

## CITY COUNCIL

7:00 p.m., Tuesday, June 24, 2008

The regular meeting of the City Council was held at 7:00 p.m. on Tuesday, June 24, 2008 in Council Chambers of City Hall located at 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Council members Bettelli, Buckhannon, Cronin, Duffy, Loftus, Piening, Rice and Taylor, Mayor Sottile, Administrator Tucker, Attorney Sottile, Assistant to the Administrator Dziuban and City Clerk Copeland.

1. 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. The Mayor delivered the invocation that was followed by the Pledge of Allegiance to the Flag. Clerk Copeland called the role; there was a quorum present to conduct business.

Mayor Sottile announced that the City was taking donations for flood victims in Iowa; checks could be made payable to the City of Isle of Palms, and the funds would be sent to them. Additionally, he stated that the Front Beach Turtle – Caretta, Caretta – would soon be replaced by a new bronze turtle thanks to a group of private citizens headed up by Guy Taylor. The Mayor expressed the City's thanks to these persons. The July 4<sup>th</sup> Fireworks is always a huge event for the City, and the Mayor invited everyone to attend.

In conclusion, Mayor Sottile commended the Fire Department, Council members, Public Works Director Pitts and Recreation Director Page for their efforts in fighting the fire in Wild Dunes and for supporting the firefighters in their efforts. He reported that both Sullivan's Island and Mount Pleasant Fire Departments had assisted in fighting the blaze, and he expressed the City's appreciation for their aid. The Mayor expressed appreciation to the IOP Fire Department from the City Council and the City's residents.

### 2. Approval of Previous Meetings' Minutes

**MOTION: Councilman Taylor moved to approve the minutes of the Special Meeting of May 2, 2008, the Public Hearing of May 27, 2008 and the regular meeting of May 27, 2008 as presented; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.**

### 3. Citizens' Comments

Dianne Oltorik, 15 Ocean Park Court, made the following observations about the Accommodations Tax Advisory Committee meeting from May 7, 2008:

- 1) The ATAX Committee voted to reduce the number of Committee meetings from twelve (12) per year to four (4) per year; Ms. Oltorik stated that the Treasurer had remarked that such a change would require approval from

Ways and Means and City Council. To date, Ms. Oltorik recalled that she has not seen anything on the agendas relative to a change in the number of ATAX meetings; therefore, she was asking City Council for the proper protocol for a committee, like ATAX, to make such a significant change.

- 2) Secondly, she recounted that, when the representatives of The Company Company made their presentation to ATAX, there had been an error in the computation of the budget for the production; the expenses for the play were only \$5,970, not the \$11,940 stated in the application or the \$8,400 requested. Ms. Oltorik also noted that a member of the ATAX Committee had stated that The Company Company should be allowed to make a profit. Her question was how the City could justify the additional \$2,430 that ATAX had approved.

Barbara Bergwerf, 611 Ocean Boulevard, reported that she had asked the members of the Turtle Team to survey the issues of tents, beach chairs or other debris they saw in the beach walks; she presented Council with the emails and photos that had been sent to her from the surveys. She stated that, if Council needed proof that Ordinance 2008-03 needed to be adopted, she felt that the information and pictures she had given them would provide it. She expressed her pleasure at seeing that the Ordinance was on the agenda this evening for second reading.

Arnold Karig, 5102 Palm Boulevard, asked that the Council reconsider banning special events in rental properties in residential neighborhoods; he stated that the limit of forty (40) persons in a house was not effective in controlling those events. He reported that these events were disruptive to the people who lived in the neighborhoods and to those who were renting in the neighborhood. Secondly, he wanted to know what the City allowed in the way of advertising. Mr. Karig stated that he had arrived home this evening to find a red advertising zeppelin for RedZeppelinPhoto.com floating at the end of his street attached to a motorized vehicle. He commented that advertising in this form had no place on the Isle of Palms.

### **Resolution to Approve and Adopt FY 2009 Budget for CARTA**

Mayor Sottile announced that Howard Chapman, Executive Director of CARTA, was present to review the CARTA budget and to make any other comments he felt appropriate.

