

CITY COUNCIL MEETING
7:00 p.m., Tuesday, August 26, 2008

The regular meeting of the City Council was held at 7:00 p.m. on Tuesday, August 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 Attorney Sottile, Assistant to the Administrator Dziuban and City Clerk Copeland. There was a quorum present to conduct business.

Mayor Sottile offered the invocation that was followed by the Pledge of Allegiance to the Flag and the roll call by the Clerk.

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.

2. **Appointments and Administration of Oath to New Employees**

MOTION: Councilman Bettelli moved to approve the appointment of Kira Smith; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.

Mayor Sottile then administered the Employee Oath to Ms. Smith and welcomed her to the City of Isle of Palms; he related that she had been a dispatcher with the Dorchester County Sheriff's Department.

3. **Reading of the Journal of Previous Meetings:**

MOTION: Councilwoman Rice moved to approve the minutes of the regular Council meeting of July 22, 2008 and the Special Council Meeting of August 11, 2008 as submitted; Councilman Cronin seconded and the motion PASSED UNANIMOUSLY.

4. **Citizens' Comments:**

There were twenty-two (22) persons who signed up to speak during this period; all of the comments were related to the smoke-free workplace ordinance that would have first reading at this meeting.

The persons who support passage of the ordinance were as follows:

Cheryl Burns, 915 Carolina Avenue, Isle of Palms
Allison Tysinger, 2086 Country Manor Drive, Mount Pleasant
Dr. Matthew Carpenter, 448 Jordinaire Walk, Mount Pleasant

Sandy Boyd, Isle of Palms
Nancy Mackey, 8 Sand Dollar Drive, Isle of Palms
Donna Webb, 4 Duck Lane, Isle of Palms
Lydia Moustaffa, Forest Trail, Isle of Palms
Joanna Harper, 3612 Waterway Boulevard, Isle of Palms
Matt Thiesing, 5 Sand Dollar Dr., Isle of Palms
David Spaulding, 6 Nineteenth Avenue, Isle of Palms

These people had similar themes that included the proven harm caused by secondhand smoke; the fact that the Surgeon General's report that alerted people to the health hazards related to secondhand smoke was a compilation of dozens of studies; ventilation systems used to remove smoke from bars and restaurants do not work and hospitality workers should not be forced to inhale secondhand smoke in order to retain their jobs. Dr. Carpenter, employed at the Hollings Cancer Center in the Cancer Prevention and Control program, brought a graph depicting the improvement in air quality in bars and restaurants in Charleston and Mount Pleasant since no-smoking ordinances were passed. The graph indicated that in North Charleston, that has not passed a no-smoking ordinance, patrons to bars and restaurants experience air pollution greater than three times the current Environmental Protection Agency standards. The American Cancer Society, the American Heart Association, the World Health Organization, the National Institute of Health, the March of Dimes, the American Lung Association and the Center for Disease Control and Prevention all agree that secondhand smoke causes cancer.

Persons who spoke in opposition to the no-smoking ordinance were as follows:

Jimmy Ward, 2207 Hartnett, Isle of Palms
Bobby Simmons, part owner of Acme Cantina, Isle of Palms
Wesley Russell, 2301 Palm Boulevard, Isle of Palms
Adam Clifford, 715 Carolina, Isle of Palms
Frank Everitt, Shem Drive, Mount Pleasant
Jeff Lopatka, 2 Dolphin Row, Isle of Palms
Roger Tulley, part owner of Acme Cantina, Isle of Palms
Lee Connelly, Mount Pleasant
Laura McMaster, 2801 Palm Boulevard, Isle of Palms
Phil Bethards, 404 Ocean Boulevard, Isle of Palms
Amy Porter, Mount Pleasant

Common themes expressed by the persons opposed to the ordinance were that the ordinance would be an infringement on the rights of business owners; no-smoking ordinances cause bars and restaurants to lose business and, sometimes, go out of business all together; employees of the few businesses on the island that allow smoking – a segment of the population the ordinance would protect – were never consulted

about their feelings about working in smoking environments; and support for the ordinance was a vote against a citizen's right to choose.

Based on the interest shown by the residents and business community, Mayor Sottile asked to alter the order of the Agenda to have first reading of Ordinance 2008-08, An Ordinance Prohibiting Smoking in the Workplace, at this time.

MOTION: Councilman Taylor moved to rearrange the Agenda to insert item 10A at this point in the meeting; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

10. A. First Reading – Ordinance 2008-08, An Ordinance Prohibiting Smoking in the Workplace

Mayor Sottile recounted that the City Council, in a work session on August 11, 2008, had asked that the City Attorney draft an ordinance to ban smoking in the workplace, which was done. Rather than discuss/debate the ordinance at this meeting, Mayor Sottile proposed referring the ordinance to another Council work session, prior to the September Council meeting, dedicated to that purpose.

