

## CITY COUNCIL MEETING

7:00 p.m., Tuesday, July 28, 2009

The regular meeting of the City Council was held at 7:00 p.m., Tuesday, July 28, 2009, in Council Chambers of City Hall located at 1207 Palm Boulevard, Isle of Palms, South Carolina. Attending the meeting were Council members Bergwerf, Bettelli, Duffy, Loftus and Piening, Mayor Cronin, City Administrator Tucker, Assistant to the Administrator Dziuban, Assistant City Attorney Halversen and City Clerk Copeland. The absences of Council members Buckhannon, Rice and Taylor were excused, but there was a quorum present to conduct business.

1. Mayor Cronin called the meeting to order and acknowledged that the press and the public had been duly notified of the meeting in accordance with the Freedom of Information Act. The Pledge of Allegiance was preceded by a brief invocation offered by Mayor Cronin; the City Clerk then called the roll.

### 2. Approval of Previous Meeting's Minutes

**MOTION: Councilman Loftus moved to approve the minutes of the regular meeting of June 23, 2009 as submitted; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.**

### 3. Citizens' Comments

Mayor Cronin asked Kellen Correia with the Friends of the *Hunley* to come forward pursuant to a request to film on the beach in August; the film crew will be from Half Yard Productions LLC. Ms. Correia explained that Half Yard Productions is based in Bethesda, Maryland, and a representative was unable to attend tonight's meeting; she stated that she had worked with Friends of the *Hunley* for nine (9) years. Half Yard Productions plans to film a two (2) hour documentary through *National Geographic* on the *Hunley* project; the documentary will air in November 2010. Half Yard Productions is requesting to film an interview at Breach Inlet with the man who found the *Hunley* in May 1995; the filming will take place on Thursday, August 13, weather permitting, beginning around 7:30 a.m. and running about six (6) hours. The film crew will be composed of four (4) people along with the interviewee and Ms. Correia; the filming will not involve private property.

Mayor Cronin asked how the crew would access the beach; Ms. Correia responded that she had not been on the scouting trip to Breach Inlet with Half Yard Productions.

When Mayor Cronin asked if the production company would bring in trucks, Ms. Correia stated that they would have handheld equipment similar to that of a television news crew.

**MOTION: Councilman Loftus moved to approve the request for Half Yard Productions to film at Breach Inlet as a City-sponsored event; Councilwoman Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

Mayor Cronin cautioned Ms. Correia to coordinate with the Police Department and with the City Administrator to work out the details of the project; he added that Half Yard Productions must have the appropriate insurance.

#### 4. Reports from Standing Committees

At this juncture, Mayor Cronin asked for a motion to move Item 5B forward to this position on the *Agenda*.

**MOTION: Councilman Bettelli moved to bring Item 5B, Review of Changes Recommended by the Planning Commission to the Comprehensive Plan, forward to this position on the *Agenda*; Councilwoman Bergwerf seconded and the motion PASSED UNANIMOUSLY.**

Mayor Cronin commented that the document included in meeting packets was a revision of the Comprehensive Plan that was first issued in 2004. He stated that the revisions will not be approved at this meeting because changes to the Comprehensive Plan must be approved via passage of an ordinance and there must be a Public Hearing, as well.

Mayor Cronin invited Ron Denton, Chairman of the Planning Commission, to the podium to explain the changes that the Planning Commission was recommending. Mr. Denton prefaced the changes by explaining the purpose of a comprehensive plan as follows: a comprehensive plan is intended to document the history and development of the island, to identify the community's problems and needs and to articulate a vision for future. The plan is intended to guide future decision-making in matters affecting the physical, social and economic growth, development and re-development of the community. The plan is not a final product, but part of a continuing planning process that should be updated and revised as new information becomes available or new problems or needs arise.

One (1) of the reasons that the Planning Commission was forced to review the City's Plan was that the State added two (2) additional elements to the seven (7) that originally comprised a comprehensive plan: population, economy, natural resources, cultural resources, community facilities, housing and land use; the additions are transportation, which had been included in community facilities, and priority investment.

Mr. Denton remarked that the state law requires a review of the Comprehensive Plan every five (5) years and an update every ten (10) years. The Planning Commission decided that the City's vision statement was an excellent qualifier about whether to review or update, and it states

"Isle of Palms has developed into a premier barrier island residential community with a variety of housing styles, commercial uses and recreational facilities. Despite the extensive development of the island, the natural resources that make Isle of Palms such a wonderful place to live and visit remain intact and in good condition. Measures that will enhance the existing character of the island as a quality place to live and protect the environment both on and around the island must be taken to guide development and preserve the quality of live for generations to come."

