersection and the beach holes and debris ordinance. The Committee discussed the bid for special inspections to the Public Safety Building, golf cart parking on the island, the improvements to the 21st Avenue walkover, a proposal from DOT for the 41st Avenue intersection and possible changes in the language to the beach holes and debris ordinance. The Committee decided that parking along 42nd Avenue would continue to be angular, as well as to gather information from businesses on the island regarding a possible smoke free workplace ordinance. In response to a citizen's request, there was agreement to provide an access path of approximately four (4) feet to the left of the guardrail at the end of 25th Avenue assuming the adjacent property had no objections. Persons who insisted on parking on the emergency access path at 25th Avenue would be ticketed and the cart removed. Possibilities were discussed for a crosswalk at 45th Avenue. The Committee was informed that the City must conform to the mandates of the South Carolina Building Code and did not have the authority to modify the building/sprinkler codes to include a requirement for homes larger than 3,500 square feet. The Committee reviewed radio operations by the Fire and Police Departments and discussed the possible need for an abandoned vehicle ordinance. The Committee agreed to submit a request to the Charleston Transportation Committee for funds for the 53rd-57th Avenue Drainage Project. In addition to the Fire and Police Department monthly reports, the Committee was told by Chief Buckhannon that the Police Department was preparing a flyer that would address what was and was not allowed for weddings on the beach.

In response to Councilman Loftus' question, Council Bettelli stated that the beach holes and debris ordinance should be on the agenda for second reading at the June Council meeting assuming the Public Safety Committee approved the attorney's changes.

Councilwoman Rice asked if there was a line for a smoke free workplace ordinance; Councilman Bettelli commented that discussions had begun and questionnaires had been mailed to local businesses to gain their input.

Councilman Duffy was told that Director Kerr could respond to his concerns regarding sprinklers.

C. Public Works Committee

Councilman Bettelli reported that there had been public comments related to the beach holes and debris ordinance. Per the Public Works Director's report, approximately half of the new street signs have been installed, and the balance would be installed as soon as the top caps arrived. The work has been completed to restructure the 30th Avenue ditch. Director Pitts explained the day-to-day function of radios to his department. The Committee agreed to place surplus temp trail at 21st Avenue at the end of the new walkover to extend to hard sand. The Committee briefly discussed the Pinpoint Public Works GPS system, but decided to delay further discussion until budget time next year. At a resident's request, Director Pitts was directed to inspect a ditch on 32nd Avenue for possible installation of pipe. The decision to trim the branches on Oak Harbor was postponed until the residents on the street could be notified and their feedback obtained. The Committee denied a resident's request to encroach into the access path at 22nd Avenue, and the Committee agreed to place signage at the pedestrian opening at the City parking lot directing visitors to public restrooms and showers.

D. Recreation Committee

Councilwoman Rice was pleased to announce that Camp Summershine has been filled and there was a waiting list. She announced that the Piccolo Spoleto Sand Sculpting would be at 9 a.m., Saturday, May 31 on Front Beach and Piccolo Spoleto Goes to the Beach would present an improvisational program on Saturday, June 7 at the Recreation Center. The new gym ceiling has been completed with the new lighting, and Councilwoman Rice stated that it had been a huge improvement. She reported that the Recreation Department was now actively recycling. Director Page had described how the radios improved productivity and provided an additional layer of safety for the department. Councilwoman Rice ended her report with the exciting news that the City's Bark Park had received the MASC Achievement Award for 2008 for cities with a population under five thousand. A film crew was at the Recreation Center a couple of weeks ago to film the Bark Park to show at the Awards Breakfast held during the MASC Annual Meeting on July 19.

E. Personnel Committee

Councilman Piening reported that the major item of business had been to discuss a change in language for the job description for the Chief of Police requested by CALEA; the change was adopted.

Councilman Piening repeated a statement made to him by Councilman Bettelli, "The most valuable asset this City has is its employees," as an introduction to the actions taken by Joseph Washington and Charles Williams to find a resident's lost cell phone and to their being named Employees of the Month.

Councilman Piening also announced the Safety Sweepstakes Winners as
Frederick Tetor, Fire Department Willie Powell, Public Works
Troy Capps, Police Department Karrie Ferrell, Recreation

5. Reports from City Officers, Boards and Commissions

A. Board of Zoning Appeals

Administrator Tucker reported that the Board of Zoning Appeals had deferred action on the request from the First United Methodist Church regarding its expansion pending the receipt of additional information.

B. Planning Commission – minutes attached

C. Real Property Advisory Committee

Councilwoman Rice commented that the utility lines that run under the docks had been found not to be in danger from the weight of the docks even in an extreme low tide. The Committee had deferred action on deck expansion at the rear of the convenience store until the next meeting. She reported that the deli in the Marina Market has opened and doing a great business; she related that they had run out of food twice over the holiday weekend. There were discussions, that included Rick Linville who operates the City parking lots, about increasing the fee for parking in the City lots; the decision was made to stay at five dollars (\$5.00). Pursuant to a request, the Committee agreed to look into additional lighting for the marina parking area. And, lastly, the City has closed on the marina bond and received a very good interest rate.