MOTION: Councilman Cronin moved to approve Ordinance 2008-08, An Ordinance Prohibiting Smoking in the Workplace, for First Reading as submitted; Councilwoman Rice seconded. The motion PASSED on a vote of 5 to 4; Council members Bettelli, Buckhannon and Taylor and Mayor Sottile voted against the motion.

5. Reports from Standing Committees

A. Ways and Means Committee

Councilman Taylor reported that there had been considerable discussion at the meeting related to the marina and the tenants' leases; he stated that the members of Council had been provided a copy of one (1) of these leases to study as the tenants' leases are expiring in coming months.

1. Real Property Advisory Committee

a. MOTION: Councilman Taylor moved to reimburse Morgan Creek Grill \$1,318.54 for lighting improvements to the parking lot; Councilman Cronin seconded.

Councilman Taylor reported that this expense was to place lighting in a corner space of the marina where there had once been a building. When the building was removed, the space became parking for Morgan Creek Grill employees; the lighting was installed primarily as a safety precaution for the employees as they depart the marina very late at night.

Call for the Question: The motion PASSED on a vote of 6 to 3; Councilmen Buckhannon and Loftus and Mayor Sottile voted against the motion.

b. MOTION: Councilman Taylor moved to grant extensions of sixty (60) days to the leases of Marina Joint Ventures and TidalWave Water Sports; Councilman Cronin seconded.

Councilman Taylor stated that the extension would carry the leases through November 30, 2008 and give the Administrator the time to compile RFPs, to renegotiate or to renew the leases.

Call for the Question: The motion PASSED UNANIMOUSLY.

c. MOTION: Councilman Taylor moved to reimburse up to \$2,500 each to Morgan Creek Grill and Marina Market for expenses related to cleanup underneath the buildings to enable the City to obtain a termite bond; Councilman Cronin seconded.

Councilman Taylor reported that this motion had passed the Ways and Means Committee on a vote of 5 to 4. Councilman Buckhannon commented to both items a and c as items that are included in the triple net leases that each entity has with the City. The businesses continue to come to the City for reimbursement of expenses that actually are their responsibility according to their leases, and the City has, on many occasions in the past, reimbursed them.

Councilwoman Rice explained that this cleanup was requested by the City to maintain the City's termite bond on the buildings with the indication that the City would reimburse them, rather than the City contracting to have the work done for them. She added that the businesses would not be given \$2500 each, but would be reimbursed up to \$2500.

Call for the Question: The motion was DEFEATED on a vote of 6 to 3; Council members Bettelli, Buckhannon, Loftus, Piening and Taylor and Mayor Sottile voted against the motion.

2. Public Safety Committee

MOTION: Councilman Taylor moved to approve the change order from Mashburn Construction Company for mobile fencing in the amount of \$5,306.35; Councilman Bettelli seconded the motion.

Councilman Bettelli explained that this change order for the Public Safety Building was the result of a request from the City to provide the flexibility for parking in the City lots.

Call for the Question: The motion PASSED UNANIMOUSLY.

3. Public Works Committee

MOTION: Councilman Taylor moved to approve up to \$16,000 for drainage repairs and resurfacing of Cross Lane by sole source contractor Sanders Brothers; the motion was seconded by Council Bettelli.

Councilman Bettelli reported that there was silting in the pipe under Cross Lane leading to the main watershed for the area. In addition, the City has the opportunity to have the work done in conjunction with work being done by the IOP Water and Sewer Commission; by teaming with the Water and Sewer Commission, the City saves the expenses related to mobilization and demobilization of equipment for the project.

Councilman Buckhannon stated that he could not support this motion because funds designated in the budget to be used for drainage were to be used for paving a road and, since the drainage problem was not a pressing one, the County could have been requested to do the work with the City paying only for materials.

Call for the Question: The motion PASSED on a vote of 6 to 3; Council members Buckhannon and Rice and Mayor Sottile cast negative votes.

4. MOTION: Councilman Taylor moved to approve the award of a General Obligation Bond to BB&T for Financing \$6.7 million for the Public Safety Building at a rate of 4.14% for a term of twenty (20) years; Councilman Cronin seconded the motion.

Councilman Taylor recapped the bid information as follows:

- BB&T – 4.14% for 20 years; and
- Sun Trust Bank – 4.68%, with a prepayment at any time or 4.57%, with a prepayment with a penalty.

Councilman Loftus reported that the City owes eighteen million dollars (\$18,000,000) in capital debt; to service that debt with principal and interest costs approximately \$1.7 million per year. He urged the Council, in the future, to agree to use any substantial surplus to pay down capital projects debt.