Based on the Planning Commission's reading of the Vision Statement, the Commission determined that a review of the Comprehensive Plan with the addition of the two (2) new elements was appropriate based on the subjective nature of the existing plan.

Mr. Denton informed City Council that, included in the new chapter on transportation, were adjusted traffic counts obtained from the City; traffic counts assist in determining peak activities, and factor in decision regarding moving to the island or opening a business on the island

In the Priority Investment Chapter, the goal was to get communities to communicate with their neighboring communities when major infrastructure decisions are made - for instance, the possible impact of the state's widening Highway 17 or the possibility of sharing capital funds for a mutually beneficial project, i.e. a water treatment plant. In addition, Mr. Denton noted that the Planning Commission added certain infrastructure elements that were desirable to achieve on the Isle of Palms; they involve providing more public sewer, drainage improvements, underground electrical service, road improvements and more bicycle lanes.

The red-lined copies of the Comprehensive Plan provided to City Council clearly indicate additions, deletions and grammatical corrections; the revised Plan has been reviewed by an attorney. Mr. Denton noted that there have been five (5) major adjustments to the Plan as a result of the Planning Commission's review; they are as follows:

- 1) The need for a Parking Management Study;
- 2) The description of erosion was re-worded to handle future beach erosion management;
- 3) The addition of informational traffic charts;
- 4) Clarification of the language related to the Planned Development District (PDD) with Wild Dunes; and
- 5) The addition of information related to the stormwater management plan and the NPDES.

Mayor Cronin thanked the members of the Planning Commission for their dedication to the City and their hard work on this project.

In response to Councilman Piening's question regarding the process for approval of the plan from this point, Mayor Cronin stated that he wanted to members of Council to read the Plan and compile a list of questions related to it. The topic of the Comprehensive Plan will be on the Council's agenda next month for discussion, but, if anyone has significant questions, Mayor Cronin asked that they be sent to him. Should there be a sufficient volume of questions, a special meeting will be set with the Planning Commission for a thorough discussion.

Councilman Duffy asked about the Zoning Maps that were not included in the appendices; Director Kerr stated that, since there were no changes in the zoning maps, they had not been included. Assistant Dziuban confirmed that the Comprehensive Plan was on the City's website with the zoning maps.

Councilman Loftus took the opportunity to ask Mr. Denton to expand on his calculations for livability offenses attributed to rental property on the island as detailed in a letter previously sent to Council by the Planning Commission. Mr. Denton stated that he had gotten statistics from the Police Department when the Planning Commission was originally asked to look into livability

issues, primarily noise, related to rental properties on the island; when asked to check his numbers, he got more updated data from Chief Buckhannon. When he performed his calculations, he came to the same result, i.e. 0.2% probability of there being a noise complaint on any given night.

Councilman Duffy asked if Mr. Denton had taken into consideration segregating the commercial area, including Wild Dunes, from the residential area since the residential is where the majority of complaints seem to be originating; Councilman Duffy expressed his opinion that Mr. Denton's calculations were skewed by including the entire island. Mr. Denton agreed that Councilman Duffy made a good point and stated that he will revise his calculations based on that input.

Councilman Piening asked if Mr. Denton had confidence in the information the Police Department had provided on livability offenses on the island; the Councilman added that residents had told him that they had called to follow-up on complaints only to be told there was no record of it.

Mr. Denton confirmed that he had gotten the numbers from the City's Police Department; he commented that he was confident that the current data was more accurate than data gathered a few years ago at the beginning of the livability initiative. He noted that concerns were voiced in Commission meetings about the data, but it is the only data available.

Mayor Cronin commented that the data is getting better; he was confident that any call that had come in over the past two (2) years had been recorded.

Councilwoman Bergwerf noted that the Planning Commission had sent a letter to City Council stating that they did not see any reason to revise the short-term rental ordinance based on the information they had reviewed. She asked Mayor Cronin if City Council would be given an opportunity to discuss the letter; Mayor Cronin agreed to place the subject on the Council agenda for August.

