

CITY COUNCIL

7:00 p.m., Tuesday, October 27, 2009

The City Council held its regular meeting at 7:00 p.m. on Tuesday, October 27, 2009 in Council Chambers of City Hall, 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Council members Bergwerf, Bettelli, Buckhannon, Duffy, Loftus, Piening, Rice and Taylor, Mayor Cronin, City Administrator Tucker, Assistant City Attorney Halversen, Assistant to the Administrator Dziuban 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 public had been duly notified of the meeting in accordance with the Freedom of Information Act. Following a brief invocation and recitation of the Pledge of Allegiance, Clerk Copeland called the roll.

2. Reading of the Journal of Previous Meetings

MOTION: Councilman Bettelli moved to approve the minutes of the Special Joint Meeting of September 16, the Public Hearing of September 22 and the regular meeting of September 22, 2009 as submitted; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.

3. Citizens' Comments

Diane Oltorik, 50 Ocean Park Court, expressed her full support for the off-season event that has been discussed in the Accommodations Tax Advisory Committee. She noted that she was especially impressed with the promotion suggested by Carla Pope, Operations Manager of Morgan Creek Grill, that would market the island's businesses to the entire tri-county area. She acknowledged the struggles that the island's businesses endure in the off-season and asked that everyone endorse and encourage this plan.

4. Reports from Standing Committees

A. Ways and Means Committee

In the way of general comments, Councilman Taylor reported that the City has completed one-quarter ($\frac{1}{4}$) of its fiscal year and that financially it was "right on target." Several efforts were discussed for additional savings moving forward, for example reducing advertising to a minimum and the City Council's paperless efforts.

1. **MOTION: Councilman Taylor moved to award a contract to UCS for a training pit/crash pad for the Fire Department in the amount of \$2,232.42; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.**

2. **MOTION: Councilman Taylor moved to approve \$15,000 to Spoleto USA 2010; Councilwoman Rice seconded.**

Councilman Taylor noted that the Accommodations Tax Advisory Committee had approved seven thousand five hundred dollars (\$7,500) of the fifteen thousand dollars (\$15,000) requested by Spoleto. For the past years four (4) years, the City has approved support of fifteen thousand dollars (\$15,000) to support the festival.

Councilman Buckhannon commented that the City had budgeted a reduction in State Accommodations Taxes by fifteen percent (15%) while Spoleto had increased its budget by six hundred thousand dollars (\$600,000). He expressed his opinion that the City should honor its budgeting logic and award Spoleto eighty-five percent (85%) of its request, or twelve thousand seven hundred fifty dollars (\$12,750).

MOTION: Councilman Buckhannon moved to amend the motion to approve \$12,750 to Spoleto USA 2010; the motion DIED for lack of a second.

Call for the Question: The motion PASSED on a vote of 8 to 1; Councilman Buckhannon cast the “nay” vote.

3. Councilman Taylor moved to approve a sole source contract to Zambelli Fireworks in the amount of \$25,000 for the July 4th, 2010 fireworks display; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

B. Public Safety Committee

Councilman Buckhannon reported that several citizens were present at the Public Safety Committee meeting to propose extending the hours that dogs would be allowed on the island's beach without a leash. It was reported that work was continuing on the punch-list items related to the Public Safety Building. The RFP for the civil engineering services for the 41st Avenue and Palm Boulevard intersection was sent out electronically this week. The Committee did discuss the citizens' request for extending hours dogs would be allowed on the beach in the off-season and agreed that it would be beneficial to the island's residence.

MOTION: Councilman Buckhannon moved to allow dogs on the beach unleashed from 4 p.m. to 10 a.m. from September 15 to April 1; Councilman Bettelli seconded.

Councilwoman Rice expressed support stating that it was an “island friendly” action by Council.

Relative to the discussions at the Public Safety Committee, Councilman Bettelli suggested that dialogue begin on increasing the fee charged by the City for dog licenses to ten dollars (\$10.00). Councilman Buckhannon agreed to add that topic to the Public Safety Agenda for the November meeting.

Call for the Question: The motion PASSED UNANIMOUSLY.

Under “New Business,” the Committee also discussed the speed limit on Palm Boulevard from 41st Avenue as well as the need for a crosswalk on Palm at 43rd Avenue.

MOTION: Councilman Buckhannon moved to authorize the City Administrator to pursue the installation of a crosswalk on Palm Boulevard at 43rd Avenue; Councilman Loftus seconded.