Mr. Chapman explained that CARTA was a regional government under the laws of South Carolina with eight (8) member governments, of which Isle of Palms is one. The law governing CARTA prescribed the process by which their budget was to be approved; the budget must be presented to the CARTA board early enough for it to be

presented to each of the eight (8) member governments for their approval prior to October 1, the beginning of the CARTA fiscal year. Mr. Chapman noted that CARTA received funding from the federal and state governments, the half cent sales tax, farebox revenue and rental property. He reported that over the past year, CARTA had seen record ridership; for May 2008, there had been over 350,000 riders. In addition, the express service, that started in February 2007 with 9800 riders, saw over 29,000 riders in May 2008. Mr. Chapman explained that CARTA ridership had a direct relationship on federal and state funding; therefore, increased ridership equated to increased funding. A private, international company has been hired to operate the CARTA system. Included in the 2009 CARTA budget was the cost of constructing ten (10) additional bus shelters. CARTA has issued a Request for Proposal for a joint public-private partnership to construct a new train station to serve the Charleston metropolitan in North Charleston on the Amtrak line. The new station will be known as the North Charleston Intermodal Center; it will serve Greyhound and CARTA, as well as Amtrak.

Councilwoman Rice expressed her support for CARTA and asked about the demand for ridership here on the island; Mr. Chapman responded that the Mount Pleasant Express ridership was up approximately twenty percent (20%), which is representative of the increases CARTA has been experiencing. He also informed the Council that CARTA has received funds from the Council of Governments to assist in subsidizing this particular route to ensure its continued operation.

Councilman Cronin asked if CARTA was creating more parking hubs; Mr. Chapman responded that CARTA has partnered with business like K-Mart and WalMart. He stated that CARTA has found that these locations were convenient for its customers and provided an opportunity to shop before going home; these lots were also well lighted. In addition, they had saved CARTA the outlay of funds to construct their own hubs and thereby creating more asphalt surfaces in Charleston. Nationwide this type of partnership has proven to be mutually beneficial.

Councilman Taylor remarked that it was "refreshing to hear of common sense and long-term ways to move people around the Charleston metropolitan area."

**MOTION: Councilman Taylor moved for the City Council to approve the resolution to approve and support the fiscal year 2009 CARTA budget; Councilman Bettelli seconded.**

Before taking the vote, Mayor Sottile asked that Administrator Tucker read the resolution aloud.

**Call for the Question: The motion PASSED UNANIMOUSLY.**

### 3. Reports from Standing Committees

#### A. Ways and Means Committee

Councilman Taylor noted that the City was approximately a week away from completing another fiscal year and all were anxiously awaiting the results. The focus has now changed from developing the budget to managing the budget.

Requests from the Real Property Committee:

1) The first request related to the bulkhead replacement; Councilman Taylor explained that the City would begin to incur expenses for this project before financing was in place. As a result, this motion was to ensure that the City was reimbursed for any costs associated with the bulkhead replacement as financing was being secured.

**MOTION: Councilman Taylor moved that the City Council approve the reimbursement resolution related to the bulkhead replacement; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.**

2) Councilman Taylor noted that the City has been partnered with Jon Guerry Taylor and Associates for several years on the bulkhead replacement project.

**MOTION: Councilman Taylor moved that the City Council approve Jon Guerry Taylor and Associates as the sole source provider of Project Oversight on the bulkhead replacement project in the amount of \$58,750; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

3) Councilman Taylor explained that, at the May meeting, a joint venture of \$3,000 with three (3) groups to add-on to the deck marina store had not been approved because the tenant had completed the project without getting the necessary approvals from the City. In the interim, new controls have been put in place to prevent another such situation, and the proper procedures for obtaining City cost sharing have been thoroughly explained to the tenants at the marina.

**MOTION: Councilman Taylor moved that the City Council approve a joint venture with Barrier Island EcoTours, Marina Market and Marina Outpost in the amount of \$3,000 for business operation on the Marina Market deck; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.**

#### B. Public Safety Committee

Councilman Bettelli began his comments by adding his thanks to the Fire Department on the great job they had done the night before; he also thanked the Sullivan's Island and Mount Pleasant Fire Departments for their assistance. He reported that, while the men were busy fighting the fire, Recreation Director Page and Public Works Director Pitts arrived with water and supplies for them. He stated that the Isle of Palms has a "truly great team" and everyone should be proud of them.