#### **4. Reports from Standing Committees**

##### **A. Ways and Means**

In Councilman Taylor's absence, Mayor Cronin provided the report of the meeting held on Tuesday, July 21, 2009. The Mayor stated that Treasurer Suggs had delivered a detailed financial report on the un-audited June 30, 2009 year-end fund balances; based on preliminary calculations, the City anticipates a surplus of approximately three hundred twenty-two thousand dollars (\$322,000) in the General Fund. The Mayor took a moment to acknowledge the cost-saving efforts of Administrator Tucker and the entire City staff to allow for the surplus. On the subject of the anticipated surplus, the Committee discussed the possible uses for those funds; the consensus of the Committee was to eliminate the millage increase proposed for 2010 assuming that the Charleston County assessment has not changed materially. Suggested uses for any remaining surplus were to shore up other funds, and, if possible, increase the Disaster Recovery Fund, which the City has not done in recent years; there is also the dredging of the marina that is to take place next year. Under *New Business*, the Committee considered architectural/engineering proposals for the City Hall, but the Committee decided to request

additional proposals and to make a decision at the August meeting. The Committee also discussed advertising in the local newspapers; the work is continuing on that topic. The next meeting of the Ways and Means Committee is 5:45 p.m, Tuesday, August 18.

**1. MOTION: Mayor Cronin moved to approve Change Order #12 to Mashburn Construction in the amount of \$10,000 for the implementation of the 911 System; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.**

**2. MOTION: Mayor Cronin moved to award the financing for the new pumper fire truck to BB&T Governmental Financing at a rate of 3.89% for an annual payment of \$40,383.06; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.**

**B. Public Safety Committee**

In the absence of Councilman Buckhannon, Councilman Bettelli provided the report of the meeting that was held at 4 p.m. on Tuesday, July 7; he stated that quite a few residents were present for *Citizens' Comments*. All but one (1) person made favorable comments on the intersection of 41<sup>st</sup> Avenue and Palm Boulevard.

**MOTION: Councilman Bettelli moved to request of the South Carolina Department of Transportation to make the 41<sup>st</sup> Avenue and Palm Boulevard intersection demonstration project permanent and to close permanently Cameron Boulevard at 41<sup>st</sup> Avenue; Councilman Loftus seconded.**

Councilman Piening recognized Noel Scott for his efforts to get citizens' support for this project; Councilman Piening expressed his opinion that Mr. Scott's efforts were a great example of what happens "when a concerned citizen gets involved with something he is passionate about and gets real change to occur."

Councilman Bettelli stated that this action would make the intersection safer because the STOP sign on 41<sup>st</sup> Avenue coming from the marina will be moved closer to the actual 41<sup>st</sup> Avenue turn, thereby increasing visibility.

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

Councilman Bettelli reported that the Fire Department has moved into their portion of the Public Safety Building, and the Police Department anticipates moving in on Monday, August 3.

The two (2) hour parking signs requested for 25<sup>th</sup> Avenue off Waterway have been installed.

The Police Department's monthly report related a lightning strike to City Hall that knocked out a server and the 911 service; while the 911 system was inoperable, calls were routed through Mount Pleasant.

Chief Graham informed Public Safety that the public safety officials east of the Cooper have formed a user's group/advisory board to work with Charleston County in an effort to resolve issues they are experiencing with the digital radios.

For the July 4<sup>th</sup> weekend, the traffic was heavy, and Friday was the heaviest traffic day of the weekend. Had it not been for two (2) accidents on the Connector, the traffic following the fireworks would have been off the island by 10:30 p.m., but it turned out to be midnight.

The Public Safety Committee's next meeting will be at 5 p.m. on Tuesday, August 12 in the new Public Safety Building.

**C. Public Works Committee**

The Committee met at 4 p.m. on Tuesday, July 7 in the Public Works Building.

There was a discussion on the tremendous volume of trash generated over the July 4<sup>th</sup> weekend and the efforts by the Public Works Department and Schupp Enterprises to keep up with it, as well as ways to combat trash issues on the beach. Director Pitts reported that additional and replacement trash barrels had been placed on the beach painted with turtles; Councilman Bettelli thanked those involved in the painting. Councilman Bettelli informed the Committee that a new system has been implemented to deal with tents, chairs, etc. left on the beach overnight; it is being utilized by both the Police and Public Works Departments and appears to be working well. Investigation proved that the City does own 18<sup>th</sup> Avenue; therefore, the City Administrator has requested that Charleston County pave it. It was reported that the beach monitoring results for May and June were satisfactory. Councilman Bettelli thanked the Recreation Department for mowing some of the beach access paths in preparation for July 4<sup>th</sup>.

The next meeting will be held at 4:00 p.m. on Tuesday, August 11 in the Public Works Building.