Councilwoman Rice questioned the selection of 43rd Avenue over 42nd Avenue; Councilman Taylor explained that, at 43rd a cut through into the Wildwood area existed that fed sixty to one hundred (60-100) residences.

Mayor Cronin suggested that the Council consider adding other crosswalks further north on the island.

Call for the Question: The motion PASSED UNANIMOUSLY.

The speed limits on Palm Boulevard are confusing from 41st Avenue to 57th Avenue. On one (1) side only, there is an area indicating that the speed limit is 35 mph yet the speed limit is 30 mph for the other side and the balance of Palm to 41st Avenue. The desire is to make the speed limit consistent at 30 mph on Palm Boulevard from 41st Avenue to the end.

MOTION: Councilman Buckhannon moved reduce the speed limit on Palm Boulevard to 30 mph from 41st Avenue to 47th Avenue; Councilman Taylor seconded.

Councilman Taylor pointed out that, according to state law, the speed limit is 30 mph on residential streets unless otherwise posted; he also stated that this stretch of road is not a part of the state highway system.

Councilman Loftus voiced that he could not support this motion and asked that it be withdrawn; he expressed his opinion that the Public Safety Committee should invest more time to study this proposal before Council takes any action on it. He stated that he had learned from his discussions with residents of the north end of the island that they were more supportive of a consistent speed limit of 35 mph from one end of the island to the other.

Councilman Duffy stated agreement with Councilman Loftus. He asked if there were other residential streets with a speed limit of 30 mph; he expressed his understanding that the majority of the residential streets had a speed limit of 25 mph.

Councilman Buckhannon reported that the speed limit on Waterway Boulevard and on Cameron Boulevard between 30th and 41st Avenue is 25 mph; he commented that all other side streets and numbered streets are 25 mph.

Discussion continued briefly related to the manner in which Palm Boulevard was removed from state jurisdiction beginning at 41st Avenue and further recounting the negotiations with the original Isle of Palms Beach and Racquet Club. There was also brief debate about whether this section of Palm Boulevard could be considered to be residential.

Call for the Question: The motion PASSED on a vote of 8 to 1; Councilman Loftus cast the "nay" vote.

In closing, Councilman Buckhannon recognized efforts by Engineers Puckhaber, Lawrence and Everett in acquiring a one thousand dollar (\$1,000) grant from WalMart to purchase CPR equipment.

C. Public Works Committee

Chairman Bettelli reported that the Public Works personnel had cleaned the primary beach access paths and the Front Beach public restrooms in September. Director Pitts has learned of the need to use additives with ethanol fuel, especially in small tools, as the alcohol tends to corrode the hoses. Dave Stevens of Civil Site Engineering is redrawing parts of his plans for the 54th-57th drainage project pursuant to a request from Lowe Wild Dune investors. The sidewalk along 21st Avenue is in the process of being repaired as was requested via petition by the residents of the street. Councilman Bettelli announced that the City had received transportation sales taxes funds for improvements to the drainage at Lauden Street between 30th and 31st Avenues. The crosswalks on Cameron Boulevard have been cleaned up and, at least, one has been remarked.

Mayor Cronin reminded Council that the bid opening for three (3) trash pumps would be held at 2 p.m., Wednesday, October 28, 2009.

D. Recreation Committee

Councilwoman Rice reported that the fall activities are in full swing. The Connector Run on October 3 attracted more than fourteen hundred (1400+) participants; it continues to draw more runners every year. The annual Halloween Carnival will begin at 5 p.m. Saturday, October 31, and "Meet the Candidates" will be at the Recreation Center at 7 p.m. on Wednesday, October 28, 2009.

E. Personnel Committee

Although the Personnel Committee did not hold a regular meeting in October, Councilman Piening reported that the Committee had met to interview new candidates for board and commissions; the final interview will be Thursday, October 29.

He announced the following employees as winners of the September Safety Sweepstakes:

Recreation – Shelia Redmon
Public Works – Russell Roper

Fire Department – Victor Lawrence
Police Department – Tracey Marks

E. Real Property Committee

Mayor Cronin stated that the Committee meeting had been brief. Marina Manager Berrigan reported that business has been very slow and that the month of September was the worst he has experienced as marina manager. The permit for sand fencing has been applied for, and, once it is received, work is expected to begin. The management at Morgan Creek Grill presented a brief review of the changes it was seeking through the renegotiation of its lease; the Committee set a Special Meeting for October 23 to discuss the lease renegotiation.