He reported that there had been a Special Meeting on June 5<sup>th</sup> to discuss the SC DOT proposal for the 41<sup>st</sup> Avenue and Palm Boulevard intersection. The proposal was for a demonstration project, meaning that it would be temporary; the project calls for a barricade at the end of Cameron Boulevard and additional stop signs. Assistant Dziuban confirmed that letters had been sent to residents who would be affected by the change and responses were due by Wednesday, June 25. The Committee will review those results at the next meeting as it determines the best course of action.

From the regular meeting, Councilman Bettelli reported that there had been Citizens' Comments on the beach and the possibility of a smoking ordinance. The Public Safety Committee received a request for an event on the beach that would involve twenty-eight (28) to thirty (30) schools; this event was not approved because of parking issues and the general disruption such a large event would create.

An update of the Public Safety Building was given, and Councilman Bettelli reported that Mashburn has been driving pilings. Administrator Tucker stated that the City must wait approximately ten (10) days for the results of the test pilings; she also reported that, in a meeting with the contractor today, the City had reached a compromise on the City parking lot that would free up additional spaces through the July 4<sup>th</sup> weekend.

Among the Items from Old Business were the fact that the City will begin looking at the 25<sup>th</sup> Avenue beach access to provide additional golf cart parking; Councilman Buckhannon will continue his efforts to identify other areas where there can be golf cart parking at beach accesses. At the time of the meeting, the Committee received the results of the smoke-free workplace questionnaires that were sent to island businesses. The Committee decided to take the time necessary to study the results and to make a decision at the next meeting in August. There was also discussion on the 41<sup>st</sup> Avenue and Palm Boulevard SC DOT project where the members were advised that the letters had been sent to affected residents and that results were due in by June 25, 2008. From Chief Buckhannon, the Committee learned that a flyer had been developed to answer questions about weddings on the beach stating what was and was not allowed. The July 4<sup>th</sup> Golf Cart Parade was approved. Per comments from Chief Buckhannon, the Committee decided not to make any changes to the 21<sup>st</sup> Avenue crosswalk. The Livability report from the Police Department indicated that there had been thirty-eight (38) call for the month of which thirty-four (34) had been for noise violations. The City

has again been experiencing burglaries; Councilman Bettelli asked that residents be diligent about keeping their homes and cars locked. The City will participate in the annual Hurricane Expo to be held the third week in July on Sullivan's Island. Councilman Bettelli reported that Lieutenant Wright had been on television explaining the City's efforts to reduce its fuel consumption; there are more bicycle patrols and two (2) officers are riding together rather than individual patrol cars. The 25 mph speed limits signs have been placed on Cameron Boulevard after being approved by SC DOT last year. Councilman Bettelli also reported that the Mayor had received a letter of appreciation for Sergeant Dawn Caldwell and Detective Diane Tarr for their work on a break-in investigation.

Councilman Loftus restated that the residents' responses to the 41<sup>st</sup> Avenue/Palm Boulevard letters were due June 25<sup>th</sup>; he asked Councilman Bettelli what the plan was going forward. Councilman Loftus also recounted that SC DOT had been anxious to get the project in place for the July 4<sup>th</sup> weekend. Councilman Bettelli stated that "the timeframe, as far as moving forward, is that (the Public Safety Committee) will discuss the results of the letters that were sent out at the next Public Safety Committee meeting and will proceed from there." Councilman Bettelli stated that he anticipated the topic to be discussed at the next City Council meeting. Councilman Loftus asked if the project were going to be in place to include any of the peak traffic season on the island; he was told that was a possibility, but the Committee was not going to be rushed. Councilman Cronin asked if there was a way that the Council could "authorize the Public Safety (Committee) to take whatever action they feel necessary" without being delayed until the July City Council meeting. When asked by Mayor Sottile for an opinion, Attorney Sottile stated that the Public Safety Committee should make a recommendation to City Council for the Council to act upon.

Councilman Cronin stated that the questionnaire and the discussions Public Safety had on no-smoking in the workplace had dealt with the affect on the businesses, not the affect on the employees. He expressed his opinion that the City's concern should be the employees, not the business. He felt the emphasis should be on whether the employees have been put at risk when working in an enclosed space where they were subjected to secondhand smoke.