6. Reports from Special or Joint Committees

- A. Accommodations Tax Advisory Committee
- B. Beach Advisory Committee

7. Petitions Received, Referred or Disposed of - None

8. Bills Already in Possession of Council

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

MOTION: Councilman Taylor moved to approve Ordinance 2008-04 for second reading and ratification and to suspend the reading; Councilman Bettelli seconded.

Councilman Taylor, Chairman of the Ways and Means Committee, thanked the Administrative team, department heads and City Council for their hard work that started back in January. He commented that this had probably been the most complex and comprehensive budget with which he had been involved.

Call for the Question: The motion PASSED UNANIMOUSLY.

B. Second Reading, Ordinance 2008-05 - An Ordinance Authorizing the City of Isle of Palms, South Carolina, to Enter into a Loan Agreement with the Bank in the Amount of \$1,700,000; Approving the Form and Terms of the Loan Agreement, in Connection with the Restoration, Renourishment, Control and Repair of the Beach Situated in the Northeastern end of the City of Isle of Palms; such Other Capital Improvement Projects as may be Authorized by the City Council; and other Matters Related Thereto.

MOTION: Councilman Cronin moved to approve Ordinance 2008-05 for second reading and ratification and to suspend the reading; Councilman Buckhannon seconded.

MOTION: Councilman Duffy moved to amend Ordinance 2008-05 by removing Section 2, paragraph D; Councilman Piening seconded.

Councilman Duffy stated his opinion that this paragraph was “not germane” to the Ordinance since beach restoration was an approved activity under state law to be funded by local accommodations or hospitality taxes.

Councilman Bettelli disagreed and stated that it was important to retain the paragraph in the Ordinance as it was originally written so that persons, in the future, reading this Ordinance would fully understand the source of the funds and how they were used.

Councilman Cronin remarked that the accommodations taxes were developed from tourism and that the stated purpose from the state was to develop and to enhance tourism. One of the allowed uses of accommodations taxes within tourism was beach

renourishment; therefore, he felt that the section of the Ordinance referred to was very germane to it.

Councilman Taylor asked that the Administrator read the paragraph in question aloud:

D. A vibrant tourism industry fosters and enhances the economic growth and well being of a community and its residents. Tourism has been and continues to be the City's largest industry. The beach on the northeastern end of the City, and the City's beach in general, are vital to the continued vitality of the tourism industry of the City, drawing visitors and tourists to vacation and enjoy the many recreational, shopping, and dining opportunities available in the City. The Project is a continuation of the City's commitment to tourism and will provide and maintain the beach-front necessary to attract visitors to the City to enjoy the many businesses situated on or near the beach.

Mayor Sottile remarked that he was not one to go against legal counsel; he stated that the bond attorney had indicated to him and to the Administrator that he would be more comfortable with the language remaining in the Ordinance. The Mayor commented that he would not support the amendment because he felt it set a dangerous precedent to go against legal advice.

Call for the Question on the Amendment: The vote on the amendment FAILED three to six (3 to 6); the only votes supporting the motion were from Councilmen Duffy, Loftus and Piening.

Call for the Question on the original motion: The vote on the motion PASSED UNANIMOUSLY.

8. Introduction of New bills, Resolutions and Proclamations

A. First Reading, by title only, Ordinance 2008-06 – An Ordinance Providing for the Transfer of Authority to Conduct City Elections from the City of Isle of Palms Election Commission to the Board of Elections and Voter Registration of Charleston County.

MOTION: Councilman Taylor moved to approve Ordinance 2008-06 for first reading by title only; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

B. First Reading, by title only, Ordinance 2008-07 – An Ordinance Amending Title 5, Chapter 1, Building Regulations and Code Enforcement, to Adopt Mandatory and Discretionary Building Codes for the City of Isle of Palms Code of Ordinances.

Mayor Sottile explained that this was an annual adoption of the International Building Codes .

MOTION: Councilman Buckhannon moved to approve first reading, by title only, of Ordinance 2008-07; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

D. Resolution Adopting a Regional Stormwater Educational Strategy

Administrator Tucker recounted that the City Council had adopted a stormwater plan, and one (1) component of that plan provided for education of municipal officials and citizens. Charleston County administers this program for the City of Isle of Palms, and, based on that association, they had requested that the City adopt this resolution. The Administrator then read the resolution aloud.

The City Council voted unanimously to adopt the resolution.

10. Miscellaneous - Administrator Tucker offered the City's congratulations to The Windjammer for being selected by Esquire magazine as one of the best bars in the United States.

11. Executive Session to receive legal advice.

MOTION: Councilman Bettelli moved for City Council to go into Executive Session to receive legal advice at 7:50 p.m., Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Council returned to regular session at 8:05 p.m., and the Mayor reported that there had been no votes and no actions taken during the Executive Session.

12. Adjourn

MOTION: City Council having concluded its business, Councilwoman Rice moved to adjourn at 8:07 p.m.; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted:

Marie Copeland
City Clerk