Motion: Councilman Taylor moved to suspend the rules to allow for the discussion of the Real Property Special Meeting of October 23 in Executive Session at the end of the meeting; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

5. Reports from City Officers, Boards and Commissions

- A. Accommodations Tax Advisory Committee** – minutes attached
- B. Board of Zoning Appeals** – no meeting in October
- C. Planning Commission** – minutes attached

6. Reports from Special or Joint Committees

7. Petitions Received, Referred or Disposed of

Report on 21st Avenue Sidewalk Repair – Mayor Cronin reported that the City had made requests for the sidewalk repairs as far back as June of this year, and they have been at work a couple of weeks.

8. Bills Already in Possession of Council

- A. Second Reading of Ordinance 2009-14** – An Ordinance Amending Title 5, Chapter 4, Article 9, Section 5-4-205 of the City of Isle of Palms Code of Ordinances to Specify the Location for and Manner of Placement of the Written Notice Required to be Conspicuously Located in all Short-term Residential Rental Dwellings and to Prohibit the Removal, Destruction or Obstruction of such Notice.

Administrator Tucker read the ordinance into the minutes.

MOTION: Councilman Loftus moved to approve Ordinance 2009-14 for Second Reading; Councilwoman Bergwerf seconded.

Councilman Bettelli commented that the existing ordinance states that the short-term rental placard be placed in a conspicuous location inside the residence; therefore, he questioned the value of mandating that the placard be placed fifteen feet (15 ft) from the main entrance. By mandating the distance, he asked if police officers were now going to be required to have tape measures as part of their gear to ensure adherence to the ordinance.

Councilman Loftus agreed that the original intent had been to require the short-term rental placard be placed on the refrigerator of a unit, but, based on the City Attorney's recommendation, the decision was made to have the signage permanently affixed to the wall fifteen feet (15 ft) from the main entrance. He noted that the purpose of the amendment was to ensure the renter's knowledge of the City's laws relative the noise ordinance, thereby giving them fair warning of the consequences of violations.

Councilman Duffy voiced his opinion that the most important component of the amendment was the prohibition of removal and destruction of the placard, which was not part of the original ordinance; for him, the measurement was not significant as long as the sign was conspicuously displayed.

Amendment: Councilman Bettelli moved to amend the original motion to delete the words “located within fifteen (15) feet from the main entrance to the residence;” Councilman Taylor seconded. On a roll call vote the ordinance FAILED on a vote of 4 to 5; Council members Bergwerf, Duffy, Loftus and Taylor and Mayor Cronin cast “nay” votes.

Councilwoman Rice said she could not support dictating the placement of the placard because she thought it was entirely too much government involvement; she also expressed her opinion that the signage should be redone to be more positive and more welcoming to the visitors to the island. Councilwoman Rice concluded that she did not see this amendment as a solution to any of the island’s problems.

Councilwoman Bergwerf stated that making the placard friendlier was immaterial to the goal of this amendment, but the consistent placement within short-term rental units did make sense.

Councilman Taylor pointed out that it was very possible that, once the renters made their initial entry into the residence on the first day, they were very likely not to pass through the main entrance again until they left; therefore, the objective of keeping the regulations before the renter would not be attained. Councilman Taylor stated that he saw the issue as one of making the island friendlier for residents and visitors, not the location of a sign.

Councilman Taylor saw another issue with the required short-term rental signage, i.e. the assignment by the City of the maximum occupancy of any unit based on a formula of one (1) person per two hundred fifty (250) square feet of heated space to a maximum of forty (40). On a sidebar, he stated that, in his opinion, Council should determine how the system is working currently and what it can do to make it work better. Therefore, Councilman Taylor stated that he will make another motion related to the short-term rental issue regarding the maximum occupancy in a unit; he noted that many property owners do not want as many people in their rental residence as the City’s formula allows, i.e. one (1) person for every two hundred fifty (250) square feet of heated space to a maximum of forty (40) people. He suggested an amendment to section 5-4-201 adding language like “or any lesser number as determined by the property owner;” otherwise the City is mandating a sign to be placed in a short-term rental unit fifteen (15) feet from the main entrance indicating a number higher than the number the property owner or management company want in that unit.

Call for the Question: The motion to approve Ordinance 2009-14 for Second Reading PASSED on a roll call vote of 5 to 4 with Council members Bettelli, Buckhannon, Rice and Taylor casting the dissenting votes.

MOTION: Councilman Taylor moved to amend Section 5-4-202, Maximum Occupancy, to add Item 4 to read “Any lesser amount as determined by the property owner;” Councilman Bettelli seconded.