Councilman Taylor rebutted that the Sun Trust rates to prepay early were close to and greater than half a point higher than the rates offered by BB&T. In addition, he related that this was the largest loan that the City had ever done and that there were prepayment options on other financing with lower principal amounts. Councilman Taylor commented that he did not foresee the City prepaying this loan; if the City were to obtain "an enormous windfall," he thought the funds could be better used in other areas.

Call for the Question: The motion PASSED on a vote of 8 to 1 with Councilman Loftus casting the negative vote.

B. Public Safety Committee

Mayor Sottile announced that Councilman Bettelli has resigned as Chairman of the Public Safety Committee to dedicate his time to other responsibilities he has assumed for the City. Councilman Buckhannon was elected to serve as Chair at the last meeting.

Chairman Buckhannon reported that Will Millman had spoken at the last meeting about the dangers caused by kite boarders to swimmers and people sitting near the water. The Committee directed Chief Buckhannon to follow up on the problem.

Bobby Simmons, part owner of the Acme Cantina restaurant and bar, addressed the Committee on his opposition to the no-smoking ordinance.

The changes made to golf cart parking at beach accesses has been keeping the carts off of the emergency accesses. Chairman Buckhannon also reported that he had received an email from Senator Campsen indicating that he plans to introduce a bill that would allow golf carts with proper lighting to be driven at night.

MOTION: Councilman Buckhannon moved to donate the retired Avon boat to the Awendaw Fire Department; Councilman Bettelli seconded and the motion PASSED UNANIMOUSLY.

There were also discussions on an accurate description of where Breach Inlet begins and ends in terms of enforcing the NO WADING/NO SWIMMING signs; the issue was referred to the City Attorney.

Chairman Buckhannon announced that the owners of the home at 69 Ocean Point had been so appreciative of the efforts of the Fire Department during the fire that they donated one thousand dollars (\$1,000) to the Fire Department.

Councilwoman Rice questioned Chairman Buckhannon about the discussion of placing posts in the middle of narrower beach access paths to obstruct golf carts; she noted that there were mothers with strollers or families with wagons that use those paths. She asked that the Committee think through the issue completely before taking action. She expressed deep concern over the situation reported by Chief Graham where Wild Dunes Security had checked out a reported fire rather than contacting the IOP Fire Department. Chairman Buckhannon assured her that Chief Graham has gone to Wild Dunes to ensure that they know the correct procedure so that it does not reoccur.

Councilman Loftus questioned what specific actions the Public Safety Committee had discussed to open up more access paths to golf cart parking. Chairman Buckhannon responded that golf cart parking would be an on-going issue for the Committee and that he could get a copy of his most recent color presentation from the City Clerk.

Councilman Duffy asked for an update on the 41st Avenue and Palm Boulevard intersection project; Assistant to the Administrator Dziuban reported that signs would be posted on September 5, 2008 with implementation two (2) weeks later on September 19, 2008.

C. Public Works Committee

Chairman Bettelli began his report noting that both garbage and debris quantities have been higher than in previous years. The Police and the Public Works Departments have been working together to “fine tune” enforcement of the Beach Maintenance ordinance. The Staff continues to work on the RFP for Post Disaster Debris Removal; until the City has a contract, it is covered under the County’s umbrella. The Chairman related that the Public Works Department would be impacted by the increase in the federal minimum wage, but hoped to be able to offset the increase in another area of the budget. Director Pitts is coordinating with the County for two (2) household hazardous materials collections, one for the fall and one for the spring; residents would be able to discard items like paint, oil, batteries, old computer equipment, tires, etc.

Councilman Taylor asked when once a week garbage pickup would begin; Administrator Tucker stated it would begin after Labor Day.

Councilman Loftus complimented Director Pitts stating, “The beach looks better than it has in a long time as far as cleanliness; you’ve done a great job. Thank you.”

Mayor Sottile noted that Mr. Schupp was in the audience and acknowledged his efforts to maintain a great looking beach.

D. Recreation Department

Councilwoman Rice reported that the Recreation Department had been “unbelievably busy this summer.” The first Middle School Dance will be held on Friday, August 29, 2008; residents will not be charged for identification cards, and admission to the dances will be five dollars (\$5.00). For the fall schedule there are many new programs; Chairwoman Rice was most excited to announce that a tennis instructor was back at the Recreation Center. There will be a Community Party on Saturday, September 13 that will feature the performance of an a cappella group and the movie “Horton Hears a Who.” Chairwoman Rice enthusiastically announced that the South Carolina Parks and Recreation Association has awarded the IOP Recreation Department the Innovative Program Award for its “Doggie Day at the Rec;” she extended her congratulations to Director Page and the entire staff. There will be an Employee Wellness Fair between the hours of 7 a.m. and 1 p.m. on Friday, September 19, 2008. The Chairwoman’s final note was that a resident Eagle Scout was going to set up a Frisbee golf course on the grounds of the Recreation Center.