**D. Recreation Committee** – did not meet in July.

**E. Personnel Committee**

The Personnel Committee also did not meet in July, but Councilman Piening read aloud the recommendation written by Lieutenant Wright for Pfc. Sharon Baldrick as Employee of the Month; the memo recounted her apprehension of a burglary suspect before he could leave the island and when Officer Baldrick while off-duty.

Councilman Piening announced the June Safety Sweepstakes winners as

General Government-Debbie Suggs  
Public Works-Bernard Gourdine

Fire Department-Shaun Gadsden  
Police Department-Stephen Hicks

**F. Real Property Committee**

The Real Property Committee met at 8 a.m. on Wednesday, July 8 in Council Chambers. The first order of business was the Marina Manager's report that informed the Committee that the

electrical and fuel lines have been replaced; the work came in eleven thousand dollars (\$11,000) under budget. Complimentary valet service is available at the marina; valets will get your boat in the water in record time, park your vehicle and trailer and load your boat when you are ready to leave the marina. The City Administrator has contacted Misener Marine to examine the dock closest to the restaurant that is twisted at low tide; the damage appears to have occurred when the dock was moved for the construction of the new bulkhead. The financial information provided by the Marina Manager indicates that, generally, business has been down. Morgan Creek Grill reported that they had their best day ever on Friday, July 3<sup>rd</sup>, but they, too, are seeing a downturn from 2008. Morgan Creek Grill is also pursuing complimentary valet service for their patrons. In a review of the Beach Restoration Project, there was a discussion of additional sand fencing in the area of Grand Pavilion; there is on-going discussion between the stakeholders, the engineers and the City Administration. The results of those discussions are expected at the August Real Property meeting. The operators of the kayak hut have decided to continue business at the present location and, after a thorough review of their business in the off-season, make whatever changes they deem necessary for the 2010 season. The RFP for marina management has closed, and two (2) bids are under review by the staff for presentation at the August meeting.

The next meeting of the Real Property Committee is scheduled for 8:30 a.m., Tuesday, August 4 in Council Chambers.

Mayor Cronin stated that had it not been for the employees of both Sullivan's Island and the Isle of Palms there would have been little to no attendance at the Disaster Preparedness Expo; he commented that residents' attendance was very low. Since the 2010 Expo will be Isle of Palms at the Public Safety Building, he anticipated a strong campaign to garner the interest of the citizens of the two (2) islands.

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

- A. **Board of Zoning Appeals** – did not meet in July
- B. **Planning Commission** – presented earlier in the meeting

**6. Reports from Special or Joint Committees - none**

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

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

**Second Reading of Ordinance 2009-11 – An Ordinance Amending Title 7, Chapter 3, Beach and Marine Regulations, of the City of Isle of Palms, South Carolina Code of Ordinances to Prohibit Abandonment of Personal Property on the Beach and Leaving the Beach in an Unsafe Condition.**

**MOTION: Councilman Bettelli moved to suspend with the reading of and to approve Second Reading of Ordinance 2009-11; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.**

Mayor Cronin read the changes to the ordinance as “any personal property, except ‘Hobie cat’ style sailboats or permanently affixed poles supporting volley ball nets existing on the date of adoption of this Section, left unattended on the beach after sunset shall be deemed abandoned and subject to disposal by the City.”

Mayor Cronin commented that this change means that the volleyball poles at the Windjammer are now permitted by ordinance to remain, and this is an excellent conclusion to an unintended consequence of a good decision to clean the beach of the debris left by beach-goers.

**9. Introduction of New Bills, Resolutions and Proclamations**

**10. Miscellaneous Business**

Mayor Cronin informed the Council that he had met with the management of the new radio station WIOP, operating out of Mount Pleasant; in the course of the meeting, the Mayor learned that every radio station must designate a city of license in order to get an FCC license. The City of Isle of Palms is the city of license for WIOP, which means that the radio station is there to help the City in any public service way in which the City and the station can agree. The Mayor asked that anyone with ideas on utilization of the service contact him or the City Administrator.

Mayor Cronin announced important dates for the November 3<sup>rd</sup> municipal election at which time there will be (4) seats on City Council and the Mayor’s seat to be filled. The dates mentioned are as follows:

Sunday, August 2	1 <sup>st</sup> public notice of the election
Monday, August 17, noon	Candidate packets available
Friday, August 28, noon	All Petitions must be filed
Tuesday, November 3	Election

**11. Executive Session - none**

**12. Adjourn**

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

Respectfully submitted:

Marie Copeland  
City Clerk