Councilman Taylor commented that this motion would start the amendment process and the calling of another public hearing.

Mayor Cronin agreed that it was a reasonable suggestion and that it should be forwarded to the Planning Commission for study and a recommendation.

Councilman Duffy stated that property owners, under their property rights, have the right to limit the occupancy in the short-term rental properties they own.

Councilman Taylor observed that the Council had just approved the placement of the City-generated signage that specifies by address the size and the maximum occupancy by both persons and vehicles allowed in the unit based on the City's mandated calculations. He stated the point was that the City's sign might indicate maximum occupancy at eighteen (18) persons, but the property owner will only allow twelve (12) persons; the City is creating confusion for the rental agent/property owner by demanding the placement of a sign that contradicts direction of the property owner.

Call for the Question: The motion PASSED on a vote of 8 to 1; Councilman Loftus cast the "nay" vote.

B. Second Reading of Ordinance 2009-15 – An Ordinance Authorizing the Leasing of the Isle of Palms City Marina and the Front Beach Parking Lots.

Administrator Tucker read the Ordinance into the minutes of the meeting.

MOTION: Councilman Taylor moved to approve Ordinance 2009-15 for Second Reading; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

9. Introduction of New Bills, Resolutions and Proclamations

A. Resolution Authorizing and Directing the Permanent Elimination of the Intersection of Cameron Boulevard and Forty-first Avenue.

Mayor Cronin noted that this was the legal action required for the permanent elimination of the intersection of Cameron Boulevard and 41st Avenue. He asked Administrator Tucker to read the resolution into the minutes of the meeting.

MOTION: Councilman Loftus moved to adopt the resolution as read; Councilwoman Bergwerf seconded.

Councilman Taylor noted that the RFP for the civil engineering for this project had been made available to interested parties only this week; therefore, at this point, the City did not know what those costs were going to be and could not know what the cost of completing this project was going to be. As a result, he thought proceeding with the closure of Cameron Boulevard was premature.

Councilwoman Rice remarked that she could not support this action because she did not see the benefit to the traffic flow on the island to the changes at this intersection.

Call for the Question: The motion PASSED on a vote of 7 to 2; Council members Rice and Taylor voted against the motion.

B. First Reading, by title only, of Ordinance 2009-16 – An Ordinance Amending Title 6, Chapter 2, Article B, Dogs, Section 6-2-15(a) of the City of Isle of Palms Code of Ordinances, Changing the Hours During Which a Dog is Allowed on the Beach Without a Leash.

MOTION: Councilman Bettelli moved to approve Ordinance 2009-16 for First Reading, by title only; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

10. Miscellaneous Business

Mayor Cronin reported that the Ben Sawyer Bridge has been slated to be closed to vehicular traffic for seven (7) days during the period November 11 to November 21, but the IntraCoastal Waterway will be closed the entire ten (10) days. Responding to Councilwoman Bergwerf's concerns, Administrator Tucker stated that it was the contractor's responsibility to put out signage to inform drivers of the bridge's closure. Councilman Loftus expressed his concerns over traffic management at Rifle Range Road; Administrator Tucker related that she and the City Administrators of Sullivan's Island and Mount Pleasant are coordinating with the contractor to respond to the potential traffic issues.

Mayor Cronin announced that there would be a temporary road closure at Cross Lane on Sunday, November 1 for a block party.

The Mayor read into the record a letter of congratulations to Whitaker Grey Gowder, the nephew of Dee Taylor and grandson of Guy Taylor, who has achieved the rank of Eagle Scout; on behalf of the City, Mr. Gowder was, also, presented with the Key to the City. (A copy of the letter is attached to the historical record of the meeting.)

11. Executive Session

MOTION: Councilman Taylor moved to go into Executive Session at 8:03 p.m. to discuss contractual matters; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Council reconvened in regular session at 8:32 p.m.; Mayor Cronin announced that the Council had taken neither actions nor a vote in Executive Session.

MOTION: Councilman Buckhannon moved to authorize the City Administrator to work with the City Attorney to continue to negotiate a lease with Morgan Creek Grill based on the recommendations from the Real Property Committee Special Meeting of October 23, 2009; Councilwoman Rice seconded and the motion PASSED UNANIMOUSLY.

12. Adjourn

MOTION: Councilman Taylor moved to adjourn the meeting at 8:35 p.m.; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

Respectfully submitted

Marie Copeland
City Clerk