Councilman Bettelli asked his fellow Council members to communicate any of their ideas or concerns relative to no-smoking in the workplace to him to be included in the discussions.

On the subject of golf carts, Councilman Cronin stated that there were many golf carts on the island that appear not to have been registered with the state, and there was no indication that the cart carried insurance. It has been not only an issue for the Police Department because they cannot identify the owner, but also an issue of Public Safety.

Councilman Buckhannon added that one (1) of the biggest problems that the City has been encountering has been that some property owners have rented golf carts along with the rental home; Councilman Buckhannon was emphatic when stating that "it is illegal to rent a golf cart out with a rental home." He noted that the only legal driver of a golf cart was the golf cart owner. Councilman Bettelli remarked that he had reported a golf cart that was actually parked on the beach. Councilman Loftus commented that, in reviewing the golf cart issues, one of the facets being looked at was the idea of requiring the carts to be registered with the City to ease the problems of identification when a violation does occur.

#### B. Public Works

Councilman Bettelli related that beach debris had been the topic in Citizens' Comments. He reported that the new temp trail had been installed at the 42<sup>nd</sup> Avenue access providing a wider path for emergency vehicles. Under the NPDES rules, both the City and the County must agree on the proper action to take when stormwater runoff was involved, so the County representative would come out to look at the 31<sup>st</sup> Avenue ditch that a citizen has requested to be piped. Director Pitts reported on the Underground Storage Tank meeting he had attended. He informed the Committee that the City was in compliance with the regulations. The beach monitoring results for April and May 2008 were all satisfactory. Councilman Bettelli announced that a citizen had sent a letter of commendation to the Public Works Department's staff for the great work they do in all sorts of weather.

#### C. Recreation

Councilwoman Rice reported that she and the Mayor had attended the Jump Start Graduation to hand out diplomas. There were fifty-nine (59) teams that participated in the Piccolo Spoleto Sand Sculpting Contest, and approximately eighty (80) persons attended the Piccolo Spoleto Goes to the Beach improvisational program. The Recreation Department is planning a community-wide, end of the season event to be held in September. The Half Rubber Tournament has been scheduled for August 16 at the Recreation Center. The current focus for the Department is the summer camp that has the capacity number of youths. Councilwoman Rice reported that there was no planned meeting of July, but a meeting would be called should the need arise.

#### D. Personnel

Councilman Piening reported that the Committee was updated on the transfer of authority to Charleston County to manage Isle of Palms elections; the ordinance is on this agenda for second reading. The Committee had discussed the possibility of reducing the number of members to City Council and the procedure to accomplish that

reduction. The meeting ended with an extended Executive Session where Administrator Tucker received her annual evaluation, "which she passed with flying colors;" Councilman Piening stated that "she has done a great for the City and (City Council) appreciates everything she has done." The Personnel Committee has not scheduled a meeting for July; the next meeting will be August 5. In conclusion, Councilman Piening announced the May Safety Sweepstakes Winners as Christopher Puckhaber from the Fire Department, Sharon Baldrick from the Police Department, Charles Williams from Public Works and Benjamin Hull from the Recreation Department.

## **5. Reports from City Officers, Boards and Commissions**

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

Councilwoman Rice reported that a report from Carla Pope of the Morgan Creek Grill would become a regular part of the agenda; she had reported that one of the air conditioners had failed and that it was the third they have had to replace. The Committee decided to delay action on financial assistance until they saw the final billing for the replacement and installation. Ms. Pope also informed the Committee of the crime that has occurred at Morgan Creek Grill; in connection to that, she again pleaded with the Committee to improve the lighting in the parking lot. Ms. Pope expressed deep concern that one of the restaurant's employees would be involved in a serious incident if the lighting were not improved. To encourage the Committee to action, she volunteered for Morgan Creek Grill to pay any utility bills related to improving the lighting. The Committee charged Ms. Pope and Marina Manager Berrigan to research a temporary solution to the problem and agreed to keep the subject on the agenda until a permanent solution could be determined. In the Marina Manager's report, Mr. Berrigan also reported that the Marina Market had experienced a burglary. The Committee voted to include a gate to the face dock as part of the bid package for the bulkhead replacement. The engineers from Jon Guerry Taylor had reviewed the permitting and plans for extending the City docks; it was decided that the project was cost prohibitive at this time. A final decision was made on the handrails that will be installed along with the bulkhead replacement; they are visually compatible with the handrails at the Marina Market. There was a long discussion on the process that tenants at the marina were to follow in the future in order for their projects to be considered for financial assistance from the City. Administrator Tucker had developed a request form that would be submitted to the Real Property Advisory Committee for consideration before any work was started; if approved by Real Property, the request would be forwarded to Ways and Means and finally the full Council. Only after receiving City Council approval would the