E. Personnel Committee

Chairman Piening reported that Director Page had delivered a presentation on the Employee Wellness Program; included in her information was the fact that employee absenteeism due to illness has decreased thirty-two percent (32%) from 2007 to 2008. Based on the information provided by Chairwoman Rice and the results of the Wellness Program, the Committee approved Director Pages’ recommendation to name the Recreation Department Staff as Employees of the Month. Related to Boards and Commissions, the announcement was made that Bob Hooper has resigned from the Planning Commission; the Committee opted to fill his vacancy at the same time that they were making the appointments to boards and commissions for January 2009. Attending the Personnel Committee meeting to discuss the future of the Beach Advisory Committee was Connie Shoultz, a member of the Beach Advisory Committee. Among the problems facing that Committee have been that the Committee did not seem to know what their mission is and they have only had a quorum for one (1) meeting this year. Following discussion, the Committee decided to suspend the operations of the Beach Advisory Committee effective January 1, 2009; the Committee can be re-constituted at any time in the future that the City Council has need of its services.

MOTION: Councilman Piening moved to suspend the operations of the Beach Advisory Committee effective January 1, 2009; Councilman Taylor seconded the motion and the motion PASSED UNANIMOUSLY.

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Councilman Piening then announced the names of the Safety Sweepstakes Winners:

Corey Bullock – Fire Gary Erickson – Police
Marie Copeland – Gen Govt Kim Tapply – Public Works

6. Reports from City Officers, Boards and Commissions

- A. Board of Zoning Appeals – did not meet**
- B. Planning Commission – Minutes attached**
- C. Real Property Advisory Committee**

Councilman Cronin reported on the meeting he had chaired in Chairwoman Rice's absence. Councilman Cronin noted that reports had been given by management of the marina and the Morgan Creek Grill. The Committee will be discussing RFPs for marina management and for Tidal Wave Water Sports; Morgan Creek Grill has notified the City that they want to renew their lease and the City will enter into negotiation with them imminently. The Administrator has received ninety (90) day notification that the parking lot lease will not be renewed; therefore, advertising will be going out for new management of the City lots.

Pursuant to Councilman Cronin's request, Administrator Tucker informed the Council that the item to note was that steel costs have risen from \$.50-.60 per pound in January 2008 to \$.90-1.00 per pound in August. The bid opening for the bulkhead is scheduled for Thursday, August 28, 2008. There will be a need for a Special Meeting of City Council the first week of September; at that meeting, Council will need to either:

- to award a construction contract for the bulkhead, inclusive of materials;
- to award a construction contract for the bulkhead and a sole source contract for materials; or
- to reconsider the project based on bids and other factors.

Clearly the materials costs are much higher than originally estimated and that will affect the treatment of the project and the analysis of it once the bids are opened.

7. Reports from Special or Joint Committees

- A. Accommodations Tax Advisory Committee – did not meet**
- B. Beach Advisory Committee – did not meet**

8. Petitions Received, Referred or Disposed of - None

9. Bills Already in Possession of Council - None

10. Introduction of New Bills, Resolutions and Proclamations

A. Acted upon earlier in the meeting

B. Resolutions

1. Resolution to Re-adopt City's Safety and Loss Control Program

Administrator Tucker informed the Council that the City is audited every year by the insurance carrier related to the City's safety program; the adoption of this resolution is one step in that process. She proceeded to read the resolution into the minutes.

MOTION: Councilman Cronin moved for the re-adoption of the City's Safety and Loss Program; Councilman Bettelli seconded and the motion was UNANIMOUSLY APPROVED.

2. Resolution for the adoption of the revised *Charleston Regional Hazard Mitigation Plan* by Charleston County

The Administrator noted that the adoption of this resolution keeps the City eligible for federal funds in the management and prevention of disaster. Administrator Tucker read the resolution into the minutes.

MOTION: Councilman Cronin moved to adopt the revised *Charleston Regional Hazard Mitigation Plan* by Charleston County; Councilman Loftus seconded and the motion PASSED UNANIMOUSLY.

11. Miscellaneous Business - None

12. Executive Session – Not necessary per Attorney Sottile

13. Conclude/Adjourn

MOTION: Having completed the business of the City Council, Councilman Taylor moved to adjourn the meeting at 8:35 p.m.; Councilman Bettelli seconded and the motion UNANIMOUSLY PASSED.

Respectfully submitted:

Marie Copeland
City Clerk