project be undertaken. The Committee emphasized that, if a tenant were to begin work on a project before receiving the three (3) levels of approvals, the project would not be considered by the City for financial partnering. The Committee also asked the tenants to plan ahead to be able to provide their financial requests in time for the Committee to consider them for inclusion in the annual budget process. Also discussed were the Reimbursement Resolution for the bulkhead financing and the sole source contract for Jon Guerry Taylor to provide engineering oversight for the bulkhead replacement.

**6. Reports from Special or Joint Ventures**

- A. Accommodations Tax Advisory Committee – no meeting
- B. Beach Advisory Committee – no meeting

**7. Petitions Received, Referred or Disposed of - none**

**8. Bills Already in Possession of Council**

- A. Second Reading, Ordinance 2008-03 – An Ordinance Amending Title 7, Chapter 3, Beach and Marine Recreation Regulations, of the City of Isle Palms Code of Ordinances to Prohibit Abandonment of Personal Property on the Beach and Leaving the Beach in an Unsafe Condition.

Mayor Sottile reminded Council that this ordinance had been amended since First Reading; the paragraph dealing with holes and trenches has been deleted.

**MOTION: Councilman Bettelli moved amend Ordinance 2008-03 by deleting paragraph d in Section 7-3-14; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.**

**MOTION: Councilman Bettelli moved to suspend the reading of, to approve and to ratify amended Ordinance 2008-03 for Second Reading; Councilman Cronin seconded.**

Councilwoman Rice questioned the use of the brand name “Hobie-cat” in the ordinance; Administrator Tucker responded that it was simply a description that was used that everyone understood.

**Call for the Question: The motion PASSED UNANIMOUSLY.**

- B. Second Reading, 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 suspend the reading of, to approve and to ratify Ordinance 2008-06 for Second Reading; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.**

- C. Second Reading, 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.

**MOTION: Councilman Taylor moved to suspend the reading of, to approve and to ratify amended Ordinance 2008-07; Councilman Piening seconded and the motion PASSED UNANIMOUSLY.**

**9. Introduction of New Bills, Resolutions and Proclamations - None**

**10. Miscellaneous Business**

**Beach Restoration – Approval of Change Order from Weeks Marine in the Amount of \$15,240.**

Administrator Tucker stated that the City could afford this change order within the Contingency Fund for the project. She explained that, when the City was negotiating the agreements with the various project participants, the property owners, who had sandbags underneath private properties, had to get certifications from structural engineers to provide to the City stating that it was alright to move the sandbags from around the property because the City did not want its contractor removing the sandbags from underneath the property. The City did agree to mound up sand around these properties during the restoration so that, when the private property owners' contractors came to remove the sandbags from underneath their structures, their contractor could push that sand underneath the residence to replace the sandbags. This change order was for the additional sand to pile around those buildings; those sand quantities were not considered in the amounts that were going into the individual Reaches. The Administrator commented that the work had already been completed because it had to be done when they were within that Reach; therefore, she authorized the activity in accordance with the agreement the City had entered into with the private property owners.

**MOTION: Councilwoman Rice moved to approve the Change Order to Weeks Marine in the amount of \$15,240; Councilman Taylor seconded and the motion PASSED UNANIMOUSLY.**

11. **Executive Session** – Not necessary per Attorney Sottile
12. **Conclusion/Adjournment**

**MOTION: Councilman Bettelli moved to adjourn the Council meeting at 8:04 p.m.; Councilman Buckhannon seconded and the motion PASSED UNANIMOUSLY.**

Respectfully submitted:

Marie Copeland  
City Clerk